

## Chapter 5-10

### PROPERTY MAINTENANCE CODE

#### Sections:

<b>5-10-1</b>	<b>Title</b>
<b>5-10-2</b>	<b>Purpose</b>
<b>5-10-3</b>	<b>Interpretation</b>
<b>5-10-4</b>	<b>Abrogation and Greater Restrictions</b>
<b>5-10-5</b>	<b>Severability</b>
<b>5-10-6</b>	<b>Definitions</b>
<b>5-10-7</b>	<b>Maintenance Standards</b>
<b>5-10-8</b>	<b>Violations</b>

#### **Section 5-10-1 Title**

This ordinance may be referred to as the "Property Maintenance Code", and is herein referred to as "this Code".

(Ord. 08-O-2007-2008, Add, 12/17/2007)

#### **Section 5-10-2 Purpose**

The purpose of this Code is to protect the public health, safety, and welfare, esthetics and property values, by establishing minimum standards for maintenance, appearance, condition, and occupancy, and for essential utilities, facilities, and other physical components and conditions to make residential premises fit for human habitation, and to make nonresidential premises fit for use according to the purpose for which they were developed; by fixing certain responsibilities and duties upon the owners and managers, and distinct and separate responsibilities and duties upon the occupants; by authorizing and establishing procedures for inspection of premises, and enforcement of this Code; establishing penalties for violations; and providing for proper repair, demolition, or vacation of premises which do not comply with this Code.

(Ord. 08-O-2007-2008, Add, 12/17/2007)

#### **Section 5-10-3 Interpretation**

The provision of this Code shall be interpreted and applied as minimum requirements, and shall not be deemed a limitation or repeal for any other power granted by the Code of Iowa.

Nothing in this Code shall be construed to abrogate the Federal or State Constitutions, nor to grant powers to the City that are otherwise reserved by and for Federal and State government.

(Ord. 08-O-2007-2008, Add, 12/17/2007)

#### **Section 5-10-4 Abrogation and Greater Restrictions**

It is not the intent of this Code to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. Where two or more provisions apply the higher standard shall prevail.

(Ord. 08-O-2007-2008, Add, 12/17/2007)

### **Section 5-10-5 Severability**

If a section, provision, or part of this Code is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Code as a whole or any section, provision, or part hereof not adjudged invalid or unconstitutional.

(Ord. 08-O-2007-2008, Add, 12/17/2007)

### **Section 5-10-6 Definitions**

Words used in this Code shall have the same meaning as that defined by the Zoning Ordinance, unless otherwise defined by this Code.

(A) Abandoned Building. Any building or portion of a building under construction which has stood with an incomplete exterior shell for more than one year, or any completed building or portion thereof which has stood unoccupied for longer than six (6) months, and which is unsecured or has Housing Code or Building Code violations.

(B) Deterioration. A state of conditions caused by a lack of maintenance or excessive use, characterized by holes, breaks, rot, crumbling, peeling paint, rusting, or other evidence of physical decay or neglect.

(C) Enforcement Officer. The Police, City Administration or Code Enforcement Officer, or other staff as may be assigned.

(D) Eviseration/Slaughtering B Slaughter is the killing of live animals for the purpose of converting them into meat or for having the animal mounted by a taxidermist and does not include the killing of a live animal by police or other persons for public safety purposes. Eviseration is the bleeding out and/or disembowelment of a dead animal.

(E) Exposed to Public View. Any premises or any part thereof which may be lawfully viewed by the public or from adjoining premises.

(F) Exterior. Yards and other open outdoor spaces on premises, and the external surfaces of any structure.

(G) Extermination. The control and elimination of insects, rodents and vermin.

(H) Farm. Agricultural use types include the on-site production and sale of plant and animal products by agricultural methods.

#### **1. Horticulture**

The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

#### **2. Crop Production**

The raising and harvesting of tree crops, row crops for field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

3. Animal Production

The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational use. Typical uses include grazing, ranching, dairy farming, and poultry farming.

4. Commercial Feedlots

The exclusive use of a site for the confined feeding or holding of livestock or poultry within buildings, lots, pens, or other close quarter, which are not used, for crop production or where grazing of natural vegetation is not the major feed source.

5. Livestock Sales

Use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.

(I) Infestation. The presence of insects, rodents, vermin, or other pests on the premise to the extent that they constitute a health hazard, are deemed by an Enforcement Officer to be in threat of spreading to adjoining premises, or are exposed to public view.

(J) Junk. Any discarded or salvaged material or fixture; obsolete or inoperable machinery or vehicle, or parts thereof; or scrap metal.

(K) Nuisance. Physical conditions that are dangerous or detrimental to the health or safety of persons on or near the premises where the conditions exist, or anything that is injurious to the senses or interferes with the comfortable enjoyment of life or property.

(L) Owner. Any person who alone, jointly, or severally with others, holds legal or equitable title to any premises, with or without accompanying actual possession thereof.

(M) Premises. A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.

(N) Public Authority. Any officer or any department or branch of the City, County, or State charged with regulating health, fire, zoning, building regulations, public safety or other activities concerning property in the City.

(O) Refuse. Any material that has lost its value for the original purpose for which it was created or manufactured, or for its redesigned use, whether putrescible or non-putrescible, combustible or non-combustible, which is not securely stored in a building or legal outdoor storage yard for prompt disposal or resale, including, but not limited to junk; paper or cardboard; plastic, metals; glass; yard clippings, leaves, woody vegetative trimmings, and other plant wastes which have not been properly composted; vegetable or animal waste resulting from the handling, processing, storage, preparation, serving or consumption of food, crockery; bedding, furniture, or appliances; offal; rubbish; ashes or incinerator residue; construction debris; accumulation of animal feces; dead animals; or wastes from commercial or industrial processes.

(P) Responsible party. Any person having possession, charge, care, or control of real or personal property, whether with or without the knowledge and consent of the owner, including without

limitation any one or more of the following: owner, agent, property manager, contract purchaser, mortgagee or vendee in possession, receiver, executor, trustee, lessee or tenant, or any other person, firm or corporation exercising apparent control over a property.

(Q) Vehicle. Any device designed to transport a person or property by land, air, or water, such as automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, boats, airplanes, or any combination thereof, except bicycles.

(Ord. 08-O-2007-2008, Add, 12/17/2007)

### **Section 5-10-7 Maintenance Standards**

A) GENERAL. The exterior of every premises and structure shall be maintained in good repair, to the end that the premises and each structure thereon will be preserved; adjoining properties protected from blighting influences; and safety and fire hazards eliminated.

(B) MAINTENANCE OF PREMISES. Each and every premise shall be kept free of all nuisances, health, safety, and fire hazards, unsanitary conditions, and infestation. It shall be the duty of the responsible party to keep the premises free of all said conditions and to promptly remove and abate same, which include but are not limited to the following declared nuisances:

1. Weeds or grasses allowed to grow to a height greater than eight (8) inches on the average, or any accumulation of dead weeds or grass that are exposed to public view, on any non-farm property. This provision shall not apply to prairies, wetlands, or similar area of naturalized perennial vegetation which are certified by an Enforcement Officer to not constitute a nuisance.
2. No person shall permit garbage or recyclable materials to accumulate longer than a garbage collection cycle upon premises owned or occupied by him or her if such accumulation would violate the purpose of this Chapter as set out in City Code 3-1-1 nor shall any person deposit any garbage or recyclable materials upon any other premises except the County Landfill unless such person has been authorized by the owner of the premises to deposit such materials there.
3. Any structure, which is in such a dilapidated condition that it is unfit for human habitation or the use for which it was constructed; kept in such an unsanitary condition that it is a menace to the health of people residing therein or in the vicinity thereof; any structure defined as a dangerous building by the most-current edition of the Uniform Code for the Abatement of Dangerous Buildings, as published by the International Conference of Building Officials; or any building that is defined as abandoned or a public nuisance by Chapter 657A, Code of Iowa.
4. Any inoperable vehicle which is exposed to public view for more than ten (10) days, unless located on the premises of a lawfully operated junk yard or undergoing repairs in an expeditious manner at a vehicle repair business.
5. The presence of mud, dirt, gravel or other debris or matter, whether organic or inorganic, deposited upon and adjacent to or on public property in a quantity judged by an enforcement officer to be a threat to public safety or to cause pollution, obstruction, or siltation of drainage systems, or to violate solid waste disposal

regulations, or illicit discharge regulations contained in Chapter 3-11, of the Storm Lake City Code. This subsection is subject to the possible exception set forth in 5-10-7(B)(5a).

5(a). No person shall store or permit to be stored dirt, sand, gravel, debris or similar materials on a vacant lot unless said dirt or other materials shall be leveled and the lot brought to uniform grade consistent with surrounding lots. As an exception to the foregoing, the following uses are permitted:

1. Materials stored in bulk which are to be used as a part of the normal operations of a legally permitted landscaping business for use on other lots or to be sold on premises.

2. Dirt, sand, gravel and other materials may be stored in mounds for a period not to exceed four (4) months on a vacant lot in anticipation of construction on that lot, or in connection with construction on a neighboring lot, but for no other purpose.

6. Failure to establish a permanent cover of perennial grasses on any non-farm property or adjacent unpaved public right-of-way as soon as practical after any construction on the lot and adjacent right of way, and to thereafter maintain same in such condition as to substantially bind the surface of the soil and prevent erosion, whether by sheet or gully, or by wind or water.

Exceptions shall be permitted for densely shaded areas, landscape beds, and gardens, provided that vegetable gardens and agricultural crops shall not be placed in the front yard of a non-farm property, unless it can be demonstrated that no other viable location exists on the premises because of topography, natural vegetation, or similar circumstances out of the resident's control. Additionally, if permanent grass cover fails to establish itself on the right of way, due to road salt, sand and other winter maintenance procedures, then ornamental rock cover may be established, subject to the approval of the City Administrator and/or designee.

7. Any nuisance as defined herein or described as such by Chapter 657 of the Code of Iowa.

8. Any alteration, modification, or obstruction which prevents, obstructs or impedes the normal flow of runoff from adjacent lands, or any alteration or modification which substantially concentrates or increases the flow of water onto an adjoining premises to the extent of damaging or saturating such premises.

9. Conditions which are conducive to the accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials and similar materials or conditions on a premise which constitutes a fire, health or safety hazard.

10. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools, and drain fields, which have failed or do not function properly, as may be evidenced by overflow, leakage, seepage, or emanation of odors, or which do not comply with the Buena Vista County Department of Health regulations, as applicable. Septic tanks, cisterns, and cesspools which are no longer in use shall be removed, or emptied and filled with clean dirt or sand.

11. Fences or retaining walls that are not structurally sound or which are deteriorating, as may be evidenced by leaning or loose elements.
12. Dead or diseased trees or other woody vegetation which may lead to the spread of the disease to other specimens or pose a threat to safety of buildings; major parts thereof, such as a limb, which may be dead or broken or otherwise pose a threat to safety of persons or buildings on adjoining premises; any vegetation located on private property which overhangs and is less than 8 feet above the traveled portion of any sidewalk or not less than 14 feet above the traveled portion of any street.
13. Loose, overhanging objects or accumulations of ice or snow, which by reason of location above ground level constitute a danger of falling on persons in the thereof. (Dangerous Building Code 302-5, 6)
14. The slaughtering of live domestic animals or evisceration of dead domestic animals in any residential zoned district other than the Sunrise Campgrounds until such time as the campgrounds are renovated. Deer shall be included in the category of domestic animal. Any further processing of a dead animal shall be out of public view.

(C) **BUILDING MAINTENANCE.** All buildings shall be maintained to be weather and water tight. Broken windows, holes in roofs, and missing siding shall be replaced with similar materials to maintain the weather and water tight properties of the structure. All wood including floor boards, decking, subfloors, joists, rafters, roof sheathing, and siding shall be replaced when missing, rotted or damaged. Materials and practices used in reconstruction and residing shall be of standard quality and appearance commensurate with the character of house or building. Their appearance, as judged under prevailing appraisal practices and standards. Owners or responsible parties shall not use materials which would depreciate the value of adjoining premises or the neighborhood. Painted surfaces shall be maintained or repainted so that an individual wall surface does not have peeling or missing paint in areas in excess of fifty percent (50%) of that individual surface area.

(D) The purpose of this Section is to establish minimum standards relating to the parking of vehicles on private property and adjacent right-of-way in all zoned districts.

1. Definitions

Hard-Surfaced driveway shall mean any driveway, adjacent wing, or approach area that is paved with a hard surface including concrete, asphalt, or paving stones installed and maintained according to city specifications.

Non Hard-Surfaced driveway shall be defined as a driveway constructed of gravel, millings, dirt, grass, and/or any other non-smooth/hard surface.

Approach shall be defined as that area of the driveway which begins at the street and extends through the public right-of-way.

Wing Area is defined as a permitted increase in the width of the driveway, all of which

must be located on private property and no part of which may be on the Approach.

Auxiliary Parking Area shall mean a parking lot and shall only be allowable when required for multi-family residential complexes.

Multi-family Unit shall be defined as a residential structure containing two(2) or more separate residential units.

Curb Cut shall mean an opening formed in the standard profile of curb and gutter either by sawing and breaking or grinding and done to maintain drainage.

2. Parking within the City of Storm Lake shall be limited in residentially zoned districts (R-1, R-2, R-3, and R-4 as well as permitted non-conforming residential uses and approved residential conditional uses in other zoning districts) of the City to hard-surfaced driveways. In R-3 and R-4 as well as permitted non-conforming residential uses and approved residential conditional uses in other zoning districts, any auxiliary parking areas must be hard surfaced as well. Each lot will be limited to one hard-surfaced driveway with a maximum width of twenty-four feet (24') in the case of a two-car garage, single-car garage, or no garage and a maximum width of thirty-two feet (32') in the case of a three car or larger garage. In addition, each lot will be allowed one hard-surfaced wing area directly adjacent to the hard-surfaced driveway with a maximum width of twelve feet (12') to be used for parking. A hard-surfaced winged parking area is allowed on only one side of the hard-surfaced driveway and not both sides. Hard-surfaced wing parking areas shall not encroach upon the public right-of-way area. No person shall park a vehicle in the front or side yards of a residence except upon permitted driveways, wing areas and approach, and for multi-family uses, upon a permitted auxiliary parking area.

3. For all residential lots the maximum allowable width of the approach per lot shall be limited to a maximum width of twenty-four feet (24') in the case of a two-car garage, single-car garage, or no garage and a maximum width of thirty-two feet (32') in the case of a three car or larger garage. In the case of a lot having two approaches to accommodate a circular drive, the combined width of the approaches shall not exceed the maximum allowable width based on the number of garage spaces.

3(A). For Commercial and Industrial uses outside the Central Business District (CBD), the maximum allowable width of the approach shall not exceed thirty four (34') feet. As an exception, when unusual conditions exist at a location which would create a hardship or significant traffic conditions are present which would adversely affect traffic safety, approaches may be allowed to exceed the above stated width, subject to review by the City Administrator or other staff as may be assigned.

4. Parking areas and driveways accessed from an alley must be, at a minimum, surfaced with gravel in accordance with City specifications. The allowable width for alley approaches and parking areas shall be in accordance with an in addition to the allowable limits set forth earlier in this ordinance for street accessed parking.

5. All existing hard surfaced driveways, approaches, wing areas and/or hard-surfaced auxiliary parking areas on private property shall be permitted to continue as a non-conforming use if they exceed the maximum width permitted herein provided, however,

that if the City must cut an approach in connection with a street or utility improvement project, the City will only replace the approach to the maximum width permitted by this Ordinance. Existing non hard-surfaced driveways on private property and within the allowable maximum driveway width may continue but, at a minimum, be surfaced and/or maintained with gravel in accordance with City specifications. All of that portion of existing non hard-surfaced driveways in excess of the allowable maximum width may not continue and must be removed and returned to grass not later than September 1, 2008.

6. If an approach area is not hard surfaced, any gravel on any portion of the approach area which is in excess of the permitted width shall be removed not later than September 1, 2008 and the excess width returned to grass. The approach area, up to the maximum permitted width, must be hard surfaced not later than December 31, 2012. As an exception to the above subsection, existing approaches accessed from gravel streets would not have to be paved until such time as the City paves the street.

7. Any existing lots where surfaced approaches are in excess of the allowable width, as set forth in this Ordinance at the date of passage, shall be permitted to continue so long as they meet the definition of a surfaced driveway as set forth in this Ordinance and as long as the property owner agrees to accept responsibility to replace the surfaced area over the maximum allowed by this Ordinance at their expense if the approach should need to be replaced for any reason including utility work done in the public right-of-way by the City of Storm Lake or by public utilities.

8. All vehicle parking constructed after the adoption of this Ordinance shall be hard surfaced as defined herein.

9. Existing parking areas for multi-family units located in the City right-of-way accessed by curb cuts in existence prior to November 1, 2007 shall be allowed to remain as long as the area is hard surfaced by December 31, 2012 and may exceed the allowable driveway width as defined by this ordinance.

(E) REFUSE. The purpose of this Subsection is to eliminate unhealthy, unsanitary and unsightly conditions in the City caused by deposits and accumulation of garbage and to regulate the collection of same.

1. DEFINITIONS. For use within this Subsection the following terms are hereby defined:

- (a) "CAN": A container for the storage of garbage or recyclable materials which is provided with a handle and tight-fitting cover; is watertight; is substantially made of galvanized iron, plastic or rubber or other non-rusting material; and of a size that may be conveniently handled by the collector.
- (b) "COLLECTOR": Any person, business, private contractor, specifically including the City of Storm Lake, which picks up and removes garbage, recyclable materials, or yard waste for a fee and is licensed, in accordance with Storm Lake City Code.

- (c) "GARBAGE": All animal, fruit, vegetable and other waste material resulting from the preparation of food and drink together with other discarded items that do not fall into the category of recyclable material or yard waste.
  - (d) "RECYCLABLE MATERIAL": Materials which may be designated as recyclable by the Buena Vista County Recycling center such as cardboard, clean newspapers, magazines, number one and two plastic, tin cans, clear and amber glass; subject to such additional items or deletions of items that the Recycling Center may make from time to time.
  - (e) "YARD WASTE": Yard waste shall have such definition as is given to it by the Iowa Department of Natural Resources, but in any case shall include glass clippings, leaves, garden waste and branches from trees and shrubs.
2. DUTY TO PROVIDE CANS. Each person who shall store garbage or recyclable materials out of doors on premises owned or occupied by that person shall provide and use cans suitable in capacity for the storage of garbage and recyclable materials accumulating in a normal collection period. The foregoing shall not be construed as requiring a can of sufficient capacity for the occasional discarded item which is too large for a can if discards of this type are not regularly reoccurring.

All cans provided shall be kept covered and reasonably clean at all times. They shall be placed in a position readily accessible to the collector outside of buildings but not in alleys or streets; provided, however, that persons storing garbage in commercially zoned districts or residential complexes of 4 or more units may store garbage and recyclable materials discretely on their own property or in the alley in cans or other commercial containers if such cans or containers are stored immediately adjacent to the adjoining building.

3. ACCUMULATION AND DEPOSIT OF GARBAGE OR RECYCLABLE MATERIALS PROHIBITED. No person shall permit garbage or recyclable materials to accumulate upon premises owned or occupied by him or her if such accumulation would violate the purpose of this Chapter as set out in City Code 3-1-1 nor shall any person deposit any garbage or recyclable materials upon any other premises except the County Landfill unless such person has been authorized by the owner of the premises to deposit such materials there.

(Ord. 11-O-2007-2008, Amended, 02/18/2008; Ord. 10-O-2007-2008, Amended, 12/17/2007; Ord. 09-O-2007-2008, Amended, 12/17/2007; Ord. 08-O-2007-2008, Add, 12/17/2007)

**Section 5-10-8 Violations**

(A) ENFORCEMENT. The creation or maintenance of a violation of this ordinance is prohibited and shall constitute a municipal infraction subject to the penalties and alternative relief authorized by Title I, Chapter 20 of the City Code and by Section 364.22 of the Code of Iowa. Each day that a violation is permitted to continue beyond any period of time granted by the enforcement officer to correct the violation constitutes a separate offense.

(B) INSPECTIONS. All inspections, enforcement actions, and hearings on violations, unless expressly stated to the contrary, shall be under the direction and supervision of an Enforcement Officer, who may appoint or designate other public officers or employees to perform duties as may be necessary to enforce this Code, including inspections and holding of hearings. The

Enforcement Officers are hereby authorized to abate such violations in accordance with the procedures of this Code and to serve notice to abate same, whether upon the owner or other responsible party for a premise upon which a violation is being maintained, or upon the person or persons causing or maintaining the violation.

(C) VOLUNTARY ABATEMENT. The objective of this Code being the abatement of violations, persons violating this Code shall, except in emergency situations, be given notice of the violation and allowed a reasonable amount of time to voluntarily remedy the violation before action to assess costs or penalties for committing a municipal infraction are undertaken. Consideration will be given to evidence of a good faith effort to correct the violation; whether an imminent health or safety hazard exists; whether the person has previously been notified of or charged with violations of a similar nature; and other factors.

(D) EMERGENCY CONDITION. If the Enforcement Officer judges that an emergency exists which creates a dangerous and imminent health or safety hazard to persons, property or the general public which requires immediate action, the City may order such action as may be necessary to meet the emergency. Any orders issued pursuant to this paragraph shall be effective immediately or in the time and manner prescribed in the order itself.

(E) REPEAT OFFENSE. The enforcement officer may, but shall not be required to, give notice to abate prior to issuance of a municipal infraction citation for a repeat offense involving the same property and occurring within one year of a prior violation and notice to abate.

(F) NOTICE. When service of a notice to abate is required, the following methods of service shall be deemed adequate:

1. By personal service upon the person or persons causing or maintaining the violation or the owner of the property upon which the nuisance exists.
2. If, after reasonable effort, personal service cannot be made, service shall be made by sending the notice by certified mail, return receipt requested to the last known address of the responsible party or owner as appropriate.

(G) ABATEMENT REMEDIES AND PENALTIES. In the event that the violation is not abated as ordered and within the time specified, the City may abate such violation by undertaking such abatement and assessing the costs thereof against the property.

1. Abatement may include but is not limited to repair, removal, cleaning, extermination, cutting, mowing, grading, sewer repairs, draining, securing, barricading or fencing, demolition of dangerous or abandoned structures or portions thereof, and elimination of nuisances. Abatement costs may include the cost of removing or eliminating the violation; the cost of investigation, such as title searches, inspection, and testing; the cost of notification; filing costs; and other related administrative costs. Inoperable or obsolete vehicles which have been impounded may be sold in accordance with state law. If an inoperable or obsolete vehicle removed from private premises is not sold or if the proceeds of such sale or redemption are not sufficient to pay the costs of abatement, storage and sale of said inoperable or obsolete vehicle, such cost or the balance of such cost may be assessed against the premises in the same manner as a property tax.

2. Before the assessment of any charges for work done or caused to be done by the City the owner of the property proposed to be assessed shall be provided notice and opportunity for hearing before the Property Maintenance Appeal Board. The notice shall set forth the amount proposed to be assessed, and include a statement of the time, place, and date of hearing.
- (H) EMERGENCY ABATEMENT PROCEDURE. If an Enforcement Officer determines that a violation exists and constitutes an imminent, clear, and compelling danger to health, safety or welfare of persons or property, the enforcement officer is authorized to abate the violation or have it abated without prior notice and opportunity for hearing. The costs of such action may be assessed against the premises. However, prior to such assessment, the City shall give a property owner notice and the opportunity for a hearing before the Property Maintenance Appeal Board.

(I) APPEAL. There is hereby created a Property Maintenance Appeal Board. It shall have five members and those five members shall be the same as the five persons currently serving on the Storm Lake Board of Adjustment. When sitting as the Property Management Appeal Board, the powers of the Board of Adjustment shall not apply and the Property Maintenance Appeal Board shall have the following powers:

1. To determine whether the finding of a violation by the enforcement officer is correct.
2. To grant, upon a showing of extreme financial hardship, a reasonable extension of time to correct a violation.
3. To authorize, upon a showing of unique circumstances not attributable to the owner or responsible party, vehicle parking arrangements not otherwise permitted by this Code but which may not include any new gravel parking.
4. The cost of an appeal to the Property Maintenance Appeal Board shall be the same as the cost of an appeal to the Board of Adjustment, and shall be set by Resolution duly adopted by the City Council.

(Ord. 08-O-2007-2008, Add, 12/17/2007)