

Title 15

BUILDINGS AND STRUCTURES

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Chapter 15.04 BUILDING CODE AND BUILDING PERMITS

15.04.010 Adoption.

- (1) Building Code. The city hereby adopts the International Building Code 2009 Edition as published by the International Code Council. All construction within the city for which a permit is required shall comply with applicable codes adopted by this section. The following sections of the International Building Code as adopted by the city are hereby revised:
 - Section 101.1. Insert: City of Chariton, Iowa
 - Section 1612.3. Insert: City of Chariton, Iowa
 - Section 1612.3. Insert: February 1, 1987
 - Section 3412.2. Insert: May 1, 2012All of the Appendix sections and Chapter 32 are hereby deleted in their entirety and have no force or effect herein.
- (2) Residential Code. The city hereby adopts the International Residential Code 2009 Edition as published by the International Code Council. All construction within the city for which a permit is required shall comply with applicable codes adopted by this section. The following sections of the International Residential Code as adopted by the city are hereby revised:
 - Section R101.1. Insert: City of Chariton, Iowa
 - Table R301.2(1) Insert: Ground Snow Load: 25
 - Wind Design: Speed (mph): 90
 - Topographic Effects: No
 - Seismic Design Category: A
 - Subject to Damage From:
 - Weathering: Severe
 - Frost Line Depth: 42 Inches
 - Termite: Moderate to Heavy
 - Winter Design Temp: 0-10 Degrees
 - Ice Barrier Underlayment Required: 24 inches
 - Flood Hazards:
 - Air Freezing Index: >1000-2000
 - Mean Annual Temp: 50 degrees
 - Section P2603.6.1 Insert: 42 inches

Section P2904 and Appendix J are hereby deleted in their entirety and have no force or effect herein.

- (3) Fire Code. The city hereby adopts the International Fire Code as may be in existence from time to time as adopted by the State of Iowa. All construction within the city for which a permit is required shall comply with applicable codes adopted by this section.

(Ord. No. 774, § 2 (part), 2000; Ord. No. 823, § 2, 2005; Ord. No. 872, § 2, 4-16-2012)

15.04.015 Historic district for permits.

For purposes of this chapter, the historic district of the city shall include: lots 1, 4, 5, and 8 of block 6; lots 3—8 of block 7; lots 5—8 of block 8; lots 2, 3, 6, and 7 of block 9; lots 1, 4, 5, and 8 of block 10; lot 1 and lots 4—8 of block 13; lots 1—6 of block 14; lots 2, 3, 6, and 7 of block 15; lots 1 and 4 of block 18; and the Lucas County Courthouse block, all in the original town of Chariton.

(Ord. No. 896, § 2, 9-3-2013; Ord. No. 901, § 2, 4-18-2016)

15.04.020 Building permits required.

No building or other structure shall be erected, moved, demolished, added to or structurally altered without a permit therefore, issued by the designated administrative official for the city. No exterior work shall be performed on any building or structure in the historic district without a permit therefore, issued by the designated administrative official for the city. No building permit shall be issued except in conformity with the provisions of this chapter.

(Ord. No. 774, § 2 (part), 2000; Ord. No. 805, § 2 (part), 2003; Ord. No. 901, § 2, 4-18-2016)

15.04.030 Application.

To obtain a permit the applicant shall first file an application thereof in writing on a form furnished for that purpose. Every such application shall contain the following:

- (1) Description of Work. Identify and describe the work to be covered by the permit for which application is made;
- (2) Location. Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will identify and definitely locate the proposed building and work;
- (3) Use. Indicate the use or occupancy for which the proposed work is intended;
- (4) Plans and Specifications. Each and every application shall be accompanied by plans and specifications;
- (5) Valuation. State the valuation of the proposed work;
- (6) Signed Application. Each and every application shall be signed by the applicant, or authorized agent, who may be required to submit evidence to indicate such authority;
- (7) Other Information. Give such other information as reasonably may be required by the designated administrative officer.

(Ord. No. 774, § 2 (part), 2000)

15.04.040 Administrative official—Authority.

The city manager is designated as the administrative official for administration and enforcement of this chapter. He or she may designate such other individuals to assist in the enforcement of this chapter as necessary. If the administrative official shall find that any of the provisions of this chapter are being violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation or ordering the action necessary to correct it. He or she shall order the discontinuance of any illegal construction and the removal of illegal buildings or structures or of additions, alterations or structural changes thereto and discontinuance of any illegal work being done.

(Ord. No. 774, § 2 (part), 2000)

15.04.050 Issuance of an application.

The application, plans and specifications filed by an applicant for a permit shall be checked by the administrative official. Such plans may be reviewed by other departments of the city to check compliance with the laws and ordinances under their jurisdiction. If the administrative official is satisfied that the work described in the application for permit and the plans filed therewith conform to the requirements of this chapter and other pertinent laws and ordinances and that the fees specified in this chapter have been paid, a permit shall be issued to the applicant. Once issued, a permit shall be valid to be used by the applicant for the construction set forth in the applicant's application and approved by the administrative officer. Use, arrangement or construction in variance with that authorized by permit shall be a violation of this chapter.

(Ord. No. 774, § 2 (part), 2000)

15.04.060 Inspection.

All construction and work for which a building permit is required shall be subject to inspection by the administrative officer. No work shall be done on any part of a building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the administrative officer, which approval shall be given only after the inspection shall have been made of each successive step of the construction.

(Ord. No. 774, § 2 (part), 2000)

15.04.070 Expiration of building permit.

- (a) Every permit issued by the administrative officer under the provisions of this chapter shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within one hundred twenty days from the date of issuance, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty days, and written notice thereof shall be given to the persons affected together with the notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.
- (b) If the work described in any building permit has not been substantially completed within eighteen months of the date of issuance thereof, the permit shall expire and be canceled by the administrative official, and written notice thereof shall be given to the persons affected together with the notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

(Ord. No. 774, § 2 (part), 2000)

15.04.080 Termination of work.

If the work described in any building permit is terminated for any more than six months and a considered effort is not exhibited to complete the described work, the owner shall return the building site to the condition prior to issuance of a building permit. Failure of the owner to comply with the proceeding shall be grounds for the city or its designees to bring the site or building into compliance with this chapter.

(Ord. No. 774, § 2 (part), 2000)

15.04.090 Suspension and revocation.

The administrative officer may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any other provisions or the Chariton Municipal Code.

(Ord. No. 774, § 2 (part), 2000)

15.04.100 Building permit fees.

The following fees shall be applicable to construction and demolition in the city. The fees shall be paid at the time the application for permit is submitted to the city.

Building Permits	
Valuation Table	Fee
\$0.00 to \$500.00	No Charge
\$501.00 to \$5,000.00	\$20.00 for the first \$500.00 plus \$2.00 for each additional \$500.00 or fraction thereof, to and including \$5,000.00
\$5,001.00 to \$25,000.00	\$50.00 for the first \$5,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$100,000.00	\$100.00 for the first \$25,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$250.00 for the first \$100,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$1,000.00 for the first \$500,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$1,500.00 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof
The city reserves the right to calculate building permit fees on the basis of prevailing per square foot construction costs according to the table published in the Building Safety Journal by the International Code Council (ICC) when the estimated cost of construction provided in a building permit is deemed, by the city's building official, to be unreasonably or artificially low.	
Demolition	\$5.00 for under 750 square feet; \$15.00 for 751 square feet or larger
Plan review fee equal to 65% of the building permit fee. Applies to new commercial, tenant improvement and multifamily.	

(Ord. No. 774, § 2 (part), 2000; Ord. No. 805, § 2 (part), 2003; Ord. No. 872, § 3, 4-16-2012)

15.04.105 Sign permit fees.

- (1) For all signs having a valuation from one dollar to one thousand dollars the fee shall be fifteen dollars.
- (2) For all signs which exceed one thousand dollars in valuation, the fee shall be computed on the basis of fifteen dollars for the first one thousand dollars and one dollar per one hundred dollars of valuation, or portion thereof, in excess of the first one thousand dollars valuation.

- (3) For any additional inspections(s) or reinspection(s) of a sign erected, altered, constructed, rebuilt, remodeled, relocated or expanded under the general requirements of this section the fee shall be fifteen dollars per inspection.

(Ord. No. 872, § 4, 4-16-2012)

15.04.110 Enforcement.

Every structure, building, or development, placed or maintained in violation of this section is a public nuisance and the creation thereof may be enjoined and abated by action of the city.

(Ord. No. 774, § 2 (part), 2000)

15.04.120 Continuing violations penalty.

Each day a violation of this chapter occurs is a separate offense.

(Ord. No. 774, § 2 (part), 2000)

15.04.130 Fire limits.

The fire limits are established to include the following described territory:

All of Block Number Six excepting Lots Two and Three; all of Block Number Seven; all of Block Number Eight, excepting Lots One, Four, Five and Eight; all of Block Number Nine; all of Block Number Fifteen, excepting Lots One, Four, Five and Eight; all of Block Number Fourteen; all of Block Number Thirteen, excepting Lots Two, Three, Six and Seven; and all of Block Number Ten excepting Lots Six and Seven, all in the Original Town of Chariton, Iowa.

(Ord. No. 774, § 2 (part), 2000)

15.04.140 Standards for issuance of permits in the historic district.

The following standards shall be applied to issuance of building permits in the historic district:

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples or craftsmanship that characterize a historic property shall be preserved.
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures shall be undertaken using the gentlest means possible.
- (8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(Ord. No. 896, § 2, 9-3-2013; Ord. No. 901, § 2, 4-18-2016)

15.04.150 Issuance of building permits in the historic district.

The administrative official may issue a building permit in the historic district for external work which does not significantly change the external appearance of a building or structure. The administrative official shall refer those applications which seek a permit for external work which will significantly change the external appearance of a building or structure to the historic preservation commission for consideration. The historic preservation commission shall approve the issuance of a building permit in the historic district so long as the external work to be performed is consistent with the standards for issuance of permits in the historic district as set forth in Section 15.04.140.

(Ord. No. 901, § 2, 4-18-2016)

Editor's note(s)—Ord. No. 901, § 2, adopted Apr. 18, 2016, repealed the former § 15.04.150 and enacted a new § 15.04.150 as set out herein. The former § 15.04.150 pertained to denial of building permits in historic district and derived from Ord. No. 896, § 2, 9-3-2013.

15.04.160 Procedure before the historic preservation commission.

- (1) Upon referral of a permit application to the historic preservation commission for review, the applicant shall be notified of the time and place of review of the application by the historic preservation commission. The historic preservation commission may require such changes in external work as in its judgment may be appropriate to the maintenance of the standards set forth in Section 15.04.140. Meetings of the historic preservation commission shall be conducted as public meetings in compliance with Iowa Code § 21.
- (2) All decisions of the historic preservation commission shall be in writing and shall be delivered to the applicant by certified mail, return receipt requested. A copy of said decision shall also be provided to the city clerk of the city. Any historic preservation commission decision which denies a permit application shall include the reasons for the historic preservation commission's decision and shall further indicate that the applicant has the right to appeal the historic preservation commission's decision to the board of adjustment by filing a written notice of appeal with the city clerk within fourteen days of the historic preservation commission's decision.
- (3) The administrative official shall enforce compliance with the terms of the building permit as approved by the historic preservation commission.

(Ord. No. 901, § 2, 4-18-2016)

Editor's note(s)—Ord. No. 901, § 2, adopted Apr. 18, 2016, repealed the former § 15.04.160 and enacted a new § 15.04.160 as set out herein. The former § 15.04.160 pertained to procedure by the board of adjustment and derived from Ord. No. 896, § 2, 9-3-2013.

15.04.170 Appeal from historic preservation commission decision.

A party who receives an adverse finding or decision from the historic preservation commission regarding a permit application may appeal that decision directly to the board of adjustment by filing a written appeal with the city clerk within fourteen days of the historic preservation commission's decision. The board of adjustment shall review the decision of the historic preservation commission and may confirm, modify, or reverse the decision of the commission, or in the alternative may remand the matter back to the commission for further consideration.

(Ord. No. 901, § 3, 4-18-2016)

Chapter 15.08 ELECTRICAL CODE

15.08.010 Title.

This chapter shall be known and cited as the Electrical Code of the City of Chariton, Iowa.

(Ord. No. 664, § 2 (part), 1993)

15.08.020 Copy on file.

An official copy of Iowa Administrative Code § 661—504 as adopted by this chapter shall be on file in the office of the city clerk.

(Ord. No. 664, § 2 (part), 1993; Ord. No. 871, § 2, 4-16-2012)

15.08.030 Adoption.

Pursuant to published notice and public hearing as required by law, the electrical code for the City of Chariton, Iowa, shall be as specified in Iowa Administrative Code § 661—504.

(Ord. No. 664, § 2 (part), 1993; Ord. No. 871, § 2, 4-16-2012)

15.08.040 Permit—Required—Exceptions.

It is unlawful to install any electrical wiring, fixtures or apparatus in or on any building or structure in the city limits without first securing a permit from the building official, except that no permit will be required in the following instances:

- (1) The replacement, alteration or repair of electrical equipment to suitable permanently installed receptacles;
- (2) The installation, alteration or repair of electrical equipment installed by or for an electrical supply agency in the generation, transmission, distribution or metering of electricity;
- (3) Any work involved in the manufacturing, testing, servicing, altering or repairing of electrical equipment or apparatus, except that this exemption shall not include any permanent wiring other than that required for testing purposes;

- (4) Alteration, repair or additions to the electrical systems of industrial plants or installation of electrical equipment in such plants if such work is done by licensed master electricians and records kept of all such work with these records made accessible to the building official provided, however, electrical permits shall be required, though, for all new construction of industrial plants including additions or enlargements of or to the plants; and
- (5) An electric utility company franchised as an electric utility in the city shall have the authority to do whatever work is necessary using any of its employees it deems necessary when one or more of its customers is suddenly without service; provided, however, records must be kept and turned over to the building official of all temporary work done on the customer's premises. The utility may alter, repair or make additions to an electrical system for one of its customers after the customer has contacted two practicing licensed electrical contractors and been informed they would be unable to do the required work. All work must be inspected and accepted by the city building official.

(Ord. No. 664, § 2 (part), 1993)

15.08.050 Repair or installation by owner.

Section 15.08.050 shall not prohibit any person who in the opinion of the building official is capable of doing such work from making necessary repairs, alterations or installations on residential property owned and occupied by himself; provided, however, the owner abides by the following rules and regulations:

- (1) Submits plans to the building official for approval;
- (2) Makes application and secures a permit before commencing electrical work of any character; and
- (3) Files an affidavit that the person is a bona fide property owner and will personally do the work as covered by his permit and that person will not contract or hire any other person, firm or corporation to do any part of the work covered by the permit.

(Ord. No. 664, § 2 (part), 1993)

15.08.060 Administrative official—Authority.

The electrical code shall be enforced by the city manager. He or she may designate such other individuals to assist in the enforcement of this chapter as necessary.

(Ord. 664 § 2 (part), 1993)

(Ord. No. 871, § 3, 4-16-2012)

15.08.070 Administrative official—Duties.

The administrative official shall have the duty of enforcing the provisions of this chapter and shall grant permits and make inspections as provided in this chapter. If the administrative official shall find that any of the provisions of this chapter are being violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation or ordering the action necessary to correct it. He or she shall order the discontinuance of any illegal construction and the removal of illegal wiring and the removal thereof or alterations or changes thereto and the discontinuance of any illegal work being done.

(Ord. 664 § 2 (part), 1993)

(Ord. No. 871, § 3, 4-16-2012)

15.08.080 Administrative official—Right of entry.

The administrative official while in the discharge of his or her official duties shall have the authority to enter any building or premises at any reasonable hour for the purpose of making any electrical inspection, reinspection, or test of the electrical equipment contained therein or its installation, and any person interfering with the administrative official shall be fined as provided in this chapter.

(Ord. 664 § 2 (part), 1993)

(Ord. No. 871, § 3, 4-16-2012)

15.08.090 Administrative official—Special rulings.

The administrative official shall have the right to make special rulings when circumstances warrant for the safeguarding of life of property and the improvement of electrical installation, but in all cases persons engaged in the installing of electrical equipment and holding an electrical license must be notified by letter of these decisions.

(Ord. 664 § 2 (part), 1993)

(Ord. No. 871, § 3, 4-16-2012)

15.08.100 Electrical permit fees.

The following fees shall be applicable to electrical work to be conducted in the City of Chariton, Iowa. The fees shall be paid at the time the application for permit is submitted to the city.

Electrical Permits	
New Residential	\$110.00 base fee
New residential fees figured on a "per dwelling unit" basis	
Residential Remodel/Addition/Bsmt/Misc	\$55.00 base fee
New Commercial/Addition	\$115.00 base fee plus
	\$3.00 per circuit/breaker first 10
	\$2.00 per circuit/breaker over 10
Commercial Remodel	\$60.00 base fee plus
	\$3.00 per circuit/breaker first 10
	\$2.00 per circuit/breaker over 10
Miscellaneous (pedestal, etc.)	\$60.00 base fee

(Ord. 664 § 2 (part), 1993)

(Ord. No. 871, § 4, 4-16-2012; Ord. No. 876, § 2, 9-4-2012)

15.08.110 Inspection—Connection prerequisite.

It is unlawful for any public service, corporation, individual, or light, heat or power company to connect or cause to be connected any service or building for the supply of electrical current for light, heat or power until they have been notified by the building official that electric work has been inspected and approved and is ready for

electric service. Such notification may be made by the placing of a tag on or near the meter base by the building official and the electrical contractor notifying such department that such tag of approval has been so placed; provided, however, that such connections can be made on Saturdays, Sundays, and holidays without inspection for emergency reasons only, with a delayed inspection being made on the next working day by the building official for approval or denial. In such cases the power company shall notify the building official on the next working day of the location of such emergency connection made and disconnect the connection if the electrical work is not approved.

(Ord. 664 § 2 (part), 1993)

(Ord. No. 876, § 2, 9-4-2012)

15.08.120 Appeal procedure.

Any person, firm or corporation may register and appeal to the city council an appeal of any decision of the administrative official; provided, however, that such appeal is made in writing within five working days after being notified of such decision by the administrative official. Upon receipt of such appeal, the city council shall determine whether the action of the administrative official complied with this chapter and shall at its next regularly scheduled meeting after receipt of such appeal, make a decision in accordance with its findings. The city council shall have the power to affirm, reverse or modify any decision of the administrative official.

(Ord. 664 § 2 (part), 1993)

(Ord. No. 876, § 3, 9-4-2012)

Chapter 15.12 PLUMBING CODE

15.12.010 Short title.

This chapter shall be known and cited as the Chariton plumbing code.

(Ord. 448 § 3 (part), 1977)

15.12.020 Adoption of standard code.

Pursuant to published notice and public hearing as required by law, the plumbing code for the City of Chariton, Iowa, shall be as specified in Iowa Administrative Code §§ 135—25.1 and 25.3. An official copy of Iowa Administrative Code §§ 135—25.1 and 25.3 as adopted by this chapter shall be on file in the office of the city clerk.

(Ord. 448 § 3(part), 1977)

(Ord. No. 870, § 2, 4-16-2012)

15.12.030 Establishment and duties of administrative official.

- (a) The city manager is designated as the administrative official for administration and enforcement of this chapter. The administrative official shall not be connected in any way with any person, firm, or corporation directly or indirectly engaged in the business of plumbing or plumbing supplies.
- (b) The administrative official shall issue a certificate of inspection of each new installation of water piping or plumbing to the water company of the city and the water company shall not furnish water service until such

certificate of inspection has been issued, except temporary service to builders or contractors for the purposes of construction.

- (c) Three inspections shall be made: first, the sewer when laid and jointed; second, the soil waste and vent pipes; third, after fixtures are set. The plumbers shall notify the administrative official when the work is ready for each inspection, and work shall be left uncovered until each inspection is made. The work shall be tested with water or as the administrative official shall direct. The plumber shall make the required test in the presence of the administrative official. Upon final inspection the administrative official may place on or near the building water supply line a tag or tags authorizing water service connection.

(Ord. 448 § 3(part), 1977)

(Ord. No. 870, § 3, 4-16-2012; Ord. No. 877, § 2, 9-4-2012)

15.12.040 Permits and inspection fees.

- (a) Before beginning any plumbing work in the city, the person installing the same shall apply to the administrative official and obtain a permit to do such work. Only those persons authorized (master plumbers, restricted plumbers or residential plumbers) may be issued permits. A permit may be issued to a property owner to install plumbing in a single-family residence, provided the property owner does the work himself, that the building is owned and occupied by such owner as his or her residence, and all plumbing so installed shall be in full compliance with all provisions of this chapter.

Plumbing work may be done without permit only when rough in-pipes are not disturbed, such as replacing of fixtures or an installation of an appliance (not moving to a new location), minor repairs to faucets, valves, pipes, removing of stoppages, or as otherwise provided for in this chapter.

- (b) Applications for permits shall be accompanied by fees in accordance with the following schedule:

Plumbing Permits	
New Residential	\$90.00 base fee
New residential fees figured on a "per dwelling unit" basis	
Residential Remodel/Addition/Bsmt/Misc.	\$45.00 base fee
New Commercial/Addition	\$90.00 base fee plus
	\$3.00 per fixture first 10
	\$2.00 per fixture over 10
Commercial Remodel	\$45.00 base fee plus
	\$3.00 per fixture first 10
	\$2.00 per fixture over 10

(Ord. 448 § 3(part), 1977)

(Ord. No. 870, § 4, 4-16-2012; Ord. No. 877, § 2, 9-4-2012)

15.12.050 Appeal procedure.

Any person, firm or corporation may register and appeal to the city council an appeal of any decision of the administrative official; provided, however, that such appeal is made in writing within five working days after being notified of such appeal, the city council shall determine whether the action of the administrative official complied

with this chapter and shall at its next regularly scheduled meeting after receipt of such appeal, make a decision in accordance with its findings. The city council shall have the power to affirm, reverse or modify any decision of the administrative official.

(Ord. 448 § 3(part), 1977)

(Ord. No. 877, § 3, 9-4-2012)

Chapter 15.14 MECHANICAL CODE AND MECHANICAL PERMITS

15.14.010 Adoption of mechanical code.

The City of Chariton, Iowa, hereby adopts § 661—301.4 of the Iowa Administrative Code as the mechanical code for the City of Chariton, Iowa.

(Ord. No. 869, § 2, 4-16-2012)

15.14.020 Moving existing building.

A building or structure moved into or within the city shall comply with the provisions of the mechanical code for new buildings or structures.

(Ord. No. 869, § 2, 4-16-2012)

15.14.030 Permits required.

No person shall perform any mechanical work or install mechanical systems in or upon any building or property without first securing a permit.

(Ord. No. 869, § 2, 4-16-2012)

15.14.040 Issuance of permits.

After proper application on forms provided by the administrative official, permits shall be issued in the name of the person holding a State of Iowa contractor's license. All applications for mechanical permits shall be signed by a licensed mechanical contractor or homeowner.

(Ord. No. 869, § 2, 4-16-2012)

15.14.050 Mechanical permit fees.

The following fees shall be applicable to mechanical work and installation of mechanical work in the City of Chariton, Iowa. The fees shall be paid at the time the application for permit is submitted to the city.

Mechanical Permits	
New Residential	\$90.00 base fee
New residential fees figured on a "per dwelling unit" basis	
Residential Remodel/Addition/Bsmt/Misc	\$45.00 base fee
New Commercial/Addition	\$90.00 base fee plus
	\$10.00 per 100,000 BTU HVAC
Commercial Remodel	\$45.00 base fee plus

	\$10.00 per 100,000 BTU HVAC
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(Ord. No. 869, § 2, 4-16-2012)

15.14.060 Homeowner.

In cases in which an owner-occupant of a single-family dwelling desires to install mechanical equipment, or perform any mechanical work in his or her single-family dwelling, said person may make application and perform mechanical work to the standards adopted within this chapter. A homeowner may obtain a mechanical permit by paying the proper fee.

(Ord. No. 869, § 2, 4-16-2012)

15.14.070 Covering or concealing work.

No mechanical work for which a permit is required shall be concealed in any manner from access or sight until the work has been inspected and approved by the administrative official.

(Ord. No. 869, § 2, 4-16-2012)

15.14.080 Removal of covering.

The administrative official has the authority to remove or cause the removal of lath, plaster, boarding, or other obstruction which may prevent the proper inspection of mechanical systems or mechanical equipment.

(Ord. No. 869, § 2, 4-16-2012)

15.14.090 Correcting defective work.

When a mechanical contractor is notified that defects exist in his or her mechanical work, said contractor shall make corrections within thirty days after notification. If not so made, the mechanical contractor shall not be issued any other permits until defects are corrected and approval given by the administrative official.

(Ord. No. 869, § 2, 4-16-2012)

15.14.100 Violation penalties.

A violation of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the city shall have the power to issue a civil infraction for any violation of this chapter and shall be entitled to any fines, injunctive relief, and other remedies allowed the city under the civil infraction provisions of the Code of Iowa. It is specifically declared that the failure of a developer, individual, or entity to comply with the provisions of this chapter shall be a nuisance subject to all fines and remedies provided in this Code.

(Ord. No. 869, § 2, 4-16-2012)

15.14.110 Licensing.

All mechanical contractors must meet the City of Chariton mechanical license requirements set out in Section 15.14.130 of the Code of Ordinances.

(Ord. No. 869, § 2, 4-16-2012)

15.14.120 Contractor's license.

No person shall engage in the activity or represent himself or herself to the public as engaging in the activity of installing, altering, maintaining or repairing any mechanical systems within the city without first obtaining from the State of Iowa a mechanical contractor's license.

(Ord. No. 869, § 2, 4-16-2012)

15.14.130 Acceptance of State of Iowa licenses.

The city will recognize a valid State of Iowa mechanical contractor's license. Notwithstanding any provision in this section to the contrary, a person working in the mechanical trades who has been issued a Master Mechanical license, pursuant to Iowa Administrative Code § 105—29 shall be allowed to operate as a mechanical contractor in the city. A journeyman mechanical license shall allow a journeyman to perform mechanical systems installation pursuant to Iowa Administrative Code § 105—29.

(Ord. No. 869, § 2, 4-16-2012)

Chapter 15.16 HOUSING CODE

15.16.010 Short title.

This chapter shall be known and cited as the Chariton housing code.

(Ord. 305 § 1, 1968)

15.16.020 Adoption of standard code.

The 2015 IPMC International Property Maintenance Code published by the International Code Council is hereby adopted in full, except for such provisions as may be hereinafter deleted, modified, or amended. A copy of the 2015 IPMC International Property Maintenance Code adopted by this section and a copy of the ordinance codified herein are on file in the office of the city clerk.

(Ord. 305 § 2, 1968)

(Ord. No. 915, § 2, 10-21-2019)

15.16.030 Amendments to standard code.

The following deletions, additions, or amendments to the 2015 IPMS International Property Maintenance Code adopted in Section 15.16.020 are hereby made:

- (1) Sections 103, 106, and 111 are deleted.

(Ord. 305 § 3, 1968)

(Ord. No. 915, § 2, 10-21-2019)

15.16.040 Use of rooms partly below grade.

No room partially below grade shall be considered a habitable room unless its floors and walls are watertight, the total window area, total openable area, room size, ceiling heights, and exits meet the requirements

of this code, and the required minimum window area of every such habitable room shall be entirely above the grade of the ground adjoining such window area.

(Ord. 305 § 4, 1968)

15.16.050 Overcrowding of rooms.

If any room in a dwelling is overcrowded the building official may order the number of persons sleeping or living in the room to be so reduced that there shall be not less than four hundred cubic feet of air to each adult and two hundred cubic feet of air to each child under twelve years of age occupying such room.

(Ord. 305 § 5, 1968)

15.16.060 Rent uncollectible.

If any building hereafter constructed as, or altered into, a dwelling be occupied in whole or in part for human habitation without a valid certificate of occupancy, issued by the building official, indicating that the portion of the building so used for human occupancy conforms to this chapter, during such unlawful occupation no rent shall be recoverable by the owner or lessee of such premises for the period, and no action or special proceeding shall be maintained therefor or for possession of the premises for nonpayment of the rent, and the premises shall be deemed unfit for human habitation and the building official may cause them to be vacated accordingly.

(Ord. 305 § 6, 1968)

15.16.070 Violation penalties.

A violation of this chapter shall be prosecuted in the same manner that misdemeanors are prosecuted, and upon conviction the violators shall be punished according to law; however, in addition to or in lieu of any criminal prosecution, the city shall have the power to issue a civil infraction for any violation of this chapter and shall be entitled to any fines, injunctive relief, and other remedies allowed the city under the civil infractions provisions of the Code of Iowa. It is specifically declared that failure to comply with the provisions of this chapter shall constitute a nuisance subject to all fines and remedies provided in this Code.

(Ord. No. 915, § 2, 10-21-2019)

Chapter 15.18 RENTAL HOUSING CODE

15.18.010 Short title.

This chapter shall be known and cited as the Chariton Rental Housing Code.

(Ord. No. 930, § 2, 3-21-2022)

15.18.020 Purpose.

The purpose of this chapter is to ensure that rental housing facilities and conditions are of sufficient quality to protect and promote the health, safety and welfare of those persons utilizing such housing and also the general public.

(Ord. No. 930, § 2, 3-21-2022)

15.18.030 Scope.

The provisions of this chapter shall be deemed to apply to all dwellings as defined in this chapter or portions thereof used or designed or intended to be used for human habitation. All occupancies in existing buildings may be continued except such structures as are found to be substandard as defined in this Code. Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this Code shall apply to the separate portions as if they were separate buildings. Every rooming house or lodging house shall comply with all of the requirements of this Code applicable to dwellings.

(Ord. No. 930, § 2, 3-21-2022)

15.18.040 Housing code.

The housing code for purposes of this chapter shall be as adopted under Section 15.16.020 of the Chariton Municipal Code.

(Ord. No. 930, § 2, 3-21-2022)

15.18.050 Administrative official—Authority.

The city manager is designated as the administrative official for administration and enforcement of this chapter. He or she may designate such other individuals to assist in the enforcement of this chapter as necessary.

(Ord. No. 930, § 2, 3-21-2022)

15.18.060 Regular inspections.

Regular inspections of rental dwelling units shall be required every two years. Inspection fees will be set by the administrative official and established by council resolution. Inspection fees will be paid directly to the city at the time of inspection.

(Ord. No. 930, § 2, 3-21-2022)

15.18.070 Application for certificate; registration.

Every person that offers for rent a dwelling unit within the city shall register the property on a bi-annual basis and submit to city hall, on forms provided, an application requesting an inspection certificate. Such application shall be accompanied by a registration fee in an amount established by council resolution. Upon receipt of such application, the administrative official shall conduct an inspection of the premises, and if the same complies with the provisions of this chapter, issue an inspection certificate. If the premises fails to comply, the administrative official shall notify the applicant in writing, stating the reasons for such noncompliance.

(Ord. No. 930, § 2, 3-21-2022)

15.18.080 Additional inspections.

In addition to the inspections required under Section 15.18.060, the administrative official is also empowered to make similar inspections of all rental units as frequently as may be necessary and may make inspections at any reasonable time on a written complaint submitted by the owner, tenant, or other concerned person.

(Ord. No. 930, § 2, 3-21-2022)

15.18.090 Inspection fees for additional inspections.

When an inspection is made at the request of the owner, an inspection fee as provided in Section 15.18.060 shall be charged. If an inspection is made at the written request of a tenant and the dwelling is found to be in noncompliance due to an omission of the owner, such owner shall be responsible for the reinspection fee. No inspection shall be conducted at the request of a tenant unless the tenant has first submitted the complaint in writing to the landlord no less than fourteen days prior to filing the complaint with the city, unless the complaint is regarding a major violation. Any complaint that requires an onsite inspection shall have an associated fee, as established by council resolution. If the complaint is found to have merit and violations are found in the rental property, the property owner will be responsible for paying the fee. If the complaint is found to have no merit and violations are not found in the rental property, the tenant filing the complaint will be responsible for paying the reinspection fee.

(Ord. No. 930, § 2, 3-21-2022)

15.18.100 Entrance and survey of buildings.

The administrative official, without fee except as provided in Section 15.18.060, enter, examine, make necessary records, and survey all rental dwellings within the city. If entry into the interior portion of a dwelling unit is required, seventy-two hours' notice shall be given to the tenant. The owner or agent or representative of the owner and the lessee and occupant of every rental dwelling and every person having the care and management of the same shall, at all reasonable times when required by such officers or persons, give them free access to such rental dwellings and premises. The owner of a rental dwelling and any agents and employees shall have right of access to such dwellings at reasonable times for the purpose of bringing about compliance with the provisions of this Code or any order issued thereunder.

(Ord. No. 930, § 2, 3-21-2022)

15.18.110 Inspection certificate required.

No person shall rent, lease, operate, or otherwise allow the occupancy of any dwelling unless such person holds a valid inspection certificate as is required by this chapter.

(Ord. No. 930, § 2, 3-21-2022)

15.18.120 Issuance duration; validation.

If the dwelling and premises are found to comply with the requirements of this chapter upon reinspection, the administrative official shall issue a temporary inspection certificate. This certificate shall be valid for a period of thirty days from the date of inspection. Upon payment of the appropriate fees, the administrative official shall validate it.

(Ord. No. 930, § 2, 3-21-2022)

15.18.130 Certificate displayed; transferability.

Inspection certificates shall be transferable to succeeding owners, provided all the proper paperwork has been submitted to the city, as required in Section 15.18.070. They shall be displayed by the owner for the tenant to examine before the dwelling may be rented, leased, or otherwise occupied.

(Ord. No. 930, § 2, 3-21-2022)

15.18.140 Notice on sale of dwelling.

Every person holding an inspection certificate under this chapter shall give notice in writing to the administrative official and the city within ninety-six hours after having sold, transferred, conveyed or otherwise disposed of the ownership, interest in or control of any dwelling. This notice shall include the name and address of the person succeeding to the ownership or control thereof.

(Ord. No. 930, § 2, 3-21-2022)

15.18.150 Name and address of agent filed.

Every owner, agent or lessee of a dwelling may file with the clerk a notice containing the name and address of an agent of such dwelling for the purpose of receiving service of all notices required by this chapter.

(Ord. No. 930, § 2, 3-21-2022)

15.18.160 Emergency order.

Whenever the administrative official finds that an emergency exists which threatens immediately public health, the administrative official may issue an order reciting the existence of such an emergency and requiring that such action be taken as the administrative official deems necessary to meet the emergency. Notwithstanding the other provisions of this Code, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately.

(Ord. No. 930, § 2, 3-21-2022)

15.18.170 Designation of unfit dwelling; condemnation.

No person shall let to another for occupancy any rental dwelling for the purpose of living, inhabiting, sleeping, cooking, or eating therein which has been designated unfit or condemned. Any dwelling which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the administrative official.

- (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or the public.
- (2) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- (3) One which, because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

(Ord. No. 930, § 2, 3-21-2022)

15.18.180 Vacated immediately.

Any dwelling or any portion thereof condemned as unfit for human habitation and so designated and placarded by the administrative official shall be vacated immediately as ordered by the administrative official. The administrative official shall notify the city of such action prior to placarding the dwelling.

(Ord. No. 930, § 2, 3-21-2022)

15.18.190 Elimination of defects.

No dwelling or any portion thereof which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the administrative official. The administrative official shall remove such placard whenever the defects upon which the condemnation and placarding action were based have been eliminated.

(Ord. No. 930, § 2, 3-21-2022)

15.18.200 Authority to execute.

In case any notice or order issued by the administrative official or city is not complied with, the administrative official may recommend that the city apply to the district court for an order authorizing the city to execute and carry out the provisions of the notice or order to correct any violation specified in the notice or order or to abate any nuisance in or about the dwelling.

(Ord. No. 930, § 2, 3-21-2022)

15.18.210 Action to enjoin.

In case any dwelling, building, or structure is constructed, altered, converted or maintained in violation of any provisions of this chapter or of any order or notice of the administrative official, or in case a nuisance exists in any such dwelling, building or structure or upon the lot on which it is situated, the administrative official may cause the institution of any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation, nuisance, to prevent the occupation of the dwelling, building, or structure, or to prevent any illegal act, conduct business in or about such dwelling lot.

(Ord. No. 930, § 2, 3-21-2022)

15.18.220 Injunction.

In any such action or proceeding, the administrative official may, by a petition duly verified setting forth the facts, request that the city apply to the district court for an order granting the relief for which the action or proceeding is brought, or for an order enjoining any persons from doing or permitting to be done any work in or upon such dwelling, building, structure, lot, or from occupying or using the same for any purpose until the entry of final judgment or order.

(Ord. No. 930, § 2, 3-21-2022)

15.18.230 Eviction—Lease termination.

If the occupant of a dwelling fails to comply with the provisions of this chapter after due and proper notice from the administrative official or from the owner, such failure to comply shall be deemed sufficient cause for the eviction of such occupant by the owner and for cancellation of such person's lease.

(Ord. No. 930, § 2, 3-21-2022)

15.18.240 Duties of occupant.

It is unlawful for any tenant to deliberately or recklessly destroy, deface, damage or remove a part of the premises or to knowingly permit any other person to do so, or to remove without permission of the landlord any

furniture or other items of personal property belonging to the land or to cause damage resulting in noncompliance with the housing code.

(Ord. No. 930, § 2, 3-21-2022)

15.18.250 Notice of actions.

In any action brought by the city in relation to a dwelling or injunction, vacation of premises, or abatement of nuisance or to establish a lien thereon, or to recover a civil penalty, service of notice shall be in the manner provided by law for the service of original notices.

(Ord. No. 930, § 2, 3-21-2022)

15.18.260 Rent collections.

Rent shall not be recoverable by the owner or lessee of any dwelling unit which does not comply with the provisions of this Code for any period of occupancy which commences on or after the date that the administrative official gives notice to the owner and tenant of the provisions of this section. Rent shall not be recoverable by the owner of such dwelling unit until the administrative official gives written notice to the owner and occupant that such dwelling unit has been issued a valid inspection certificate as required by this Code.

(Ord. No. 930, § 2, 3-21-2022)

15.18.270 City liability.

The city or any employee is not liable for damages to a person or property as a result of any act or failure to act in the enforcement of this Code. This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any equipment or structure regulated herein for damages to a person or property caused by its defects, nor shall the city or any city employee be held as assuming any such liability by reason of the inspections authorized by this Code or any approvals issued under this Code.

(Ord. No. 930, § 2, 3-21-2022)

15.18.280 Civil liability.

The owner of any dwelling or of any building or structure upon the same lot with a dwelling, or of the lot, or any violation of this chapter or where a nuisance as defined in this Code of Ordinances exists, who has been guilty of such violation or of creating or knowingly permitting the existence of such violation, or any occupant who shall violate or assist in violating any provisions of this chapter, shall also jointly and severally for each such violation and each such nuisance be subject to a civil penalty to be recovered for the use of the city in a civil action brought in the name of the city by the administrative official. Such person or persons and also the premises shall be liable in such case for all costs, expenses, and disbursements paid or incurred by the city and administrative official including attorneys' fees, paid or incurred by the city, by any officers, agents, or employees thereof, in the removal of any such nuisance or violation.

(Ord. No. 930, § 2, 3-21-2022)

15.18.290 Additional liability.

Any person who, having been served with a notice or order to remove any such nuisance or violation, fails to proceed in good faith to comply with the notice or order within five days after such service, or continues to violate

any provisions or requirements of this Code shall also be subject to a civil penalty. For the recovery of such penalties, costs, expenses or disbursements, an action may be brought in a court of competent civil jurisdiction.

(Ord. No. 930, § 2, 3-21-2022)

15.18.300 Appeal procedure.

Any person, firm or corporation may register and appeal to the city council an appeal of any decision of the administrative official; provided, however, that such appeal is made in writing within five working days after being notified of such decision by the administrative official. Upon receipt of such appeal, the city council shall determine whether the action of the administrative official complied with this chapter and shall at its next regularly scheduled meeting after receipt of such appeal, make a decision in accordance with its findings. The city council shall have the power to affirm, reverse, or modify any decision of the administrative official.

(Ord. No. 930, § 2, 3-21-2022)

Chapter 15.20 FIRE PREVENTION CODE

15.20.010 Adoption of Fire Prevention Code.

There is hereby adopted by the city council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the American Insurance Association, being particularly the 1965 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended (by Section 15.20.050), of which code not less than three copies have been and now are filed in the office of the clerk of the city and the same are hereby adopted and incorporated as fully as if set out at length herein, and from August 21, 1967, the provisions thereof shall be controlling.

(Ord. 290 § 1, 1967)

15.20.020 Enforcement—Chief of fire department defined.

The code hereby adopted shall be enforced by the city manager or his authorized representative. In all cases in the body of the Fire Prevention Code Abbreviated Edition, 1965 edition, where the term "the Chief of the Fire Department" is used this term means the city manager or his authorized representative.

(Ord. 290 § 2, 1967)

15.20.030 Municipality defined.

Wherever the word "municipality" is used in the code hereby adopted, it means the city of Chariton, Iowa.

(Ord. 290 § 3, 1967)

15.20.040 Storage limits established.

The limits referred to in Section 53b of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, the limits referred to in Section 74a of the code hereby adopted in which storage of Class I liquids in outside aboveground tanks is prohibited, and the limits referred to in Section 114 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted are hereby established as the light or heavy industrial districts only.

(Ord. 290 § 4, 1967)

15.20.050 Amendments to code.

The term "the Chief of the Fire Department" is defined as meaning the city manager or his authorized representative. Section 17, permits, is hereby amended as follows:

- (1) Permits are valid for the calendar year wherein they are issued;
- (2) Permits become renewable on January 1st of each year;
- (3) Cost for the permit for any part or for the entire year is five dollars to be paid in the office of the city clerk.

(Ord. 290 § 5, 1967)

15.20.060 Modifications.

The city manager or authorized representative shall have power to modify any of the provisions of the code hereby adopted upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the city manager or authorized representative thereon shall be entered upon the records of the city and a signed copy shall be furnished the applicant.

(Ord. 290 § 6, 1967)

15.20.070 Appeals.

Whenever the city manager or authorized representative shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of city manager or authorized representative to the city council within thirty days from the date of the decision appealed.

(Ord. 290 § 7, 1967)

Chapter 15.22 RESERVED¹

Chapter 15.24 NUMBERING BUILDINGS

15.24.010 Lots numbered.

All lots, parts of lots or other property abutting on any street or avenue shall be numbered. The plan of numbering as far as practicable shall be known as the Philadelphia plan.

(Ord. 20 § 1, 1933)

¹Editor's note(s)—Ord. No. 896, § 3, adopted Sept. 3, 2013, deleted Ch. 15.22, §§ 15.22.010—15.22.070, which pertained to design review and derived from Ord. No. 874, § 2, adopted July 16, 2012; Ord. No. 879, § 2, adopted Dec. 17, 2012; and Ord. No. 890, § 2, adopted June 3, 2013.

15.24.020 Base lines.

Court Avenue shall constitute the base line for all numbering on the streets running north and south and First Street shall constitute the base line for all numbering on the streets running east and west.

(Ord. 20 § 2, 1933)

15.24.030 Unit of numbering.

Each twenty feet of frontage, from the corner of each block nearest its respective base line, shall be given a number. Where two buildings or rooms are located on the same twenty feet of frontage, the second building or room shall be designated with the same number given the first with the number one-half added.

(Ord. 20 § 3, 1933)

15.24.040 Designation of streets.

All lots, parts of lots, houses and places of business located on those portions of any street extending north and south and being north of the Court Avenue base line shall be known and designated as North, and all south of the Court Avenue base line shall be known and designated as South. The prefixes shall be placed before the proper name of the street, as "North Main Street."

(Ord. 20 § 4, 1933)

15.24.050 Plan of numbering.

On all streets the numbers shall run in consecutive order alternating from side to side. The odd numbers shall be on the west side of the streets running north and south from Court Avenue and on the north side of the streets running west from First Street.

The numbers shall run one hundred to each block or distance between two street intersections on the same street. Where the streets intersect but do not cross, the numbers shall run in each case to a street intersecting on both sides of the street being numbered. The respective blocks located upon the streets which do not intersect the base lines shall bear the hundred number of the corresponding block nearest the same location on the nearest street, extending in the same direction, which does intersect the base lines.

(Ord. 20 § 5, 1933)

15.24.060 Fixing numbers.

The city clerk shall procure a correct map or plat of the city and shall designate thereon the numbers of each lot or part of lot and each building in the city and shall assign proper numbers to each lot or building. Where a question arises as to the proper number the clerk shall decide the question and fix the number.

(Ord. 20 § 6, 1933)

15.24.070 Numbers required.

All buildings now or hereafter erected or fronting on any street or alley shall have conspicuously placed on such buildings, the number as provided by this chapter.

(Ord. 20 § 7, 1933)

15.24.080 Style of number.

The number placed upon any building shall be metal or wood or the number may be painted on the front of the building, door, post, transom or other place. The numbers shall be at least two inches in width and three inches in height so as to be easily seen from the street.

(Ord. 20 § 8, 1933)

15.24.090 Failure to place numbers—Cost assessed.

If the owner or lessee of any building shall fail, refuse or neglect to place the number, or replace the number when necessary, for thirty days after being notified either personally or by publication or public notice, then such numbering shall be done by the city, and all costs thereof assessed to the property and enforced and collected as other special assessments.

(Ord. 20 § 9, 1933)

Chapter 15.28 MOVING BUILDINGS

15.28.010 Permit required.

It is unlawful to move any building, into, along, upon or over any street or alley without a permit for that purpose having first been obtained from the city manager.

(Ord. 25 § 1, 1933)

15.28.020 Permit—Application—Bond.

Before issuing such permit the city manager shall require the person, firm or corporation who is to move the building or buildings, to file in the city manager's office a written application, which application shall describe the building, state the location from which it is to be moved, the streets and alleys over which it will be moved, and the location to which it is proposed to move the same, and he shall also require a bond to be executed to the municipality with good and sufficient sureties in the sum of five hundred dollars, conditioned for the payment of any damage for which the municipality may be liable in consequence of the use of any street or alley for the removal of such building and the payment of any penalty that may be incurred by such person, firm or corporation or their agents for violation of any of the provisions of this chapter.

(Ord. 25 § 2, 1933)

15.28.030 Manager to issue permit.

Upon the filing with the city manager of the application and bond, if in his opinion the route proposed in the application is the most feasible one, the city manager may issue a permit for the removal of such building in accordance with such application, limiting in the permit the time which the streets or alleys may be occupied for the removal of such building.

(Ord. 25 § 3, 1933)

15.28.040 Removal of telephone, telegraph and electric light wires.

The person, firm or corporation to whom a permit for moving a building is granted shall see that all telephone, telegraph and electric light wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of same. Where such electric, telephone or telegraph wires do not belong to the city, the holder of the permit for moving a building shall give twenty-four hours notice to the owner thereof to remove such wires and the owner of such wires may either remove or direct the removal and replacing of such wires, the holder of the permit paying the reasonable costs thereof. Where such electric telephone or other wires or cables belong to the municipality, the permit holder shall give similar notice to the city manager, and the removal and replacing of such wires, or cables shall be done by or under the supervision of the city manager. The permit holder shall also be liable for any damage to any pavement or sidewalk, caused by moving such building. Any damage to any municipal property not repaired shall be repaired by the municipality and the cost thereof recovered from the house mover on his bond.

(Ord. 25 § 4, 1933)

15.28.050 Building obstructing street—Removal.

Whenever any person, firm or corporation, moving a building along any street or alley, shall willfully or negligently permit the building, while in transit, to remain upon any street, alley, or sidewalk, the city manager is authorized to remove the same to any point or place where the same shall not obstruct travel or inconvenience the public. He shall keep an account of the expense of such removal and the house mover shall be liable to the municipality on his bond for such expense.

(Ord. 25 § 5, 1933)

15.28.060 Unlawful occupancy of street.

It is unlawful to allow any building for the removal of which a permit shall have been obtained, to remain upon or occupy any street, alley or sidewalk after the expiration of the time as limited in the permit. If a certificate, signed by a majority of the members of the committee on streets and alleys, that a reasonable cause exists for the permit holder failing to remove the building from the street, alley or sidewalk within the time limit, such certificate shall be a good and sufficient defense in any action commenced under this section.

(Ord. 25 § 6, 1933)

15.28.070 Permit subject to chapter.

All permits issued by the city manager for the removal of buildings over the streets and alleys of the city shall be made subject to the provisions of this chapter.

(Ord. 25 § 7, 1933)

Chapter 15.32 MOBILE HOMES

15.32.010 Purpose of chapter.

The purpose of this chapter is to provide certain minimum standards for mobile home parks to the mutual advantage of mobile home occupants and the community at large.

(Ord. 324 § 1, 1969)

15.32.020 Definitions.

For use within this chapter, the following terms are defined:

- (1) "Community building" means a building having communal toilet, bath or shower, laundry and other sanitary facilities necessary for the health and convenience of the mobile home occupants;
- (2) "Dependent mobile home" means a mobile home that does not have flush toilet facilities and bath or shower;
- (3) "Independent mobile home" means a mobile home that has flush toilet facilities and bath or shower;
- (4) "Mobile home" means any vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and shall include self-propelled or nonself-propelled vehicles, having no permanent foundation and supported by wheels, jacks or similar supports, and so designed, constructed, reconstructed or added to by means of an enclosed addition or room as will permit occupancy as a dwelling or sleeping place for one or more persons;
- (5) "Mobile home park" means any approved site, lot, field, or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such trailer court. "Mobile home park" does not include automobile or mobile home sales lots on which unoccupied mobile homes are marked for purposes of inspection and sale;
- (6) "Mobile home space" is a plot of ground designated for the accommodation of one mobile home.

(Ord. 324 § 2, 1969)

15.32.030 Location of mobile homes.

It is unlawful for any person to park any mobile home on the streets, alleys or highways, any public place, or on any private land within this city, except as is provided by state law and this chapter.

(Ord. 324 § 3, 1969)

15.32.040 Permanent occupancy.

Mobile homes shall not be used as a permanent dwelling place or for indefinite periods of time except as hereinafter in this chapter provided in mobile home parks.

(Ord. 324 § 4, 1969)

15.32.050 Length of stay outside mobile home parks.

Seven days shall be the maximum period of time any person may occupy a mobile home in any consecutive twelve month period within the city and outside of a mobile home park, unless connected to city water and sewerage, then in that event, thirty days additional, or upon showing that a housing shortage exists or facilities at an established mobile park are not available, an additional thirty day period may be granted, by special permit issued at the discretion of the city council. Not more than one mobile home shall be permitted to locate on the same premises outside of mobile home parks.

(Ord. 324 § 5, 1969)

15.32.060 Emergency parking.

Emergency or temporary parking is permitted on the streets, alleys or highways or any other public or private place for a twenty-four hour period, subject to any other prohibitions or regulations imposed by traffic and parking ordinances of the city.

(Ord. 324 § 6, 1969)

15.32.070 Mobile home park owner regulations.

Persons, firms or corporations who operate mobile home parks shall be subject to the following regulations in addition to the provisions in Chapter 135D of the Iowa Code, the rules and regulations of the Iowa State Department of Health and other applicable ordinances of the city. Mobile homes and mobile home parks now occupied in any manner other than herein provided shall comply with the terms of this chapter.

(Ord. 324 § 7, 1969)

15.32.080 Mobile home park layout.

- (a) All main access roads shall be continuous.
- (b) Main access roads shall be twenty feet wide, excluding parking. Where parking is permitted along such roads, an additional six feet of road for parallel parking or an additional sixteen feet of road for diagonal parking shall be provided on each side of the road on which parking is permitted.
- (c) At least one motor vehicle parking space shall be provided for every mobile home space in a mobile home park.
- (d) Adequate play area shall be provided for the children living in the mobile home park as recommended by an engineer designated by the city council.
- (e) Walks shall be provided from the entrance of each mobile home to the service facilities. These walks shall be at least two and one-half feet wide and shall be constructed of concrete, macadam, gravel, fine stone, cinders or other materials that provide a stable footing.
- (f) The rules and regulations as amended by the Iowa State Department of Health on mobile home park layout shall be followed.

(Ord. 324 § 8, 1969)

15.32.090 Water supply.

- (a) City water shall be piped to all independent mobile homes.
- (b) The rules and regulations of the State Department of Health on water shall be followed.

(Ord. 324 § 9, 1969)

15.32.100 Sewage disposal.

The rules and regulations of the State Department of Health shall be followed.

(Ord. 324 § 10, 1969)

15.32.110 Community building.

A community building or buildings containing toilet and washing facilities shall be provided in each mobile home park, except when such facilities are provided for each mobile home space, or when only independent mobile homes are accepted in the park and individual water and sewer connections are available at each mobile home space for the independent mobile homes which are accepted.

A community building shall be located within two hundred feet of every dependent mobile home in the park and shall have the following facilities:

- (1) The minimum washing, bathing and toilet facilities provided shall be set out in the regulations of the Iowa Board of Health as amended.
- (2) Laundry facilities shall be provided in the ratio of one double laundry tub and one conventional wringer type washing machine for every twenty trailer lots, or one single laundry tub and one automatic or semiautomatic type washing machine for every twenty trailer lots. An electrical outlet shall be provided supplying current sufficient to operate each washing machine. Drying spaces shall be provided sufficient to accommodate the laundry of the trailer occupants (thirty feet of line per lot in the park is sufficient). The service building housing the laundry facilities shall be a permanent structure complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
- (3) An abundant supply of hot water shall be provided at all times for bathing, washing and laundry facilities. The facilities described in the rules and regulations of the State Health Department.

(Ord. 324 § 11, 1969)

15.32.120 Refuse disposal.

Refuse container shall be located not further than one hundred fifty feet from any mobile home space. The types of container used, the amount of refuse container space for each mobile home space and the frequency at which refuse must be collected shall be in accordance with the rules and regulations of the Iowa State Department of Health.

(Ord. 324 § 12, 1969)

15.32.130 Insect and rodent control.

Insect and rodent control measures to safeguard public health, as recommended by the county health officer, shall be applied in all mobile home parks.

(Ord. 324 § 13, 1969)

15.32.140 Electricity for mobile homes.

Every trailer lot shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse of not less than thirty amperes capacity and a heavy duty outlet receptacle.

(Ord. 324 § 14, 1969)

15.32.150 Storm drains adequate for drainage.

Storm water shall not be discharged into sanitary sewers.

(Ord. 324 § 15, 1969)

15.32.160 Fire prevention.

Fire hydrants shall be installed according to the recommendations of the city fire department. Each service building shall be equipped with not less than two five-gallon water hand pump fire extinguishers, or three two and one-half gallon soda and acid extinguishers, also, one Dugas extinguisher, ten pound capacity. An approved incinerator or specially equipped stove shall be provided to burn all paper and rubbish and shall be supervised by the management. No open fires shall be permitted at any place or time on the property, other than at the approved incinerator or approved barbecue grill, if picnic area is provided.

(Ord. 324 § 16, 1969)

15.32.170 Speed limit.

The maximum speed limit for any vehicle in a mobile home park shall be fifteen miles per hour.

(Ord. 324 § 17, 1969)

15.32.180 Fuel for mobile homes.

Cylinders, containing liquefied petroleum gas or oil to be used as fuel by mobile homes occupants shall be connected to the stoves or heaters of mobile homes by copper or other metallic tubing, to provide leakproof connections. The cylinders shall be securely fastened in place and may not be closer than five feet from any mobile home exit.

(Ord. 324 § 18, 1969)

15.32.190 Fire, communicable diseases, and permanent registers.

The rules and regulations of the Iowa State Department of Health on fires, communicable diseases and permanent registers shall be followed.

(Ord. 324 § 19, 1969)

15.32.200 Location of trailer parks.

Trailer parks may be located in commercial or Class B districts in the city.

(Ord. 324 § 20, 1969)

Chapter 15.36 FLOODPLAIN MANAGEMENT²

Article I. Statutory Authority, Findings of Fact and Purpose

15.36.010 Statutory authority.

The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

(Ord. No. 908, § 2, 1-15-2018)

15.36.020 Findings of fact.

- (a) The flood hazard areas of the City of Chariton are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
- (b) These flood losses, hazards, and related adverse effects are caused by:
 - (1) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding; and
 - (2) The cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

(Ord. No. 908, § 2, 1-15-2018)

15.36.030 Statement of purpose.

It is the purpose of this chapter to protect and preserve the rights, privileges and property of the City of Chariton and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 15.36.020(a) of this chapter with provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
- (2) Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- (3) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- (4) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

(Ord. No. 908, § 2, 1-15-2018)

²Editor's note(s)—Ord. No. 908, § 2, adopted Jan. 15, 2018, repealed the former Ch. 15.36, §§ 15.36.010—15.36.270, and enacted a new Ch. 15.36 as set out herein. The former Ch. 15.36 pertained to similar subject matter and derived from Ord. No. 565, §§ 1, 2 (part), 3 (part), 4, 5 (part), 6 (part), adopted 1986.

Article II. General Provisions

15.36.040 Lands to which chapter applies.

The provisions of this chapter shall apply to all lands within the jurisdiction of the City of Chariton which are located within the boundaries of the floodplain (overlay) district as established in Article IV.

(Ord. No. 908, § 2, 1-15-2018)

15.36.050 Rules for interpretation of floodplain (overlay) district.

The boundaries of the floodplain (overlay) district areas shall be determined by scaling distances on the official flood insurance rate map. When an interpretation is needed as to the exact location of a boundary, the city manager shall make the necessary interpretation. The board of adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the city manager in the enforcement or administration of this chapter.

(Ord. No. 908, § 2, 1-15-2018)

15.36.060 Compliance.

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

(Ord. No. 908, § 2, 1-15-2018)

15.36.070 Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

(Ord. No. 908, § 2, 1-15-2018)

15.36.080 Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

(Ord. No. 908, § 2, 1-15-2018)

15.36.090 Warning and disclaimer of liability.

The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated floodplain (overlay) district areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Chariton or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. No. 908, § 2, 1-15-2018)

Article III. Definitions

15.36.100 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Appurtenant structure" means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

"Base flood" means the flood having one percent chance of being equaled or exceeded in any given year. (See one-hundred-year flood.)

"Base flood elevation" means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

"Basement" means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

"Development" means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.

"Existing construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "existing structure."

"Existing factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

"Expansion of existing factory-built home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Factory-built home" means any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes, and modular homes, and also include "recreational vehicles" which are placed on a site for greater than one hundred eighty consecutive days and not fully licensed for and ready for highway use.

"Factory-built home park" means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

"Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

"Flood elevation" means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the one-hundred-year flood elevation is the elevation of flood waters related to the occurrence of the one-hundred-year flood.

"Flood insurance rate map (FIRM)" means the official map prepared as part of (but published separately from) the flood insurance study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

"Flood insurance study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"Floodplain" means any land area susceptible to being inundated by water as a result of a flood.

"Floodplain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to, emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

"Floodway" means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

"Floodway fringe" means those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- (a) Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either:
 - (1) An approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

"Lowest floor" means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- (a) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Article III of this chapter; and

- (b) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
- (c) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the one-hundred-year flood level; and
- (d) The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria (a), (b), (c), and (d) above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

"Minor projects" means small development activities (except for filling, grading and excavating) valued at less than five hundred dollars.

"New construction (new buildings, factory-built home parks)" means those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

"New factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

"One-hundred-year flood" means a flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred years.

"Recreational vehicle" means a vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

"Routine maintenance of existing buildings and facilities" means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- (a) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- (b) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- (c) Basement sealing;
- (d) Repairing or replacing damaged or broken window panes;
- (e) Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

"Special flood hazard area" means the land within a community subject to the "one-hundred-year flood." This land is identified as zone A on the community's flood insurance rate map.

"Start of construction" includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within one hundred eighty days of the permit date.

The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

"Structure" means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any improvement to a structure which satisfies either of the following criteria:

- (a) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:
 - (1) Before the "start of construction" of the improvement; or
 - (2) If the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure."

- (b) Any addition which increases the original floor area of a building by twenty-five percent or more. All additions constructed on or after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent.

"Variance" means a grant of relief by a community from the terms of the floodplain management regulations.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

(Ord. No. 908, § 2, 1-15-2018)

Article IV. Standards

15.36.110 Establishment of floodplain (overlay) district.

The areas within the jurisdiction of the City of Chariton having special flood hazards are hereby designated as a floodplain (overlay) district and shall be subject to the standards of the floodplain (overlay) district (as well as those for the underlying zoning district). The floodplain (overlay) district boundaries shall be as shown on the Flood Insurance Rate Map (FIRM) for Lucas County and Incorporated Areas, City of Chariton, Panels 19117C0187C, 0189C, 0191C, 0193C, 0306C, 0325C, dated February 16, 2018.

(Ord. No. 908, § 2, 1-15-2018)

15.36.120 Standards for floodplain (overlay) district.

All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where one-hundred-year flood elevations and floodway data have not been provided on the flood insurance rate map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

- (a) All development within the floodplain (overlay) district shall:
 - (1) Be consistent with the need to minimize flood damage.
 - (2) Use construction methods and practices that will minimize flood damage.
 - (3) Use construction materials and utility equipment that are resistant to flood damage.
 - (4) Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.
- (b) Residential buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the one-hundred-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the one-hundred-year flood level and extend at such elevation at least eighteen feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the board of adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the one-hundred-year flood.

- (c) Non-residential buildings. All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one foot above the one-hundred-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the state of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one-hundred-year flood; and that the structure, below the one-hundred-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the administrator.

(d) All new and substantially improved structures:

- (1) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (B) The bottom of all openings shall be no higher than one foot above grade.
 - (C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

- (2) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (3) New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (e) Factory-built homes:
- (1) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the one-hundred-year flood level.
 - (2) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (f) Utility and sanitary systems:
- (1) On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
 - (2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the one-hundred-year flood elevation.
 - (3) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the one-hundred-year flood elevation.
 - (4) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

- (g) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the one-hundred-year flood level. Other material and equipment must either be similarly elevated or:
 - (1) Not be subject to major flood damage and be anchored to prevent movement due to flood waters; or
 - (2) Be readily removable from the area within the time available after flood warning.
- (h) Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a one-hundred-year flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
- (i) Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- (j) Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the one-hundred-year flood. Proposals for subdivisions greater than five acres or fifty lots (whichever is less) shall include one-hundred-year flood elevation data for those areas located within the floodplain (overlay) district.
- (k) Accessory structures to residential uses.
 - (1) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.
 - (A) The structure shall be designed to have low flood damage potential. Its size shall not exceed six hundred square feet in size. Those portions of the structure located less than one foot above the BFE must be constructed of flood-resistant materials.
 - (B) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
 - (C) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - (D) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.
 - (E) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
 - (F) The structure's walls shall include openings that satisfy the provisions of Section 15.36.120(d)(1) of this chapter.
 - (2) Exemption from the one-hundred-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.
- (l) Recreational vehicles.

- (1) Recreational vehicles are exempt from the requirements of Section 15.36.120(e) of this chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
 - (A) The recreational vehicle shall be located on the site for less than one hundred eighty consecutive days; and
 - (B) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- (2) Recreational vehicles that are located on the site for more than one hundred eighty consecutive days or are not ready for highway use must satisfy requirements of Section 15.36.120(3) of this chapter regarding anchoring and elevation of factory-built homes.
- (m) Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

(Ord. No. 908, § 2, 1-15-2018)

Article V. Administration

15.36.130. Appointment, duties and responsibilities of zoning administrator.

- (a) The city manager is hereby appointed to implement and administer the provisions of this chapter and will herein be referred to as the administrator.
- (b) Duties of the administrator shall include, but not necessarily be limited to the following:
 - (1) Review all floodplain development permit applications to assure that the provisions of this chapter will be satisfied.
 - (2) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
 - (3) Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures in the floodplain (overlay) district.
 - (4) Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) to which all new or substantially improved structures have been floodproofed.
 - (5) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
 - (6) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

(Ord. No. 908, § 2, 1-15-2018)

15.36.140 Floodplain development permit.

- (a) *Permit required.* A floodplain development permit issued by the administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
- (b) *Application for permit.* Application shall be made on forms furnished by the administrator and shall include the following:
 - (1) Description of the work to be covered by the permit for which application is to be made.
 - (2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - (3) Indication of the use or occupancy for which the proposed work is intended.
 - (4) Elevation of the one-hundred-year flood.
 - (5) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
 - (6) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - (7) Such other information as the administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.
- (c) *Action on permit application.* The administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The administrator shall not issue permits for variances except as directed by the city board of adjustment.
- (d) *Construction and use to be as provided in application and plans.* Floodplain development permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the state of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

(Ord. No. 908, § 2, 1-15-2018)

15.36.150 Variance.

- (a) The city board of adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.
 - (1) Variances shall only be granted upon:
 - (A) A showing of good and sufficient cause;

- (B) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (C) A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
- (2) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (3) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the administrator that:
 - (A) The issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and
 - (B) Such construction increases risks to life and property.
- (b) Factors upon which the decision of the board of adjustment shall be based. In passing upon applications for variances, the board shall consider all relevant factors specified in other sections of this chapter and:
- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (2) The danger that materials may be swept on to other land or downstream to the injury of others.
 - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (5) The importance of the services provided by the proposed facility to the city.
 - (6) The requirements of the facility for a floodplain location.
 - (7) The availability of alternative locations not subject to flooding for the proposed use.
 - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - (10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 - (12) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - (13) Such other factors which are relevant to the purpose of this chapter.
- (c) Conditions attached to variances. Upon consideration of the factors listed above, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:
- (1) Modification of waste disposal and water supply facilities.

- (2) Limitation of periods of use and operation.
- (3) Imposition of operational controls, sureties, and deed restrictions.
- (4) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.
- (5) Floodproofing measures.

(Ord. No. 908, § 2, 1-15-2018)

15.36.160 Nonconforming uses.

- (a) A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance from which this chapter is derived, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:
 - (1) If such use is discontinued for six consecutive months, any future use of the building premises shall conform to this chapter.
 - (2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
- (b) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

(Ord. No. 908, § 2, 1-15-2018)

15.36.170 Penalties for violation.

Violations of the provisions of this chapter or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars or imprisoned for not more than thirty days. Nothing herein contained shall prevent the City of Chariton from taking such other lawful action as is necessary to prevent or remedy violation.

(Ord. No. 908, § 2, 1-15-2018)

15.36.180 Amendments.

The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

(Ord. No. 908, § 2, 1-15-2018)

Chapter 15.40 DEMOLITION COST RESERVE

15.40.010 Demolition cost reserve.

An insurer shall reserve ten thousand dollars or ten percent, whichever amount is greater, of the payment for damages to the property excluding personal property on which the insurer has issued a fire and casualty insurance policy as demolition cost reserve if the following are applicable:

- (a) The property is located within the corporate limits of the city of Chariton.
- (b) The damage to the property renders it uninhabitable or unfit for the purpose for which it was intended, without repair.
- (c) Proof of loss has been submitted by the policyholder for a sum in excess of seventy-five percent of the face value of the policy covering the building or other insured structure.

(Ord. 789 § 2 (part), 2001)

15.40.020 Notice of loss.

An insurer which has received a proof of loss in excess of seventy-five percent of the face value of the policy covering a building or other insured structure, shall notify the Chariton city manager by certified mail within five working days after receipt of the proof of loss.

(Ord. 789 § 2 (part), 2001)

15.40.030 Release of demolition cost reserve.

The city shall release all interest in the demolition cost reserve within one hundred eighty days after receiving notice of the existence of the demolition cost reserve unless the city has instituted legal proceedings for the demolition of the building or other insured structure, and has notified the insurer in writing of the institution of the legal proceedings. Failure of the city to notify the insurer of the legal proceedings terminates the city's claim to any proceeds from the reserve.

(Ord. 789 § 2 (part), 2001)

15.40.040 Reserve no longer required.

A reserve for demolition costs is no longer required if either of the following is true:

- (a) The insurer has received notice from both the insured and the city manager that the insured has completed repairs to the property or has completed demolition of the property in compliance with all applicable statutes and local ordinances.
- (b) The city has failed to notify the insurer as provided under Section 15.40.030.

(Ord. 789 § 2 (part), 2001)

15.40.050 Payment to city for costs incurred.

If the city has instituted legal proceedings, undertaken emergency action, or is required to demolish the damaged property at city expense, the city shall present to the insurer costs incurred since the date of the fire or other occurrence, including but not limited to legal costs, engineering costs, and demolition costs related directly

to the enforcement of any local ordinance, and the insurer shall compensate the city for the incurred costs up to the amount in the demolition cost reserve. Any amount left from the demolition cost reserve after the cost of demolition of the property is paid to the city shall be paid to the insured if the insured is entitled to the remaining proceeds under the policy.

(Ord. 789 § 2 (part), 2001)

15.40.060 Insurer liability.

The insurer is not liable for any amount in excess of the limits of liability set out by the policy.

(Ord. 789 § 2 (part), 2001)

15.40.070 Insurer compliance.

Insurers complying with this section or attempting in good faith to comply with this section shall be immune from civil and criminal liability.

(Ord. 789 § 2 (part), 2001)