

BUILDING AND PROPERTY REGULATIONS

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CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer
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145.01 ENFORCEMENT OFFICER. The Mayor is responsible for the enforcement of this chapter.

145.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life, or that in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, 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 and 364.12[3a])

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

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of: (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
2. 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.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, 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.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. 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 months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

145.04 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 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 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 the 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 or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

145.05 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.[†]

145.06 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 KELLEY, IOWA." Such notice shall remain posted until the required demolition, removal or repairs 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.

145.07 RIGHT TO DEMOLISH; MUNICIPAL INFRACTION. 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. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

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

145.08 COSTS. Costs incurred under Section 145.07 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. In addition, the City may take any other action deemed appropriate to recover costs incurred.

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

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CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions

146.02 Conversion to Real Property

146.03 Foundation Requirements

146.04 Additional Requirements

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

(Code of Iowa, Sec. 435.1)

1. "Manufactured home" means a factory-built structure built under the authority of 42 U.S.C. Sec. 5403 which was constructed on or after June 15, 1976, and is required by federal law to display a seal from the United States Department of Housing and Urban Development.
2. "Manufactured home community" means any site, lot, field, or tract of land under common ownership upon which 10 or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. "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. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or federal seals.
4. "Mobile home park" means any site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term "manufactured home community" or "mobile home park" is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house said entity's own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home that is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26)

1. **Retailer's Stock.** Mobile homes or manufactured homes on private property as part of a retailer's or a manufacturer's stock not used as a place for human habitation.
2. **Existing Homes.** A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995,

shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system that meets the support and anchorage requirements as recommended by the manufacturer or required by the *State Building Code*. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the *State Building Code*.

(Code of Iowa, Sec. 103A.10 and 414.28)

146.04 ADDITIONAL REQUIREMENTS. A mobile home, modular home, or manufactured home built in years that predate the establishment of State guidelines that regulate foundation requirement, will not be allowed to locate within the City limits, unless within the confines of a mobile home park. In addition, no mobile, modular, or manufactured home will be approved for conversion to real property unless the structure has a multi-sectional design. All single-sectional design mobile, modular, or manufactured home structures will be restricted to placement within a designated mobile home park.

All mobile homes, modular homes, or manufactured homes placed prior to the passage of this Code will be exempt from this section, but will be subject to code in the event that the structure is moved. In the event that a nonconforming structure (that was in place prior to the passage of this Code) suffers damage that requires the structure's replacement, Section 165.18(3), will guide restrictions upon that replacement structure. All out guidelines regarding mobile, modular, or manufactured homes that only legally conform to this Code due to being placed prior to the passage of 146.04, will also be guided by Section 165.18.

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CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Plan

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

1. "Owner" means the owner of the principal building.
2. "Principal building" means the main building on any lot or subdivision thereof.

150.02 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.

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

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than three and one-half inches in height and of a contrasting color with their background.

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

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of 30 days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

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

150.03 BUILDING NUMBERING PLAN. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

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CHAPTER 151

FENCES

151.01 Types of Fences
151.02 Location and Height
151.03 Exterior Finish
151.04 Safety Hazards
151.05 Permit Required

151.06 Application to Existing Fences
151.07 Electric Fences
151.08 Barbed Wire Fencing
151.09 Swimming Pools

151.01 TYPES OF FENCES. These standards apply to walls, fences, hedges, and other structures used to enclose, divide, or separate parcels or areas of real estate, regardless of their construction or the transparency or opacity thereof.

151.02 LOCATION AND HEIGHT. No structures described in Section 151.01 shall exceed the maximum height from the ground surface upward established as follows for each zoning district:

1. Residential and Commercial.
 - A. Front Yards. Four feet in height; set back from property line one-half foot.
 - B. Side Yards. Four feet in height from the front boundary line to the building line, and eight feet in height for the remaining side yard; set back from property line is one-half foot or on the property line with the consent of adjoining property owners.
 - C. Rear Yards. Eight feet in height; set back from property line is one-half foot or on the property line with the consent of adjoining property owners.
2. Industrial.
 - A. Front Yards. Four feet in height; set back from property line is one-half foot.
 - B. Side Yards. Four feet in height from the front boundary line to the building line, and eight feet in height for the remaining side yard; set back from property line is one-half foot or on the property line with the consent of adjoining property owners.
 - C. Rear Yards. Eight feet in height; set back from property line is one-half foot or on the property line with the consent of adjoining property owners.
3. Agricultural.
 - A. Street or Road Frontage. Four feet in height, may be placed on the property line. Set back from property line is not required.
 - B. Other Locations. Any height is allowed so long as those traveling public ways do not have vision limitations so as to create a safety hazard.

151.03 EXTERIOR FINISH. All fences must be installed with the smooth side or most finished side facing out towards the adjacent property.

151.04 SAFETY HAZARDS. It is unlawful for any person to erect, install or maintain a fence which obscures clear view of traffic at intersections or driveways or which creates a safety hazard to pedestrians or vehicular traffic.

151.05 PERMIT REQUIRED. It is unlawful for any person to install, erect, construct, relocate or alter a fence within the City without first obtaining a permit therefor from the Zoning Administrator. No permit shall be issued if the Zoning Administrator determines that the proposed fence does not meet any of the requirements of this chapter. A sketch or design of the proposed fence, including a description of materials to be used and specification of height, shall be submitted with the application for a permit.

151.06 APPLICATION TO EXISTING FENCES. This chapter does not apply to fences in existence before the effective date of the ordinance from which this chapter derives,[†] except that on sale or transfer of the property upon which a nonconforming fence is located, such fence shall be made to conform to the requirements of this chapter or shall be removed within 30 days of closing or transfer.

151.07 ELECTRIC FENCES. It is unlawful for any person to erect, install or maintain any electrically charged fence within the City, except that the Building Official may issue a permit for an electrically charged fence to retain animals upon proof that the fence will not be hazardous to life.

151.08 BARBED WIRE FENCING. For the purposes of this chapter, barbed wire includes concertina wire, razor wire or any similar material. It is unlawful for any person to install, erect, construct or maintain any barbed wire fencing within the City, except for the following exceptions:

1. Not more than three courses of barbed wire may be installed above the top line of a six-foot tall chain link fence located in a district zoned for industrial or commercial purposes or on property used for industrial or commercial purposes under a valid nonconforming use.
2. Barbed wire may only be used in the following zoning districts, I-1, I-2, C-2, and A with a special exception. Barbed wire fences which comply with State statutes may be erected, constructed and maintained on premises zoned for agricultural uses.
3. Regardless of the zoning district, no barbed wire may be used in locations that are visible to a residential zoned property or within 20 feet of a public road, except with a special exception permit.

151.09 SWIMMING POOLS.

1. Definitions.
 - A. "Above-ground pool" is a pool that is erected above the earth's surface and is often temporary.

[†] **EDITOR'S NOTE:** Ordinance No. 03-0139, concerning fences, walls and pool enclosures, was adopted by the Council on July 8, 2003.

- B. "In-ground pool" is a pool that is permanently affixed below the earth's surface.
 - C. "Indoor pool" means a pool completely enclosed within the exterior walls and completely covered by the roof of a residential or recreational structure.
2. Requirements of Safety Measures.
- A. All in-ground pools shall be completely surrounded by a fence or wall not less than four feet in height, with no gaps larger than four inches. The house or accessory building may be considered part of the fence or wall. When not in use the gate or door must be latched or securely closed.
 - B. All above-ground pools must provide reasonable measures of safety when pool is not in use.

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CHAPTER 152

RESIDENTIAL CODE

152.01 Adoption of Residential Code
152.02 Sections Revised

152.03 Conflicts
152.04 Preservation of Rights

152.01 ADOPTION OF RESIDENTIAL CODE. That certain document, one copy of which is on file in the office of the Clerk, being marked and designated as the *International Residential Code*, 2006 edition, as published by the International Code Council, is hereby adopted as the residential code of the City, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; and for providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the City are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions, and changes, if any, prescribed in Section 152.02.

152.02 SECTIONS REVISED. The following sections are hereby revised:

1. Section R101.1. Insert: "the City of Kelley."
2. Section R103.1. Replace the section as it appears in the Residential Code with the following:

R103.1 Enforcement. All references to the "building official" in this code shall mean either the Clerk of the City of Kelley or the building inspector(s) appointed by the Kelley City Council, as appropriate.
3. Section R103.2. Replace the section as it appears in the Residential Code with the following:

R103.2 Appointment. The building official or building officials shall be appointed as provided by the Code of Ordinances of the City of Kelley.
4. Section R103.3. Delete this entire section as it appears in the Residential Code.
5. Section R104.2. Replace the section as it appears in the Residential Code with the following:

After receiving approval from the building inspectors and payment, the Clerk of the City of Kelley shall issue permits for the erection and alteration of buildings and structures. The building inspectors shall inspect the premises for which such permits have been issued and shall enforce compliance with the provisions of this code.
6. Section R105.1. Replace the section as it appears in the Residential Code with the following:

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is

regulated by this code, or to cause any such work to be done, shall first make application to the Clerk of the City of Kelley, receive approval from the building inspectors, make payment to the Clerk of the City of Kelley, and obtain the required permit.

7. Section R105.2. Strike Subparagraph 2. Permits are required for all fences.
8. Section R105.3. Replace the first sentence of this section as it appears in the Residential Code with the following:

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Clerk of the City of Kelley for that purpose.

9. Table R301.2 (1). Insert:

Ground Snow Load: 30

Wind Speed (mph): 90

Seismic Design Category: A

Subject to Damage From:

Weathering: Severe

Frost line depth: 42 inches

Termite: Moderately heavy

Winter Design Temp: -10 degrees Fahrenheit

Ice Barrier Underlayment: yes/required.

Flood Hazards: no

Air Freezing Index: 2000

Mean Annual Temp: 48 degrees Fahrenheit

10. Section R404.1.2. This section is specifically not adopted; Section R403.1.6 of the *International Residential Code*, 2003 edition, as published by the International Code Council, is hereby adopted.

11. Section P2603.6.1. Insert "60 inches" in two locations.

152.03 CONFLICTS. All other current and future City ordinances or parts of ordinances in conflict herewith are hereby specifically retained and declared to be controlling in case of conflict with the Code adopted under this chapter.

152.04 PRESERVATION OF RIGHTS. Nothing in this chapter or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed under Section 152.03; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

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CHAPTER 153

BUILDING CODE

153.01 Adoption of Building Code
153.02 Sections Revised

153.03 Conflicts
153.04 Preservation of Rights

153.01 ADOPTION OF BUILDING CODE. That certain document, one copy of which is on file in the office of the Clerk, being marked and designated as the *International Building Code*, 2006 edition, as published by the International Code Council, is hereby adopted as the Building Code of the City, for regulating and governing the conditions and maintenance of all property, buildings, and structures, by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Building Code on file in the office of the Clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 153.02.

153.02 SECTIONS REVISED. The following sections of the Building Code are hereby revised:

1. Section 101.1. Insert: “the City of Kelley”.
2. Section 103.1. Replace the section as it appears in the Building Code with the following:

103.1 Enforcement. All references to the “building official” in this code shall mean either the Clerk of the City of Kelley or the building inspector(s) appointed by the Kelley City Council, as appropriate.
3. Section 103.2. Replace the section as it appears in the Building Code with the following:

103.2 Appointment. The building official or building officials shall be appointed by the Kelley City Council.
4. Section 103.3. Delete this entire section as it appears in the Building Code.
5. Section 104.2. Replace the section as it appears in the Building Code with the following:

104.2 Applications and Permits. After receiving approval from the building inspectors and payment, the Clerk of the City of Kelley shall issue permits for the erection, alteration, demolition and moving of buildings and structures. The building inspectors shall inspect the premises for which such permits have been issued and shall enforce compliance with the provisions of this code.
6. Section 105.1. Replace the section as it appears in the Building Code with the following:

1.05.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building

or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Clerk of the City of Kelley, receive approval from the building inspectors, make payment to the Clerk of the City of Kelley, and obtain the required permit.

7. Section 105.2. Strike Subparagraph 2. Permits are required for all fences.
8. Section 1612.3. Insert: "the City of Kelley."
9. Section 1612.3. Insert: "date not applicable."
10. Section 3410.2. Insert: "May 8, 2007."

153.03 CONFLICTS. All other current and future City ordinances or parts of ordinances in conflict herewith are hereby specifically retained and declared to be controlling in case of conflict with the Building Code adopted under this chapter.

153.04 PRESERVATION OF RIGHTS. Nothing in this chapter or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed under Section 153.03; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

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CHAPTER 154

PROPERTY MAINTENANCE CODE

154.01 Adoption of Property Maintenance Code
154.02 Sections Revised

154.03 Conflicts
154.04 Preservation of Rights

154.01 ADOPTION OF PROPERTY MAINTENANCE CODE. That certain document, one copy of which is on file in the office of the Clerk of the City of Kelley, County of Story, State of Iowa, being marked and designated as the *International Property Maintenance Code*, 2006 edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the City of Kelley, County of Story, State of Iowa, (hereinafter "Property Maintenance Code"), for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code on file in the office of the Clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 154.02.

154.02 SECTIONS REVISED. The following sections are hereby revised:

1. Section 101.1. Insert: "City of Kelley, County of Story, State of Iowa."
2. Section 103.1. Replace the section as it appears in the Property Maintenance Code with the following:

103.1 General. All references to the "code official" in this code shall mean either the Clerk of the City of Kelley or the building inspector(s) appointed by the Kelley City Council, as appropriate.

3. Section 103.3. Delete this entire section as it appears in the Property Maintenance Code.

4. Section 103.5. Replace the section as it appears in the Property Maintenance Code with the following:

103.5 Fees. The fees for activities and services performed by the code official in carrying out responsibilities under this code shall be as prescribed by action of the Kelley City Council.

5. Section 103.6. Insert: Fees.

Registration fee	\$10.00
Single Family Residence Inspection	\$50.00
Multi Family Structure Inspection	\$50.00 +
	\$30.00 for each unit above one

6. Section 302.4. Insert: "eight inches" as appropriate.
7. Section 303.14. Insert: Dates. "April 1 to October 1."

8. Section 304.14. Insert: Dates. "April 1 to October 1."
9. Section 602.3. Insert: Dates. "September 1 to April 30."
10. Section 602.4. Insert: Dates. "September 1 to April 30."

154.03 CONFLICTS. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

154.04 PRESERVATION OF RIGHTS. Nothing in this chapter or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 154.03; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

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