

BUILDING AND PROPERTY REGULATIONS

TABLE OF CONTENTS

CHAPTER 145 - DANGEROUS BUILDINGS 675

CHAPTER 146 - MANUFACTURED AND MOBILE HOMES..... 679

CHAPTER 150 - BUILDING NUMBERING..... 695

CHAPTER 151 - TREES..... 697

CHAPTER 155 - BUILDING AND LAND USE REGULATIONS..... 725

CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer
145.02 General Definition of Unsafe
145.03 Unsafe Building
145.04 Notice to Owner

145.05 Conduct of Hearing
145.06 Posting of Signs
145.07 Right to Demolish
145.08 Costs

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

145.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures which 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, 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])

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 ROLFE, 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

[†] **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])

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])

CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions

146.03 Foundation Requirements

146.02 Conversion to Real Property

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 (3) 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 their own premises and used exclusively to house their 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 which 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 & Sec. 435.35)

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 which 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 which 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 & 414.28)

[The next page is 695]

CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Map

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 obtain the assigned number to the principal building from the Clerk.

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

150.03 BUILDING NUMBERING MAP. The Clerk shall be responsible for preparing and maintaining a building numbering map.

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 10 feet from the property line.
2. **Spacing.** Trees shall not be planted on any parking which is less than nine feet in width, or contains less than 81 square feet of exposed soil surface per tree. Trees shall not be planted closer than 20 feet from street intersections (property lines extended) and 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 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 & 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 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])

[The next page is 725]

CHAPTER 155

BUILDING AND LAND USE REGULATIONS

155.01 Purpose	155.09 Building Permits
155.02 Restricted Residence District	155.10 Special Building Permits
155.03 Notice Requirements	155.11 Protest
155.04 Building Inspector	155.12 Fees
155.05 Definitions	155.13 Action to Abate
155.06 Setback	155.14 Variances
155.07 Building Foundations	155.15 Length of Time for Permit
155.08 Fencing	

155.01 PURPOSE. The purpose of this chapter is to establish a restricted residence district in the City and to provide reasonable rules and regulations for buildings of all kinds and their use, including the erection, reconstruction, alteration, repair, placement of buildings of all kinds, additions to buildings of all kinds, and regulating portable or other buildings which are brought into or moved within the City. In addition, the purpose of this chapter is to provide that there shall be no use in such district except for residences, schoolhouses, churches and other similar structures as determined by the Council. The purpose of this chapter is to regulate changes that alter the structure or overall appearance of said building. No building permit shall be required for normal maintenance procedures such as painting, replacement of roofing, replacement of boards or material that is rotted or deteriorated, new siding, window replacement (as long as windows are the same size as the original ones being replaced), or interior repair and beautification as long as the overall size and structure of the building are not changed in any way.

(Code of Iowa, Sec. 414.24)

155.02 RESTRICTED RESIDENCE DISTRICT. The following restricted residence district is hereby designated and established:

(Code of Iowa, Sec. 414.24)

All of the area within the City Limits of Rolfe except that area beginning at the intersection of Railroad and Grant Streets; thence north on Grant Street to Oak Street; thence west on Oak Street to Des Moines Street; thence south on Des Moines Street to Elm Street; thence west on Elm Street to the right-of-way of the Railroad; thence south along said railroad right-of-way to Railroad Street; thence east on Railroad Street to Grant Street; AND lots One (1), Two (2), Three (3) Four (4) and Twenty (20) in Block Twelve (12) of the third addition, City of Rolfe; AND lots Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), south ½ of lots Nineteen (19), Twenty (20), Twenty-One (21), and Twenty-Two (22) in Block Three (3) of the Sunset Hill addition, City of Rolfe; AND all of the area lying south of the right-of-way of the east-west line of the Railroad; AND Lots Eleven (11) WPT Lot E 169' W699', Twelve (12), Thirteen (13), and Fourteen (14) of the Auditors plat of the unplatted portion of Section Five (5) in the City of Rolfe; AND Lot Five (5) of Block Twelve (12) of the Original Town of Rolfe; AND lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), alley between lots Two (2) and Six (6), lots Three (3) and Seven (7), and alley East and West through lots in the Second Addition Block Eleven (11) of the City of Rolfe.

additions shall be constructed closer than 12 feet to the front line, nor shall any new construction be required to be built with its front further than 25 feet from said front line. Corner lots must comply on both sides. No residence or any other building located in the restricted residence district shall be located closer than four feet to the side lot lines and no accessory use building closer than two feet to the side lot lines and overhangs shall not extend over ANY lot line, regardless of the compliance of the main foundation with this setback rule. Replacement structures may be built to the point where the previous structure was located before demolition if the building will not be closer than four feet to any sidewalk, and the replacement structure is built within six (6) months of the demolition of the old building. After six months, normal setback rules will apply. Any other building granted a permit by the Council shall be placed at least as far from the lot lines as the residential, school and church related buildings. All setbacks shall be measured from the main foundation line.

155.07 BUILDING FOUNDATIONS. All buildings in the restricted residence district with a square footage area of more than 120 square feet will be required to be placed or built upon a solid cement block or cement foundation. Said block foundation will extend into the earth at least 12 inches for support and will be continuous without breaks around the entire perimeter of said structure, except for necessary openings. A free floating cement surface may be used as a foundation providing the structure does not hang over the cement slab and the cement for the slab is at least three inches thick. In the event of a pole building or other structure not requiring a cement foundation, but which is over the allotted size limitations, such permit will require a three-fourths vote of all the members of the Council.

155.08 FENCING. Fences in the restricted residence district which are permanent in nature, or which are constructed to and intended to last more than six months, will require a regular building permit. Back yards may have privacy fences up to eight feet tall and solid in structure. These structures must be aesthetically appealing and constructed out of materials suitable for fencing. Fences may be placed adjacent to lot lines as long as no portion of said structure extends onto any adjoining property. The Council will require a completed sketch and diagram before any permit for fencing is allowed. The restrictions on fencing in frontal situations are as follows:

1. No solid fence structures may be used (from the top of the fence to ground level, at least 50 percent of the area must not be obstructed).
2. No fence may be higher than six feet.
3. The fence must not obstruct the view of the surrounding neighbors.
4. The fence must be maintained in good condition.

155.09 BUILDING PERMITS. A written building permit shall be required for any building within the City, including the erection, reconstruction, alteration, repair, placement of buildings of all kinds, additions to buildings of all kinds, and portable or other buildings which are brought into or moved within the City. Permits are not required if said changes are stated as exclusions in Section 155.01. Said permit will be applied for in writing at least 24 hours prior to any scheduled Council meeting. A representative of the proposed permit must be at the Council meeting at which the permit is being considered to provide the necessary information in determining compliance with this chapter. A written permit to facilitate building changes can be approved prior to the Council meeting if circumstances necessitate and said permit is in compliance with all provisions of this chapter. Prior approval can only be provided by the Building Inspector. Prior approval does not eliminate the need to provide representation at the next available Council meeting for the building permit.

155.03 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 City Council meeting following the published notice.

(Code of Iowa, Sec. 414.24)

155.04 BUILDING INSPECTOR. A Building Inspector will be appointed by the Council for a term not to exceed two years. Said inspector reports his or her findings to the City Clerk and to the Mayor in determining compliance with this chapter.

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

1. "Church" or "church school" means a building used for public worship, or connected with a building so used, for instruction in religious beliefs or for the conduct of activities related to church affairs.
2. "Front line" means, on Des Moines Avenue, Broad Street, Garfield Street, First Street and all others not of normal street width, a point eight feet from the curb side. On all other streets and roadways, the front line is a point which is 33 feet from the center of the street the property is fronting.
3. "Residence" means a building used exclusively for a dwelling. No business or occupation shall be conducted therein or in conjunction therewith except in accordance with the following:
 - A. The business or occupation is conducted as a secondary use carried on entirely within the residence not including any garage or other building or structure not designed and used for daily human habitation;
 - B. No more than one-half of the floor area of any one floor is devoted to such use.
 - C. No more than one sign indicating said occupation shall be displayed (sign may be double faced) and the sign shall not have a single face area of more than one square foot.
 - D. There is no evidence of such occupation being conducted on the premises by virtue of excessive noise, odors, electrical disturbances or traffic generation.
4. "Residential accessory use" means a building or structure customarily used in conjunction with a dwelling, namely, a garage with a capacity of not more than three cars, a tool or "summer" house not exceeding 100 square feet of floor area, or a private swimming pool properly fenced and screened. Any other building on residential property shall not be deemed a residential accessory use if not incidental to a residential purpose or if it is used in conjunction with or for the business of selling goods or rendering services.
5. "School" means a building used for educational purposes, public or private, which is regulated by the State Department of Education as to curriculum.

155.06 SETBACK. Within the restricted residence district, residential buildings or residential accessory use buildings shall not be erected on a lot closer to the street property line on which it fronts than the setback of the nearest adjacent existing building that fronts the same roadway as determined by street address, except that no new construction, alterations or

155.10 SPECIAL BUILDING PERMITS. A written special building permit shall be required for the occupancy and use of any and all buildings within the restricted residence district except for residential, residential accessory, schools and church related buildings. Said special permit will be applied for in writing at least seven days before a scheduled Council meeting. Authorization of special permit will occur only if it appears that said use and the type of building will be compatible with the residential character of the district, and that the particular use could not practically be built in an unrestricted area, or the restricted district boundaries amended logically, due to topography, access to railroad or highway, or other proper reason acceptable to the Council. Such special permit will require a three-fourths vote of all the members of the Council. A representative of the proposed permit must be at the Council meeting at which the permit is being considered to provide the necessary information in determining compliance with this chapter.

155.11 PROTEST. No special building permit shall be granted when 60 percent of the residential real estate owners in the restricted residence district within 600 feet of the proposed building and occupancy object thereto, except by a unanimous vote of all the members of the Council.

155.12 FEES. The fee for a building permit and the fee for a special building permit shall be according to the Schedule of Fees established by the Council.

155.13 ACTION TO ABATE. Any building or structure erected, reconstructed, altered, or repaired in violation of the provisions of this chapter shall be determined unlawful and a nuisance and the same may be abated by action in the district court. Such action for abatement shall be prosecuted in the name of the City.

155.14 VARIANCES. Variances may be approved by resolution by securing a 75 percent vote of the Council. Said variance must include the reason for a variance, why the variance was granted, and specific description of the property the variance was granted for.

155.15 LENGTH OF TIME FOR PERMIT. Building permits are valid for six months from the date of issuance. A new building permit must be applied for in writing after the expired time period.