

Ordinance # O – 2 – 2018

**DANGEROUS BUILDINGS**

- I. ENFORCEMENT.** The City Council, Mayor, or other person(s) designated by the City Council are responsible for the enforcement of this chapter.
- II. GENERAL DEFINITION OF UNSAFE.** All buildings or structures which are structurally unsafe or do not provide 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.
- III. 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 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.

**IV. NOTICE TO OWNER.** Any building or structure or portion thereof reported as dangerous or damaged shall be examined and if such is found to be an unsafe building as defined in this chapter, written notice shall be given to the owner of such building or structure 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 and 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 City Council or Mayor. 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 City Council.

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 City Council on the notice by filing a written request for hearing within the time provided in the notice.

**V. CONDUCT OF HEARING.** If requested, the City 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.

**VI. POSTING OF SIGNS.** The City Council or Mayor shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF BERTRAM, 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 City Council or Mayor and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

**VII. 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 of portion thereof, the City Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the completion of the work specified in such notice by the City. Costs incurred shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved after notice and hearing and may be 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.

Passed and approved this 3<sup>rd</sup> day of May, 2018.

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James Drahos, Mayor

ATTEST:

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Lisa Berry, City Clerk