

BUILDING AND PROPERTY REGULATIONS

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CHAPTER 145

DANGEROUS BUILDINGS

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145.01 ENFORCEMENT OFFICER. The Mayor or his designee 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 & 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 STATE CENTER, 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 & 414.28)

CHAPTER 147

FIRE ZONE

147.01 Fire Zone Established
147.02 Buildings Prohibited

147.03 Application For and Issuance of Permits
147.04 Removal of Buildings and Structures

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

All of Blocks Eleven, Twelve, Thirteen, Fourteen, Fifteen, Eighteen, Nineteen and Twenty-Two; Lots 15, 16, and 17 in Block Seventeen and the north half of Block Seventeen and the north half of Block Seventeen, all in the original City of State Center, Iowa

147.02 BUILDINGS PROHIBITED. The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial rebuilding, are prohibited in the Fire Zone, unless the outer walls of the same are constructed of brick or mortar, stone and mortar or concrete, at least eight inches thick and extending at least 24 inches above the roof, or of such other noncombustible material as the Council shall approve, and the roof constructed of gravel, slag, metal, slate, tile or composition or other roof approved as noncombustible by the National Board of Fire Underwriters.

147.03 APPLICATION FOR AND ISSUANCE OF PERMITS. Any person desiring to erect any building or structure within the Fire Zone or desiring to make any addition to or substantial alterations involving partial rebuilding of any building or structure within the Fire Zone must first make written application to the Mayor for a permit therefor. With such application shall be filed the plans and specifications for such improvement. If the plans and specifications conform to the requirements of this chapter, the Mayor shall issue a permit to the applicant to make the improvement according to the plans and specifications.

147.04 REMOVAL OF BUILDINGS AND STRUCTURES. Any person who erects, makes additions to, alters or rebuilds any building or structure or commences any work pertaining thereto in violation of the provisions of this chapter shall be given written notice by the Mayor to remove or tear down the same within 10 days from the date of service of such notice. If such removal or taking down is not completed within 10 days from the time of the service of such notice, the Mayor shall cause the same to be removed or taken down. The cost thereof shall be assessed against the property for collection in the same manner as a property tax.

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

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CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Assignment of Numbers

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. Numbers upon buildings shall be of metal, wood, fiberglass or other long-lasting material, or may be painted upon metal, wood or glass, and shall be placed at a height no greater than 12 feet above the ground, in figures not less than three 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 ASSIGNMENT OF NUMBERS. Numbers shall be assigned in accordance with the system developed by the Council. The system consists of consecutive numbering. The even numbers shall be on the southerly and westerly sides of all streets and the odd numbers shall be on the northerly and easterly sides of all streets.

1. Responsible Party. The City Clerk shall be responsible for preparing and maintaining a building numbering map.
2. Notification Process. The City Clerk shall notify a property owner in writing 60 days in advance of a numbering change.

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CHAPTER 151

TREES

151.01 Definitions	151.07 Trimming of Trees on Public Property
151.02 Purposes	151.08 Trimming of Trees on Private Property
151.03 Planting Restrictions	151.09 Notice and Assessment of Costs to Property Owners
151.04 Injuring or Damaging Trees	151.10 Right of Inspection
151.05 Public Utility Work	151.11 Barricades or Other Protective Devices
151.06 Certain Species Prohibited or Recommended	

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

1. "Park" includes any property owned in whole or in part by the City used in whole or in part for recreational purposes, wildlife purposes or other municipally owned public purpose related to recreation or wildlife, but does not include parkings or terraces or municipal parking lots.
2. "Property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.
3. "Public area" includes parks and other lands owned or leased by the City and all terraces along all streets, highways, boulevards, and alleys.
4. "Shrub" means a woody plant with several stems and usually with a low mature height of eight feet or less.
5. "Street intersection" means the intersection of the public street right-of-way lines of two intersecting streets. On streets that have sidewalks, this would be the intersection of the inside edges on the private property side of the sidewalks.
6. "Terrace" includes the City-owned street right-of-way or street easement area between the property line and the outside edge of any street, road or boulevard in the City, including the sidewalk if present.
7. "Tree" means any woody perennial plant of any age with a main trunk and many branches and includes living or dead trees whether standing or fallen.

151.02 PURPOSES. It is the policy of the City to regulate and control the planting, removal, pruning, and protection of trees and other vegetation within streets, highways, and alley rights-of-way and public park areas within the boundaries of the City; to eliminate and guard against dangerous conditions which may result in injury to persons using the public areas of the City; to prevent damage to any public sewer or water main, street, sidewalk or other public property; to protect trees located in public areas from undesirable and unsafe planting, removal, pruning and protection practices; and to guard all trees within the public areas of the City against the spread of disease or pests.

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

1. Permit. Upon the issuance of a permit by the City Clerk on a form to be prescribed by that office.

2. **Alignment and Spacing.** All trees planted along any street shall be planted in the parking midway between the outer line of the sidewalk and curb. In the event a curb line is not established, trees shall be planted on a line 10 feet from the property line, no closer than 20 feet from any street intersections, or 10 feet from any driveways, and where the closest structure is no closer than 25 feet from the street, trees shall be planted on private property outside the terrace.
3. **Easements or Rights-of-Way.** It is unlawful to plant any tree or other woody plant material within any platted alley right-of-way, dedicated utility easement, or walkway area.

151.04 INJURING OR DAMAGING TREES. No person other than an authorized City employee in the performance of his duties, and no animal under any person's control shall in any public area of the City break, injure, mutilate, kill, destroy, cut, carve, transplant or remove any tree or shrub; permit any fire to injure any portion of any tree or shrub; permit any toxic chemicals or materials to seep, drain, be emptied on, or otherwise enter into any tree or shrub; or injure the bark of any tree. During building operations, commercial promotions or public promotions, the builder or sponsor shall erect suitable protective barriers around public trees and shrubs to protect from potential injury. No rope, wire, sign or other material shall be fastened to, around, or through any tree or shrub in any public area, except in the event of emergency such as storms or accidents.

151.05 PUBLIC UTILITY WORK. Public utility work affecting trees or shrubs, including cutting, trimming, pruning approved growth inhibitors, shall be limited to the actual necessities or protection of the company, and such work shall be done in a professional manner and in accordance with proper arboricultural standards. Trees growing on private land, but encroaching public way or utility easements, may be trimmed for the protection of the services of the company. Not less than 48 hours before any digging is done in any terrace, a call shall be made to 800-292-8989 to advise and obtain the location of all underground utilities by the proper utility service company.

151.06 CERTAIN SPECIES PROHIBITED OR RECOMMENDED.

1. It is unlawful to plant any of the following plant species on or adjacent street, terrace, avenue or highway in the City:
 - A. All evergreen trees and shrub species except those with a mature height inches or less.
 - B. All deciduous shrubs.
 - C. All Poplars (*Populus* spp.), including but not restricted to Cottonwood, Poplar, Lombardy Poplar, and hybrids thereof.
 - D. Sycamore (*Platanus* spp.) and all cultivars.
 - E. Silver Maple (*Acer saccharinum*) and all cultivars.
 - F. Honey Locust (*Gleditsia triacanthos*) and all cultivars.
 - G. Catalpa (*Catalpa speciosa*).
 - H. Pin Oak (*Quercus palustris*).
 - I. Box Elder (*Acer negundo*).
 - J. Birch (*Betula* spp.).

- K. Russian Olive (*Elaeagnus angustifolia*).
- L. Female Ginkgo (*Ginkgo biloba*).
- M. Willow (*Salix* spp.).
- N. Oriental Elms (*Ulmus Pumila* and *U parvifolia*).
- O. Red Mulberry, White Mulberry (*Morus rubra* and *Morus alba*).
- P. Crab Apples, with exception of Spring Snow or male sterile varieties.

2. The City Council may issue a special decorative planting permit for planting evergreen and deciduous shrubs with a mature height greater than 12 inches within the terrace area for decorative purposes. Each request will be reviewed upon its own merits, and the proposed plantings at mature height shall not interfere with pedestrian and vehicular safety or the free use of the street or sidewalk.

3. It is unlawful to plant any tree species that bears fruit, except for male sterile varieties, on a City terrace or on private property in a location where the tree will overhang a sidewalk.

4. Any plant species prohibited by this section, but in place on the effective date of Ordinance No. 268 need not be removed by virtue of its mere existence unless interference with other sections of this chapter so requires.

5. The following tree species are recommended for planting in public right-of-way areas in the City:

TERRACE AREA EIGHT FEET OR MORE IN WIDTH

Species	Spread (in feet)
Hackberry (<i>Celtis occidentalis</i>)	50
Basswood Linden (<i>Tilia</i> spp.)	35 to 50
Kentucky Coffeetree (<i>Gymnocladus dioicus</i>)	40 to 50
White Oak (<i>Quercus alba</i>)	50 to 60
Bur Oak (<i>Quercus macrocarpa</i>)	50 to 60
Swamp White Oak (<i>Quercus bicolor</i>)	50
Northern Red Oak (<i>Quercus rubra</i>)	50
Sugar Maple (<i>Acer saccharum</i>)	40 to 50
Black Maple (<i>Acer nigrum</i>)	40 to 50
White Ash (<i>Fraxinus americana</i>) and cultivars	50
Male Ginkgo (<i>Ginkgo biloba</i>)	40 to 50

TERRACE AREA LESS THAN EIGHT FEET IN WIDTH OR WHERE UTILITIES ARE LOCATED

Species	Spread (in feet)
Amur Maple-tree (<i>Acer ginnala</i>)	15 to 20
Japanese Tree Lilac (<i>Syringa amurensis japonica</i>)	10
Tatarian Maple (<i>Acer tataricum</i>)	15
American Hophornbeam (<i>Ostrya virginiana</i>)	25
Purple Leaf Plum (<i>Prunus cerasfera</i>)	15
Bradford Pear (<i>Pyrus calleryana</i>)	30

151.07 TRIMMING OF TREES ON PUBLIC PROPERTY.

1. It is unlawful to trim or cut in any manner, any tree on any terrace, street, avenue, highway or other public place in the City without the receipt of a permit from the City Clerk, except that limbs or branches not exceeding six inches in diameter may be trimmed from trees adjacent to the owner's property if done in a manner which conforms to arboricultural specifications and standards. Trees, limbs, and branches, once removed, and any stumps remaining above ground level shall be promptly removed and the ground surface restored to its natural, level condition.
2. The City shall be responsible for removing dead or diseased trees from within the City. The abutting property owner, agent, or occupant shall be responsible trimming and maintaining the trees on the terrace abutting their property. Trees trimmed that the overhanging branches shall be at least 15 feet above the surface at least 10 feet above the surface of the sidewalk so as not to interfere with the street lighting or the free and safe use of the street and sidewalk by the public, taking into consideration tree maturity and size. Branches or limbs over six inches in diameter or trees on terrace shall only be removed by the City, a public service company, or a person or firm licensed and permitted by the City upon a permit issued by the City Clerk. No permit required of any public service company or City employee doing such work in the public service endeavors.
3. The City may serve written notice to the abutting property owner or occupant to trim or otherwise maintain the trees on the abutting terrace or remove trees, other than dead or diseased trees, that are not in compliance with the provisions of this abutting property owner or occupant does not perform the required action within a reasonable time specified in the notice, the City may perform the required action and assess the costs against the abutting property owner.
4. The City shall have the authority to trim or remove any tree, shrub, or other planted on any City terrace for noncompliance of this section. This work shall be done at City expense if written notice was not given to the abutting property owner or occupant.

151.08 TRIMMING OF TREES ON PRIVATE PROPERTY.

1. The property owner or occupant of any lot or parcel of land shall keep the trees on his property so trimmed that the overhanging branches shall be at least 15 feet above the surface of the street and at least eight feet above the surface of the sidewalk so as not to interfere with the street lighting or the free and safe use of the street and sidewalk by the public and shall be kept free of dead limbs and branches, taking into consideration the tree maturity and size.
2. The City shall have the right to trim or prune any tree or shrub on private property without prior written notice when it overhangs public property and interferes with the proper spread street from a streetlight or interferes with visibility of any traffic control device or sign. The City may serve notice on the abutting property owner to remedy the violation or proceed on its own to perform the work and assess the cost to the property.

151.09 NOTICE AND ASSESSMENT OF COSTS TO PROPERTY OWNERS.

1. If the property owner does not perform an action required under this section within a reasonable time after written notice specifying the condition which creates the violation and specifies the time within, the work must be done, the City may perform

the required action and assess the property for collection in the same manner as a property tax. Notice may be by certified mail to the address shown for purposes of property taxes in the Office of the County Auditor, or to the occupant of the premises as shown by the records of such office, and shall state the time and date by which the work must be done. The notice shall also provide an opportunity to request a hearing before the City Council on not less than 10 days' notice, unless the condition constitutes an emergency which threatens the health, safety, or well-being of the public, in which case the City may perform any action which may be required under this section without prior written notice and assess the costs as provided in this section after providing written notice to the property owner and an opportunity to request a hearing before the City Council. All action taken by the City without notice to the property owner is done at City expense and shall not be assessed to the property owner.

151.10 RIGHT OF INSPECTION. The City shall have the right to come upon the private property of any person for the limited purpose of determining whether or not a violation of this section exists, or to determine whether or not the requirements of a written notice served upon the property owner have been satisfied. Refusal by the owner or occupant to permit access to the property by the City shall be sufficient grounds to determine that a violation of this section exists.

151.11 BARRICADES OR OTHER PROTECTIVE DEVICES. When necessary for the protection of the public, guards, barricades or other protective devices warnings shall be maintained on any sidewalk, street or other public places where trees are being trimmed or removed. Barricades and other protective devices shall meet the standards set forth by any permit or by direction of the Public Works Department. Except in emergency, traffic on any street shall not be barricaded without first obtaining permission therefor from the Public Works Department and notifying the Fire Department, Police Department, and the ambulance service of the closing and again when the street is reopened.

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CHAPTER 152

WIND ENERGY SYSTEMS

152.01 Definition

152.02 Purpose and General Policy

152.01 DEFINITION. “Wind energy system” means any device, whether or not free standing or part of another structure, which has as part of its function the creation of electricity from movement of the wind, whether it be a windmill or wind generator of any sort, regardless of whether or not the electricity is for use on site or off site.

152.02 PURPOSE AND GENERAL POLICY. The City finds that wind energy systems shall not be allowed to exist within the City limits for any purpose, including but not necessarily limited to residential, commercial, or agricultural uses.

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