

TITLE III COMMUNITY PROTECTION

CHAPTER 17 DANGEROUS BUILDINGS

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3-17-1 DEFINITIONS. For the purpose of this chapter, the following terms are defined as follows:

1. "Unsafe building" shall mean a building that is a menace to the public health, welfare, or safety, or that is structurally unsafe, unsanitary, or not provided with adequate safe egress, or that constitutes a fire hazard, or is otherwise dangerous to human life, or that in relation to the existing use constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

(Code of Iowa, Sec. 657A.7)

(Code of Iowa, Sec. 364.12(3)(a))

An unsafe building means any structure, building, or portion thereof meeting any or all of the following criteria:

A. 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.

B. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient 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 (20) pounds per square foot.

C. Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds and earthquakes than is required in the case of similar new construction.

D. 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 or 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.

E. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

F. Whenever, the exterior walls or other vertical structure 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 (1/3) of the base.

G. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

H. 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 persons to resort thereto for the purpose or committing unlawful or immoral acts.

I. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease.

J. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

K. 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.

L. 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.

2. "Enforcement officer" means the individual or agency responsible for the enforcement of this chapter. The Mayor is designated as the enforcement officer unless the Mayor appoints an alternate individual.

3. "The City" shall mean the City of Scranton, Iowa.

3-17-2 UNSAFE BUILDINGS DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that unsafe buildings located within the corporate limits of the City of Scranton, Iowa, as defined within this chapter constitute a threat to the health and safety of the citizens and are a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any unsafe building is in violation thereof, the owner of or the person occupying the property upon which the unsafe building is located shall be liable for said violation.

3-17-3 NOTICE TO OWNER. If the enforcement officer examines a building, structure or portion thereof reported to be unsafe and finds it to be unsafe according to the definition given in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the findings thereof. Such notice shall be served by personal service or by certified mail to the owner of record if the owner is found within the City limits, according to Section 364.12(3h) of the Code of Iowa. 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 on the date on which the owner receives such notice. The written notice shall include the following:

1. The address of the unsafe building;
2. The date and time in which the property owner or person in charge of the building or structure is required to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof. The required actions shall commence within forty-eight (48) hours of the notice being received or such reasonable time as the circumstances require.
3. The date on which all such work is to be completed. This shall be within ninety (90) days from the date of notice, unless otherwise stipulated by the enforcement officer; and
4. If necessary, order 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.
5. Notification to 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.

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

3-17-4 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. The owner shall be served with written notice specifying the date, time and place of hearing.
2. At the hearing, the owner or occupant of the property may appeal and show cause why the alleged nuisance shall not be abated.
3. The Council shall make and record findings of fact and may issue such order as it deems appropriate.

3-17-5 POSTING OF SIGNS. If a building, structure or portion thereof is deemed unsafe for entrance, 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 SCRANTON, IOWA."

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.

3-17-6 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to perform an action required under this subsection as directed, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may perform the required action to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk who shall pay such expenses on behalf of the municipality. In the event of an emergency, the City may perform any action which may be required under this section without prior notice, and assess the costs as provided in this subsection, after notice to the property owner and hearing.

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

3-17-7 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and the costs shall then be collected with, and in the same manner, as general property taxes.

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

3-17-8 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter. Interference with the enforcement of this chapter is punishable as a municipal infraction, with a fine of \$500.00 for the first offense and \$750.00 for each subsequent violation.