

BUENA VISTA COUNTY ORDINANCE NO. 5.6

Title: DANGEROUS BUILDINGS

BE IT ENACTED by the Board of Supervisors of Buena Vista County, Iowa:

5.6.101. ENFORCEMENT OFFICER. The Buena Vista County Environmental Health Director shall be responsible for the enforcement of this chapter.

5.6.102. GENERAL DEFINITION OF UNSAFE. All buildings, structures, or other improvements 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, as specified in this chapter or any ordinance 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. 331.384(1)(C)).

5.6.103. UNSAFE BUILDING. "Unsafe building" means any structure, mobile home, or improvement meeting any of the following criteria:

1. Collapse of Member. 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. Material Deterioration. 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, earthquakes, or weight load than is required in the case of similar new construction.
3. Various Inadequacies. Whenever the building, structure, or improvement 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, dislodge or fail.
4. Manifestly Unsafe. Whenever, for any reason, the building structure, or improvement, or any portion thereof, is manifestly unsafe for the purpose for which it is being used, or if vacant, was last used.
5. Deterioration. Whenever the building, structure, or other improvement exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

6. Damaged Structurally. Whenever the building, structure, or other improvement has been so damaged by fire, wind, earthquake, flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants; or as to (c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

7. Inadequate Maintenance. 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 the Buena Vista County Environmental Health Director to be unsanitary, unfit for human habitation, or in such condition that it is likely to cause sickness or disease.

8. Fire Hazard. Whenever any building, structure, or other improvement 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 appropriate County official to be a fire hazard.

9. Public Nuisance. Whenever any building, structure, or other improvement is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

10. 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.

5.6.104. NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building, structure, or other improvement 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 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 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. 331.384(2)).

1. Notice Served. Such notice shall be served by sending by certified mail to owner of record, according to Section 331.384(2) of the Code of Iowa. 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 of the owner receives such notice.

2. Hearing. Such notice shall also advise that the owner may request a hearing before the Board of Supervisors by filing a written request for hearing within the time provided in the notice.

5.6.105. CONDUCT OF HEARING. If requested, the Board of Supervisors 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 unsafe building or condition shall not be abated.

3. Determination. The Board of Supervisors shall make and record findings of fact and may issue such order as it deems appropriate. If the Board of Supervisors finds that a prohibited condition exists, the Board of Supervisors must order it abated within an additional time which must be reasonable under the circumstances. The findings of the board shall be conclusive.

5.6.106. 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. BUENA VISTA COUNTY, 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.

5.6.107. 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 Board of Supervisors 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 Board of Supervisors.

5.6.108. COSTS. Costs incurred under Section 5.6.107 shall be paid out of the County and charged to the owner of the premises involved, 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.

5.6.109. INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds \$100, the County may, as provided by section 331.384 of the Code of Iowa, permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest as benefited property in a special assessment district.

Adopted by the Board of Supervisors on this 22nd day of July, 2008.

BUENA VISTA COUNTY BOARD OF SUPERVISORS

/s/ Dale R. Arends, Chairperson Attest: /s/ Karen M. Strawn, Auditor