

CHAPTER 23 UNSAFE BUILDINGS AND STRUCTURES

6-23-1 PURPOSE AND SCOPE.

6-23-2 ENFORCEMENT.

6-23-3 DEFINITIONS.

6-23-4 PUBLIC NUISANCE.

6-23-5 RIGHT OF ENTRY.

6-23-6 INTERFERENCE.

6-23-7 REPAIRS AND

REHABILITATION.

6-23-8 SERVICE BY PUBLIC UTILITIES.

6-23-9 GRADING OF PREMISES.

6-23-10 CONFLICT OF ORDINANCES.

6-23-11 ABATEMENT OF NUISANCES.

6-23-12 VIOLATIONS.

6-23-1 PURPOSE AND SCOPE. It is the purpose of this Chapter to provide a just, equitable, and practicable method, to be cumulative with and in addition to, any other remedy provided by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants. Such buildings or structures may be required to be repaired, vacated, and/or demolished. The provisions of this code shall apply to any dangerous buildings or imminently dangerous structures, as herein defined, which are now in existence or which may hereafter become dangerous in the City. Nothing in this Chapter shall preclude the City from exercising any of its other statutory rights or remedies.

6-23-2 ENFORCEMENT. The City Manager is responsible for Enforcement of this chapter. The City Manager is authorized to have his agents fulfill his responsibilities under this Chapter.

6-23-3 DEFINITIONS. The following words and phrases whenever used in the ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "Unsafe Building" means any structure or mobile home meeting any of the following criteria:

a. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of:

- (1) Dilapidation, deterioration, or decay;
- (2) Faulty construction;
- (3) The removal, movement, or instability of any portion of the ground;
- (4) The deterioration, decay, or inadequacy of its foundation; or
- (5) Any other cause, is likely to partially or completely collapse.

b. 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.

c. Infestation. Whenever the building or structure suffers from an infestation of animals, pests, insects, or any other living creature.

d. 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 or other qualified inspector to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

e. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal, Fire Chief, or other qualified inspector to be a fire hazard.

f. Abandoned. Whenever any 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.

g. Generally. Any building or structure that is structurally unsound, not provided with adequate egress, constitutes a fire hazard, or is otherwise dangerous to human life, or constitutes a hazard to safety or health, or public welfare, by any reason.

2. "Imminently Dangerous Structure" means any building, shed, fence, or other structure that is in danger of imminent collapse of all or any part of such structure, or is an immediate danger to the general public.

3. "Owner" means the contract purchaser if there is one of record, the record title holder, or, if no records exist, the individual or business holding themselves out as being in control of the building or structure.

4. "Corrective Action" means the repair, rehabilitation, removal, or demolition of the unsafe or imminently dangerous building or structure, whether performed by the owner or by the City or agents acting on the City's behalf.

6-23-4 PUBLIC NUISANCE. Any building or structure determined to be unsafe or imminently dangerous is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this Chapter.

6-23-5 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any provisions of this Chapter, or whenever the City Manager or any authorized agent have reasonable cause to believe that there exists conditions in any building or structure in violation of this Chapter, the City Manager and authorized agents may enter such building or structures at all reasonable times to inspect the same or perform any duty imposed by this Chapter, including these steps:

1. The City Manager or his agent shall first make a reasonable effort to locate the owner or person in control of the building or structure to request entry.

2. If entry is refused, the City Manager or his agent shall have recourse to every remedy provided by law to secure entry, including but not limited to inspection warrants.

3. When the City Manager or his agent have obtained such warrant or other remedy provided by law to secure entry, no owner or occupant shall fail or neglect, after proper request is made, to promptly permit entry for the purpose or inspection or examination pursuant to this Chapter.

6-23-6 INTERFERENCE. No person shall improperly obstruct, impede, or interfere with the owner, the City Manager, or any of their authorized agents in their legal access, inspection, review, repair, rehabilitation, removal, or demolition of the building or structure at issue. Such interference shall be a violation of this Chapter.

6-23-7 REPAIRS AND REHABILITATION. All buildings and structures which are required to be repaired and/or rehabilitated under this Chapter shall be subject to the requirements of the Property Maintenance Ordinance in Title VI, Chapter 21 of the City of Maquoketa Code of Ordinances.

6-23-8 SERVICE BY PUBLIC UTILITIES. For any building or structure deemed to be unsafe or imminently dangerous, after the notice has been issued by the City Manager or his agent, containing the date listed for vacation of the building or structure, from such date it is unlawful for any public utilities corporation or company to furnish gas, electrical, or water service to any such building or structure. Services shall not be restored until written authorization is received from the City Manager or his agent upon completion of the corrective actions or upon a limited basis to be used in connection with the corrective actions. The City Manager shall give such authorization upon final approval and completion of all required corrective actions.

6-23-9 GRADING OF PREMISES. If a building or structure is removed or demolished, such actions shall include the filling and grading of any excavation in such a manner as to eliminate all potential danger to the public health, safety, or welfare arising from such excavation.

6-23-10 CONFLICT OF ORDINANCES. In any case where a provision of this Chapter is found to be in conflict with any other provision of the ordinances of the City or State, the provision that establishes the higher standard for the promotion and protection of the health and safety of the citizens shall prevail.

6-23-11 ABATEMENT OF NUISANCES.

1. The City Manager may abate any nuisance identified pursuant to this Chapter in accordance with the procedures for abatement of nuisances contained in Title III, Chapter 2 of the City of Maquoketa Code of Ordinances.

2. If it is determined that an emergency exists by reason of the continuation or creation of a nuisance under this Chapter, the City Manager may abate the nuisance in accordance with the procedures of Section 3-2-8 of the City of Maquoketa Code of Ordinances.

3. When applicable, along with stating whatever corrective action must be taken in any given situation, the notice to abate a nuisance shall state whether any occupants must vacate the structure and by when.

4. When applicable, each entrance to a nuisance building or structure shall be posted with a public notice stating: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF MAQUOKETA." Any individual that enters the building or structure or removes said public notice without proper authority shall be in violation of this Chapter.

6-23-12 VIOLATIONS. The violation of any provision of this Chapter shall constitute a violation of the City of Maquoketa Code of Ordinances and shall subject the violator to the following penalties:

1. Any owner who violates any provision of this Chapter shall be guilty of a simple misdemeanor.

2. Any violation of this Chapter or failure to perform any act or duty or requirement of this Chapter shall constitute a municipal infraction under Title III, Chapter 17 of this Code of Ordinances.

3. The foregoing provisions concerning enforcement of this Chapter are not exclusive but are cumulative to any other remedies available under state law or local ordinance.

(Ord. 1126, Passed January 18, 2016)

