

CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer	145.05 Conduct of Hearing
145.02 General Definition of Unsafe	145.06 Posting of Signs
145.03 Unsafe Building	145.07 Right to Demolish
145.04 Written Notice to Owner of Building or Structure	145.08 Costs

145.01 ENFORCEMENT OFFICER. Either the Mayor or the Code Enforcement Officer shall be responsible for the enforcement of this chapter.

(Ord. 808 – Mar. 08 Supp.)

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

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

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 (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay, or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
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 (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

145.04 WRITTEN NOTICE TO OWNER OF BUILDING OR STRUCTURE. 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 written notice may require the owner, person or persons in charge of the building or structure, within 48 hours or such reasonable time as the circumstances may require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof. All such work shall be completed within 90 days from date of the written notice, unless otherwise agreed to by the enforcement officer. If necessary, such written notice shall also require the building, structure, or portion thereof to be vacated immediately and not reoccupied until the required repairs and improvements are completed and inspected and approved by the enforcement officer.

1. Written Notice Served. The written notice shall be served upon the record owner of the building or structure in one of the following manners:
 - A. By way of certified mail in accord with Iowa Code §354.123(3)(h);
 - B. By registered mail;
 - C. By personal service; or
 - D. By publication in the *Glenwood Opinion Tribune* if the record owner of the building or structure is unable to be located and upon the enforcement officer or Mayor attesting in affidavit form that a diligent search for the known address of the record owner of the building or structure was made, but to no avail. In the event of service by publication, the code enforcement officer or Mayor shall also cause the written notice to be posted upon the dangerous building or structure.

2. Oral Hearing. All written notices shall also advise the owner that he or she may request an oral hearing before the City Council on the written notice by filing a written request for oral hearing within the time provided in the written notice.

(Ord. 808 – Mar. 08 Supp.)

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 GLENWOOD, IOWA." Such notice shall remain posted until the required repairs, demolition or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

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

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

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.

(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.

o o o o o o o o o