

## COUNCIL ACTION FORM

### **SUBJECT: DANGEROUS BUILDING ORDINANCE**

### **BACKGROUND:**

Over the last four years the City has dealt with several buildings that constituted a danger to Ames citizens. Staff and the City Council discussed problems with enforcement at three meetings in 2008. After the last presentation, Council directed staff to develop a dangerous building ordinance that would allow the City to proceed with involuntary compliance in a timelier manner.

The existing ordinance, adopted in 1992, has proven to be insufficient to deal with the reduction in these hazards in a timely and efficient manner. Voluntary compliance is always sought first, and that often takes up to two years. Involuntary compliance can take as long as seven years. The new ordinance should facilitate more timely compliance in line with the expectations of neighboring residents.

The City's Inspections and Legal staff has collaborated to retain the best sections of the existing dangerous building ordinance, to insure compliance with the procedures from the Code of Iowa, and to incorporate a model code for nuisance abatement from the International Municipal Lawyers Association (IMLA).

Voluntary compliance will remain the first choice for correction of dangerous buildings. As a part of the new ordinance, property owners still retain multiple levels of appeal, including a citizen appeals board. The model code will allow the City to take actions to correct violations similar to other communities in Iowa and throughout the United States. Such a model code is also likely to be more easily accepted in court cases.

The proposed ordinance also contains relief options for low income persons. Individuals meeting the City's existing CDBG criteria for low income, defined as having household income of not more than 80% of the Story County median income, will be eligible to have up to \$1000 of the cost of abating a dangerous building waived by the Building Official. Financial assistance above that amount may be provided by action of the City Council.

While there oftentimes is a great amount of staff time devoted to abating a dangerous building, the attached ordinance generally does not seek to recoup that cost. However, for the most drawn out cases, the ordinance does require security to cover City costs after an owner seeks a second time extension from the Building Code Board of Appeals.

The revised dangerous building ordinance is attached.

**ALTERNATIVES:**

1. Adopt the proposed revision to the City's dangerous building ordinance with provisions for abatement of dangerous buildings.
2. Direct staff to make changes to the proposed ordinance.
3. Reject the proposed ordinance and retain the existing code language.

**MANAGER'S RECOMMENDED ACTION:**

By utilizing the nuisance abatement ordinance from the IMLA, the City will be in a better position to correct dangerous situations in a timely manner. In response to a Council request, the proposed dangerous building ordinance also adds provision for limited financial relief for low income property owners. The new ordinance will better protect both our citizens at large and surrounding property values.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving passage of the proposed revision to the dangerous building ordinance.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SUBSECTION 5.400 AND ENACTING NEW SUBSECTIONS 5.400 THROUGH 5.416 THEREOF, FOR THE PURPOSE OF ESTABLISHING NEW APPEAL PROCEDURES OF THE DANGEROUS BUILDING CODE; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Subsection 5.400 and enacting new Subsections 5.400 through 5.416 as follows:

**“Sec. 5.400 Title and Adoption.**

These regulations shall be known as the Dangerous Building Code of the City of Ames, hereinafter referred to as “this code”.

(1) **Scope.** The provisions of this code shall apply to the use and occupancy, repair, maintenance, removal and demolition of every building or structure or any appurtenances connected with or attached to such buildings or structures, including all electrical, mechanical, plumbing, and fire alarm and suppression equipment and systems. Buildings and structures may be declared dangerous based upon unsafe conditions found in any one or more of these building systems.

(2) **Intent.** The purpose of this code is to establish the minimum standards of structural strength and stability, means of egress, health and sanitation, light and ventilation, necessary to safeguard the public health, safety and general welfare from fire and other hazards, and to provide safety to fire fighters, police, and other emergency responders during routine and emergency operations.

(3) **Referenced codes.** The codes adopted by reference in Section 5.100 of the City of Ames Building, Electrical, Mechanical and Plumbing Code shall be used as the minimum standards to be followed under this chapter.

**Sec. 5.401 Definitions.**

The following words when used in this chapter shall have the meanings:

(1) *Abatement* means the repair, modification, stoppage, removal or demolition of that which causes or constitutes a public nuisance.

(2) *Building Official* means the City official designated to administer and enforce the provisions of this code, or designee.

(3) *Dangerous building.* For the purpose of this code, any building, shed, garage, fence, or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

(a) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(b) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(c) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

(d) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

(e) 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.

(f) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

(g) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

(h) 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.

(i) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(j) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

(k) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

(l) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become

- (i) an attractive nuisance to children;
- (ii) a harbor for vagrants, criminals or immoral persons; or as to
- (iii) enable persons to resort thereto for the purpose of committing

unlawful or immoral acts.

(m) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the City of Ames Municipal Code Chapter 5, Building, Electrical, Mechanical and Plumbing Code, or City of Ames Municipal Code Chapter 13, Rental Housing Code, or of any law or ordinance of this state or city relating to the condition, location or structure of buildings.

(n) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the:

- (i) strength,
- (ii) fire-resisting qualities or characteristics, or
- (iii) weather-resisting qualities or characteristics required by law in

the case of a newly constructed building of like area, height and occupancy in the same location.

(o) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(p) 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 to be a fire hazard.

(q) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law, or in equity jurisprudence.

(r) 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.

(4) *Imminently dangerous structure* is any building, shed, fence or other man-made structure which, is in danger of imminent collapse of all or any part of such structure and is thereby an imminent danger to the health and safety of the general public or adjacent property.

(5) *Owner* means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court; or a trustee.

(6) *Property* means any real property, premises, structure or location on which a dangerous building is alleged to exist.

(7) *Public nuisance* means any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit basement, cellar, sidewalk subspace, dock, wharf or landing dock; or any lot, land, yard, premises or locations which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the City, in any one or more of the following particulars:

(a) By reason of being a menace, threat and/or hazard to the general health and safety of the community.

(b) By reason of being a fire hazard.

(c) By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property.

(d) Is an imminently dangerous structure.

(e) By reason of the existence of any condition set forth in Section 5.401(3) of this code.

(8) *Summary abatement* means abatement of the dangerous building by the City, or a contractor employed by the City, by removal, repair, or other acts without prior notice to the owner, agent, or occupant of the property.

**Sec. 5.402 Authority.**

(1) *City Officials.* The Building Official, City Sanitarian, Fire Inspector, or their designees are authorized to conduct inspections and take any other actions to carry out and enforce the provisions of this chapter relating to dangerous buildings.

(2) *Abatement.* All buildings or portions thereof which are, on inspection, determined to be dangerous, as provided in subsection 5.401(3) above, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, vacation, securing against entry, demolition or removal.

(3) *Summary Abatement.* Where it has been determined that a structure is imminently dangerous the City may proceed by Summary Abatement.

(4) *Failure to Obey Notice.* If any person, firm, or corporation shall refuse to comply with a notice issued by the Building Official in regard to a dangerous structure, the Building Official may cause the person to be prosecuted or institute actions to abate the building as a public nuisance by securing against entry, initiating repair or initiating demolition.

**Sec. 5. 403 Procedure to Remedy.**

Whenever the Building Official or other inspector determines that any structure is dangerous the Building Official shall:

(1) Post Notice. Cause to be posted in a conspicuous place on the structure a notice which shall read substantially as follows: "Danger - Unsafe or Unfit Structure."

(2) Serve Notice. Cause to be served upon the owner thereof and the occupants, if any, a written notice which shall contain:

(a) The street address and a legal description sufficient for identification of the premises upon which the structure is located;

(b) A statement that the Building Official has found the structure to be a dangerous structure with a description of the conditions found to render the structure dangerous under the provisions of Section 5.401(3);

(c) A statement that the structure must be vacated by all occupants within a specified time, which shall be reasonable under the circumstances;

(d) A statement of the corrective action to be taken as determined by the Building Official including a time for commencing and completing such corrective action. Corrective action may include repair, removal, demolition, or other abatement, as determined by the Building Official. All repair or modification or demolition work ordered shall be commenced within a reasonable time as determined by the Building Official. When required action is repair, such work shall be completed within a reasonable time as determined by the Building Official. Requests for time extensions shall be submitted in writing to the Building Official.

(e) A statement that the Building Official may require the owner to obtain structural, or other appropriate evaluations and reports to be prepared by a structural engineer or other appropriately licensed persons for use in developing a complete and detailed corrective action plan. The notice shall set a date for submittal of such professional evaluations and reports. If the owner is unwilling or unable to obtain such required evaluations and reports, the Building Official may contract with qualified persons and invoice the building owner to recover costs for such services, or assess the costs against the property in the manner of a special assessment

(f) A statement that if the required repair, modification or demolition work is not commenced or completed within the time specified, the City may cause the structure to be abated or demolished and assess all costs thereof.

(g) A statement that the Building Official will report the failure of the owner to repair, modify or demolish the structure to the Building Board of Appeals (as established in Municipal Code Chapter 5 Division VI, hereinafter referred to as "the Board"), City Manager, and City Council; and

(i) that the Board will conduct a public hearing on the report and may direct the Building Official to proceed with demolition of the structure or abatement of the dangerous condition and assessment of costs in accord with procedures set forth in this code, and

(ii) that the owner may file written objections with the Building Official, and appear at the public hearing and be heard orally in relation to the matter at the time of the public hearing before the Board.

(h) A statement that the owner has the right to request a hearing by the Board to appeal the notice.

(i) A statement that any person who is the record owner of the premises, location or structure at the time an order pursuant to this Ordinance is issued and served upon the owner, shall be responsible for complying with that order, and liable for any costs incurred by the City therewith, notwithstanding the fact that the owner conveys his or her interests in the property to another after such order was issued and served.

(3) Form of Notice. Such notice may be in the form of an ordinance, or by certified mail, or by personal service to the property owner as shown by the records of the city assessor and to

the occupants, if any, and shall state the time within which action is required. However, in an emergency, the city may perform any action which may be required under this section without prior notice, as a Summary Abatement and assess costs.

(4) File Notice. The Building Official shall file a copy of such written notice with the county recorder.

**Sec. 5. 404 Abatement by Owner; Time for Compliance**

(1) Duties. The owner or occupant of a Dangerous Building who has been served notice under Section 5.403 shall:

(a) Promptly take action to make the dangerous building as safe, secure, and free from danger to others as is possible pending repair or demolition.

(b) Within 15 days after date of the notice file with the Building Official a written statement of intent to comply which includes plans detailing the repairs or demolition to be done, and includes a completion date.

(c) Obtain approval from the Building Official of the repair or demolition plans submitted.

(d) Within a reasonable time after filing a statement of intent and receiving approval, commence actual repairs or modification in accord with the statement of intent.

(2) Time Extensions. Extensions of time may be granted as follows:

(a) The owner may request one extension of time from the Building Official for the owner to abate the dangerous conditions by demolition or to make required repairs, provided such extension is limited to a specific time period.

(b) If the owner has been granted one extension of time by the Building Official, any additional request for an extension of time shall be taken as an appeal to the Building Board.

**Sec. 5. 405 Appeal Procedures.**

(1) Manner. The owner or occupant of the property who has been served with a notice pursuant to this Code that a dangerous building exists and that it must be abated or repaired as set forth in the Building Official's notice may make a written request to the Building Official for a hearing before the Building Board. This request shall be made within fifteen (15) days after the date of such notice.

(2) Grounds. A request for a hearing shall be based on one or more of the following grounds:

(a) That the Building Official erred in the determination that a building is dangerous; or

(b) where the Building Official rejects or refuses to approve the mode or manner of construction and/or material to be used in the repair or abatement of the building; or

(c) where it is asserted that the true intent of this code has been incorrectly interpreted; or

(d) where it is asserted that the provision of this code do not fully apply; or

(e) that specific proposed alternative actions will remove or eliminate the condition such that it no longer endangers the health, safety, life, limb or property, or causes any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the City; or

(f) additional time for compliance is sought and one extension of time has already been granted by the Building Official.

(3) Date. The Building Official shall, within fifteen (15) days after receipt of such a written request, set a date for a hearing by the Board. The hearing shall be held as soon as practicable following receipt by the Building Official of the written request and at least seven (7) days notice of the hearing shall be given to the individual who made the written request for the hearing.

(4) Authority of Board. The hearing shall be heard and conducted by the Board. When

acting on a dangerous building appeal, the Board may uphold the notice as issued, or amend or modify the notice, or extend the time for compliance with the notice by such time limit as the majority of the Board may determine, all in accord with the scope of authority as follows:

(a) In determining whether a building is dangerous, the Board shall consider whether a building or structure has any or all of the conditions set forth in Sec. 5.401(3) of this code to the extent that the life, health, property, or safety of the public or its occupants, are endangered

(b) In considering alternative methods of compliance, the Board may approve any alternate if it finds that the proposal is satisfactory and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety; and that application of such alternative will eliminate or remove all of the conditions identified as dangerous, as set forth in Sec. 5.401(3) of this code.

(c) In considering alternative methods of compliance, the Board may require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding the use of alternative methods or materials.

(d) The Board shall have no authority to waive the requirements of this code.

(e) In considering interpretations of the Code, the Board shall follow the intent, spirit and purpose of the code.

(f) The Board shall have no authority relative to interpretation of the procedural provisions of this code.

(g) A decision of the Board to vary the application of any provision of this Code or to modify an order of the Building Official shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons therefore.

(h) The Board may find that the Building Official erred in the determination that a dangerous building exists. To make this finding, the Board must conclude the building has none of the conditions or defects described in Section 5.401(3) of this Code, to the extent that the life, health, property or safety of the public or the building occupants are endangered.

(i) When an owner has applied for an extension of time, the Board may grant one extension of time to comply with an order to repair or modify or demolish a structure when the owner affirmatively shows the financial ability to perform the work; and the work cannot practicably be completed within the time provided. Such extension shall be for a reasonable period of time generally not to exceed ninety (90) days for repairs or modifications and generally not to exceed sixty (60) days for demolition, except when extraordinary circumstances can be shown, the Board may exceed these general time periods.

(5) No Defense. It shall not be a defense to the determination that a dangerous building exists that the structure is boarded up or otherwise enclosed.

**Sec. 5.406 Demolition or Abatement by City.**

(1) When the owner fails to commence or complete the required repairs, removal or demolition within the specified time period and does not timely appeal, the Building Official shall report the owner's failure to the Board, City Manager, and City Council.

(2) The Board shall then hold a hearing and may, by majority vote of approval, authorize the Building Official to demolish the structure, or may take other abatement action as deemed appropriate, including the granting of a stay pursuant to Section 5.407.

(3) Following Board action, the Building Official shall file a certified copy of the Board's decision with the county recorder, and shall issue a notice of intent to demolish or abate to the owner of the structure.

**Sec. 5.407 Stay of Demolition or Abatement.**

(1) The owner may request a delay in the demolition or abatement of a structure at the time of hearing on the Building Official's recommendation for Board action approving demolition or abatement. Such request shall be made in writing. The Board may grant such request when in its



opinion it is practical, economical and structurally possible to rehabilitate the structure to comply with this code, and the owner complies with the following conditions.

(2) No stay granted shall be effective, however, unless and until such person signs a written agreement with the city wherein the owner agrees:

(a) To make all of the necessary repairs consistent with the approved plans within a time limit to be determined by the Board; and

(b) To grant the city the right to award a contract and to enter in and upon such premises for the purposes of demolishing or abating same upon the failure of the person to complete all required repairs within the agreed time limit; and

(c) To reimburse the City for its actual costs incurred in inspection and administration expenses until the structure is brought into compliance with the original notice, through repair or demolition; and

(d) To file with the city a corporate surety performance bond, a cashier's check, a certified check drawn on an Ames bank or credit union, a letter of credit from an Ames bank or credit union, or other surety approvable by the City, in an amount sufficient to pay the estimated cost of demolition or abatement as determined by the Building Official, and to assure payment of the reimbursement of costs to the City. The surety shall be conditioned upon performance of the repairs within the agreed time period, together with any subsequent written time extensions thereto, and conditioned upon payment of the City's reimbursement as same shall become due. Upon such owner's failure to make all of the repairs in a manner acceptable to the city within the agreed time period, together with written extensions thereto, the Building Official may proceed to demolish or abate the structure.

(3) The proceeds of the surety given pursuant to this Section shall be applied by the City first against any unpaid reimbursement and then against the assessment for demolition or abatement.

**Sec. 5.408 Access for Demolition or Abatement - Penalties.**

The owner of the structure who has received notice of the intent of the Building Official to demolish or abate, shall give entry and free access to the property to the Building Official and all other persons acting on behalf of the City. Any owner who refuses, impedes, interferes with or hinders or obstructs entry by such agent pursuant to a notice shall be subject to enforcement actions which may include arrest and prosecution for Interference with Official Acts, or other civil or criminal charges.

**Sec. 5.409 Grading of Premises after Demolition.**

Whenever the premises is demolished, whether carried out by the owner or by the Building Official, such demolition shall include the filling of the excavation on which the demolished structure was located in such manner as to eliminate all potential danger to the public health, safety, or welfare arising from such excavation. This includes, but is not limited to the removal of the entire basement including walls, floor, footings, and foundations; cisterns or wells; accessory buildings and structures; abandoned utility services: water, sewer, gas, and electric.

**Sec. 5.410 Extermination Procedure before Demolition or Abatement.**

Demolition or abatement shall be preceded by an inspection of the premises by the Building Official to determine whether or not extermination procedures are necessary. If the premises are found to be infested, appropriate extermination to prevent the spread of rats, insects, or other vermin to adjoining or other areas or properties shall be instituted before demolition, as appropriate. The costs for such actions shall be included in the final assessment against the property and/or the owner.

**Sec. 5.411 Demolition or Abatement Contract.**

The Building Official shall commence demolition or abatement as follows:

(1) Pursuant to the Board's decision to proceed with demolition or abatement, the City shall award a contract in accordance with the City's purchasing policies, for that work.

(2) A contract for demolition or abatement ordered by the Building Official or other designated City official in response to an emergency condition shall be approved by the City Manager.

**Sec. 5.412 Removal of Posted Notice and Entry on Posted Premises Prohibited.**

(1) No person shall deface, cover, obliterate, or remove the notice posted pursuant to this Code from any structure which has been so posted by the Building Official as unsafe or unfit. The Building Official shall remove such posted notice when the defect or defects which caused the posted notice have been eliminated, or when the demolition or removal of the structure is commenced.

(2) No such structure shall again be occupied or used until such posted notice is removed by the Building Official. No persons shall enter a posted building except with the express permission of the Building Official.

The above provisions shall not apply to emergency fire, medical or police personnel responses.

**Sec. 5.413 Service by Public Utilities.**

(1) It is unlawful for any public utility corporation or company to furnish gas or electrical service to any structure which has been posted as unsafe or unfit after the Building Official has notified the public utility of the posting, and the date by which services shall be discontinued. The utility service shall not be restored to a posted structure until notice, authorizing the restoration of such service is received from the Building Official by the utility corporation or company. The Building Official may authorize temporary or limited restoration of service to be used in connection with the renovation, repair or remodeling of the structure to enable compliance with the provisions of this title.

**Sec. 5.414 Summary Abatement of Imminently Dangerous Structures.**

(1) Whenever a complaint is made to the Building Official or the Building Official otherwise becomes aware of the existence of an imminently dangerous structure, the Building Official shall promptly inspect such structure. Should the Building Official find that an imminently dangerous structure exists, and that the public health, safety or welfare may be in immediate danger, then summary abatement may commence and the Building Official may promptly cause the structure or any portion of it, to be demolished, removed or abated.

(2) When a summary abatement is used, notice to the owner, agent or occupant of the property is not required prior to abatement. Following summary abatement, the Building Official shall cause written notice to be served promptly to the owner describing the action taken to abate the imminently dangerous structure.

**Sec. 5.415 Cost of Abatement; Low Income Persons.**

(1) Policy. Notwithstanding the other provisions of this code, the cost of abating a dangerous building may be waived for low income persons, if upon application it appears to the Building Official that the conditions set forth in subsection (2) are met.

(2) Eligibility. To be eligible for waiver of abatement costs a person must be classified as "low income", defined as having household income of not more than 80% of the Story County median income.

(3) Other eligibility requirements. Additionally, all persons wishing to qualify for waiver or nuisance abatement costs must:

(a) Furnish proof of the income requirements as set forth above in the manner and form designated by the Building Official; and

(b) Must own, or be in the process of purchasing the property from which the nuisance is abated; and

(c) The property from which the nuisance is abated must be their primary residence.

(4) Official Notice. The abatement of the dangerous building in question must have been required by the Building Official and the person requesting the waiver of costs must have been officially notified by the Building Official to remove the same.

(5) **Application.** Applications for waiver of abatement costs shall be filed with the Building Official on forms supplied by the City. All information required to be given on such form shall be supplied and verified by the applicant.

(6) **Amount.** The Building Official shall have authority to waive up to \$1,000 per calendar year, for any one parcel of real property or any one person. Requests for waiver in excess of that granted by the Building Official shall be subject to approval of the City Council.

**Sec. 5.416 Severability.**

If any section, subsection, sentence, clause, phrase or portion of this code is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this code. The City Council declares that it would have adopted this code and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.”

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable by a penalty of \$500 for a first violation and \$750 for each repeat violation.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane R. Voss, City Clerk  
001005

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Ann H. Campbell, Mayor