



**NOTICE: UNSAFE STRUCTURE**  
**\*\*\* ACTION REQUIRED\*\*\***

October 28, 2021

Security Storage  
%Ronald Winter  
914 4<sup>th</sup> Ave NE  
Oelwein, IA 50662

**REGARDING:**  
310 6<sup>th</sup> St. SW  
Oelwein, IA 50662  
Legal Description Attached

Mr. Winter,

This letter is an official notice that the property located at 310 6<sup>th</sup> St. SE, Oelwein, IA 50662 is in violation of the City of Oelwein Code, Chapter 25, Section 25-8. Therefore, you are being served with this notice of violation.

**310 6<sup>th</sup> St. SW**

Recorded on: **October 28, 2021**

**CITY CODE: Section 25-8 Unsafe Structures and Equipment**

- A. General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.
- C. Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
- D. Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- F. Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:
  - 2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
  6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
  8. 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 approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
  9. 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, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
  10. Any building or structure, because of a lack of sufficient or proper fire-resistance rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
- J. Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this code.
- K. Abatement methods. The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

#### **Section 25-7 Notices and Orders**

- F. Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order

**City of Oelwein Community Development Department**

20 2<sup>nd</sup> Ave SW Oelwein, Iowa 50662

319-283-5862

or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

### **Section 25-39 Pest Elimination**

- A. Infestation. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.
- B. Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.
- C. Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.
- D. Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.
- E. Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.
  - 1. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

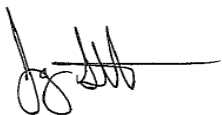
#### **Therefore:**

It is the Community Development Department's opinion based on the condition of the Structure, Plumbing, Electrical, and HVAC, that the home located at 310 6<sup>th</sup> St. SW be demolished and the ground it sets upon to be leveled and seeded by December 13, 2021, (45) days from the date of this letter.

**Failure to comply with any component of this directive will result in referral to the City Attorney.**

**Right to Appeal:** You have the right to appeal this notice and order by filing a written application for appeal with the Housing Board of Appeals for the City of Oelwein. Applications for appeal are available upon request at the Community Development Office located at 20 Second Ave SW in Oelwein.

**Right to File a Lien:** If you fail to correct these violations, any action taken by the City of Oelwein, the authority having jurisdiction, may be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.



**Building Official/Zoning Administrator**

**City of Oelwein Community Development Department**

20 2<sup>nd</sup> Ave SW Oelwein, Iowa 50662

319-283-5862

**Attachment**

**LOT 5, BLOCK 3, FENNERS ADDITION TO OELWEIN, AND THE EAST 20 FEET OF LOTS 147 AND 148, BLOCK 13,  
STICKNEY'S ADDITION TO OELWEIN, FAYETTE COUNTY, IOWA**