

ORDINANCE NO. 2025-04

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY VAN METER, IOWA, BY AMENDING CHAPTER 164 – VACANT BUILDINGS

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF VAN METER, IOWA:

SECTION 1. The Code of Ordinances of the City of Van Meter, Iowa, as amended, by amending Chapter 164 – Vacant Buildings by repealing and replacing the entirety of the Chapter as written herein:

**CHAPTER 164
VACANT BUILDINGS**

164.01 Title	164.08 Vacant Property Standards
164.02 Purpose	164.09 Violations and Enforcement
164.03 Definitions	164.10 Exemptions
164.04 Applicability	164.11 Process and Timeline
164.05 Permit Required	164.12 Fees and Penalties
164.06 Permit Requirements	164.13 Appeals
164.07 Permit Issuance	

164.01 TITLE.

This chapter shall be known as the Vacant Building Codes of the City of Van Meter.

164.02 PURPOSE.

It is the purpose and intent of this chapter to establish a vacant buildings registration and maintenance program as a mechanism for preserving and promoting public health, safety, prosperity, and welfare; to abate and prevent public and private nuisances and potential fire hazards; and to provide for administration, enforcement, and penalties.

This chapter applies to all property types in the City of Van Meter.

164.03 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; and the word "shall" is mandatory, the word "may" is permissive.

1. "Accessory building or structure" means a detached building or structure on the same lot, with and of a nature customarily incidental and subordinate to the principal building or structure or use of the land; e.g., a garden house, greenhouse, garage, carport, shed, fence, or retaining wall.
2. "Agent" means a designated representative of the property owner who may act on behalf of and make decisions for the owner with regard to the vacant property.
3. "Authorized Official" means the City Administrator, City Clerk, Public Works Director, Building Administrator or Zoning Administrator or independent contractors appointed by the City Council or City Staff who shall oversee the administration and enforcement of this Code. Work may include but is not limited to completion of

administrative work, inspections or assessments, and/or other necessary actions in order to ensure compliance.

4. "Building" means any structure used or intended for supporting or sheltering any use or occupancy.
5. "Dangerous Building" means a building deemed to be dangerous if meeting any of the definitions in Chapter 163.
6. "Exterior premises" means the open space on the premises or the portion of the premises upon which there is not a structure.
7. "Good repair" means free from blighting and hazardous conditions, clean and sanitary, and in safe condition.
8. "Illegal occupied " means any occupancy in violation of City ordinances.
9. "Imminent hazard" means a condition which could cause serious or life-threatening injury or death at any time.
10. "Junk" means scrap metals or scrap materials, abandoned, dismantled or partially dismantled machinery, motor vehicles, other vehicles or appliances.
11. "Mixed occupancy" means occupancy of a structure in part for residential use and in part for some other use not accessory thereto.
12. "Occupant" means an occupant is any person who leases or lawfully resides in a building or premises, or a portion of a building or premises.
13. "Owner" means any person having a title to the premises, as recorded in the Office of the Recorder for Dallas County, or as recorded on the Dallas County assessment rolls.
14. "Partially vacant" means a building that has one or more stories or dwelling units vacant including a multi-storied building or structure that has one or more stories vacant, including the ground level store front. For the purpose of this chapter the ground floor store front must be vacant to be deemed partially vacant.
15. "Responsible person" means a natural person who is the owner, operator or manager of any building, structure, or premises and is responsible for the property's maintenance and management.
16. "Rubbish" means combustible and noncombustible waste materials, including garbage, that are offensive to sight or smell, dangerous to public health or detrimental to the best interests of the community. The term shall include the residue from the burning of wood, coal, coke, and other combustible materials, papers, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials. For purposes of this chapter, the term "Refuse" may be used interchangeably with rubbish.
17. "Structure" means anything constructed or erected, which requires location on the ground or attached to something having location on the ground.
18. "Unoccupied" means building which lacks physical presence of an occupant for at least 180 consecutive days for the purpose for which it was erected or a building unfit for occupancy due to a failure to meet minimum standards set out by city ordinances. The storage of products, materials, equipment, or other personal property does not constitute occupancy unless authorized by the Van Meter zoning ordinance as determined by the Authorized Official.
19. "Unsecured" means a building or portion of a building that is open to entry by unauthorized persons without the use of tools.

20. VACANT. A building shall be deemed to be vacant if it is unoccupied and/or no person currently resides in the building or operates a lawful business open regularly for business (with the exception of holidays and seasonal businesses) or if it meets one or more of the following:
- a. Unsecured or secured by means other than those used in the design of the building;
 - b. Declared unfit for occupancy as determined by the Authorized Official or other authorized representative;
 - c. Been deemed a dangerous and/or dilapidated building by the City of Van Meter;
 - d. Subject to housing, building, fire, health and safety, nuisance or zoning code violations; or
 - e. Lacks one or more utilities for a period of at least sixty (60) consecutive days. Vacant buildings do not include any buildings under construction pursuant to a valid building permit issued by the City of Van Meter and progressing in accordance with timelines authorized under the issuance of the permit.
21. "Vacant Lot" means a parcel of ground that does not contain a building or structure and not owned by the owner of an adjoining parcel containing a principal building or structure.
22. "Vacant Property" includes vacant lots, vacant residences, vacant multi-family structures and vacant commercial & industrial buildings.
23. "Waste" means garbage, ashes, rubbish, refuse, or trash.
24. "Weeds" or "noxious weeds" mean dense growth of all weeds, vines, brush, or other vegetation which may constitute a health, safety, or fire hazard. Weeds or noxious weeds include but are not limited to Canada thistle, leafy spurge, field bindweed (Creeping Jenny), Ambrosia trifida (Giant Ragweed), Arubuosia trifida (Common Ragweed), and such other weeds as are defined in Weeds of the North Central States, North Central Regional Research Publication No. 281, Bulletin 772, published by the University of Illinois at Urbana-Champaign, College of Agriculture, Agriculture Experiment Station, and in all applicable sections of current codes at the time as adopted by the City Council (e.g., Code of Iowa and International Property Maintenance Code).

164.04 APPLICABILITY.

1. General. The provisions of this chapter shall apply to all buildings and lots in any zoning district in the City of Van Meter vacant or partially vacant for one hundred eighty consecutive days or more.
2. Conflict. In any case where a provision of this chapter is found to be in conflict with a provision of any other provisions of the Code of Ordinances, the provision which established the higher standard for the protection of the public health, safety, and welfare shall prevail.
3. Application of Other Ordinances. Nothing in this chapter shall be construed to cancel, modify or set aside any provision of the City Zoning Code or Building Code. Nothing contained herein shall be deemed to authorize the use of a structure or premises contrary to any other provision of the Code of Ordinances. Repairs, additions,

or alterations to a structure shall be done in accordance with the procedures and provisions of state and local laws. Nothing in this section shall be construed to cancel, modify, or set aside any provision of the Van Meter Zoning Ordinance or Building Codes.

4. Existing Remedies. The provisions in this chapter shall not be construed to abolish or impair existing remedies of the City, or its officers or agencies, under State laws or this Code of Ordinances, including the Zoning Code, relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary, or the abatement of public nuisances.

5. Historic Buildings. The provisions of this chapter shall apply to structures designated by the Federal Government, State or City as historic buildings. Any work to said structures shall also comply with current International Building Code as adopted by the City.

164.05 PERMIT REQUIRED.

All vacant properties within the corporate limits of the City of Van Meter shall be registered with the city by the owner or the owner's representative in accordance with the following.

1. Vacant Property Registration Required
 - a. Vacant Lot. The owner of any vacant lot to which this chapter applies shall be required to register the property with the city.
 - b. Vacant Building. The owner of a vacant building to which this chapter applies shall be required to register the property within thirty days of becoming vacant or any change of ownership.
 - c. Enactment. Upon enactment of this chapter, any vacant property subject to this chapter must register on or before May 1, 2025.
2. Application for a Vacant Building Permit shall be made by completing a vacant building registration form, which shall be submitted to the Building Inspector. The owner must maintain a valid Vacant Building Permit for any lot, building or structure to which this chapter applies and must continue to renew the permit as long as the building or structure remains vacant, subject to this chapter.
3. Vacant Building Permit Process. When completing the vacant building registration form, which is available to be downloaded from the City website, or obtained from the Authorized Official or City Hall, applicants shall disclose all measures to be taken to ensure that the building will be kept weathertight, secure from trespassers, and safe for entry by police officers and firefighters in times of exigent circumstances or emergency. The application shall include, but not be limited to, the following:
 - a. Contact Information for Each Owner. If the owner does not reside within the State of Iowa, the owner shall provide the name, address and telephone number of an agent who is available for service of process within the State of Iowa. If the owner is other than a natural person or persons, the following shall apply, as appropriate:
 - i. If the owner is a corporation, limited liability company, limited or general partnership, the registration statement shall provide the names and residence addresses of all responsible persons and the name and business address of the registered agent for service of process appointed pursuant to the Code of Iowa.

- ii. If an estate, the name and business address of the personal representative of the estate.
 - iii. If a trust, the names and addresses of the trustee or trustees.
 - iv. If a partnership, the names and residence addresses of the partner or partners.
 - b. Contact information for a responsible person, as defined by this chapter, who is a natural person who may be contacted at all times for inspections, emergency repairs, or maintenance, and who can respond to the vacant building or structure when requested.
 - c. Any rehabilitation or demolition plans for the building or structure.
 - d. An acknowledgement by the owner that grass and weeds shall not exceed a height of eight inches and a plan for how the owner will comply with this requirement.
 - e. An acknowledgement by the owner that snow and ice shall be removed from the public right-of-way within 24 hours of snowfall and a plan for how the owner will comply with this requirement.
 - f. An acknowledgement by the applicant that the owner is aware of and understands the vacant building maintenance standards in this chapter.
4. Vacant Building Permit Renewal. Any applicant seeking to renew a permit must submit an updated vacant building registration form and shall pay the required fee as established by the City Council.

164.06 PERMIT REQUIREMENTS.

A permit may only be issued or renewed if the building or structure which is subject to the application satisfies the following requirement:

1. Code Compliant. All buildings or structures subject to the application shall comply with all building, fire, property maintenance, zoning, and other applicable sections of the Code of Ordinances, and shall apply for all necessary building, fire prevention and zoning permits, if any are required to bring the building into compliance, upon application for a vacant building permit.

164.07 PERMIT ISSUANCE.

1. The Building Inspector shall issue or renew a vacant building permit upon being satisfied that the building has been inspected and is in compliance with all applicable provisions of this Code and the vacant building maintenance standards set forth in this chapter, and is adequately protected from intrusion by trespassers and from deterioration by the weather. This permit shall be effective for a period of 365 days from the date of issuance or renewal.
2. All permits issued are subject to all other applicable conditions of this Code of Ordinances and the following additional conditions:
 - a. Consent to Entry. All applicants and owners holding a permit consent to the entry of duly authorized officials of the City 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 any Court of competent jurisdiction and said Court shall thereupon issue its order authorizing the appropriate person to enter such establishment to inspect.

- b. Consent to Emergency Inspections or Emergency Repairs. All applicants and owners holding a permit consent to the entry of duly authorized officials of the City if such official has reason to believe that an emergency situation exists with respect to the building or structure that tends to create an imminent hazard to health, welfare or safety of the general public, in the discretion of such official, then such official may enter the building to inspect the premises, without notifying the responsible party or obtaining a warrant. If such official finds an emergency situation exists in fact, which presents an imminent hazard to the health, welfare or safety of the general public, then such official may cause any reasonable action, including the employment of necessary labor and materials, to perform emergency repairs to alleviate the hazard. City employees will confer with legal counsel prior to entering or causing entry to be made to premises and/or performing any emergency repairs without prior owner notification and consent. Costs incurred in the performance of emergency repairs may be paid by the City and if so paid, the City may levy a special assessment against the property to recover the costs.
- c. Cooperation by Owner or Responsible Person. All owners holding a permit or responsible persons identified in a permit application shall cooperate with and facilitate inspections of the premises at reasonable times pursuant to reasonable notice to determine compliance with the requirements of this chapter. 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 Building Inspector within 30 business days of any changes to the contact information of the owner or responsible person.
- d. Continued Compliance. For the vacant building permit to remain valid, the building or structure subject to the permit shall continue to comply with all the requirements of the vacant building maintenance standards.

164.08 VACANT PROPERTY STANDARDS.

Vacant Building Maintenance Standards. All buildings or structures subject to the application shall adequately protect the building from intrusion by trespassers and pests, and from deterioration by the weather. The buildings must also comply with the following vacant building maintenance standards:

- a. Building Openings. Doors, windows, areaways, and other openings shall be weathertight and secured against entry by birds, vermin and trespassers. Missing or broken glass in doors, windows and other such openings shall be repaired / replaced with glass. No building opening shall be boarded. All first floor or ground level windows, doors and openings shall be free of any posters, paper or fabric coverings.
- b. Waste Removal. All waste, debris, rubbish, and garbage shall be removed from the interior of the building or structure and surrounding premises.
- c. Roofs. The roof and flashings shall be sound and tight, not admit moisture, or have defects which might admit moisture, rain, or roof draining and shall allow for sufficient drainage to prevent dampness or deterioration in the interior of the building.

- d. Drainage. The building storm drainage system shall be functional and installed in an approved manner, and 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 sanitary manner and in a manner that does not pose a threat to the public health, safety and 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 and in a sanitary condition so as not to pose a threat to the public health, safety and welfare, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal and rat-proof.
- 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 or similar surface treatment. Windows shall not be missing, broken, or boarded up.
- i. Decorative Features. The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features 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 or similar surface treatment.
- j. Overhanging Extensions. All balconies, canopies, marquees, signs, metal 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. Appurtenance. Any portion of a building, or any member, appurtenance ornamentation on the exterior thereof shall be of sufficient strength or stability, and anchored so as to be capable of resisting wind pressure of one-half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.
- l. Chimneys and Towers. Chimneys, cooling towers, smokestacks and similar appurtenances shall be structurally safe 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 or similar surface treatment.
- m. 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 within 24 hours of a snowfall.
- n. Accessory Building/Structures. Accessory buildings or structures such as garages, sheds and fences shall be free from safety, health and fire hazards; and, shall comply with these vacant building maintenance standards.

- o. 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, shall not be used for exterior storage, and shall not pose a threat to public health, welfare or safety.

164.09 VIOLATIONS AND ENFORCEMENT.

1. Authorized Officials. The Zoning Administrator and the Building Inspector shall have the authority to enforce the provisions of this chapter and to exercise the powers and duties specified in this chapter and may delegate their authority to appropriate City personnel.
2. Right of Entry. An Authorized Official has the right to enter buildings, structures, or premises subject to this chapter at reasonable times, with the express or implied consent of the owner, responsible person, or occupant, to inspect in accordance with the City's policy and procedure for entering onto private property to conduct administrative interior and exterior inspections for Code administration and enforcement. If entry is refused, it shall be a violation of this chapter for which a municipal infraction citation may be issued.
3. Inspections. An Authorized Official may inspect the premises and structures to determine compliance with this chapter at their discretion. All reports of such inspections shall be in writing, signed or initialed and dated. An Authorized Official may engage any expert opinion as deemed necessary to report upon unusual technical issues that arise in the course of their duties, in accordance with City policy. An Authorized Official may conduct inspections made pursuant to the provisions of this chapter in conjunction with other inspectors of the department, police officers, firefighters, or inspectors from other governmental bodies.
4. Issuance of Orders to Repair. Upon inspection, an Authorized Official or his/her designee, shall issue orders to repair for work needed:
 - a. To adequately protect the building from intrusion by trespassers and from deterioration by the weather.
 - b. To comply with the vacant building maintenance standards set forth in this chapter.
 - c. To ensure that allowing the building to remain will not be detrimental to public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood.
 - d. To eliminate any hazards to police officers or firefighters that may enter the premises in times of emergency.
 - i. When issuing orders to repair, the Authorized Official shall specify the deadline for completion of the repair required and shall mail the notice to the owner or responsible person identified in the permit. All work done pursuant to this chapter shall be done in compliance with any applicable Building, Fire, Property Maintenance and Zoning Codes and Ordinances.
5. Reinspection. Reinspection may be conducted after the deadline for repair as stated in the order. Reinspection are subject to applicable reinspection fees.

6. Notices and Orders. An authorized official may issue notices and orders to owners, responsible persons, operators, or occupants to obtain compliance with this chapter.
7. Revocation, Reinstatement Measures. If a vacant building permit is revoked by the Building Inspector for noncompliance with any provisions of this chapter, the owner of the building shall be given 30 days to comply with the provisions of this chapter. Extensions of such 30-day period may be granted at the discretion of the Building Inspector. Upon expiration of the 30-day period, or any extension thereof, if the building continues to be noncompliant, a municipal infraction shall be issued.
8. Failure to Comply. If the owner fails to take corrective action within the specified time frame the city may pursue any and all remedies otherwise existing at law, including but not limited to municipal infraction, civil suit for abatement of nuisance, or proceedings to acquire title under Iowa Code § 657A.10B.

164.10 EXEMPTIONS.

1. Property under construction. A vacant property that is actively under construction or renovation with a valid permit shall be exempt from the registration requirement.
2. Property actively listed for sale or lease. A vacant property that is actively listed and offered for sale or lease shall be exempt from the registration requirement subject to the following conditions:
 - a. A sign, legible from the nearest street, is continuously posted at the property notifying the public of the offered sale or lease and a phone number, email address, or website to contact for more information.
 - b. The property is offered for sale at a price not to exceed twenty-five percent more than the assessed value as documented by the Dallas County Assessor's Office unless the owner submits a qualified appraisal or recent comparable market data which justify a higher value.
 - c. The property is offered for lease at a proposed rent that is comparable with the rental market throughout the community.
 - d. If after twelve months of active listing, the property remains vacant, registration shall be required.
3. Temporary Vacancy of Owner-Occupied Dwellings. A vacant owner-occupied residential property where the owner resides elsewhere for less than six months per calendar year shall be exempt from the registration requirement.

164.11 PROCESS AND TIMELINE.

No later than May 1, 2025 following passage of this chapter, and subsequently within 30 days of a lot, building or structure becoming vacant as defined herein, a building owner must complete a vacant building registration form, which serves as an application for a vacant building permit.

1. There is no charge for the initial application as long as the building is compliant with all applicable building codes.
2. If the building remains vacant for 180 days necessitating the 180-day inspection, the building owner or representative shall pay the permit or inspection fee.
3. Upon completion of the inspection, the building owner or representative shall remedy as ordered. If no repairs are necessary, the permit is valid for one year from the 180-day inspection, at which time the inspection process begins again with the vacant building permit fee being due annually thereafter.

4. If the inspection results in necessary repairs being ordered, a reinspection will be conducted in accord with the provisions of this chapter.
5. In the case of a necessary reinspection, the annual permit begins upon all necessary repairs being made and bringing the building into compliance with all applicable building codes.

164.12 FEES AND PENALTIES.

1. Vacant Building Permit Fee. The Council shall establish a fee for the 180-day issuance and renewal of a vacant building permit fee.
 - a. Permit Fee Due. The vacant building permit fee is due upon the 180-day inspection.
 - b. Reinspection Fees.
 - i. To compensate the City for its inspection and administrative costs reasonably related to the enforcement, an escalating fee established by the Council through resolution, may be charged for any reinspection following the initial inspection which resulted in an order for corrective action, and the first reinspection to determine compliance with an order for corrective action issued hereunder. There shall be no reinspection fee if the inspection indicates full compliance, or for a reinspection occurring during the period of an approved time extension granted for good cause and involving a good faith effort on the part of the property owner to comply with the order.
 - ii. Failure to pay reinspection fees within 30 days of mailing an invoice to the property owner of record shall constitute a violation of this chapter for which a municipal infraction citation may be issued.

164.13 APPEALS.

The owner shall have the right to appeal a notice of violation by the authorized official to the building code board of appeals as outlined in Section 15.04.150.

1. Written Request for Appeal. A written request for an appeal must be submitted within ten calendar days from the date on the notice of violation to the development services director. The written request shall include the following:
 - a. Date
 - b. Owner's name
 - c. Owner's address,
 - d. Owner's phone number
 - e. Property address or parcel number
 - f. Information supporting the owner's position
2. Setting the Hearing. As soon as practicable after receiving the written appeal, the Board of Appeals shall fix a date, time and place of hearing. Said hearing shall be not more than thirty days from the date the written notice of appeal is filed.
3. Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions of this subchapter shall constitute a waiver of rights to an administrative hearing and adjudication of the notice and order or any portion thereof.
4. Matters of Consideration. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

5. Decision. After hearing all testimony, the board of appeals shall have ten days to issue a decision. The decision may contain findings of fact, a determination of the issues presented, and any requirements to be complied with.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

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 and approved by the Council on the 14th day of April, 2025.

Joe Herman, Mayor

ATTEST:

Jessica Drake, City Clerk

First Reading: April 14, 2025

Second Reading: WAIVED

Third Reading: WAIVED

I certify that the foregoing was published as Ordinance No. 2025-04 on the ____ day of April, 2025.

ATTEST:

Jessica Drake, City Clerk