

CHAPTER 320**ABATEMENT OF DANGEROUS BUILDINGS**

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320.01 TITLE AND PURPOSE. This chapter shall be known and may be cited and referred to as the “Monona County Abatement of Dangerous Buildings Code” and may be cited as such, and is referred to herein as “the Chapter.” It is the purpose of this code to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Monona County Building Code, Rental Housing Code or otherwise available 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 may be required to be repaired, vacated or demolished.

320.02 JURISDICTION. The provisions of this Chapter shall apply to all of the unincorporated territory of Monona County, Iowa with the exception of facilities owned by the United States of America, State of Iowa, or Omaha Tribe of Nebraska. Nothing in this Chapter shall be construed to be in conflict with the State laws or the State Housing Code. In the event of such conflict, the State Law shall prevail.

320.03 ADMINISTRATIVE PROVISIONS. Administration of this chapter shall be as provided in this section and in the following sections of codes names, which are herein adopted by reference, to provide procedures for local enforcement of the codes constituting the Abatement of Dangerous Buildings Code.

1. The Building Official shall be appointed by the Chairman of the Monona County Board of Supervisors, subject to approval of the Board, for the enforcement of this Chapter and such other ordinances as shall be assigned to the Building Official. The Building Official shall also perform such other duties as may be required by the Board.
2. The Building Official shall be accountable for enforcement of the Dangerous Buildings Code and shall have the power to render interpretations of said Code and to adopt and enforce rules and regulations supplemental to the code, subject to approval of the Board, as the Building Official deems necessary in order to clarify the application of the provisions of this Chapter. Such rules, regulations and interpretations shall be in conformity with the intent and purpose of this chapter.
3. An official copy of all codes adopted by reference in this chapter shall be on file in the office of the Building Official. A certified copy of the Ordinance adopting this chapter shall be on file in the office of the County Auditor.

4. The Building Official, or a designee as may be appointed by the Board of Supervisors, is hereby designated as the Building Inspector and is charged with the responsibility for performing all of the inspection functions required by this chapter and not otherwise delegated. Said Building Official may be provided with the assistance of such other persons as the Board may direct, including but not limited to a professional structural engineer licensed in the State of Iowa.

320.04 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION. Pursuant to published notice and public hearing, as required by law, the Uniform Code for the Abatement of Dangerous Buildings (ADB), 1997 Edition, published by the International Conference of Building Officials, is hereby adopted reference and in full except for such portions as may hereinafter deleted, modified or amended.

The following sections are hereby revised:

1. The provisions of Section 203.1 of the ADB are hereby amended by providing that elected officials of Monona County may not serve on the Board of Appeals.
2. The provisions of Section 301 are hereby amended by defining “BUILDING CODE” as the International Building Code, 2012 Edition, published by the International Code Council and deleting the words “Section 106”.
3. The provisions of Section 302 are hereby amended by replacing the words “Section 301 of this code” with “Monona County Building Code” and by replacing the words “Section 107 of the Building Code” with “Monona County Building Code”.
4. The provisions of Section 303 are hereby amended by replacing the words “Section 108 and 1701 of the Building Code” with “Monona County Building Code”.

320.05 DEMOLITION OF EXISTING BUILDINGS. If any existing building is demolished and there results therefrom a hole or other excavation, or a mound of dirt, the owner of said lot shall, within four (4) months of the creation of the holed, excavation, or mound, cause the hole or excavation to be filled or the mound leveled so as to return the lot to a uniform grade consistent with the surrounding lots. The provisions of this section shall not apply if, within the four (4) month period set forth above, the owner(s) obtains a building permit to construct a new structure on the site and thereafter proceeds in a timely manner to commence construction. During the period of existence of any such hole or excavation, the owner(s) shall provide barricades with appropriate lighting and signage to protect the site. It shall be the owner(s) responsibility to prevent siltation from entering rivers, streams, or drainage courses or exiting the owner(s) property. It shall be the owner(s) responsibility to obtain any necessary permits, including National Pollution Discharge Elimination System (NPDES) permits.

320.06 STORED DIRT ON VACANT LOTS. In any zoning district other than A-1 or A-2 Agricultural Districts, no person shall store or permit to be stored dirt, sand, gravel, debris or similar materials on a vacant lot unless said materials shall be leveled and the lot brought to uniform grade consistent with the surrounding lots. As an exception to the foregoing, dirt, sand, gravel, and other materials may be stored in mounds for a period not to exceed four (4) months on a vacant lot in anticipation of construction on that lot, or in connection with construction on a neighboring lot, but for no other purpose. It shall be the owner(s) responsibility to prevent siltation from entering rivers, streams, or drainage courses or exiting the owner(s) property. It shall be the owner(s) responsibility to obtain any necessary permits, including National Pollution Discharge Elimination System (NPDES) permits. Any dirt or other materials stored temporarily in mounds as permitted herein shall either be removed or leveled and the lot brought to grade at the conclusion of the temporary period of storage.

320.07 VIOLATIONS AND PENALTIES.

1. **Violations.** It shall be unlawful to lease any residential dwelling unit without proper registration and inspection as required by the provisions of this Ordinance, or any amendment or supplement thereto, lawfully adopted by the County Board of Supervisors; or to fail to comply with any reasonable requirement or condition imposed by the Building Official.
 - A. If the Building Official shall find that any of the provisions of this chapter are being violated, the Building Official or designee shall notify in writing the person responsible for such violation. The Building Official order discontinuance of illegal use of land, buildings, or structures, or shall take any other action authorized by the Rental Housing Code to insure compliance with or to prevent violation of its provisions. The notice shall state the nature of the violation, order the action(s) necessary to correct each violation, and providing a reasonable time limit for the satisfactory correction thereof.
 - B. A Notice of Violation may be served as a first attempt to gain compliance. If compliance is not met with the sending of a Notice of Violation then a Citation shall be served on the property owner. The offender shall be provided a reasonable time, not to exceed thirty (30) days in which to correct the violations.
 - C. A violation which occurs for a short period of time having no other reasonable means for insuring compliance, may be served a citation immediately upon observation of a violation.
 - D. If the violation is not corrected, Monona County may seek such remedies, civil or criminal, as are authorized by law including, but not limited to, the provisions of the Monona County Ordinance for County infractions and as outlined herein.
2. **Penalties.** A violation of this Chapter of the Code of Ordinances or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of

the Code of Iowa, is a county infraction punishable by civil penalty as provided herein.

(Code of Iowa, Sec. 331.307)

- A. *Civil Penalty.* The Building Official or designee may assess the maximum civil penalty allowed per day for each violation. A county infraction of these Building Codes is punishable by the following civil penalties:
- (1) First Offense – Not to exceed \$750.00
 - (2) Each Repeat Offense – Not to exceed \$1,000.00.
- Each day that a violation occurs or is permitted to exist constitutes a repeat offense.
- B. *Civil Citations.* Any officer authorized by the County to enforce this Chapter of the Code of Ordinances may issue a civil citation to a person who commits a county infraction. The citation may be served by personal service as provided in Rule of Civil Procedure 1.305, by certified mail addressed to the defendant at defendant's last know mailing address with return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 1.310 and subject to the conditions of Rule of Civil Procedure 1.311. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed.
- C. *Alternate Relief.* Seeking a civil penalty as authored in this section does not preclude the County from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief. Further, this section does not preclude or limit the authority of the County to enforce the provisions of State or County Code by criminal sanctions or other lawful means.
- D. *Prosecution.* If prosecution becomes necessary, it shall be administered under the provisions of Chapter 335, Code of Iowa, which states in part that the violation of any regulation, restriction or boundary adopted under said chapter or the occupancy or use of any structure erected, altered or maintained in violation of said chapter shall constitute a simple misdemeanor. Such occupancy or use shall be deemed a continuing violation and may be the subject of repeated prosecutions if so continued.

3. *Remedies.*

- A. The Building Official may withhold or deny any permit, certificate, or other form of authorization on any land in which there is an uncorrected violation of a provision of this chapter.
- B. The Building Official may condition the authorization of any permit or certificate upon the correction of a deficiency.

- C. The Building Official may revoke approval of a permit or certificate by notifying the applicant and/or landowner in writing the reason for the revocation. Revocation may include, but is not limited to, any of the following reasons:
- (1) For any substantial departure from the approved application, plans or specifications, or
 - (2) For refusal or failure to comply with the requirements of state or local laws, or
 - (3) For false statements or misrepresentations made in securing permit approval.
- D. If the Building Official determines that a violation is an immediate threat to public safety or welfare and the property owner has failed to take corrective action within the time period stated in the notice provided, Monona County may take such remedial action as is necessary to protect the public safety or welfare. Such remedial action may include entering the property where a violation is present, correcting the violation, and placing a lien on the property to secure payment and reimbursement of any and all expenses incurred by Monona County to correct such violation.

320.08 HOUSING AND ADVISORY APPEALS BOARD. The Board of Supervisors shall appoint the members of the Housing and Advisory Appeals Board. If so appointed, elected officials who are not full-time employees may not serve on the Housing and Advisory Appeals Board.

320.09 APPEALS Any person entitled to service under Section 401.3 of the ADB may appeal from any notice and order or any action of the Building Official under this Chapter by filing at the office a written appeal in accordance with Section 501.1 of the ADB provided that such appeal is made within thirty (30) days from the date of the service of such order or action of the Building Official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 404 of ADB, such appeal shall be filed within ten (10) business days from the date of the service of the notice and order of the Building Official.

(Dangerous Buildings Code passed and approved on the ____ day of _____, 2014.)

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