

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DECLARING 637 5<sup>TH</sup> AVE SW AN UNSAFE STRUCTURE

WHEREAS, Chapter 12 Article III of the Oelwein City Code allows council to take action on unsafe structures; and

WHEREAS, on June 9<sup>th</sup>, 2021, the building failed an exterior inspection performed by the Building Official; and

WHEREAS, multiple nuisance complaints of animals at large and in excess have been received beginning in 2021; and

WHEREAS, the Building Official provided in their professional opinion the structure was unsafe and beyond repair and imminent to collapse said structure was placarded; and

WHEREAS, Chapter 12 Article III of the Oelwein City Code allows City Council to make repair or demolish said unsafe structure; and

WHEREAS, the current owners have not made progress on repair of the building and have been delinquent on previous city orders; and

WHEREAS, the current property owner is Kim Annis; and

WHEREAS, the City is providing the current owner of 637 5<sup>th</sup> Ave SW fourteen (14) days to provide a solution to the unsafe structure with strict timelines on demolition and progress; and

WHEREAS, failure of the property owner of 637 5<sup>th</sup> Ave SW to provide a solution within fourteen (14) days will result in the city hiring a company to demolish the building and assess all cost to the property owner; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Oelwein, Iowa declares that 637 5<sup>th</sup> AVE SW is an Unsafe Structure.

Passed and Approved this 28<sup>th</sup> day of August 2023.

\_\_\_\_\_  
Brett DeVore, Mayor

It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the  
Resolution as read be adopted, and upon roll call there were:

AYES      NAYS      ABSENT      ABSTAIN

Stewart  
Weber  
Lenz  
Garrigus  
Seeders  
Payne

Attest:

\_\_\_\_\_  
Dylan Mulfinger, City Administrator

Recorded August 28, 2023.

\_\_\_\_\_  
City Administrator

### ARTICLE III

#### UNSAFE STRUCTURES

##### SECTION 12-50. DEFINITION.

A building within the meaning of this article shall include any house, store, shop, barn, stable, billboard, stand or any other structure. (Ord. No. 112, sections 6 and 4, 4-17-16.)

##### SECTION 12-51. ORDERING WORK.

Whenever, in the judgment of the city council, any wall or building or portion of a wall or building is dangerous or liable to fall, it may, by resolution, order the same repaired, torn down or removed by the owner thereof and specify in said order a reasonable time within which said repairing, tearing down or removal shall be made, the said order to contain the name or names of the owners, and describe the ground where the defective structure stands. (Ord. No. 112, Section 1, 4-17-16.)

##### SECTION 12-52. SERVING ORDER.

Whenever such order may be made as above provided, the city clerk shall certify a copy thereof, and place the same in the hands of the chief of police, who shall serve it by reading it and delivering a copy thereof to such of the owners of the ground, where such defective structure stands, as may be found within the city. If any owner cannot be found within the city, the service may be made at his usual place of residence on any member of his family over fourteen (14) years of age, or made upon any occupant of the premises, or if it cannot be served by any of the above methods, service may be made by posting a copy of said order in a conspicuous place upon the structure so ordered to be repaired, torn down or removed, and by two (2) publications in a newspaper of this city. (Ord. No. 112, Section 2, 4-17-16.)

##### SECTION 12-53. PERFORMANCE BY CITY - - AUTHORIZED.

If, after said order shall have been served by any means above provided, the same shall not have been complied with within the time stated therein, the city council shall cause said defective structure to be repaired, torn down or removed as directed by the order therefore, the same to be done under the supervision of the building official who shall proceed to do said work as directed and make return of the actual money costs thereof to the city council. (Ord. No. 112, Section 3, 4-17-16.)

##### SECTION 12-54. ASSESSING AND COLLECTING COST.

When the city building official shall have made his return, as provided, of the cost of the work, the city council shall by resolution assess and levy the amount thereof as a special tax against the property, and against the owners of said property, which shall be a lien upon the

property until said cost is paid, and the cost may be collected by the sale of said property under execution or by suit against the owner. (Ord. No. 112, Section 4, 4-17-16.)

**SECTION 12-55. UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS ADOPTED.**

The most current edition of the Uniform Code for Abatement of Dangerous Buildings and standards pertaining to and adopted therein, published by the International Conference of Building Officials, is hereby adopted in full, including the appendix thereto, except for such provisions as may be hereinafter deleted, modified or amended as set forth in the Oelwein Code of Ordinances. An official copy of the Uniform Code for Abatement of Dangerous Buildings adopted by this section and a certified copy of this Ordinance are on file in the office of the city clerk. (Ord. No. 939, 06-23-1997.)

















