

TITLE II- DIVISION 3  
BUILDING AND PROPERTY REGULATIONS

ARTICLE 1  
ORDINANCE NO. 54

AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION, CONSTRUCTION, AND USE OF BUILDING, AND STRUCTURES, AND THE USE OF LAND IN THE CITY OF MARTENSDALE, IOWA AND FOR SAID PURPOSES DIVIDING THE CITY INTO DISTRICTS, AND CREATING A BOARD OF ADJUSTMENTS, AND PROVIDING PENALTIES FOR VIOLATIONS OF THE REGULATIONS.

Be it Enacted by the Council of the City of Martensdale, Iowa;

SECTION 1. Short Title. This ordinance shall be known and may be cited as " The City of Martensdale, Iowa Zoning Ordinance."

SEC. 2 Purpose. The purpose of this ordinance is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, morals, safety and general welfare in the City of Martensdale, Iowa.

SEC. 3 Definitions. For use in this ordinance certain terms or words used herein shall be interpreted or defined as follows;

1. Words used in the present tense include the future tense.
2. The singular includes the plural.
3. The word "person" includes a corporation as well as an individual.
4. The word "lot" includes the word "plat" or parcel.
5. The term "shall" is always mandatory.
6. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intending, arranged or designed to be used or occupied".

7. "Structure" means a combination of material other than a building to form a construction that is safe and stable and includes, among other things, stadiums, platforms, radio towers, sheds, storage bins, fences, signs and chicken coops.

8. A "dwelling" is a building used as the living quarters for one or more families, not including auto courts, rooming homes or tourist homes.

a. "private dwelling" is a dwelling occupied by but one family alone.

b. A "two-family dwelling" is a dwelling occupied by but two families alone.

c. A "multiple dwelling" is a dwelling occupied by more than two families.

SEC. 4. Establishment of Districts. The City of Martensdale, Iowa is hereby divided into the following types of districts:

1. Class A residential districts: One and two family residential districts.

2. Class B residential districts: Multiple family residential districts.

3. Class A business districts: Main street retail business districts.

4. Class A industrial districts: Any type of manufacturing or other similar plant area in the City.

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## BUILDING AND PROPERTY REGULATIONS

## ARTICLE 2

## ZONING MAP

SEC. 5. Official zoning map. As shown by the official zoning map, the City is divided into four(4) classes of districts, The boundaries of these districts are hereby established as shown on the official zoning map of the city and said map and all notations, references and other information shown thereon shall be and are hereby made a part of this ordinance by reference. The official zoning map, signed by the Mayor and properly attested by signature of the clerk and date of adoption, shall be and remain on file in the office of the City Clerk.

SEC. 6. Amending Official Zoning Map. Amendments, supplements or changes of the boundaries of districts as shown on the official zoning map shall be made by an ordinance amending the zoning ordinance. The amending ordinance shall refer to the official zoning map and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. Said ordinance shall after adoption and publication, be recorded by the City Clerk as other ordinances and a certified copy thereof be attached to the official zoning map. Such amendatory ordinance shall, however, not repeal or re-enact said map, but only amend it. The official zoning map, together with amending ordinances, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city.

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## BUILDING AND PROPERTY REGULATIONS

## ARTICLE 3

## DISTRICTS - RESIDENTIAL

SEC. 8. Application of Regulations. Except as hereinafter provided:

1. No building or land shall hereinafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

2. No building shall hereinafter be erected or altered:

- (a) To exceed the height;
- (b) To accommodate or house a greater number of families;
- (c) To occupy a greater percentage of lot area; or;
- (d) To have narrower or smaller rear yards, side yards, inner or outer courts than are specified herein for the district in which such building is located.

3. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.

SEC. 9. Class A Residential Districts. The following uses of land are permitted in all Class A residential districts:

— 1. Private and two-family dwelling units, provided that mobile homes will not be permitted.

2. Churches and places of worship and parochial schools.

3. Public schools, public libraries, parks, playgrounds.

4. Greenhouses and customary agricultural operations, but no livestock or fowl to be raised in the district.

5. Small home occupations, provided that there shall be no signs or other evidence of such use other than a small announcement or professional sign not over two(2) square feet in size.

6. Other customary accessory uses and buildings provided such uses are incidental to the principal use and do not include any activity conducted as a business.

SEC. 10. Height of Building in Class A Residential Districts:

No dwelling or other structure shall be erected to a height in excess of (35) feet.

SEC. 11. Density of Population. Lot area shall not be less than (6500) feet square and lot width not less than (50) feet.

There shall be no more than onedwelling placed on each lot of the above size.

SEC. 12. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. All dwellings or other structures, including accessory buildings shall not cover more than(40) per cent of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.

SEC. 13. Yards, Courts and Open Spaces. Each lot shall have front, side and rear yards not less than the following depth and width:

1. Front yard depth(25)feet.
2. Each side yard width(5)feet.
3. Rearyard depth(25)feet.

Rear yard depth to alley(5)feet.(Accessory buildings ONLY)

SEC. 14. Class B Residential Districts. The following uses of land are permitted in all Class B residential districts:

1. All uses permitted in Class A districts subject to all the restrictions specified in Class A districts.

2. Multiple dwelling units, including rooming and boarding houses and tourists homes.

3. Hospitals and sanitariums.

4. Cemetery and the necessary incidental structures with the approval of the board of adjustment and subject to such conditions as are deemed appropriate by such board.

5. Customary agricultural operations including a garden, nurserly, greenhouse and usual farm buildings, subject to the following restrictions:

(a) No building in which farm animals are kept shall be closer than (200) feet to any adjoining lot line.

(b) No storage of manure or odor or dust-producing substance or use shall be permitted within (100) feet of any adjoining lot line.

(c) No greenhouse heating plant shall be operated within (75) feet of any adjoining lot line.

(d) No products shall be publicly displayed or offered for sale from the roadside.

6. Public utility structures necessary for the service of the area.

7. One sign advertising the sale or rent of buildings upon which it is located. Such sign shall not exceed six(6) square feet in area and shall be distant from the street line not less than one-half the front yard depth.

8. Fraternity and sorority houses.

9. Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business, unless otherwise provided for.

SEC. 15. Height of Buildings in Class B Residential districts.

No dwelling or other structure shall be erected to a height of (50) feet or exceed (4) stories, unless hereinafter provided.

SEC. 16. Density of Population. Lot area for private and two family dwelling units shall be not less than (6500) square feet and lot width not less than (50) feet, plus an additional (1000) square feet for each unit over two (2).

SEC. 17. Percentage of lot covered by buildings, dwellings and other structures. All dwellings or other structures, including accessory buildings, shall not cover more than (40) per cent of the area of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.

SEC. 18. Yards, Courts and Open Spaces. Each lot shall have front, side and rear yards not less than the following depth and width:

1. Front yard depth (25) feet.
2. Each side yard width (5) feet.
3. Rear yard depth (25) feet.
4. Rear yard depth to alley (5) feet. (Accessory buildings ONLY).

SEC. 19. Required Court Dimensions.

1. The width of any outer court shall not be less than two-thirds the height of any opposing wall forming said court, and the depth shall not be greater than one and one-half times the width.

2. The least dimension of an inner court shall be not less than the full height of the walls forming such court, but in no case less than (50) feet.

SEC. 20. Distance between buildings on same plot. No principal building shall be closer to any other principal building than the average of the heights of said buildings.

SEC. 21. Automobile storage or parking space. In connection with every multiple-family dwelling, fraternity or sorority house, there shall be provided automobile storage or parking space equal to not less than (40) square feet for each family unit in such structure, provided, however, that no front yard shall be used for the open air parking or storage of any motor vehicle.



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BUILDING AND PROPERTY REGULATIONS

ARTICLE 4  
DISTRICTS- BUSINESS

SEC. 22. Class A Business Districts. The following regulations and uses permitted shall apply to all general business districts, otherwise known as Class A business districts:

1. All the uses permitted in any residential district subject to all the provisions specified for such residential districts.

2. Stores and shops for the conducting of any lawful retail business.

3. Personal service shops.

4. Banks, theatres, offices, restaurants.

5. Garages and filling stations upon the approval of the board of adjustment and subject to such conditions and safeguards as deemed appropriate by such board and upon the securing of a permit therefor, subject to the following provisions:

(a) Pumps, Lubricating or other devices are located at least (20) feet from any street line or highway right-of-way.

(b) All fuel, oil or similar substances are stored at least (35) feet distant from any street or lot line.

6. Wholesale businesses allowed. [ It is recommended that the wholesale businesses allowed be set forth in detail here. Some suggestions for consideration are: Storage in bulk of, or warehouses for such materials as building material, contractors equipment, farm equipment and implements, clothing, drugs, food and hardware].

7. The wholesale or bulk storage of petroleum and other explosive or combustible mixtures is permitted subject to conformance with all Iowa Departmental Rules, local fire or safety ordinances, and such other regulations issued by the fire chief pertinent to the storage of such products.

8. Other uses permitted:

- (a) Advertising signs and billboards.
- (b) Amusement places.
- (c) Apartment houses.
- (d) Auction rooms.
- (e) Bakeries.
- (f) Electric repair shops.
- (g) Freight stations.
- (h) Hotels.
- (i) Laundries.
- (j) Blacksmith and locksmith shops.
- (k) Telegraph service stations.
- (l) Painting and decorating shops.
- (m) Photographic galleries.
- (n) Plumbing shops.
- (o) Police and fire department stations.
- (p) Post offices.
- (q) Printing shops.
- (r) Railroad passenger station.
- (s) Recreation buildings and structures.

(t) Roofing or plastering shops or both.

(u) Sales and/or showrooms.

(v) Shoe repair shops.

(w) Undertaking establishments.

(x) Other uses which in the opinion of the board of adjustment are of the same general character as those listed above as permitted uses and which will not be detrimental to the district in which they are located.

SEC. 24. Required dimensions. Lot dimensions shall not be less than (50) feet in width and (50) feet in depth.

SEC. 25. Yards Required.

1. Rear yard: There shall be a rear yard of not less than (10) per cent of the depth of the lot.

2. Side yard: A side yard if provided, shall not be less than (3) feet wide.

SEC. 26. Percentage of lot covered. No building with its accessory buildings, to be used for said commercial purposes, shall occupy in excess of (90) percent of the area of the lot.

Any building used for residence purposes shall have a lot area and lot width equal to that required in the least-restricted residence district for the same type of dwelling.

SEC. 27. Class A Industrial Districts. The following regulations and uses premitted shall apply in all Class A industrial districts:

1. All uses not otherwise prohibited by law except any residential use, or otherwise prohibited by ordinance.

SEC. 28. Uses prohibited. All use of land, buildings and structures or industrial processes that may be noxious or injurious by reason of the production or emission of dust, smoke refuse matter odor, gas, fumes, noise, vibration or similar substances or conditions. Prohibited uses shall include, but not be limited to, those which have been declared a nuisance in any court of record, or which may be unreasonably obnoxious, unhealthful or offensive by reason of emission of odor, dust, smoke or noise.

SEC. 29. Review by Board of Adjustment. The above prohibitions are subject to review by the board of adjustment and such uses may be permitted if approved by the board and subject to securing of a permit there and to such conditions, restrictions and safeguards as may be deemed necessary for the purpose of protecting the health, safety, morals or general welfare of the community.

SEC. 30. Building Height Limit. No building in this district shall exceed three (3) stories in height or forty-five (45) feet. [ Alternatives might be four stories or (60) feet, or no restrictions whatsoever .]

SEC. 31. Yard required. Each lot shall have a front yard not less than (25) feet in depth.

## TITLE II-DIVISION 3

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## ARTICLE 5

## REGULATIONS

SEC. 32. Administration and Enforcement. This ordinance shall be enforced by the building inspector. No building permit or certificate of occupancy shall be issued by him except where the provisions of this ordinance have been complied with.

SEC. 33. Permits and Certificates of Occupancy. No land shall be used or occupied, and no building hereafter erected, altered or extended shall be used or changed in use, until a certificate of occupancy and a building permit shall have been issued by the building inspector in accordance with the provisions of the ordinance and the building code.

SEC. 34. Board of Adjustment Created. A board of adjustment is hereby created. The board of adjustment shall consist of five(5) members, each to be appointed by the council for a term of five(5) years, excepting that when the board shall first be created one member shall be appointed for a term of five (5) years, one for a term of four(4) years, one for a term of(3) years, one for a term of two (2) years, and one for a term of one(1) year. The board shall elect a chairman from its membership and appoint a secretary. Matters of procedure, powers and judicial review relating to this board are regulated by statute.

SEC. 35. Nonconforming Buildings and Uses. The lawful use of any building or land existing at the time of the enactment of this ordinance may be continued although such use does not conform with the provisions of this ordinance.

SEC. 36. Amendments to this Ordinance. The boundaries of districts as now established and the regulations thereof may be amended, supplemented or changed, or repealed by the city council from time to time, either upon its own motion, or upon a petition as herein provided for, or upon recommendation of zoning and planning commission.

PROVIDED:

1. No such amendment, supplement or change shall be adopted until after a notice thereof duly published as provided by the law of this state.

2. When a proposed amendment, supplement or change does not originate with the zoning and planning commission, the same shall be submitted to said commission thirty (30) days in advance of the date on which action is to be taken for its recommendation thereon.

3. This requirement shall not act as a stay upon the proposed action by the council where said commission fails to submit its recommendation to the council within thirty days after receiving written notice requesting the same.

SEC. 38. Penalty. Anyone violating any of the provisions of this ordinance shall, upon conviction, be subject to imprisonment not exceeding thirty(30)days, or a fine not exceeding \$100.00.

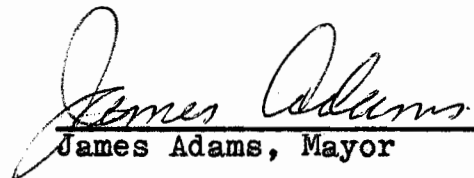
SEC. 39. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

These are:

SEC. 40. 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.

SEC. 41. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Council the 27<sup>th</sup> day of March, 19 78.  
and approved this 27<sup>th</sup> day of March, 19 78.

  
James Adams, Mayor

Attest:   
Ruth Stroud, clerk/treas.

TITLE II-DIVISION 3  
BUILDING AND PROPERTY REGULATIONS

ARTICLE 4  
DISTRICTS- BUSINESS

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1. All the uses permitted in any residential district subject to all the provisions specified for such residential districts.

2. Stores and shops for the conducting of any lawful retail business.

3. Personal service shops.

4. Banks, theatres, offices, restaurants.

5. Garages and filling stations upon the approval of the board of adjustment and subject to such conditions and safeguards as deemed appropriate by such board and upon the securing of a permit therefor, subject to the following provisions:

(a) Pumps, Lubricating or other devices are located at least (20) feet from any street line or highway right-of-way.

(b) All fuel, oil or similar substances are stored at least (35) feet distant from any street or lot line.

6. Wholesale businesses allowed. [ It is recommended that the wholesale businesses allowed be set forth in detail here. Some suggestions for consideration are: Storage in bulk of, or warehouses for such materials as building material, contractors equipment, farm equipment and implements, clothing, drugs, food and hardware].



7. The wholesale or bulk storage of petroleum and other explosive or combustible mixtures is permitted subject to conformance with all Iowa Departmental Rules, local fire or safety ordinances, and such other regulations issued by the fire chief pertinent to the storage of such products.

8. Other uses permitted:

- (a) Advertising signs and billboards.
- (b) Amusement places.
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- (h) Hotels.
- (i) Laundries.
- (j) Blacksmith and locksmith shops.
- (k) Telegraph service stations.
- (l) Painting and decorating shops.
- (m) Photographic galleries.
- (n) Plumbing shops.
- (o) Police and fire department stations.
- (p) Post offices.
- (q) Printing shops.
- (r) Railroad passenger station.
- (s) Recreation buildings and structures.

TITLE V - BUILDING AND PROPERTY REGULATIONS  
ZONING, LAND USE AND SUBDIVISIONS

CHAPTER 120  
PLANNING AND ZONING COMMISSION

120.01 Planning and Zoning Commission  
120.02 Term of Office

120.03 Vacancies  
120.04 Compensation  
120.05 Powers and Duties

120.01 PLANNING AND ZONING COMMISSION. There shall be appointed by the Council a City planning and zoning commission, hereinafter referred to as the commission, consisting of seven (7) members, who shall be citizens of the City and qualified by knowledge or experience to act in matters pertaining to the development of a City plan and who shall not hold any elective office in the City government.

(Code of Iowa, Sec. 414.6 & 392.1)

120.02 TERM OF OFFICE. The term of office of the members of the commission shall be five (5) years. The terms of not more than one-third of the members will expire in any one year.

(Code of Iowa, Sec. 392.1)

120.03 VACANCIES. If any vacancy exists on the commission caused by resignation, or otherwise, a successor for the residue of the term shall be appointed in the same manner as the original appointee.

(Code of Iowa, Sec. 392.1)

120.04 COMPENSATION. All members of the commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the Council.

(Code of Iowa, Sec. 392.1)

120.05 POWERS AND DUTIES. The commission shall have and exercise the following powers and duties:

1. Selection of Officers. The commission shall choose annually at its first regular meeting one of its members to act as Chairperson and another as Vice Chairperson, who shall perform all the duties of the Chairperson during the Chairperson's absence or disability.

(Code of Iowa, Sec. 392.1)

2. Adopt Rules and Regulations. The commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

(Code of Iowa, Sec. 392.5)

3. Annual Report. The commission shall each year make a report to the Mayor and Council of its proceedings, with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year.

(Code of Iowa, Sec. 392.1)

4. Appointment of Assistants. Subject to the limitations contained in this chapter as to the expenditure of funds, the commission may appoint such assistants as it may deem necessary and prescribe and define their respective duties and fix and regulate the compensation to be paid to the several persons employed by it.

(Code of Iowa, Sec. 392.1)

5. Comprehensive Plan. The commission shall have full power and authority to make or cause to be made such surveys, studies, maps, plans, or charts of the whole or any portion of the City or of any land outside thereof, which in the opinion of the commission bears relation to the comprehensive plan and shall bring to the attention of the Council and may publish its studies and recommendations.

(Code of Iowa, Sec. 414.3)

6. Comprehensive Plan: Preparation. For the purpose of making a comprehensive plan for the physical development of the City, the commission shall make careful and comprehensive studies of present conditions and future growth of the City and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

(Code of Iowa, Sec. 414.3 & 392.1)

7. Comprehensive Plan: Public Hearing. Before adopting a comprehensive plan as referred to in the preceding paragraph, or any part of it, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the City not less than seven (7) or more than twenty (20) days before the date of hearing. However, in no case shall the public hearing be

held earlier than the next regularly scheduled Council meeting following the published notice. The adoption of the plan or part or amendment thereof shall be by resolution of the commission carried by the affirmative vote of not less than two-thirds (2/3) of the members of the commission. After adoption of said plan by the commission an attested copy thereof shall be certified to the Council and the Council may approve the same. When said plan or any modification or amendment thereof shall receive the approval of the Council, the said plan until subsequently modified or amended as herein authorized shall constitute the official City plan.

(Code of Iowa, Sec. 414.1, 414.6 & 392.1)

8. Comprehensive Plan: Amendments. When the comprehensive plan has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the commission for its recommendations. If the commission disapproves the proposed change it may be adopted by the Council only by the affirmative vote of at least three-fourths (3/4) of the members of the Council.

(Code of Iowa, Sec. 414.4, 414.5 & 392.1)

9. Recommendations of Improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the commission after thirty (30) days written notice requesting such recommendations, shall have failed to file same.

(Code of Iowa, Sec. 392.1)

10. Review and Comment on Plats. All plans, plats, or re-plats of subdivision or re-subdivisions of land embraced in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the City, shall first be submitted to the commission and its recommendations obtained before approval by the Council.

(Code of Iowa, Sec. 392.1)

11. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way, river front, or other public improvement affecting the City

plan shall be finally approved by the City or the character or location thereof determined, unless such proposal shall first have been submitted to the commission and the commission shall have had thirty (30) days within which to file its recommendations thereon.

(Code of Iowa, Sec. 392.1)

12. Zoning. The commission shall have and exercise all the powers and duties and privileges in preparing and amending the City zoning code as provided by Chapter 414 of the Code of Iowa.

(Code of Iowa, Sec. 414.6)

13. Fiscal Responsibilities. The commission shall have full, complete and exclusive authority to expend for and on behalf of the City all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the City for City planning and zoning purposes.

(Code of Iowa, Sec. 392.1)

14. Limitation on Entering Contracts. The commission shall have no power to contract debts beyond the amount of its original or amended appropriation as approved by the Council for the present year.

(Code of Iowa, Sec. 392.1)

TITLE V - BUILDING AND PROPERTY REGULATIONS  
ZONING, LAND USE AND SUBDIVISIONS

CHAPTER 121  
ZONING CODE

EDITOR'S NOTE

Ordinance No. 54 entitled "AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION, CONSTRUCTION AND USE OF BUILDINGS AND STRUCTURES AND THE USE OF LAND IN THE CITY OF MARTENSDALE, IOWA, AND FOR SAID PURPOSES DIVIDING THE CITY INTO DISTRICTS, AND CREATING A BOARD OF ADJUSTMENT AND PROVIDING PENALTIES FOR VIOLATIONS OF THE REGULATIONS," adopted March 27, 1978, and amendments thereto have not been included as a part of this Code of Ordinances, but have been specifically saved from repeal and are in full force and effect. The following ordinances have been adopted amending Ordinance No. 54.

ORDINANCE

ADOPTED

SUBJECT

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TITLE V - BUILDING AND PROPERTY REGULATIONS  
ZONING, LAND USE AND SUBDIVISIONS

CHAPTER 123  
MOBILE HOMES

- |        |                          |        |                                 |
|--------|--------------------------|--------|---------------------------------|
| 123.01 | Definitions              | 123.03 | Special Permits                 |
| 123.02 | Location of Mobile Homes | 123.04 | Application for Special Permits |
|        |                          | 123.05 | Emergency and Temporary Parking |

123.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Manufactured Home" (Modular Home) means a factory built structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

(Code of Iowa, Sec. 414.28)

2. "Mobile Home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa.

(Code of Iowa, Sec. 135D.1[1])

3. "Mobile Home Park" means any site, lot, field or tract of land upon which two (2) 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 mobile home park. The term "mobile home park" is not to be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students.

(Code of Iowa, Sec. 135D.1[2])



123.02 LOCATION OF MOBILE HOMES. It shall be unlawful for any person to park or place any mobile home on the streets, alleys or highways, any public place, or on any private land within the City, except as is provided by State law and this chapter. This section shall not apply to:

1. Mobile Home Parks. Mobile homes parked or placed within mobile home parks.
2. Dealer's Stock. Mobile homes parked upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.
3. Manufactured Homes. Manufactured homes, or mobile homes meeting the manufacturing requirements of the State Building Code and which are converted to real property in accordance with Section 135D.26 of the Code of Iowa, providing that the location of such manufactured home or mobile home meets all other requirements imposed by this Code of Ordinances.

123.03 SPECIAL PERMITS. The Council, upon application of a mobile home owner, may issue special permits for the location of mobile homes outside mobile home parks. The Council shall issue such special permits only when it appears that location within local mobile home parks is impracticable and public health, safety and welfare interests will not be seriously affected by granting the permit. Special permits shall not be granted for periods in excess of twelve (12) months. Not more than one mobile home shall be permitted to be located on the same premises outside of mobile home parks.

123.04 APPLICATION FOR SPECIAL PERMIT. Application for a special permit shall be accompanied by a fee of one hundred dollars (\$100.00). The application shall contain:

1. Description of Mobile Home. A description of the applicant's mobile home.
2. Property Description. A property description of the place where the mobile home will be located.
3. Property Owner. The name of the owner of the premises upon which the mobile home will be located together with the written approval from the owner of the premises where the mobile home will be located.
4. Sanitation Facilities. Information on sanitation facilities of the mobile home and those available at the place of location.

5. Mobile Home Park. A statement concerning the practicability of location within a local mobile home park.

6. Duration of Permit. A statement of the desired duration of the special permit.

123.05 EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys or highways or any other public or private place for a period not in excess of forty-eight (48) hours shall not constitute a violation of Section 123.02, but such parking shall be subject to any prohibitions or regulations contained in other ordinances of the City.

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[The next page is 275]

TITLE V - BUILDING AND PROPERTY REGULATIONS  
BUILDING STANDARDS

CHAPTER 130  
DANGEROUS BUILDINGS

130.01 Enforcement Officer	130.05 Conduct of Hearing
130.02 General Definition of Unsafe	130.06 Posting of Signs
130.03 Unsafe Building	130.07 Right to Demolish
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130.01 ENFORCEMENT OFFICER. The Mayor shall be responsible for the enforcement of this chapter.

130.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this chapter or any ordinance, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. 657A.1 & 364.12[3a])

130.03 UNSAFE BUILDING. "Unsafe building" means any structure or mobile home meeting any or all of the following criteria:

1. Collapse of Member. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
2. Wind Resistance. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of twenty (20) pounds per square foot.

3. Material Deterioration. Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

4. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.

5. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

6. Exterior Walls. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

7. Deterioration. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

8. Damaged Structurally. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or as to (c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

9. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

10. Fire Hazard. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

11. Public Nuisance. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

12. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

130.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

(Code of Iowa, Sec. 364.12 [3h])

1. Notice Served. Such notice shall be served by sending by Certified Mail to owner of record, according to Section 364.12[3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

2. Hearing. Such notice shall also advise the owner that he may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

130.05 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.

2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.

3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.

130.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF MARTENSDALE, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

130.07 RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

(Code of Iowa, Sec. 364.12[3h])

130.08 COSTS. Costs incurred under Section 130.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

(Code of Iowa, Sec. 364.12[3h])

EDITOR'S NOTE

Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX of this code.

Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his recommendation carefully.



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