

## TITLE III – PUBLIC ORDER AND SAFETY (Chapters 20-25)

**CHAPTER 22****DANGEROUS BUILDINGS**

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**22.01 PURPOSE.**

This Chapter defines unsafe buildings and the procedure for abatement of said structures in unincorporated areas of Warren County.

**22.02 ENFORCEMENT AUTHORITY.**

The authority to designate a property as dangerous rests with the Board of Supervisors. However, the Board may designate a person, persons, or entity as the Compliance Officer. The Board shall hire a structural engineer to evaluate whether a building/structure has deteriorated or been damaged to the extent that it should be designated as an unsafe or dangerous property.

**22.03 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, as specified in this chapter or any ordinance herein, or as specified in Iowa Code Chapter 657A, are for the purpose of this ordinance 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 ordinance or Iowa Code Chapter 657A (2021). Iowa Code Chapter 331.384 (2021).

The County may use either this Ordinance or Iowa Code Chapter 657A for abatement purposes.

**22.04 UNSAFE BUILDING.**

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

1. Collapse. Whenever any portion or member or appurtenance there is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
2. Wind resistance. Whenever any portion of a building or 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 and capable of resisting a wind pressure of twenty (20) pounds per square foot.
3. 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 or earthquakes than is required in the case of similar new construction.
4. 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.
5. 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.
6. Exterior walls. 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. Deterioration. 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 nonsupporting members, enclosing or outside walls or coverings.
8. Damaged structurally. 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 or criminals; or to (c) enable persons to resort thereto for the purpose of committing unlawful acts.
9. 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 sanitary facilities, 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.

10. **Fire hazard.** Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-restrictive construction, faulty electric wiring, gas connections or heating apparatus, or other cause is determined by the State Fire Marshal or appropriate County official to be a fire hazard.
11. **Public nuisance.** Whenever any building or structure is in such a condition as to constitute a public nuisance pursuant to Iowa Code Chapter 657 (2021).
12. **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 pursuant to Iowa Code Chapter 657A Section 657A.1(1) (2021).

#### **22.05 NOTICE TO OWNER.**

The Board of Supervisors or the Board's designee 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, by a structural engineer hired by the County, an unsafe building as defined in this ordinance, the Board of Supervisors or the Board's designee 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 Board of Supervisors or the Board's designee. 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 Board of Supervisor's or the Board's designee. Iowa Code 331.384(2) (2021).

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 Iowa Code (2021). The designated period within which said owner or person in charge is required to comply with the order of the Board of Supervisors or the Board's designee 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 Board of Supervisors by filing a written request for hearing within seven (7) days. Hearing shall be held at the next Board of Supervisors regular meeting.

**22.06 CONDUCT OF HEARING.**

If requested by the owner, 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 nuisance 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, within 7 days of the hearing.

**22.07 POSTING OF SIGNS.**

The Board of Supervisors or the Board's designee shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. COUNTY OF WARREN, IOWA." The notice shall be signed by the Board Chairperson and the Board's designee (if any). Such notice shall not be removed without written permission of the Board of Supervisors, and no person shall enter the building except for the purpose of making the required repairs or demolishing the building.

**22.08 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 be prosecuted as a violator of this Ordinance. Further, the Board of Supervisors may order that the work specified in the notice be completed. A statement of the cost of such work shall be presented to the Board of Supervisors for payment by the County.

**22.09 COSTS.**

Costs incurred under Section 22.08 shall be paid by the County. 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 (or has been located if said building or structure is demolished and removed) and shall be certified to the County Treasurer for collection in the manner provided for other taxes. Iowa Code 331.384 (202).

**22.10 PENALTIES.**

Any person found to be in violation of Chapter 22 herein shall be subject to civil penalties set forth in Chapter 2, County Infractions, Warren County Code of Ordinances. Enforcement of penalties pursuant Chapter 2 County Infractions does not preclude enforcement of penalties under the Code of Iowa.

**22.11 SEVERABILITY CLAUSE.**

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, paragraph, provision, or part thereof not adjudged invalid or unconstitutional.

