

Judiciary
Dodder, Chairperson
DeKoster
Ashcraft

FILED FEB 22 1977

SENATE FILE 138

By SHAW

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing that certain structures are nuisances.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S. # 138

1 Section 1. Section four hundred fifty-five B point three
2 (455B.3), Code 1977, is amended by adding the following new
3 subsection:

4 NEW SUBSECTION. Enforce and give aid to local authori-
5 ties in the enforcement of section two (2) of this Act and
6 institute in the name of the state legal proceedings neces-
7 sary for enforcement.

8 Sec. 2. Section six hundred fifty-seven point two (657.2),
9 Code 1977, is amended by adding the following new subsection:

10 NEW SUBSECTION. A structure or part of a structure which
11 because of inadequate maintenance, dilapidation, physical
12 damage, insanitary condition, or abandonment constitutes
13 a fire hazard or a hazard to public safety or health, subjects
14 adjoining property to danger of damage by soil erosion or
15 rodent infestation, or becomes a place frequented by
16 trespassers and transients seeking a temporary hideout or
17 shelter.

18 At least thirty days' notice shall be given to the di-
19 rector of the division of historic preservation of the state
20 historical department before a civil or criminal action under
21 this subsection may be commenced. The director may appear
22 in any legal proceeding brought under this subsection.

23 Sec. 3. This Act is effective January 1, 1978.

24 EXPLANATION

25 This bill provides that certain abandoned, insanitary,
26 or dilapidated structures are nuisances for the purpose of
27 chapter 657 of the Code. It extends enforcement power to
28 the Department of Environmental Quality. It also requires
29 that notice be given to the director of the division of
30 historic preservation of the state historical department to
31 ensure protection of historically significant structures.
32 A civil action may be brought to enjoin and abate the nuisance
33 and recover damages. There is also a criminal penalty for
34 erecting, causing, or continuing a nuisance, so the appropriate
35 authorities may bring criminal charges. The court may order
36 a nuisance abated or removed at the defendant's expense.