

**TITLE 9**  
**BUILDING REGULATIONS**

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## CHAPTER 1

**BUILDINGS WITHIN FIRE LIMITS**

## SECTION:

- 9-1-1: Fire Limits Established
- 9-1-2: Construction Requirements
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- 9-1-1: **FIRE LIMITS ESTABLISHED:** The fire limits are established to include all territory within the following boundaries:

Blocks Eight (8) and Nine (9); all of Block Twelve (12) except Lots Three (3), Four (4) and Five (5); all of Block Thirteen (13) except Lots One (1), Two (2), Three (3), Twenty-five (25), Twenty-six (26), Twenty-seven (27) and Twenty-eight (28). (1976 Code §2.2-2.01)

- 9-1-2: **CONSTRUCTION REQUIREMENTS:**

- A. Plans Submitted: It shall be unlawful to build, enlarge or alter any wall, structure, building or part thereof within the fire limits until a plan of the proposed work, together with a statement or materials to be used, shall have been submitted to the Mayor who shall, if in accordance with the provisions of this Chapter, issue a permit for the proposed work. (1976 Code §2.2-2.02)

**B. Specifications:**

1. **Walls and Roof:** The building or structure shall be enclosed on all sides with walls constructed wholly of stone, brick, terra-cotta, hollow building tile, concrete or other fireproof material, and the roof, top and sides of all roof structures, including dormer windows and cornices, shall be covered with incombustible material such as metal, slate, tile, composition shingles or roofing approved by the National Board of Fire Underwriters as fire resistive. Wooden stud walls covered with metal or veneered with brick shall not be construed as fireproof or in compliance with the provisions of this subsection. (1976 Code §2.2-2.04)

2. **Exterior and Division Walls:** All exterior or division walls of buildings hereafter erected shall be of sufficient thickness to support the load to be carried. All solid brick or reinforced concrete, exterior or division walls shall be not less than twelve inches (12") thick in the upper two (2) stories or upper thirty feet (30'), increasing four inches (4") in thickness for each two (2) stories or fraction thereof below. Such exterior or division walls, when constructed of other permissible material such as concrete tile or hollow tile shall be at least four inches (4") thicker than solid brick or reinforced concrete walls. All exterior or division walls shall extend at least fifteen inches (15") above the roof. (1976 Code §2.2-2.05)

3. **Beams in Walls:** The ends of all floor, ceiling or roof beams entering a party or fire wall from opposite sides shall be separated by at least four inches (4") of solid masonry. Such separation may be obtained by corbeling the wall or staggering the beams, but no wall shall be corbeled more than two inches (2") for this purpose. The ends of all wooden beams that enter walls shall be cut to a bevel to make them self-releasing. (1976 Code §2.2-2.06)

9-1-3: **PROHIBITED CONSTRUCTION:** The erection of any building or structure of any kind or additions thereof or substantial alterations thereof involving partial rebuilding are prohibited in the fire limits unless constructed in strict compliance with the provisions of this Chapter. (1976 Code §2.2-2.03)

9-1-4:       **ACCESSORY BUILDINGS:** The Mayor, upon vote of a majority of the Council in favor thereof, may issue a permit to build a coal house and other out buildings of other materials than those specified in this Chapter, not exceeding twelve feet (12') in height and one hundred fifty (150) square feet in area, to be placed not less than twenty feet (20') from any other building or erection within the fire limits and with the use of which no fire is anticipated. To obtain such permit, written application shall be made to the Mayor and the Council before any work is done, specifying the location, size and contemplated use of the proposed erection, and if a majority of the Council vote in favor of granting such permit and the Mayor approves the same, the Mayor shall issue a permit in writing. (1976 Code §2.2-2.07)

9-1-5:       **PROPERTY IMPROVEMENTS:** The Council may, by four-fifths ( $\frac{4}{5}$ ) vote, issue a special permit to improve any property within the fire limits contrary to the provisions of this Chapter, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard, according to the rules of the Iowa Insurance Service Bureau. Before such special permit is issued, the applicant must file with the Council a statement from the Iowa Insurance Service Bureau that the improvement will not increase the fire insurance rates on adjoining or adjacent property. (1976 Code §2.2-2.08)

9-1-6:       **MOVING BUILDINGS:** The removal of any building not constructed in accordance with the provisions of this Chapter from without to within the fire limits or from any part of the fire limits to any other place therein is prohibited. (1976 Code §2.2-2.09)

9-1-7:       **DAMAGED BUILDINGS:**

A.       Restrictions: Any building within the fire limits, not constructed in accordance with the provisions of this Chapter, which may hereafter be damaged by fire, decay or otherwise to the extent of fifty percent (50%) of its value shall not be repaired or rebuilt but shall be torn down or removed. When the damages are less than fifty percent (50%) of its value, the building shall not be repaired so as to be higher in value than it was before the damages were sustained except upon approval by four-fifths ( $\frac{4}{5}$ ) of the members of the Council of the plans and specifications of such repairs and rebuilding. (1976 Code §2.2-2.10)

- B. **Board of Appraisement:** In case of a question as to the amount or extent of damage by fire or otherwise to any building, the damage shall be determined by a board of appraisement of three (3) disinterested parties, owners of real estate within the fire limits, one of whom shall be appointed by the owner or agent of the building, the second by the Mayor, and the persons thus chosen shall select a third person. If the members of the board appointed by the owner of the property and by the Mayor are unable to agree upon the third member within ten (10) days of their appointment, the Council shall appoint such third member. The members of the board shall fix the amount or extent of the damage. Their decision shall be in writing, shall be final and conclusive and shall be filed with the Clerk. No building within the fire limits about which there is a question shall be repaired or rebuilt until such finding has been filed with the Clerk. (1976 Code §2.2-2.11)

9-1-8: **REMOVAL OF BUILDINGS; COSTS:** Any person who shall erect or move any building in the fire limits contrary to the provisions of this Chapter shall be given ten (10) days' written notice by the Mayor to remove or tear down the same, and if such removal or taking down is not completed within ten (10) days from the time of the service of such notice, the Mayor shall cause the same to be removed or taken down. The Mayor shall report an itemized bill of the expense to the Clerk, and the same shall be charged to the person owning such building. The Clerk shall present the bill to the owner of the property, and if the bill is not paid within ten (10) days from the date it is presented, the amount of the bill shall be certified by the Clerk to the County Auditor as a special tax against the property and collected the same as other taxes. (1976 Code §2.2-2.12)

CHAPTER 2  
**DANGEROUS BUILDINGS**

**SECTION:**

- 9-2-1: Unsafe Buildings Defined
- 9-2-2: Notice of Dangerous Condition; Hearing
- 9-2-3: Placarding Buildings
- 9-2-4: Right to Demolish Buildings; Costs
- 9-2-5: Enforcement
- 9-2-6: Penalty

9-2-1:       **UNSAFE BUILDINGS DEFINED:** All buildings or structures that 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, as specified in this Chapter, the City Building Code or any other ordinance 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 Section and Sections 9-2-2, 9-2-3, 9-2-4 of this Chapter.

The term "unsafe building" shall mean any structure or mobile home meeting any or all of the following criteria; whenever:

- A. 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.

- B. 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 twenty (20) pounds per square foot.
- C. 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.
- D. The building or structure or any portion thereof, because of 1) dilapidation, deterioration or decay, 2) faulty construction, 3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building, 4) the deterioration, decay or inadequacy of its foundation, or 5) any other cause, is likely to collapse partially or completely.
- E. For any reason, the building or structure or any portion thereof is manifestly unsafe for the purpose for which it is being used.
- F. The building or structure, exclusive of the foundation, shows thirty three percent (33%) or more damage or deterioration of its supporting member or members or fifty percent (50%) damage or deterioration of its nonsupporting members or of its enclosing or outside walls or coverings.
- G. 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 ( $\frac{1}{3}$ ) of the base.
- H. The building or structure has been so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated as to become 1) an attractive nuisance to children, 2) a harbor for vagrants, criminals or immoral persons, or as to 3) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- I. A building or structure used or intended to be used for dwelling purposes, because of inadequate maintenance, including lack of paint so as to expose wood to rotting, dilapidation, decay, damage,



- I) faulty construction or arrangement, inadequate light, air or sanitation facilities or other woes, is determined by the health officer to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease.
- J. 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 by the State Fire Marshal or City Fire Chief to be a fire hazard.
- K. Any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
- L. 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 (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public. (Ord. 522-89, 12-11-89)

**9-2-2: NOTICE OF DANGEROUS CONDITION; HEARING:** The Building Official 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 Building Official 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 forty eight (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 ninety (90) days from date of notice unless otherwise stipulated by the Building Official. 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 Building Official.

Notice shall be served upon the owner by certified mail, with return requested. If the letter is returned as refused or undeliverable, the law considers notice to have been given, and this Section is satisfied. Where there is no record of the owner, the notice may be made by an ordinance.

The designated period within which the owner or person in charge is required to comply with the order of the Building Official shall begin as of the date the owner receives such notice. However, such notice shall, except in cases of immediate danger, state that the person notified may request a hearing before the Council concerning the determination that the building be repaired, removed or demolished, and such request shall be made at least three (3) days before the ten (10) days if over twenty one (21) days was set. (Ord. 522-89, 12-11-89)

9-2-3:       **PLACARDING BUILDINGS:** The Building Official shall cause to be posted at each entrance to such building a notice to read: *DO NOT ENTER. UNSAFE TO OCCUPY. Building Department, City of Sibley.* Such notice shall remain posted until the required repairs, demolition or removal are completed. Such notice shall not be removed without written permission of the Building Official, and no person shall enter the building except for the purposes of making the required repairs or of demolishing the building. (Ord. 522-89, 12-11-89)

9-2-4:       **RIGHT TO DEMOLISH BUILDINGS; COSTS:** 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 City Council may order the owner of the building prosecuted as a violator of the provisions of this Chapter and may order the Building Official to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council, and costs incurred hereunder shall be paid out of the City Treasury. Such costs shall be charged to the owner of the premises involved and levied against the land on which the building or structure is located and shall be collected in the manner provided in section 364.12(3), Code of Iowa. (Ord. 522-89, 12-11-89)

9-2-5:       **ENFORCEMENT:** The Building Official shall be responsible for the enforcement of this Chapter. The Council may either appoint a person to be the building official or designate some other officer to carry out the duties of the building official. (Ord. 522-89, 12-11-89)

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9-2-6: **PENALTY:** Anyone who violates any of the provisions of this Chapter shall be subject, upon conviction, to imprisonment not exceeding thirty (30) days or a fine not exceeding one hundred dollars (\$100.00). (Ord. 522-89, 12-11-89)



- B) side of the streets and avenues, beginning at the C.St.P.M. & O. Railway and going east and west, and at the north boundary line running south, or on the south side of the streets running east from the C.St.P.M. & O. Railway, and on the north side of the streets running west from the C.St.P.M. & O. Railway, and on the east side of the avenues running south from the north boundary line of Chase Addition to the Town of Sibley, Iowa. The even numbers shall be on the opposite side of the streets and avenues alternating from side to side. The numbers shall run one hundred (100) to each block or the distance between two (2) street intersections on the same street. Where the streets intersecting on opposite sides of the street are not the same, the numbers shall run on each side to a street intersecting on the side being numbered.
- C. Business District: In the business portion, the numbers shall be for each twelve feet (12') or one-half ( $\frac{1}{2}$ ) lot except when lots vary from twenty four feet (24'). Such lots or business houses shall be numbered to conform to the size of the lot.
- D. Residence District: In the residence portion, the numbers shall be for each twenty five feet (25') or one-half ( $\frac{1}{2}$ ) lot, except when lots vary from fifty feet (50'). Such lots shall be numbered to conform to the size of the parcel of ground or lot.
- E. Assignment of Numbers to Properties: Each principal building shall be assigned a number in accordance with the provisions of this Section. In case there are vacant lots or double lots, numbers shall be reserved to provide for an orderly numbering system when the lots are occupied or divided. (1976 Code §8-1.0303)

9-3-3: **NUMBERS ISSUED:** The Clerk shall issue the assigned number in accordance with the numbering map to owners upon their request. In case there is doubt as to the proper number for any building or lot, the Council, on request, shall decide the same. (1976 Code §8-1.0304)

9-3-4: **DUTY TO OBTAIN AND DISPLAY NUMBERS:** Every owner shall comply with the following building numbering requirements:

- A. He shall obtain the assigned number to his principal building from the Clerk.
- B. He shall place or cause to be installed and maintain on the principal building the assigned number in a conspicuous place to the street in figures not less than two inches (2") wide by three inches (3") long and of a contrasting color with their background.

If an owner refuses to number a building as herein provided or fails to do so for a period of thirty (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. (1976 Code §8-1.0302)

9-3-5: **ENFORCEMENT:** The Clerk shall be responsible for enforcing the provisions of this Chapter. (1976 Code §8-1.0305)