



504 Broad Street ▲ Story City, IA 50248

🌐 [CityofStoryCity.org](http://CityofStoryCity.org)

515.733.2121

**The Mayor and City Council will Meet at the  
Wastewater Treatment Facility at 5:00 P.M.  
For an Update on the Wastewater Treatment Plant Project**

**SPECIAL COUNCIL AGENDA  
MONDAY, SEPTEMBER 30, 2024 – 6:00 P.M.  
CITY HALL – SECOND FLOOR**


- I. CALL TO ORDER AND ROLL CALL, 6:00 P.M.
- II. APPROVE/AMEND THE AGENDA
- III. DEFER APPROVAL OF THE SEPTEMBER 16, 2024 REGULAR MEETING MINUTES
- IV. LEGAL ITEMS:
  - A) Resolution No. 24-64 – Setting the Date for a Public Hearing and Additional Action on Proposal to Enter into a General Obligation Urban Renewal Loan Agreement and to Borrow Money Thereunder – Fareway Stores Forgivable Loan
  - B)
- V. ADMINISTRATIVE ITEMS:
  - A) Projects Update:
    1. Broad Street Reconstruction Phase III
    2. I-35 Business Park North Water and Sanitary Sewer
    3. Rich Olive Street Extension
    - 4.
  - B) Discussion on Snow Emergency Ordinance
  - C) Discussion on Vacant Building Ordinance
  - D)
- VI. COMMENTS REGARDING NONAGENDA ITEMS
- VII. ADJOURNMENT



504 Broad Street ▲ Story City, IA 50248

🌐 CityofStoryCity.org

515.733.2121

To: The Honorable Mayor and City Council  
From: Mark A. Jackson, City Administrator   
Re: Resolution No. 24-64 – Setting Public Hearing and  
Taking Action on Proposal to Enter into a General Obligation  
Urban Renewal Loan Agreement and to Borrow Money for the  
Fareway Stores Forgivable Loan  
Date: September 30, 2024

Presented for Mayor and City Council consideration is Resolution No. 24-64 for the purpose of setting the date for a public hearing and additional action on proposal to enter into a General Obligation Urban Renewal Loan Agreement and to Borrow Money for the Fareway Stores Forgivable Loan.

Pursuant to the terms of the Memorandum of Understanding entered into between the City and Fareway Stores in February 2023, the City agreed to provide an \$800,000 Forgivable Loan.

The Memorandum of Understanding states that, “within sixty (60) days of the commencement of operations of a Fareway grocery store, the company will agree to submit a Forgivable Loan Disbursement Request. It further states, “the City will agree to advance the proceeds of the Forgivable Loan to the Company within sixty (60) days of receipt from the Company of a satisfactory Forgivable Loan Disbursement Request. Fareway has indicated that the grocery store will open on November 6, 2024.

It is the intent to issue a bond for the Forgivable Loan. The loan will be for 10 years with an estimated annual payment of \$115,000. The City will have the option of paying back the bond through either Tax Increment Financing or the Debt Service Levy.

The City is required by Iowa Code to submit by December 1<sup>st</sup> each year with the county auditor the amount of TIF dollars requested for the next fiscal year. Therefore, in order to utilize Tax Increment Financing revenues for payment of the bond in Fiscal Year 2025-26, the City will need to have the bond issued in November.

The public hearing will be held at the October 21<sup>st</sup> City Council meeting at 6:00 p.m.

RESOLUTION NO. 24-64

Resolution setting the date for a public hearing and additional action on proposal to enter into a General Obligation Urban Renewal Loan Agreement and to borrow money thereunder

WHEREAS, the City of Story City (the “City”), in Story County, State of Iowa, pursuant to the provisions of Section 384.24A of the Code of Iowa, proposes to enter into a general obligation loan agreement (the “Loan Agreement”) and to borrow money thereunder in a principal amount not to exceed \$850,000, pursuant to the provisions of Sections 384.24A and 384.24.3(q) of the Code of Iowa, for the purpose of undertaking the Fareway Stores, Inc. Project, an urban renewal project of the City authorized by action of the City Council on September 18, 2023, including the funding of an economic development forgivable loan to Fareway Stores, Inc. in connection with the development of a commercial grocery store (the “Project”), and in lieu of calling an election thereon, the City desires to institute proceedings to enter into the Loan Agreement by causing a notice of such proposal to be published, including notice of the right to petition for an election, under the provisions of Sections 384.24.3(q) and 384.26 of the Code of Iowa, and it is now necessary to fix a date of meeting of the City Council at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Story City, Iowa, as follows:

Section 1. This City Council shall meet on October 21, 2024, at the City Hall, Story City, Iowa, at 6:00 o’clock p.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement described in the preamble hereof.

Section 2. The City Clerk is hereby directed to give notice of the proposed action on the Loan Agreement, setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once, not less than ten (10) and not more than twenty (20) days before the date of said meeting, in a legal newspaper which has a general circulation in the City. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO  
ENTER INTO A LOAN AGREEMENT AND TO BORROW MONEY  
THEREUNDER IN A PRINCIPAL AMOUNT NOT TO EXCEED \$850,000

(GENERAL OBLIGATION)

The City Council of the City of Story City, Iowa (the “City”), will meet on October 21, 2024, at the City Hall, Story City, Iowa, at 6:00 o’clock p.m., for the purpose of instituting proceedings and taking action on a proposal to enter into a loan agreement (the “Loan Agreement”) and to borrow money thereunder, in a principal amount not to exceed \$850,000, for the purpose of undertaking the Fareway Stores, Inc. Project, an urban renewal project of the City authorized by action of the City Council on September 18, 2023, including the funding of an economic development forgivable loan to Fareway Stores, Inc. in connection with the development of a commercial grocery store.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 384.24A and Section 384.24(3)(q) of the Code of Iowa and will constitute a general obligation of the City.

It is estimated the annual increase in property taxes on a residential property with an actual valuation of one hundred thousand dollars resulting from the City entering into the Loan Agreement will be \$21.70, however the City Council may determine for any fiscal year while the Loan Agreement is outstanding to budget other available revenues to the payment of some or all of the debt service coming due thereunder.

At any time before the date fixed for taking action to enter into the Loan Agreement, a petition may be filed with the City Clerk of the City asking that the question of entering into the Loan Agreement be submitted to the registered voters of the City, pursuant to the provisions of Section 384.26 of the Code of Iowa. If no such petition is filed, at the aforementioned time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the City may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the City Council of the City of Story City, Iowa.

Heather Slifka  
City Clerk

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved September 30, 2024.

\_\_\_\_\_  
Mike Jensen, Mayor

Attest:

\_\_\_\_\_  
Heather Slifka, City Clerk

# STORY CITY POLICE DEPARTMENT

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Telephone 515-733-2646  
Fax 515-733-2460

508 BROAD STREET  
STORY CITY, IOWA 50248

To: Story City Mayor, City Council, and City Administrator  
From: Matt L. Sporleder, Chief of Police  
Re: Proposed Changes to Snow Ordinance  
Date: September 27, 2024

Story City has had a Snow Emergency ordinance (69.11) in place for several years, and through discussions between Mike Wright, Mark Jackson and myself, I would like to propose some changes to clean up the current ordinance and keep it similar with some other local governments in Story County. These are the proposed changes:

1. Set the amount of snow and ice to 1 inch from 2 inches.
2. Take out the mention of National Weather Service prediction and keep it simple to when 1 inch of snow or ice falls.
3. Add a clause to posting signs at main entrances of the city. (It is state code to post signs if we have a snow ordinance). Signs are already posted by practice.
4. Add that it is not required to have a public declaration or announcement by the City for the snow emergency to be in effect.

Thank you for your consideration.

- B. Pennsylvania Avenue, on both sides, from Story Street to Washington Street.
3. No person shall park a motor truck having a freight capacity greater than one ton, or any trailer, semi-trailer, road tractor, truck tractor, recreational vehicle, or boat unit at any time upon any portion of any street, except for such reasonable time as may be necessary to load or unload passengers, freight or merchandise.

#### **69.11 SNOW EMERGENCY.**

1. No person shall park, abandon or leave unattended any vehicle on any public street, alley or parking areas in the public right-of-way and immediately adjacent to the traveled portion of a street during any snow emergency parking ban unless the snow has been removed or plowed from the street, alley or parking areas in the public right-of-way and immediately adjacent to the traveled portion of a street and the snow has ceased to fall. A snow emergency parking ban shall begin when the National Weather Service predicts that two (2) or more inches of snow or ice will fall in the Story City area or two (2) or more inches of snow or ice has fallen in the Story City area, and shall continue through the duration of the snow or ice storm and the forty-eight-hour period after cessation of the storm, except as above provided upon streets which have been fully opened. As used in this section, "fully opened" means the snow has been removed or plowed from curb to curb or edge line to edge line.

2. The emergency shall be extended or shortened when conditions warrant upon proclamation by the City Administrator.

3. The foregoing prohibition shall be modified within the downtown area as follows:

- A. On Broad Street from Park Avenue to Elm Avenue.
- B. On Pennsylvania Avenue from Washington Street to Story Street.

Said prohibition shall be between 2:30 a.m. to 6:00 a.m. unless otherwise specified in the declaration.

#### **69.12 PARKING LIMITED TO THREE HOURS.**

1. Broad Street. Vehicles shall not be parked continuously in excess of three (3) hours on Broad Street from Elm Avenue to Park Avenue, between the hours of eight o'clock (8:00) a.m. and five o'clock (5:00) p.m. on Monday through Friday of each week.

*(Ord. 325 – Sep. 23 Supp.)*

[The next page is 441]



## ORDINANCE NO. 000

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF STORY CITY, IOWA, BY ADDING CHAPTER 158, VACANT BUILDING REGISTRATION

BE IT ENACTED by the City Council of the City of Story City, Iowa:

**SECTION 1. NEW CHAPTER.** The Code of Ordinances of the City of Story City, Iowa, is amended by adding a new Chapter 158, entitled Vacant Building Registration, which is hereby adopted to read as follows:

#### CHAPTER 158 VACANT BUILDING REGISTRATION

##### 158.1 PURPOSE.

The purpose of this chapter is to identify and register vacant commercial and industrial buildings that may present a fire hazard, become an attractive nuisance, detract from private or public efforts to rehabilitate or maintain surrounding buildings, or present a hazard to the health, safety, and welfare of the public; to set forth the responsibilities of owners of vacant buildings and structures; and to encourage the rehabilitation of vacant buildings.

##### 158.2 DEFINITIONS.

The following words, terms, and phrases, when used in this chapter, have the meanings ascribed to them in this section, unless the context of their usage clearly indicates a different meaning. All other terms defined elsewhere in this code shall be as defined therein.

1. "Accessory Building or Structure," a subordinate building or structure located on the same lot as an existing principal building, which is incidental and subordinate to the principal building.

2. "Actively Marketed," a vacant commercial or industrial building that displays a "For Sale" sign prominently visible to the public, and the property is listed for sale for a reasonable price on the local multiple listing service by a licensed realtor. An asking price not greater than one hundred and fifty percent (150%) of the total assessed value, as determined by the county assessor, is presumptively a "reasonable price." Or the property is offered for lease at a proposed rent that is comparable with the rental market throughout the city.

3. "Boarding or Boarded," the act of securing a building from unauthorized entry by attaching boards or similar rigid materials to doors and windows, for the purpose of preventing unauthorized entry (boarding), or the result thereof (boarded).

4. "Commercial Building," a building constructed for or intended to be used by one or more property users or employees engaged in work, for which compensation is intended to be received for goods, services, entertainment, or other fungible activities, or a building where commercial or personal storage is the principal use.

5. "Form of Display," Installation and display of goods, artifacts, historic photos, items of local interest, or other items arranged in and visible through first floor display windows, to avoid the appearance of vacancy.

6. "Industrial Building," a building constructed for or intended to be used for transforming materials or substances into new products, such as assembly of component parts, manufacturing of products, or blending of materials, and including such ancillary functions such as (but not limited to) administration, storage, and showrooms.

7. "Mixed-Use Building," a commercial building that also contains a residential function, where at least thirty (30) percent of the ground floor area is dedicated to commercial functions. A mixed-use building shall be considered the same as a commercial building for the purposes of this chapter.

8. "Owner," any person, in whose name a property is titled, and any person with a recorded contract interest in the property, and any person, agent, servicing company, firm, third party, or financial institution that has an interest in the property as a result of an assignment, sale, mortgage, transfer of a mortgage, or similar instrument, or having an agreement with any one of the above for the purpose of securing and/or managing the property.

9. "Principal Building," a building within which is conducted the principal function of the lot on which the building is located.

10. "Properly Maintained," A vacant building that is maintained in accordance with the requirements of this chapter.

11. "Secured," all accessible means of ingress and egress to a vacant structure, including but not limited to all exterior doorways and windows, are locked, boarded, or otherwise obstructed so as to prevent unauthorized entry.

12. "Vacant," a building or structure that is unoccupied or unused, or a building that does not contain a lawful commercial or industrial function that is open for business or is actively operated, with the exception of holidays and seasonal businesses, and also meets one or more of the following:

a. The building is unsecured or is secured by means other than those used in the design of the building.

b. The building is declared a dangerous building or otherwise unfit for occupancy, as determined by the City Administrator or their designee.

c. The building is not in compliance with the building code, fire code, or property maintenance code adopted by the City.

d. The building has or contains nuisance, property maintenance, health and safety, or zoning violations; or

e. The building is not receiving all public utilities necessary for occupancy.

A building that is being used strictly for storage that otherwise meets the above requirements shall be considered to be vacant, unless storage is the principal function of the building and premises and if such storage is permitted under applicable zoning.

### **158.3 PERMIT REQUIRED.**

1. **Applicability.** The owner of any principal building or structure that is vacant shall apply for a vacant building permit within one hundred and twenty (120) days of the building becoming vacant. Any accessory building or structure on the same lot with a vacant principal building is also considered to be vacant, regardless of any use or occupancy of the accessory building or structure.

2. **Exemptions.** The owner of a vacant building may, in writing and prior to expiration of the one hundred and twenty (120)-day registration period, request an exemption from the requirements of this chapter, provided that the one or more of the following conditions exists:

a. The building is under active construction/renovation and has a valid building permit, until the expiration of the longest running active building permit.

b. The building has suffered fire damage, flood damage, damage caused by extreme weather conditions, or weakening of the structural integrity of the building resulting from an accident or other cause not of the owner's own making; provided that the owner will initiate renovation or demolition within one (1) year of the date the damage occurred and has provided a commitment to do so in writing.

c. The building is actively marketed, as defined in this chapter; in which case the building may be exempted for a period of up to twelve (12) months from the start of vacancy, subject to the following:

(1) The owner shall present proof of listing the property for sale to the City Administrator, according to the definitional requirements of "actively marketed" in section 158.2(2), above. The City Administrator or his/her designee may request proof of continued compliance with this requirement at any time during the twelve (12) month period and may rescind the exemption if such proof is not provided.

(2) If the property is offered for sale, the City Administrator may deny this exemption if the listing price is one hundred fifty percent (150%) or greater than the assessed value of the real estate as determined by the County Assessor. However, if the owner provides either a certified appraisal or a licensed realtor's opinion of cost justifying the listing price, the exemption may be granted.

d. The owner of the building provides proof of imminent sale, rehabilitation, or otherwise lawful renovation or occupation of the building, which may occur during or after the ninety (90)-day registration period; however, to qualify for the exemption, the owner must also show that the sale, construction, or occupation will occur within one (1) year of becoming vacant. Proof shall be in the form of an executed real estate purchase agreement, construction contract, or other legally enforceable agreement or contract, any of which must remain in force until the sale, occupation, or project is complete.

e. Any commercial or industrial building or structure determined to be vital for purpose of economic development by the City Administrator.

f. Any vacant building owned by the City of Story City.

g. An owner of a vacant building that does not qualify for an exemption under the above may request an exemption for a period of up to twelve (12) months from the provisions of this chapter by filing a written application with the City Administrator. The applicant shall present justification for the exemption and shall show proof that the need for the exemption is not due to action or inaction by the applicant or by any other party with control of the property. In determining whether a request for exemption should be granted, the City Administrator shall consider all of the following:

(1) The applicant's prior record as it pertains to the city's building code, fire code, property maintenance code, nuisance regulations, or other relevant city code violations;

(2) the amount of vacant property the applicant currently owns or controls within the City; and

(3) the length of time that the building for which the exception is sought has been vacant.

3. Application. The owner of a vacant building shall apply for a vacant building permit. A complete application shall include the following:

a. Name of the Owner and means of contacting the owner during business and non-business hours.

b. Name and contact information for any manager or other party responsible for the property other than the owner.

c. The names and addresses of all known contract and lien holders and any other party with an ownership interest in the vacant building.

d. Proof of insurance: one hundred thousand dollars (\$100,000) in general liability coverage, and fire and casualty coverage equal to no less than replacement value as determined by the insurance provider, or a minimum of fifty thousand dollars (\$50,000).

e. A Vacant Building Plan, as outlined below.

4. Vacant Building Plan. A plan for maintenance, disposal, or removal of the vacant building, in accordance with this chapter, shall accompany the permit application. The applicant shall select a Vacant Building Plan from one of the following three categories:

a. Demolition. If the vacant commercial or industrial building is to be demolished, the Vacant Building Plan shall include a proposed time frame for demolition, which shall not exceed nine (9) months in duration.

b. Secured Structure. If the vacant commercial or industrial building is expected to remain vacant, the Vacant Building Plan shall contain all of the following:

(1) A plan for fire alarm and fire protection, if required by the Fire Marshal.

(2) A plan of action to remedy any public nuisance existing in the building or on the property, within thirty (30) days of permit issuance.

(3) A lighting plan for the exterior of the building and property, walkways adjacent thereto, parking or loading areas, and nighttime illumination of areas and walkways of the building and property that may be vulnerable to vandalism or vagrancy, including a regular maintenance plan for all exterior lighting and illumination fixtures.

(4) A plan to secure the building. Boarding or other covering of windows and doors must comply with section 158.4(1) of this chapter.

(5) A plan to maintain the vacant commercial or industrial building and property in compliance with the Vacant Building Maintenance Standards set forth in section 6-10-4 of this chapter.

c. Rehabilitation. If the owner of the vacant building intends to return it to lawful occupancy or function, the Vacant Building Plan shall include a rehabilitation time frame for the building and property, which shall not exceed twelve (12) months. A valid building permit, or a written waiver from the City Administrator that a permit is not required, shall be obtained within three (3) months of the issuance of the Vacant Building Permit. The City Administrator may grant an extension of time upon receipt of a written statement from the owner detailing any unavoidable delays causing the need for the extension. The rehabilitation shall conform to all applicable laws and the owner shall obtain all required permits. The owner shall keep the building secured and in compliance with the Vacant Building Maintenance Standards as provided in section 6-10-4 of this chapter at all times during rehabilitation.

5. Fees. The City Council shall pass a resolution stating the amount of all fees and costs of all penalties.

a. Initial Fee. The initial fee is due at the time of initial registration of the vacant building.

b. Renewal Fee. The renewal fee is due one (1) year after issuance of the initial registration of the vacant building. The Resolution setting fees shall establish the renewal

fee in an amount higher than the initial fee and shall require that the amount of the renewal fee increase each additional year a renewal is required, provided that the resolution may determine a maximum fee after a specified number of years have passed.

c. Refund.

(1) If the vacant building is occupied or otherwise brought into lawful use within three (3) months after issuance of the permit, seventy-five (75) percent of the fees paid for that year shall be refunded to the owner.

(2) If the vacant building is occupied or otherwise brought into lawful use more than three (3) months but less than six (6) months after issuance of the permit, fifty (50) percent of the fees paid for that year shall be refunded to the owner.

(3) No refund shall be granted if the vacant building is occupied or otherwise brought into lawful use six (6) months or more after issuance of the vacant building permit.

6. Requirements

a. Length of Registration. A registration permit shall be valid for one (1) year.

b. Renewal.

(1) If the building remains vacant on the date of expiration of the permit, the owner shall be granted a thirty (30) day grace period to renew the permit and pay required fees; however, the renewal year shall commence one day after expiration of the prior registration.

(2) The owner shall submit a new Vacant Building Plan at the time of renewal, unless the owner certifies in writing that there will be no change to the Vacant Building Plan already on file.

c. Consent to Entry. An applicant for a permit or for a renewal shall consent to the entry of the City Administrator, or his/her designee, at all reasonable hours and upon reasonable notice for the purpose of inspection. Refusal to consent to entry shall be a violation of this chapter. In addition to issuing a municipal infraction citation in the event of refusal, the City may file a complaint under oath to a court of competent jurisdiction requesting a warrant and shall complete the inspection upon issuance of a warrant by the court.

d. Consent to Emergency Inspections or Emergency Repairs. An applicant for a permit or for a renewal shall consent to the entry of the City Administrator, or his/her designee, if the City Administrator has reason to believe that an emergency exists with respect to the building or structure that creates, or tends to create, an imminent hazard to health, welfare, or safety of the public. If the City Administrator believes that such an emergency exists, then the City Administrator may enter the building to inspect the premises, without notifying the responsible party or obtaining a warrant. If the City Administrator finds an emergency situation exists that presents an imminent hazard to the

health, welfare or safety of the general public, then the City Administrator may cause any reasonable action, including the employment of necessary labor and materials, to perform emergency repairs to alleviate the hazard. The owner shall pay costs incurred in the performance of emergency repairs; and if not paid by the owner, the City may place a lien against the property to recover the costs.

e. Cooperation by the Owner or Responsible Person. All owners holding a permit and responsible persons identified in a permit application shall cooperate with and facilitate inspections of the premises at reasonable times pursuant to reasonable notice. Obstructing a duly authorized inspection, including refusing entry or access to portions of the building subject to the permit, shall be a violation of this chapter. The owner shall notify the City Administrator within thirty (30) business days of any changes to the contact information of the owner or responsible person.

f. Continued Compliance. For the Vacant Building Permit to remain valid, the building or structure shall continuously comply with the filed Vacant Building Plan and the Vacant Building Maintenance Requirements of this chapter, below. Failure to maintain the building in accordance with this chapter shall be a violation of the City Code.

## 7. Process

### a. Inspections.

(1) Upon receipt of a complete initial application or renewal application, including payment of required fees, the City Administrator or his/her designee shall schedule an inspection.

(2) The City Administrator or his/her designee shall prepare an inspection report, noting the condition of the property and any deficiencies from the requirements of this chapter. The owner shall receive a copy of the inspection report.

b. Vacant Building Permit. Upon a finding by the City Administrator that the vacant building is secure, is not hazardous, and does not present a public nuisance, the City Administrator shall issue a Vacant Building Permit.

c. If the Vacant Building Permit is denied, the City Administrator shall notify the applicant in writing of the deficiencies. The applicant shall be given a reasonable amount of time to correct deficiencies, which shall in no case extend beyond thirty (30) days, unless extended by the City Administrator. Failure to secure a valid permit shall be a violation of this chapter.

8. Appeals. Any determination of the City Administrator may be appealed to the City Council. A request for a hearing must be made in writing and delivered to the City Administrator within seven (7) working days from the date the determinations being appealed is communicated to the owner. If an appeal is not filed as set forth herein, it will be conclusively presumed that the City Administrator's determination is correct. The findings of the Council shall be conclusive.

9. Sale or Transfer. The owner may sell or transfer the permit to a new owner, who shall be subject to the Vacant Building Plan and any other conditions imposed on the permit. The new

owner shall notify the City of the transfer and provide contact information for the new owner and any new management or other person responsible for maintaining or operating the property within 30 days of the transfer. Failure to notify the City of a transfer as required shall be a violation of the City Code.

#### **158.4 VACANT BUILDING MAINTENANCE REQUIREMENTS.**

1. Maintenance Requirements. All buildings or structures subject to the application shall be adequately protected from intrusion by trespassers and pests, and from deterioration by the weather. The building must also comply with the approved Vacant Building Plan and the following Vacant Building Maintenance Standards:

a. Building Openings. Except for downtown buildings in the C2, Central Business zoning district, all doors, windows, areaways, and other openings shall be weathertight and secured against entry by birds, vermin, and trespassers.

b. Waste Removal. All waste, debris, rubbish, and garbage shall be removed from the interior of the building or structure and surrounding premises, on an ongoing basis.

c. Roofs. The roof and flashings shall be sound and tight, not admit moisture, or have defects that could admit moisture, rain, or roof draining, and shall allow for sufficient drainage to prevent dampness or deterioration in the interior of the building. Where present, parapets shall be structurally sound and kept in good repair.

d. Drainage. The building storm drainage system shall be functional and installed in an approved manner and shall allow discharge in an approved manner.

e. Building Structure. The building shall be maintained in good repair and structurally sound. The building shall be maintained in a manner that does not pose a threat to public health, safety, or welfare.

f. Structural Members. The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.

g. Foundation Walls. The foundation walls shall be maintained structurally sound so as not to pose a threat to the public health, safety, and welfare. The foundation shall be capable of supporting the load that normal use places upon it, and shall be free from open cracks and breaks, free from leaks, and be secure from entry and infiltration by vermin.

h. Exterior Walls. The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint, stain, or similar surface treatment. Brick, stone, or other materials shall be maintained to be structurally secure.

i. Decorative Features and Appurtenances. The cornices, belt courses, corbels, terra cotta trim, decorative metal façade, wall facings and similar decorative features and appurtenances shall be safe, anchored, and in good repair. Exposed metal, wood, or other



surfaces shall be protected from the elements and against decay or rust by periodic applications of weather coating materials, such as paint, stain, or similar surface treatment.

j. Overhanging Extensions. All balconies, canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar features shall be in good repair, anchored, safe and sound. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather coating materials, such as paint or similar surface treatment.

k. Chimneys and Towers. Chimneys, cooling towers, smokestacks and similar features shall be structurally safe and in good repair. Exposed metal, wood, brick, stone, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials.

l. Walkways. Public walkways shall be in good repair, shall be safe for pedestrian travel, and shall be free of snow and ice. Snow and ice removal shall be completed in accordance with the requirements of this City Code.

m. Accessory Building/Structures. Accessory buildings or structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards, and shall be kept in good repair.

n. Exterior Premises. The surrounding premises upon which the structure or building is located shall be clean, safe, sanitary, free from waste, rubbish, garbage, excessive vegetation, and other nuisances; shall not be used for exterior storage; and shall not pose a threat to public health, safety, or welfare.

#### **158.5. ENFORCEMENT AND PENALTIES.**

1. Any violation of a provision of this chapter is a municipal infraction, as provided in Chapter 3 of this City Code, for which the City may issue a citation. Each day that the violation continues shall constitute a separate violation.

2. Abatement of Violations. The issuance of a municipal infraction citation shall not preclude the City from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct business, or utilization of the structure or premises.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED, ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mike Jensen, Mayor

ATTEST:

\_\_\_\_\_  
Heather Slifka, City Clerk