

## CHAPTER 145

### FIRE ZONE

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145.04 Construction Standards

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**145.01 FIRE ZONE ESTABLISHED.** A Fire Zone is established to include all of the following territory:

*The west one-half of Blocks One, Six and Seven and the east one-half of Blocks Two, Five and Eight, all in original plat, Hawarden, Iowa.*

**145.02 PLANS SUBMITTED.** It is unlawful to build, enlarge, or alter any structure, building, or part thereof, within the Fire Zone until a plan of the proposed work, together with a statement of materials to be used has been submitted to the Council, who shall, if in accordance with the provisions of this chapter, issue a permit for the proposed work.

**145.03 BUILDINGS PROHIBITED.** The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial rebuilding, are prohibited in the Fire Zone, unless constructed in strict compliance with the provisions of this chapter.

**145.04 CONSTRUCTION STANDARDS.** The construction standards for all buildings, structures, or parts thereof within the Fire Zone shall be of Type I, Type II, or, at a minimum, Type III - 1 hour fire resistant - construction, as specified in the *Uniform Building Code*.

**145.05 RECONSTRUCTION PROHIBITED.** Any building within the Fire Zone not constructed in accordance with the provisions of this chapter which is hereafter damaged by fire, decay, or otherwise shall not be rebuilt, altered, or reconstructed except in accordance with the provisions of this chapter.

**145.06 SPECIAL PERMIT.** The Council may, by four-fifths (4/5) vote, issue a special permit to improve any property within the Fire Zone contrary to the provisions of this chapter, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard potential of the area, or to allow any person to erect or move in any building or structure for temporary purposes for a period of time not exceeding six (6) months from the date of such permission.

**145.07 REMOVAL OF BUILDINGS.** Any person who erects any building in the Fire Zone, contrary to the provisions of this chapter, shall be given written notice by the Mayor to remove or tear down the same, and if such removal or taking down is not completed within thirty (30) days from the time of the service of such notice, the Mayor shall cause the same to be removed or taken down. The Mayor shall report an itemized bill of the expense to the Clerk, and the same shall be charged to the person owning such building. The Clerk shall present the bill to the owner of the property and if the bill is not paid within ten (10) days from

the date it is presented, the amount of the bill shall be certified, by the Clerk, to the County Treasurer, as a lien against the property and collected the same as other taxes.

**145.08 STORAGE OF MATERIALS RESTRICTED.** No person shall have or deposit any grain stack, pile of rubbish, explosives, hazardous chemicals or other flammable substance within the Fire Zone, nor shall any person have or deposit any cord wood or fire wood, within the Fire Zone without written permission from the Mayor, specifying the maximum amount of such cord wood or fire wood, that may be kept, stored, or deposited on any lot or part of a lot within the Fire Zone, unless the same be within one of the buildings allowed by this chapter. No person shall build or allow any fires, whether trash fires or otherwise, within the Fire Zone as described in this chapter.

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## CHAPTER 150

### BUILDING NUMBERING

150.01 Avenues and Streets Designated	150.09 Conformance
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150.04 Number Designation	150.12 Number Material and Placement
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**150.01 AVENUES AND STREETS DESIGNATED.** Streets and avenues running north and south shall be called avenues, and the streets and avenues running east and west shall be called streets.

**150.02 PARTS OF STREETS ON THE SAME LINE.** All parts of any avenues or streets on the same line, between which there is intervening property, shall have the same designation.

**150.03 LETTER DESIGNATION.** The avenues running north and south are designated by the letters of the alphabet, and the unnamed street extending along the west side of Heald's Second Addition to be "A" Avenue and proceeding east each consecutive avenue to be designated by the corresponding consecutive letter to the unnamed street on the east side of Block Three of Morningside Addition, designated Falcon Avenue, provided that the letters "G," "J," and "P" shall be omitted and the avenue corresponding to "G" Avenue under this plan of designation is named Central Avenue, and the Avenue corresponding to "P" under this plan of designation is named Falcon Avenue. The road running along the east line of the City is designated "S" Avenue.

**150.04 NUMBER DESIGNATION.** The streets running east and west are numbered; the unnamed street along the south side of south side of South Addition to be First Street and proceeding north and next two streets to be designated consecutively Second and Third Streets. The street north of the Chicago and Northwestern Railway right-of-way shall be designated Seventh Street and proceeding north each consecutive street shall be consecutively numbered from Seventh Street to North Street designated under this plan of numbering by the name of Twenty-sixth Street.

**150.05 HOUSE NUMBERING.** All houses and places of business fronting on any avenues or streets within the City shall be numbered in accordance with the provisions of this chapter.

**150.06 ODD AND EVEN NUMBERS.** The numbers on the north and west side of the streets and avenues shall be odd numbers and on the east and south side even numbers.

**150.07 EAST AND WEST STREETS.** Numbering on east and west streets shall start at Avenue "A," the first block east to be assigned the number 100 as its first number and each succeeding block to be assigned as its first number 100 greater than the first number of the preceding block.

**150.08 NORTH AND SOUTH AVENUES.** Numbering on north and south avenues shall start at First Street, each block to have as its first number the number represented by the number of the street extending along its south side multiplied by 100.

**150.09 CONFORMANCE.** Numbering on east and west streets shall conform as nearly as possible north and south and numbering on north and south avenues shall conform as nearly as possible east and west.

**150.10 TWENTY-FIVE FOOT FRONTAGE.** Numbers shall be assigned for each twenty-five feet of frontage, provided that where buildings are of less size or in case of lots of greater size but not exceeding thirty feet, convenience requires a change, assignments of numbers may be made accordingly. Owners of buildings, with only one main entrance covering more than twenty-five feet frontage shall not be required to use more than one number of the numbers assigned.

**150.11 BASEMENTS AND FLOORS ABOVE GROUND FLOOR.** In cases where numbers are required for basements or floors above the ground floor, the same number shall be used as is assigned to the ground floor, the basement number to have the letter "B" before the number and the floors above the ground to have the numbers of the floor followed by a dash before the number. Such numbers shall be placed over or upon the stairway leading thereto.

**150.12 NUMBER MATERIAL AND PLACEMENT.** The numbers provided for herein shall be painted on or may be of wood or metal attached to the structure, shall be at least three (3) inches in height and legible in character, and shall be placed conspicuously upon, over or near the front or main door or entrance to the place numbered.

**150.13 PLACEMENT AND MAINTENANCE.** New buildings which are required to be numbered shall be numbered within ten days after their completion. All building numbers shall be maintained in good condition.

**150.14 NONCOMPLIANCE; ASSESSMENT.** In case the owner fails to place numbers as required by this chapter, the City may have the same done and the cost thereof shall be assessed against the property for collection in the same manner as a property tax.

**150.15 VIOLATION.** It is unlawful for any person to use any number for numbering a building except the one assigned under the provisions of this chapter, or to destroy, deface or remove any number affixed to any building under the provisions of this chapter.

## CHAPTER 151

### TREES

151.01 Definition

151.02 Planting Restrictions

151.03 Duty to Trim Trees

151.04 Trimming Trees to be Supervised

151.05 Disease Control

151.06 Inspection and Removal

**151.01 DEFINITION.** For use in this chapter, “parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

**151.02 PLANTING RESTRICTIONS.** No tree shall be planted in any parking or street except in accordance with the following:

1. Alignment. All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.
2. Spacing. Trees shall not be planted on any parking which is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet from street intersections (property lines extended) and ten (10) feet from driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.
3. Prohibited Trees. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow or black walnut.

**151.03 DUTY TO TRIM TREES.** The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

*(Code of Iowa, Sec. 364.12[2c, d & e])*

**151.04 TRIMMING TREES TO BE SUPERVISED.** Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

**151.05 DISEASE CONTROL.** Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

**151.06 INSPECTION AND REMOVAL.** The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.

2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within 14 days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

*(Code of Iowa, Sec. 364.12[3b & h])*

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## CHAPTER 153

# DANGEROUS BUILDINGS

153.01 Enforcement Officer  
153.02 General Definition of Unsafe  
153.03 Unsafe Building  
153.04 Notice to Owner

153.05 Conduct of Hearing  
153.06 Posting of Signs  
153.07 Right to Demolish; Municipal Infraction  
153.08 Costs

**153.01 ENFORCEMENT OFFICER.** The Mayor is responsible for the enforcement of this chapter.

**153.02 GENERAL DEFINITION OF UNSAFE.** All buildings or structures 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, 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. 657A.1 & 364.12[3a])*

**153.03 UNSAFE BUILDING.** “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
2. 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.
3. 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 to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. 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.

**153.04 NOTICE TO OWNER.** The enforcement officer 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 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. 364.12[3h])*

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the *Code of Iowa*, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. 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 the owner receives such notice.
2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

**153.05 CONDUCT OF HEARING.** If requested, the Council 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 Council shall make and record findings of fact and may issue such order as it deems appropriate.<sup>†</sup>

**153.06 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. CITY OF HAWARDEN, IOWA." Such notice shall remain posted until the required demolition, removal or repairs 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.

**153.07 RIGHT TO DEMOLISH; MUNICIPAL INFRACTION.** 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 Council 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

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<sup>†</sup> **EDITOR'S NOTE:** Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX to this Code of Ordinances. Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

of such work shall be transmitted to the Council. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

*(Code of Iowa, Sec. 364.12[3h])*

**153.08 COSTS.** Costs incurred under Section 153.07 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 certified to the County Treasurer for collection in the manner provided for other taxes. In addition, the City may take any other action deemed appropriate to recover costs incurred.

*(Code of Iowa, Sec. 364.12[3h])*

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## CHAPTER 155

# PROPERTY MAINTENANCE CODE

155.01 Title	155.09 Sanitation
155.02 Purpose	155.10 Enforcement Procedures
155.03 Interpretation	155.11 Emergency Enforcement Procedures
155.04 Abrogation and Greater Restrictions	155.12 Enforcement Remedies and Penalties
155.05 Definitions	155.13 Notice of Order to Abate and Contents of Notice To Abate
155.06 Maintenance Standards Generally	155.14 Hearing
155.07 Maintenance of Property	155.15 Public Abatement
155.08 Maintenance of Structures	

**155.01 TITLE.** This chapter may be referred to as the “Hawarden Property Maintenance Code,” and is herein referred to as “this Code.”

**155.02 PURPOSE.** The purpose of this Code is to protect the public health, safety, and welfare, esthetics and property values by establishing minimum standards for maintenance, appearance, condition and occupancy, and for essential utilities, facilities and other physical components and conditions to make residential premises fit for human habitation, and to make nonresidential premises fit for use according to the purpose for which they were developed; by fixing certain responsibilities and duties upon the owners and managers, and distinct and separate responsibilities and duties upon the occupants; by authorizing and establishing procedures for inspection of premises, and enforcement of this Code; establishing penalties for violations; and providing for proper repair, demolition, or vacation of premises which do not comply with this Code.

**155.03 INTERPRETATION.** The provisions of this Code shall be interpreted and applied as minimum requirements, and shall not be deemed a limitation or repeal of any other power granted by the *Code of Iowa*. Nothing in this Code shall be construed to abrogate the Federal or State Constitutions, or to grant powers to the City that are otherwise reserved by and for Federal and State government.

**155.04 ABROGATION AND GREATER RESTRICTIONS.** It is not the intent of this Code to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. Where two or more provisions apply, the higher standard shall prevail.

**155.05 DEFINITIONS.** Words used in this Code shall have the same meaning as those defined by the Zoning Regulations, unless otherwise defined by this Code.

1. “Abandoned building” means any building or portion of a building under construction which has stood with an incomplete exterior shell for more than one year, or any completed building or portion thereof which has stood unoccupied for longer than six (6) months, and which is unsecured or violates any other City ordinances.
2. “Abatement” means, in connection with a property or structure, the removal or correction of violation of this code or the making of improvements needed to effect a rehabilitation of the property or structure. Abatement may include but shall not be limited to repair, removal, cleaning, extermination, cutting, mowing, grading, sewer repairs, draining, securing, barricading or fencing, demolition of dangerous or

abandoned structures or portions thereof, and elimination of nuisances. Abatement does not include the closing or boarding up of a building or structure that is found to be a public nuisance.

3. "Abatement costs" means those costs associated with abatement of nuisances and may include but shall not be limited to: the cost of removing or eliminating the violation; the cost of investigation, such as title searches, inspection, and testing; the cost of notification; filing costs; and other related administrative costs. Inoperable or obsolete vehicles, which have been impounded, may be sold in accordance with State law. If an inoperable or obsolete vehicle is not sold or if the proceeds of such sale or redemption are not sufficient to pay the costs of abatement, storage and sale of said inoperable or obsolete vehicle, such cost or the balance of such cost may be assessed against the premises in the same manner as a property tax.

4. "Deterioration" means a state of conditions caused by a lack of maintenance or excessive use, characterized by holes, breaks, rot, crumbling, peeling paint, rusting or other evidence of physical decay or neglect.

5. "Emergency condition" means a nuisance/violation that if left in place constitutes an imminent, clear and compelling danger to the health, safety or welfare of persons or property.

6. "Enforcement officer" means any peace officer, Police Chief, the Public Works Director, or City Administrator.

7. "Exposed to public view" means any premises or any part thereof, which can be lawfully viewed by the public or from an adjoining premises.

8. "Exterior" means yards and other open outdoor spaces on premises, and the external surfaces of any structure.

9. "Extermination" means the control and elimination of insects, rodents, and vermin.

10. "Farm" means a tract of land having an area of ten or more acres devoted to raising of crops or domestic livestock.

11. "Habitable" means safe and that it can be occupied in reasonable comfort.

12. "Hearing officer" may be a Judge, Magistrate, Police Chief, City Administrator, or City Council as provided for in this Code.

13. "Infestation" means the presence of insects, rodents, vermin, or other pests on the premises to the extent that they constitute a health hazard, as deemed by an enforcement officer to be in threat of spreading to adjoining premises, or which are exposed to public view.

14. "Junk" means any discarded or salvaged material or fixture; obsolete or inoperable machinery or vehicle, or parts thereof; or scrap metal.

15. "Nuisances" means physical conditions to premises by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment that are dangerous or detrimental to the public health, welfare or safety of persons or property on or near the premises where the conditions exist, or whatever is injurious to health, indecent, or unreasonably offensive to the senses, or obstruction to the free use of property, so as essentially to unreasonably interfere with comfortable enjoyment of life or property.

16. “Ordered public abatement” means the same as abatement except that the abatement shall be performed by the City or agents acting on behalf of the City after being ordered/authorized by a judge or magistrate with all notices, hearings, and other due process being considered satisfied via the judicial process.
17. “Owner” means any person who alone, jointly, or severally with others, holds legal or equitable title to any premises, with or without accompanying actual possession thereof.
18. “Premises” includes either property (real estate) or structures or both.
19. “Property (real estate)” means a lot, plot, or parcel of land. In addition it includes the public right-of-way directly abutting the lot, plot or parcel of land, which is the area located between the property line and the inside the curb or the street edge of pavement or gravel, if no curb exists.
20. “Public abatement” means the same as abatement except that the abatement shall be performed by the City or agents acting on behalf of the City and costs of such abatement assessed against the responsible party.
21. “Public authority” means any officer of any department or branch of the City, County, or State charged with regulating health, fire, zoning or building regulations, or other activities concerning property in the City.
22. “Refuse” means any material that has lost its value for the original purpose for which it was created or manufactured, or for its redesigned use, whether putrid or non-putrid, combustible or non-combustible, which is not securely stored in a building or legal outdoor storage yard for prompt disposal or resale, including but not limited to junk; paper or cardboard; plastic; metals; glass; yard clippings, leaves, woody vegetative trimmings, and other plant wastes which have not been properly composted; vegetable or animal waste resulting from the handling, processing, storage, preparation, serving or consumption of food; crockery; bedding, furniture, or appliances; offal; rubbish; ashes or incinerator residue; construction debris; accumulation of animal feces; dead animals; or wastes from commercial or industrial processes.
23. “Responsible party” means any person having possession, charge, care, or control of real or personal property, whether with or without the knowledge and consent of the owner, including without limitation any one or more of the following: owner, agent, property manager, contract purchaser, mortgagee or vendee in possession, receiver, executor, trustee, lessee or tenant, or any other person, firm or corporation exercising apparent control over a property.
24. “Structure” means any building constructed or used for a residence, business, industry, or other private or public purpose or accessory thereto, including tents lunch wagons, mobile homes, fence, shed, storage facility, garage, carports, animal kennels, billboards, and similar manmade construction that is otherwise built or erected with a fixed location or otherwise attached to something having a fixed location on the ground.
25. “Unsafe structure/building” means:
  - A. All buildings or structures that 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 other ordinance; and

B. Any structure or mobile home meeting any or all of the following criteria:

(1) 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) Whenever any portion of a building's exterior, to include any member, aperture, or ornamental feature attached thereto 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 has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquake than is required in the case of similar new construction;

(4) Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay, (ii) faulty construction, (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building, (iv) the deterioration, decay or inadequacy of its foundation, or (v) any other cause, is likely to collapse partially or completely;

(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 they are out of plumb;

(7) Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its non-supporting members, or of its enclosing or outside walls or coverings;

(8) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals, or immoral persons, or vermin; (iii) a house of ill fame as described in Iowa Code Chapter 657;

(9) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, including lack of paint so as to expose wood to rotting, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, sanitation facilities, or potable water, or otherwise, is determined by the building official to be unsanitary, unfit for human habitation, or in such condition that is likely to cause sickness or disease;

(10) Whenever any 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 state fire marshal or City building official 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 in common law or in equity jurisprudence.

(12) Any abandoned building as defined herein.

26. “Vehicle” means any device designed to transport a person or property by land, air, or water, such as automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, boats, airplanes, or any combination thereof, except bicycles.

27. “Vehicle, inoperable” means any vehicle that is not licensed or insured for the current year as required by law or which exhibits any of the following characteristics: The vehicle cannot legally travel on a public street due to broken, damaged, or missing windshield or other glass customary to the vehicle, fender, door, bumper, hood, wheel, steering wheel, or exhaust system; lacking an engine or other means of power suitable to the design, one or more wheels, or other structural parts which renders the vehicle incapable of both forward and reverse movement in the manner for which it was designed; has become a habitat for rats, mice, snakes, or any other vermin or insects; or constitutes a threat to the public health and safety because of its defective or obsolete condition.

28. “Violation” means a nuisance or any other condition with or on premises that is contrary to the required maintenance standards of this Code.

29. “Working day” means Monday, Tuesday, Wednesday, Thursday, and Friday exclusive of holidays and when the City offices do not open on those days.

**155.06 MAINTENANCE STANDARDS GENERALLY.** Every premises shall be required to be maintained in good repair. To that end enforcement action will be taken against those premises that are not properly maintained in order to protect adjoining properties from blight, safety and fire hazards and other negative impacts as a result of poorly maintained premises.

**155.07 MAINTENANCE OF PROPERTY.** Each and every property shall be kept free of all nuisances, health, safety, and fire hazards, unsanitary conditions, and infestation. It is the duty of the responsible party to keep the premises free of all said conditions and to promptly remove and abate same, which includes but is not limited to the following declared nuisances:

1. Weeds or grasses allowed to grow to a height greater than ten (10) inches, or any accumulation of dead weeds or grass that are exposed to public view, on any non-farm property which is not within the jurisdiction of the County Weed Commissioner. This provision does not apply to prairies, wetlands or similar areas of naturalized perennial vegetation, which are certified by an enforcement officer not to constitute a nuisance. Non-platted property, having an area of more than one acre, may be exempted from this requirement, on a case-by-case basis, by the Police Chief. However, even the exempted property shall be required to maintain at least a 25-foot wide area around the exempted property in accordance with this standard.

2. The accumulation of refuse.
3. Any nuisance as defined herein or described as such by Chapter 657 of the *Code of Iowa*.
4. Any inoperable vehicle which is exposed to public view, unless located on the premises of a lawfully operated junk yard, undergoing repairs in an expeditious manner at a vehicle repair business, or located at a business location in an industrial zoning district behind a fully opaque 6-foot fence. Any other inoperable vehicles shall be stored within a fully enclosed building or other location not exposed to public view, or shall be removed from the premises.
5. Mud, dirt, gravel or other debris or matter, whether organic or inorganic, deposited upon public property in a quantity judged by an enforcement officer to be a threat to public safety or to cause pollution, obstruction, or siltation of drainage systems, or to violate solid waste disposal regulations.
6. Failure to establish a permanent cover of perennial grasses or ornamental ground cover on any non-farm property as soon as practical after any construction, and to thereafter maintain same in such condition as to substantially bind the surface of the soil and prevent erosion, whether by sheet flow or gullying, or by wind or water. Exceptions shall be permitted for densely shaded areas, landscape beds, and gardens, provided that vegetable gardens and agricultural crops shall not be placed in the front yard of a non-farm property, unless it can be demonstrated that no other viable location exists on the premises because of topography, natural vegetation, or similar circumstances out of the resident's control.
7. Any alteration, modification, or obstruction which prevents, obstructs or impedes the normal flow of runoff from adjacent lands, or any alteration or modification which substantially concentrates or increases the flow of water onto an adjoining premises to the extent of damaging or saturating such premises.
8. Conditions which are conducive to the harboring or breeding of vermin.
9. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools, and drain fields, which have failed or do not function properly, as may be evidenced by overflow, leakage, seepage, or emanation of odors, or which do not comply with the Sioux County Department of Health regulations, as applicable. Septic tanks, cisterns, and cesspools that are no longer in use shall be removed, or emptied and filled with clean dirt or sand.
10. Dead or diseased trees or other woody vegetation which may lead to the spread of the disease to other specimens or pose a threat to safety or buildings; major parts thereof, such as a limb, which may be dead or broken or otherwise pose a threat to safety or buildings on adjoining premises; any vegetation located on private property which overhangs and is less than fifteen (15) feet above the traveled portion of any public street, or less than eight (8) feet vertically, or which protrudes into any public sidewalk.
11. Loose, overhanging objects or accumulations of ice or snow, which by reason of location above ground level constitute a danger of falling and causing injury to people or damage to property.

**155.08 MAINTENANCE OF STRUCTURES.** Each and every structure shall be kept sound and free of all nuisances, health, safety, and fire hazards, and shall generally be maintained to present an overall neat and orderly appearance. Structures shall also be kept

free from major aesthetic defects that otherwise can lead to the devaluation of adjoining property. All building owners shall be expected to keep their structures free of all the conditions listed below and to promptly take corrective action if such a condition is determined to exist with their structure. Structural maintenance violations include but are not limited to the following declared violations:

1. Each and every building shall be maintained to be weather and water tight, and free from excessively peeling paint or other conditions suggestive of deterioration or inadequate maintenance.
2. Exterior surfaces shall not have any holes or broken glass; loose, cracked, or damaged shingles or siding; missing doors or windows, or other defects in the exterior finish which admit rain, cold air, dampness, rodents, insects, or vermin.
3. Basements, cellars, and crawl spaces shall be free of standing water and hazards.
4. All wood, including floorboards, subfloors, joists, bridging, roof rafters and sheathing, and all other wood in any interior or exterior floor, wall, roof, or other part of the structure, shall be maintained to be free of cracks affecting structural integrity, termite damage, infestation, or rot. Any and all damaged or deteriorating materials shall be replaced. If infestation exists in any basement, cellar, or crawl space, such infestation shall be remedied in accordance with industry standards to effectuate the proper remove of such infestation.
5. The construction, moving, owning, or permitting the existence of unsafe building; or any building that is defined as abandoned or a public nuisance by Chapter 657 or 657A, *Code of Iowa*.
6. Materials and practices used in reconstruction and residing shall be of standard quality and appearance commensurate with the character of other properties in the vicinity of the premises.
7. Fences or retaining walls that are not structurally sound or which are deteriorating, as may be evidenced by leaning, loose, or missing elements.
8. The number on buildings as provided for in Chapter 150 of this Code of Ordinances.

**155.09 SANITATION.** Every building which is in whole or in part leased by the owner or agent, except hotels and other establishments licensed by the Iowa Department of Inspection and Appeals, shall comply with the following requirements. The owner or lessor shall be deemed responsible for compliance with said requirements.

1. **Room Size.** No habitable room in a residential structure shall have a floor area of less than 80 square feet, nor shall the ceiling height be less than 7½ feet.
2. **Heating.** Every residential building shall be equipped with heating equipment capable of maintaining every habitable room at a temperature of at least 70 degrees Fahrenheit.
3. **Lighting.** Every residential building shall be so equipped as to provide every habitable room thereof with artificial lighting equipment reasonably uniformly distributed and of sufficient intensity to produce illumination of six foot-candles on the floor area, and at least ten foot-candles at certain points for reading, study, sewing and similar tasks. Hallways, stairways and similar passageways shall be provided with one or more foot-candles of illumination.

4. Ventilation. Every habitable room located in a residential building shall be provided with an aggregate openable window area of at least four percent (4%) of the floor area for existing buildings and at least six percent (6%) for buildings and additions hereafter constructed. This provision does not apply to residential buildings having adequate provisions for artificial ventilation.

5. Plumbing and Excreta Disposal. All plumbing in residential buildings shall comply with the requirements of the State Building Code. Every such building to which running water and sewage disposal are available shall be provided at least one lavatory, one water closet, one bathtub or shower, and one kitchen sink.

6. Screening. Every residential building shall have all windows and doors to the outside equipped with screens of not less than 16 meshes to the inch, which are so maintained as to effectively prevent the entrance into the building of flies and mosquitoes.

7. Overcrowding. If any room in any residential building is overcrowded the health officer may order the number of persons sleeping or living in said room to be so reduced that there shall not be less than 400 cubic feet of air to each adult and 200 cubic feet of air to each child under 12 years of age occupying such room.

**155.10 ENFORCEMENT PROCEDURES.** The objective of this code being the abatement of violations, persons violating this Code shall be allowed a reasonable amount of time to voluntarily remedy the violation before action to assess costs or penalties for a violation is undertaken. Consideration will be given to evidence of a good faith effort to correct the violation; whether an imminent health or safety hazard exists; whether the person has previously been notified of or charged with violations of a similar nature; and other factors. Violations, which are not voluntarily remedied, may be abated by any or all of the remedies provided in Section 155.12. All inspections and enforcement actions on violations, unless expressly stated to the contrary, shall be under the direction and supervision of an enforcement officer, who may appoint or designate other public officers or employees to perform duties as may be necessary to enforce this Code, including inspections. The enforcement officers are hereby authorized to abate such violations in accordance with the procedures of this Code and to serve notice to abate same, whether upon the owner or other responsible party for a premises upon which a violation is being maintained, or upon the person or persons causing, maintaining, or permitting the violation.

**155.11 EMERGENCY ENFORCEMENT PROCEDURES.** It is further provided by this Code that if the enforcement officer judges that an emergency exists which creates a dangerous and imminent health or safety hazard to persons, property or the general public which requires immediate action, the City may order such public abate action as may be necessary to meet the emergency without prior notice. Any orders issued pursuant to this section shall be effective immediately or in the time and manner prescribed in the order itself. The costs of such emergency public abatement shall be assessed to the property after a notice and hearing is provided to the property owner as provided under Section 155.15 of this chapter.

**155.12 ENFORCEMENT REMEDIES AND PENALTIES.** In the event that the violation is not abated as ordered and within the time specified, the City may abate such violation by any of the methods listed below. Any of these methods may run concurrently:

1. By issuance of a municipal infraction.

2. By undertaking the public abatement of the violation and assessment of costs thereof.
3. Prosecution as a misdemeanor.
4. Remedied by means of civil court proceeding or any other lawful process pursuant to the *Code of Iowa*.

**155.13 NOTICE OF ORDER TO ABATE AND CONTENTS OF NOTICE TO ABATE.** Whenever an enforcement officer finds that a violation of this Code exists, said officer shall cause to be served upon the responsible party a written order (notice) to abate the violation. One notice (order) may contain and be utilized for multiple violations. The notice to abate the violation shall contain the following:

1. A description of what constitutes the violation;
2. The location of the violation;
3. A statement of the act or acts necessary to abate the violation;
4. A reasonable time within which to complete the abatement.
5. The rights to a hearing.

When service of a notice (order) to abate is required, the following methods of service shall be deemed adequate service upon the owner or other responsible party of the property upon which the violation exists, or upon the person or persons causing, permitting, or maintaining the violation: (i) personal service pursuant to rule of civil procedure 1.305, Iowa court rules, for the personal service of original notice; (ii) sending the notice by both regular mail and certified mail, as defined in Iowa Code Section 618.15, to the address listed with the Sioux County Treasurer for the mailing of real estate tax notices; (iii) by posting the notice in a conspicuous place on the property or building deemed in violation; or (iv) any other method of providing notice that results in the notice actually being received by the owner or other responsible party of the property upon which the violation exists, or upon the person or persons causing, permitting, or maintaining the violation. The notice shall be considered given when personal service is made or when the property is posted, when the notice to abate is mailed, or when notice is actually received. If the certified mail is returned refused or undeliverable, the notice shall be considered to have been provided in accordance with Iowa Law. The enforcement officer may, but shall not be required to, give notice to abate prior to issuance of municipal infraction for a repeat offense involving the same property and occurring within one year of a prior violation and notice to abate.

**155.14 HEARING.** Any responsible party ordered to abate a nuisance may have a hearing with the Police Chief (enforcement officer) as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the police department within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated. The minimum time an enforcement officer shall allow for a hearing shall be five calendar days following issuance of an order to abate a violation. At the conclusion of the hearing and after any due consideration of any information presented by the responsible party, the Police Chief or other enforcement officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the Police Chief finds that a nuisance or prohibited condition does exist as originally determined, the Police Chief may maintain the original abatement schedule ordered or modify it as necessary to adjust for any information presented.

**155.15 PUBLIC ABATEMENT.**

1. Generally. If the responsible party notified to abate a violation neglects or fails to abate the violation as directed, the City may perform the required action to abate the violation as provided in Section 155.12(2).

2. Notice. Where public abatement is being pursued, a separate notice shall be provided by one of the following methods: (i) hand delivery to the party; (ii) personal delivery as provided for by Iowa Rules of Civil Procedure and court rules for the personal service of original notice; or (iii) mailing by certified mail, return receipt requested, and by ordinary mail to the last known address as shown by the records of the County Auditor along with the posting of a copy of the notice on a door of the property if a building is involved. The notice shall meet all the minimum requirements of Section 155.13 and in addition shall contain a statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate the violation and assess the costs against the responsible person or property. The notice shall also indicate whether the cost of the abatement is estimated to be \$1,000.00 or more. The enforcement officer may, but shall not be required to, give additional time to abate a violation proposed to be publicly abated, if reasonable time was already provided to abate the same violation under another remedy process provided for in Section 155.12 (e.g., municipal infraction).

3. Hearing/Appeals Permitted. Where public abatement is being pursued, an initial hearing shall be as provided as stated in Section 155.14. At the conclusion of the hearing an appeal shall be provided if requested within five working days after the initial hearing with the Police Chief. The request shall be in writing and shall be delivered to the City Administrator/Clerk.

A. For violations that are proposed to be publicly abated, that do not involve the demolition of a structure and that are estimated to be under \$1,000.00 in abatement costs, an appeal from the Police Chief's hearing decision may be made to the City Administrator. This appeal will be heard before the City Administrator at a time and place fixed by the Administrator. The Administrator shall follow the same hearing process described in Section 155.14.

B. For violations that are proposed to be abated with public abatement that involve the demolition of a structure or over \$1,000.00 in abatement costs, an appeal from the Police Chief's hearing may be made to the City Council. This appeal will be heard before the City Council at a time and place fixed by the City Council. The City Council shall follow the same hearing process described as for the Police Chief in Section 155.14.

A party shall have 10 days following the decision of the City Administrator or Council under subsection 3(A) or 3(B) to file an appeal with the Iowa district court. Following the exhaustion of all appeals/hearings, the hearing officer may then order the public abatement of the violation as provided herein. If so ordered the enforcement officer may then proceed on seeking the public abatement of the nuisance.

4. Abatement Costs, Recording and Collecting. The enforcement officer shall be responsible for organizing such abatement actions and ensuring the submittal of abatement costs to the City Clerk. The City Clerk shall then keep an accurate account

of the itemized expenses incurred. The City Clerk shall pay all such abatement expenses on behalf of the City. Once the public abatement is completed, the City Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one (1) month, the Clerk shall certify the costs to the County Treasurer and it shall then be collected with, and in the same manner, as general property taxes. If the amount expended to abate the nuisance or condition exceeds \$500.00, the City shall 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 property being assessed for public improvements.

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## CHAPTER 156

### UNDERGROUND CONDUITS

156.01 Depth  
156.02 Location  
156.03 Construction; Map; Permit  
156.04 Manholes; Building Materials

156.05 Conformance  
156.06 Excavations; Repair  
156.07 Excavation; Costs

**156.01 DEPTH.** All underground wires or conduits shall be installed at least twenty-four (24) inches below the sidewalk grade now established in the City. In the event that the grade is changed at any time, the underground wire or conduit shall, if necessary, be changed without expense to the City.

**156.02 LOCATION.** The location of all underground wires, conduits and manholes in the public streets, alleys and public places in the City shall be under the supervision and control of the Council.

**156.03 CONSTRUCTION; MAP; PERMIT.** Within six months after the construction of underground wires, conduits or manholes as provided in this chapter, the person constructing and operating the same shall file with the Clerk a map or plat showing the location of the same. After the filing of such map or plat, no person shall in any manner excavate or disturb the ground of any street, alley or public place in the City where such underground wires, conduits or manholes may be located, without applying for and receiving from the Mayor and Clerk a written permit so to do, and such permit shall not be issued in any case whereby said underground wires, conduits or manholes shall be damaged, except as herein provided.

**156.04 MANHOLES; BUILDING MATERIALS.** All manholes connected with such underground wires or conduits shall be built of brick, stone or concrete with cast iron or concrete tops, and the grade at the top of such manholes shall not be higher than the established grade of the streets at the point of establishment. If the street grade is at any time raised or lowered by the City, the top of the manholes shall not be higher than the grade as thus established; such change in the manholes shall be made by the owner thereof, without expense to the City.

**156.05 CONFORMANCE.** All telephone companies and other persons using electric wire shall construct their underground wires, conduits and manholes to conform to the grades herein established and provided for and in the manner herein provided for.

**156.06 EXCAVATIONS; REPAIR.** All telephone companies and other persons using electric wire shall immediately after placing any wire or conduit in any street, alley or public place, restore the street or alley to a good condition, leaving the surface smooth and as nearly as it was before the excavating as is practicable. After so doing, should any holes or hollows appear at the point of excavation or adjacent thereto, such company or person shall immediately cause the same to be filled and the street or alley restored to as nearly its former condition as is practicable and in event of their failure to do so, the City may do such work and recover the amount expended from such person or company whose duty it was to perform it.

**156.07 EXCAVATION; COSTS.** All telephone companies and or other persons or companies using electric wire who avail themselves of the provisions of this chapter shall hold the City harmless from any and all damages sustained by any person or property by reason of injuries received in or growing out of the excavating in any street or alley for the purpose of placing wires or conduits as herein provided. In event the City is obliged to pay any sum for injuries to persons or property caused by the excavating or caving in after excavating is filled, then the person or company who did the excavating shall reimburse the City for such sums paid, costs and expenses of all kinds and natures growing out of or in any manner connected with the injuries or loss, and such sums may be recovered by the City against such person or company.

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