

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 12 DANGEROUS BUILDING CODE

6-12-1	Unsafe Building Defined	6-12-6	Action by City Upon Owner's
6-12-2	Nuisance Declared		Failure to Abate
6-12-3	Right of Entry to Inspect	6-12-7	Costs of Abatement
6-12-4	Notice to Abate	6-12-8	Enforcement Authority
6-12-5	Posting of Signs		

6-12-1 UNSAFE BUILDING DEFINED. "Unsafe building" means any structure or mobile home meeting any or all the following criteria:

1. Whenever any portion or member of appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
2. 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 pounds per square foot;
3. Whenever any portion thereof was 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. Whenever the building or structure or any portion thereof is likely to partially or completely collapse because of the following:
  - 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;
5. 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. 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. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings;

8. 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
- c. So as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts;

9. 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 City Council to unsanitary, unfit for human habitation, or in such condition that is likely to cause sickness or disease;

10. Whenever a 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 Marshall or Fire Chief to be a fire hazard;

11. 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;

12. 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 months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(Ord. 514, Passed 1982)

6-12-2 NUISANCE DECLARED. 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 Chapter 6-11, or any other Ordinance, are, for the purpose of this Chapter, unsafe buildings. All such unsafe buildings are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Sections 6-12-4 through 6-12-8.

(Ord. 514, Passed 1982)

6-12-3 RIGHT OF ENTRY TO INSPECT. The City Administrator, Building Inspector, Fire Chief, or other authorized representative of the City may enter any premises in accordance with the provisions of Chapter 1-2 of this City Code.

(Ord. 719, Passed 2012)

6-12-4 NOTICE TO ABATE.

1. The building official 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 an unsafe building as defined in this Chapter, the building official 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 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 days from date of notice, unless otherwise stipulated by the building official. 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 approval by the building official.

2. Such notice shall be served in the manner provided for service of original notice of the Iowa Rules of Civil Procedure upon the owner of record, if such owner shall be found within the City limits. If such owner is not found within the City limits, such service may be made upon the owner by registered mail or certified mail. The designed period within which the owner or person in charge is required to comply with the order of the building official shall begin as of the date the owner receives such notice.

(Ord. 514, Passed 1982)

6-12-5 POSTING OF SIGNS. The building official shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. Building Department, City of Camanche, 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 building official and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

(Ord. 514, Passed 1982)

6-12-6 ACTION BY CITY UPON OWNER'S FAILURE TO ABATE. 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 City Council may order the owner of the building prosecuted as a violator of the provisions of the Chapter and may order the building official to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the City Council.

(Ord. 514, Passed 1982)

6-12-7 COSTS OF ABATEMENT. Costs incurred under Section 6-12-6 shall be paid out of the City treasury. 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, and shall be collected in the same manner as property taxes.

(Ord. 514, Passed 1982)

6-12-8 ENFORCEMENT AUTHORITY. It shall be the duty of the City Administrator to enforce the provisions of this Chapter, but any or all of the powers and duties conferred on the City Administrator by this Chapter may be delegated or transferred to any other officer or employee of the City, by resolution passed by a majority vote of all the members of the City Council.

(Ord. 514, Passed 1982)

(Ord. 719, Passed 2012)