

CHAPTER 145

DANGEROUS BUILDINGS

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145.01 ENFORCEMENT OFFICER. The Building Official or his designee is responsible for the enforcement of this chapter.

145.02 DEFINITIONS. The following words when used in this chapter shall have the meanings:

1. “Dangerous or dilapidated structure” means: (a) any building, shed, fence or other man-made structure which is dangerous to the public health because of its condition. A dangerous condition shall include but not be limited to one which may cause or aid in the spread of disease; or which may cause injury to the health of the occupants of it or neighboring structures; (b) any building, shed, fence or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, constitutes or creates a fire hazard; (c) any building, shed, fence or other man-made structure which, by reason of faulty construction or any other cause, is liable to cause injury or damage by its collapsing or by the collapse or fall of all or any part of such structure; (d) any building, shed, fence or other man-made structure which, because of its condition or because of lack of operable doors or windows which can be securely locked, is available to or frequented by persons who are not lawful occupants of such structure.

2. “Imminently dangerous structure” is any building, shed, fence or other man-made structure which, is in danger of imminent collapse of all or any part of such structure and is thereby an imminent danger to the health and safety of the general public or adjacent property.

3. “Owner” means the contract purchaser if there is one of record, otherwise the record title holder.

4. “Commercial structure” means any structure not used exclusively as a dwelling unit.

145.03 PROCEDURE TO REMEDY. Whenever the Inspecting Official determines that any structure is a dangerous or dilapidated structure, the inspecting official shall:

1. Cause to be posted in a conspicuous place on the structure a notice which shall substantially as follows: “Danger - Unsafe or Unfit Structure.” Such notice shall remain posted until the required repairs, removal or demolition is completed. Such notice shall not be removed except by the Inspecting Official or by the Inspecting Official’s written permission and no persons shall enter a building except for the purpose of making the required repairs, removal or demolition.
2. Cause to be served upon the owner thereof and the occupants, if any, a written notice shall contain:
 - A. The street address and a legal description sufficient for identification of the premises upon which the structure is located.
 - B. A statement that the Inspecting Official has found the structure to be a dangerous or dilapidated structure with a description of the conditions found to render the structure dangerous under the provisions of Section 145.02.
 - C. That the structure must be vacated by all occupants within a specified time, which shall be reasonable under the circumstances.
 - D. A statement of the corrective action to be taken as determined by the Inspecting Official including a time for commencing and completing such corrective action. All repair or modification or demolition work ordered shall be commenced within a reasonable time not to exceed thirty (30) days from the date of the notice and to be completed within a reasonable time not to exceed six (6) months from the date of notice. Corrective action may include repair, removal or demolition, as determined by the Inspecting Official.
 - E. A statement that if the required repair, modification or demolition work is not commenced within the time specified, the City will cause the structure to be demolished and will assess all costs thereof in accordance with State law. A statement that the Inspecting Official will report the failure of the owner to repair, modify or demolish the structure to the City Council; that the City Council will conduct a public hearing on the report and may order the City building official to proceed with demolition of the structure and thereafter assess all the costs of the demolition against the property and to the owner; that the owner may file

written objections with the City Clerk or appear at the public hearing and be heard orally in relation to the matter; and the date, time and place of the public hearing before the City Council.

F. A statement of the right to appeal the notice in writing to the Building Official within fifteen (15) days of the date of notice. However, a notice to demolish a structure shall not be subject to an appeal when said notice is given subsequent to a notice to repair or modify and such repairs or modifications have not been completed.

G. A copy of the ordinance codified by this chapter will be given along with the notification that a structure is dangerous or dilapidated.

3. Such notice may be in the form of an ordinance or by certified mail to the property owner as shown by the records of the County Auditor and to the occupants, if any, and shall state the time within which action is required. However, in an emergency, the City may perform any action which may be required under this section without prior notice and assess the costs as provided by law, after notice to the property owner and hearing.

4. The Inspecting Official shall file a copy of such written notice to the County Recorder.

145.04 TIME FOR COMPLIANCE. Any structure which shall have been posted with a notice that it is unsafe or unfit shall immediately be made as safe, secure and free from dangers to others as is possible pending repair or demolition. When the corrective action required is repair or modification, the owner of the premises shall, within thirty days of the date of notice, file a sworn statement of intention, with plans and financial reports as may be requested by the Inspecting Official to assure such intention, to repair, or modify the structure as required for compliance within the provisions of this title. The owner shall within sixty days of the date of notice, commence actual repairs or modifications as required and as stated in the sworn statement of intention. The owner shall, within a reasonable time determined by the Inspecting Official but not to exceed six months from the date of notice, complete such repairs or modifications as stated and required. When the corrective action required is the demolition of the structure, the owner of the premises shall, within fifteen days of the date of notice commence said demolition; and shall, within reasonable time determined by the Inspecting Official but not to exceed sixty days from the date of notice, complete such demolition as stated and required. The City Council may grant one extension of time to comply with an order to repair or modify or demolish a structure when the owner affirmatively shows the

financial ability to perform the work; and the work, through no fault of the owner, cannot be completed within the time provided. Such extension shall be for a reasonable period of time not to exceed ninety days for repairs or modifications and not to exceed sixty days for demolition.

145.05 REMOVAL OF POSTED NOTICE. No person shall deface, cover, obliterate or remove the notice posted pursuant to Section 145.03 from any structure which has been so posted by the Inspecting Official as unsafe or unfit, except as provided in this section. No such structure shall again be occupied or used until such posted notice is removed by the Inspecting Official. The Inspecting Official shall remove such posted notice when the defect or defects which caused the posted notice have been eliminated or when the demolition or removal of the structure is commenced.

145.06 SERVICE BY PUBLIC UTILITIES. After the date for the vacation of the structure, it is unlawful for any public utilities corporation or company to furnish gas or electrical service to any structure which has been posted with notice by the Inspecting Official as unsafe or unfit, when the Inspecting Official in his discretion has notified the public utilities corporation or company in writing of his action in posting the structure as of the date and services shall be discontinued. The utility service shall not be restored to a posted structure until notice in writing is received from the Inspecting Official authorizing the restoration of such service by the utilities corporation or company. The Inspecting Official may authorize restoration of service to be used in connection with the renovation, repair or remodeling of the structure to comply with the provisions of this title. The Inspecting Official shall give such written authorization for the restoration of service when the posted notice is removed pursuant to the provisions of this chapter.

145.07 DEMOLITION. When the owner fails to commence or complete the required repairs, removal or demolition within the specified time period, the Inspecting Official shall report the owner's failure to the City Council.

1. The City Council shall then hold a hearing and may, by resolution authorize the Inspecting Official to demolish the structure or take such other action it deems appropriate, including the granting of a stay pursuant to Section 145.04.
2. Upon passage of such resolution the Inspecting Official shall file a certified copy of such resolution with the County Recorder.

145.08 ACCESS FOR DEMOLITION—PENALTIES. The owner of the structure who has received the report of the intent of the Inspecting Official to demolish shall give entry and free access to the agent and Inspecting Official for the purpose of demolition. Any owner who refuses, impedes, interferes

with or hinders or obstructs entry by such agent pursuant to a notice of intention to demolish shall be subject to the municipal infraction penalties of this code in Section 4.03 of the City of Perry Code of Ordinances, 2001.

145.09 GRADING OF PREMISES AFTER DEMOLITION. Whenever the premises is demolished, whether carried out by the owner or by the Inspecting Official, such demolition shall include the filing of the excavation on which the demolished premises was located in such manner as to eliminate all potential danger to the public health, safety, or welfare arising from such excavation.

145.10 EXTERMINATION PROCEDURE BEFORE DEMOLITION. All demolition shall be preceded by an inspection of the premises by the Inspecting Official to determine whether or not extermination procedures are necessary. If the premises are found to be infested, appropriate rat, pests and insects extermination to prevent the spread of rats, pests and insects to adjoining or other areas shall be instituted before, during and after demolition.

145.11 BIDS FOR DEMOLITION—BID OPENING—AWARD OF CONTRACT. The Inspecting Official shall commence demolition as follows:

1. When the estimated cost of demolition, in the opinion of the appropriate authority, is five thousand dollars or more, the work shall be done under contract and the Inspecting Official shall seek sealed bids as near in form and manner as those used in contracts for street improvements. If no bids are received, the Inspecting Official may negotiate a contract with a qualified contractor. Bids, if any, shall be opened in the office of the Building Official.
2. When the estimated cost of demolition, in the opinion of the Inspecting Official, is less than five thousand dollars, the work shall be done under contract and the Inspecting Official shall seek sealed bids in a manner he deems appropriate or shall negotiate a contract with a qualified contractor. Bids, if any, shall be opened in the office of the Building Official.
3. A contract for demolition pursuant to subsection 1 of this section shall be awarded by resolution of the City Council.
4. A contract for demolition pursuant to subsection 2 of this section shall be awarded by the City Administrator.

145.12 STAY OF DEMOLITION—BOND. The owner, or any interested person may request a delay in the demolition of a structure at the time of the hearing on resolution authorizing demolition. Such request shall be made in writing. The City Council may grant such request properly before it when in its

opinion it is practical, economical and structurally possible to rehabilitate the structure to comply with this code.

1. No stay granted shall be effective, however, unless and until such person signs a written agreement with the City wherein the person agrees:

A. To make all of the necessary repairs to bring the structure to current code standards within a time not to exceed ninety days of the date the stay is granted;

B. To grant the City the right to award a contract and to enter in and upon such premises for the purposes of demolishing same upon the failure of the person to make such necessary repairs within the agreed upon time period; and

C. Agrees to pay the City a per diem, in an agreed upon amount, which shall serve as reimbursement to the City of administrative and monitoring expenses for each day such person requests a delay in City demolition beyond the period of time established for the repair of the structure under the agreement; and such person files with the City a corporate surety performance bond, a cashier's or certified check drawn on a Perry bank or credit union or a letter of credit from such an institution in the estimated cost of demolition, as determined by the Inspecting Official, and in an amount sufficient to assure payment of the per diem reimbursement to the City. In no event shall the portion of the bond attributable to the cost of demolition be less than one thousand dollars, nor shall the portion of the bond attributable to the per diem reimbursement be less than one thousand dollars. The bond shall be conditioned upon the person performing the repairs within the agreed upon time period, together with written extensions thereto, and conditioned upon payment of the per diem reimbursement as same shall become due. Upon such person's failure to make all of the repairs in a manner acceptable to the City within the agreed upon time period, together with written extensions thereto, the Inspecting Official may proceed to demolish the structure without further notice.

2. The proceeds of the bond given pursuant to Section 145.12, if any, shall be applied by the City Finance Officer first against any unpaid per diem reimbursement and then against the assessment for demolition.

145.13 EMERGENCY PROCEDURES. Whenever the Inspecting Official determines that any structure in the City is an imminently dangerous structure, he shall notify the owner of said structure by any reasonable means, including

telephonic means, and allow the owner a reasonable period of time, as determined by the Inspecting Official, in which to make the structure safe or to commence and complete demolition of the structure. Upon the failure or refusal of the owner to make the structure safe or to commence or complete demolition within the time period provided, the Inspecting Official shall proceed at once to make safe the structure or to demolish the structure. In the event the work is performed by the City, the costs of the same shall be assessed against the property.

145.14 ASSESSMENT OF COSTS. Upon completion of demolition the Inspecting Official shall report to the City Council the actual cost of demolition, grading, extermination, serving of notices, plus twenty percent of the total of said amounts to compensate for the cost of supervision and administration by the City. The City Council may then proceed to assess said costs against the property pursuant to the provisions of Section 364.12 of the Code of the State of Iowa.

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