

TITLE III COMMUNITY PROTECTION
CHAPTER 12 DILAPIDATED BUILDINGS

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3-7-1 PURPOSE. This ordinance amends the municipal code of the City of Coggon, Iowa, defining unsafe and dangerous buildings, declaring them nuisances, providing for their abatement by repair or removal, for vacating their occupancy, and for a penalty for violation.

3-12-2 BUILDING OFFICIAL. The mayor shall be the building official and shall be responsible for the enforcement of this ordinance.

3-12-3 DEFINITION OF UNSAFE. All buildings or structures that re structurally unsafe or not provided with adequate egress or which constitute a fire hazard or are otherwise dangerous to human life or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this ordinance, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repairs, rehabilitation, demolition, or removal in accordance with the procedure specified in 3-12-3, 3-12-4, 3-12-5 and 3-12-6.

“Unsafe building” shall mean any structure or mobile home meeting any or all of the following criteria:

1. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged or to collapse and thereby injure persons or damage property.
2. Whenever any portion of a building, or any member, or appurtenance, or ornamentation on the exterior thereof is not sufficient in strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of twenty pounds per square foot.
3. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
4. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty constructions; (c) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or € any other cause, is likely to collapse partially or completely.
5. Whenever, for any reason, the building or structure, or any portion thereof is manifestly unsafe for the purpose for which it is being used.

6. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
7. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members or fifty percent (50%) damage or deterioration of its non-supporting members, or of its enclosing or outside walls or covering.
8. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or as to (c) enable the persons to resort thereto for the purpose of committing unlawful or immoral acts.
9. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, including lack of paint so as to expose wood to rotting, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease.
10. Whenever any building or structure, because of obsolescence, dilapidation, condition, deterioration, damage, inadequate exists, lack of sufficient fire-resistive construction, faulty electrical wiring, gas connections, or heating apparatus, or other cause, is determined by the State Fire Marshal or Fire Chief to be a hazard.
11. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
12. 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.

3-12-4 NOTICE TO THE OWNER. The building official shall examine, or cause to be examined, every building or structure or any portion thereof reported as dangerous or damaged and, if such is found to be unsafe building as defined in this chapter, the building official shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition or removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from the date of notice, unless otherwise stipulated by the building official. 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 building official.

Notice shall be served upon the owner by certified mail, with return requested. If the letter is returned as refused or undeliverable, the law considers notice to have been given, and this section is satisfied. Where

there is no record of the owner, the notice may be given by publication. The designated period within which the owner or person in charge is required to comply with the order of the building official shall begin as the date the owner receives such notice or within ten (10) days following the publication of notice. However, such notice shall, except in cases of immediate danger, state that the person notified may request a hearing before the council concerning the determination that the building be repaired, removed or demolished, and such request shall be made at least three (3) days before the deadline set in the notice, if less than fifteen (15) days were set, and at least ten (10) days over twenty-one (21) days were set.

3-12-5 POSTING OF SIGNS. The building official shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. BUILDING DEPARTMENT, CITY OF COGGON, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the building official and no person shall enter the building except for the purposes of making the required repairs or of demolishing the building.

3-12-6 RIGHT TO DEMOLISH. In case the owner fails, neglects or refuses to comply with the notice to repair, rehabilitate or to demolish and remove or structure or portion thereof, the city council may order the owner of the building prosecuted as a violator of the provisions of this ordinance and may order the building official to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the council.

3-12-7 COSTS. Costs incurred under 3-12-6 shall be paid out of the city treasury. Such costs shall be charged to the owner of the premises involved and levied against the land on which the building or structure is located and shall be collected in the manner provided in Section 364.12(3)(h), 1995 Code of Iowa.