

BUILDING AND PROPERTY REGULATIONS

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CHAPTER 145

DANGEROUS BUILDINGS

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

145.02 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 and 364.12[3a])

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

145.04 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 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 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.

145.05 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.[†]

145.06 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 MINBURN, 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.

145.07 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 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])

[†] **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.

145.08 COSTS. Costs incurred under Section 145.07 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 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions

146.02 Conversion to Real Property

146.03 Foundation Requirements

146.01 DEFINITIONS. For use in this chapter the following terms are defined:
(*Code of Iowa, Sec. 435.1*)

1. "Manufactured home" means a factory-built structure built under the authority of 42 U.S.C. Sec. 5403 which was constructed on or after June 15, 1976, and is required by federal law to display a seal from the United States Department of Housing and Urban Development.
2. "Manufactured home community" means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or federal seals.
4. "Mobile home park" means any site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term "manufactured home community" or "mobile home park" is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house said entity's own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home that is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(*Code of Iowa, Sec. 435.26*)

1. **Retailer's Stock.** Mobile homes or manufactured homes on private property as part of a retailer's or a manufacturer's stock not used as a place for human habitation.
2. **Existing Homes.** A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995,

shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system that meets the support and anchorage requirements as recommended by the manufacturer or required by the *State Building Code*. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the *State Building Code*.

(Code of Iowa, Sec. 103A.10 and 414.28)

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CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Plan

150.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Owner" means the owner of the principal building.
2. "Principal building" means the main building on any lot or subdivision thereof.

150.02 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.

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

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half inches in height and of a contrasting color with their background.

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

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of 30 days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

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

150.03 BUILDING NUMBERING PLAN. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

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CHAPTER 151

TREES

151.01 Purpose
151.02 Definition
151.03 Planting Restrictions
151.04 Duty to Trim Trees
151.05 Trimming Trees to Be Supervised

151.06 Duty to Trim Grass, Weeds, and Brush
151.07 Disease Control
151.08 Inspection and Removal
151.09 Rate
151.10 Penalty

151.01 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the City by regulating and providing for the planting, care and removal of trees and the care and removal of grass, weeds and brush.

151.02 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.

151.03 PLANTING RESTRICTIONS. No tree, bush, woody stemmed plant or other plant which would obstruct the view of a passing motorist shall be planted within 10 feet of the traveled portion of any street.

151.04 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 15 feet above the surface of the street and eight 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 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, and e])

151.05 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.04, 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.

151.06 DUTY TO TRIM GRASS, WEEDS, AND BRUSH. The owner or agent of property within the City shall keep grass, weeds or brush growing thereon trimmed to a height of no more than eight inches above the surface of the ground. If the property owner or agent fails to trim the grass, weeds or brush as required by this chapter, the City may serve notice on the property owner requiring the property owner to do so within five days. If the property owner fails to trim the grass, weeds or brush within that time, the City may perform the required action and assess the costs against the property for collection in the same manner as a property tax. Specifically maintained lots and gardens are excluded from the requirements of this section at the discretion of the Council.

151.07 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.

151.08 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 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 and h])

151.09 RATE. The rate at which a property owner shall be assessed for the City's performance of the required action under this chapter shall be \$50.00 per hour, with a minimum charge of \$50.00.

151.10 PENALTY. A person who violates the provisions of this chapter is guilty of a municipal infraction.

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CHAPTER 155

BUILDING AND LAND USE REGULATIONS

155.01 Purpose
155.02 Building Official
155.03 Permit Required
155.04 Application
155.05 Fees
155.06 Amendments
155.07 Subdivision Regulations
155.08 Application Approved
155.09 Erosion Control
155.10 Action by Council
155.11 Restrictions
155.12 Condition of the Permit

155.13 Posting of Permit
155.14 Revocation
155.15 Permit Void
155.16 Restricted Residence District
155.17 Notice Requirements
155.18 Setbacks
155.19 Minimum Building Restrictions
155.20 Prohibited Use
155.21 Exceptions
155.22 Certifying Ordinances
155.23 Abatement of Violation
155.24 Variances

155.01 PURPOSE. The purpose of this chapter is to provide and establish reasonable rules and regulations for the erection, reconstruction, altering and moving of buildings of all kinds, as well as the use and occupancy of such buildings to promote the health, morals, safety and general welfare in the City.

(Code of Iowa, Sec. 364.1)

155.02 BUILDING OFFICIAL. The Mayor or Public Works Director is the building official and is responsible for the administration and enforcement of this chapter.

155.03 PERMIT REQUIRED. No building or other structure shall be erected, altered to the extent it changes square footage, moved, used or occupied within the City without first receiving a permit therefor. Nor shall any concrete be installed in an amount that covers an area that exceeds ten square feet without first receiving a permit.

155.04 APPLICATION. Application shall be made in writing, filed with the building official at least 15 days prior to the next regularly scheduled Council meeting and contain the following information:

1. Name. The name and address of the applicant.
2. Location. The street address and full legal description of the property.
3. Proposed Work. The nature of work proposed to be done.
4. Use. The use for which the structure is or will be used.
5. Plans. Application for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including such floor plans, sections, elevations, and structural details, as the building official may require.
6. Plot Diagram. There shall also be filed a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction or, in the case of demolition, of such construction as is to be demolished and of all existing buildings.

155.05 FEES. The purpose of a building permit fee is to cover the costs of checking and enforcing compliance.

1. The fee multiplier for any structure not listed below will be established using the most recent building valuation data as published in the *Building Standards* magazine.
2. An application fee shall be paid according to the following schedule. Multiply the square footage of each portion of the project by the appropriate multiplier to determine the valuation factor.
3. Building permits for the following structures will be issued for the fees indicated:

Project	Fee
Solar or Electrical	\$50.00
Fence, Deck, All Other Buildings	\$30.00

When applying for a solar permit flat fee of \$50.00 for inspecting for solar panels. When applying for all other permits, there is a flat fee of \$30.00. Bond for moving a house still applies as well as the fees pertaining to that.

155.06 AMENDMENTS. Nothing shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

155.07 SUBDIVISION REGULATIONS. No more than two building permits for each separate tract shall be issued unless the tract has been platted in accordance with subdivision regulations established in the Code of Ordinances, except that this provision shall not limit the number of building permits that may be issued for accessory buildings or additions or improvements to a main or accessory building already legally located upon said tract.

155.08 APPLICATION APPROVED. It is the duty of the building official to examine applications for permits within a reasonable time after filing. If, after examination, the building official finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the building official shall forward findings to the Council for its approval or disapproval.

155.09 EROSION CONTROL. When a land disturbing activity, as defined by the Code of Iowa, is to occur as a part of a project for which a permit hereunder is sought, no permit shall be issued unless there is on file with the City a soil erosion control plan which covers the proposed project and is approved by the Soil Conservation District Commissioners.

(Code of Iowa, Sec. 161A.64)

155.10 ACTION BY COUNCIL. After receiving the findings of the building official, the Council shall, within a reasonable time, either approve or disapprove the application. If disapproved, the Council shall state its reasons for disapproval and notify the applicant of same. If approved, the Council shall instruct the building official to issue the building permit to the applicant. Said permit shall be issued in triplicate, one copy for the applicant, one copy for the County Assessor and one copy to be retained in the City records.

155.11 RESTRICTIONS. No permit for the erection, alteration, use or occupancy of a building or similar structure shall be granted unless it definitely appears that such erection, alteration, use or occupancy shall not cause or be the source of the following:

(Code of Iowa, Sec. 414.24)

1. Noise. Any undue noise.
2. Electrical Interference. Any undue radio or television interference.
3. Odors. Any offensive odors.
4. Refuse. Any offensive or unsightly refuse.
5. Smoke. Any offensive or undue smoke.
6. Fire Hazard. Any fire hazard.
7. Appearance. Any unsightliness due to the appearance of any building or structure on the premises.
8. Congestion. Any undue gathering, congregating, parking of cars, or undue congestion of people or traffic.
9. Other. Any effect which will be obnoxious, offensive, dangerous or injurious to the health, welfare and safety of citizens.

155.12 CONDITION OF THE PERMIT. All work performed under any permit shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It is unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

155.13 POSTING OF PERMIT. A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of same. The building official may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The building official shall be given at least 24 hours' notice of the starting of work under a permit.

155.14 REVOCATION. The building official may revoke a permit or approval issued under the provisions of this chapter in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

155.15 PERMIT VOID. In the event that construction covered by a permit is not initiated and underway within 30 days or completed within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect unless a Building Permit Extension Application (BPEA) has been submitted and approved.

1. BPEA for Beginning Construction Date. If property owner submits a BPEA stating why construction will not begin within the designated 30 days, the Council may change the dates of the permit's validation year at its discretion.
2. BPEA for Completion Date. If the property owner submits a BPEA stating why construction will not be completed by the expiration date, the Council may extend the date at its discretion.

3. **Deadline.** A Building Permit Extension Application for the purpose of changing the beginning date must be submitted within 20 days of the beginning date on the original permit. A BPEA for the purpose of extending the final construction date must be submitted at least 60 days prior to the last day of the permit.

4. **Application Fee for Building Extensions.** No fee is required when submitted a BPEA prior to the deadline.

155.16 RESTRICTED RESIDENCE DISTRICT. The following area is hereby defined and established as a restricted residence district:

(Code of Iowa, Sec. 414.24)

All that area lying within the corporate limits of the City except the following described area:

Lots 7 and 8, Block 4

North one-half of Block 10

Block 11

Lots 4 through 13, Block 12

Block 20

*Railroad Industrial Property between Walnut Street and Laurel Street
on the west side of Railroad tracks.*

155.17 NOTICE REQUIREMENTS. Whenever a restricted residence district is established or changed, a public hearing must be held, notice of which shall be given at least seven days in advance in the manner prescribed in Section 18.05 of this Code of Ordinances. In no case shall the public hearing be held earlier than the next regularly scheduled Council meeting following the published notice.

(Code of Iowa, Sec. 414.24)

155.18 SETBACKS. All buildings shall be set back at least 25 feet or the average of the setback within 200 feet each side of the proposed structure from the property line and next to the right-of-way of the street, and no buildings shall be built closer than five feet or 10 percent of the width of the lot to the side lot line, nor shall any principal building be built in the rear 40 percent of the lot, but in no event closer than five feet of the property line, without special Council permission.

155.19 MINIMUM BUILDING RESTRICTIONS. Residential improvements in restricted residence districts shall have minimum outside building dimensions of 20 feet by 30 feet.

155.20 PROHIBITED USE. No building or other structure, except residences, school houses, churches and other similar structures shall be erected, altered, repaired, used or occupied within the restricted residence district as defined herein without first receiving from the Council a special use permit therefor. No such special use permit shall be issued without the affirmative vote of three-fourths of the full Council. Nor shall a permit be issued if 60 percent of the real estate owners in said district object thereto.

155.21 EXCEPTIONS. The provisions of the preceding section shall have no application to any business, store, shop or factory existing and in operation in a restricted residence district on

March 3, 1958, except in the matter of reconstruction, repair, alteration, or change in use of the structure.

155.22 CERTIFYING ORDINANCES. Within 15 days of the effective date of the adoption of any amendments to the provisions of this chapter the Clerk shall certify such amendment to the County Recorder.

155.23 ABATEMENT OF VIOLATION. Any building or structure erected, altered, repaired, used or occupied in violation of this chapter shall be determined a nuisance and the same may be abated by the City or by any property owner within said district in the manner provided for the abatement of nuisances.

155.24 VARIANCES. Variances to the provisions of this chapter may be granted by an affirmative vote of two-thirds of all of the members of the Council. Said variance must include the reason for a variance, why the variance was granted and a specific description of the property for which the variance was granted.

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