



Roll Call Number

Agenda Item Number

34 B

Date May 8, 2023

ABATEMENT OF PUBLIC NUISANCE AT 2004 40TH PL.

WHEREAS, the property located at 2004 40th Pl., Des Moines, Iowa, was inspected by representatives of the City of Des Moines who determined that the main structure in its present condition constitutes not only a menace to health and safety but is also a public nuisance; and

WHEREAS, the Titleholder, Legacy 515 LLC, and the Mortgage Holder, Hardin County Savings Bank, were notified more than thirty days ago to repair or demolish the main structure and as of this date have failed to abate the nuisance.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

The main structure on the real estate legally described as Lot 9 in FAIRACRES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and locally known as 2004 40th Pl., has previously been declared a public nuisance;

The City Legal Department, through Special Counsel Ahlers & Cooney, P.C., is hereby authorized to file an action in district court to obtain a decree ordering the abatement of the public nuisance, and should the owner(s) fail to abate the nuisance, as ordered, that the matter may be referred to the Department of Engineering which will take all necessary action to demolish and remove said structure.

Moved by _____ to adopt.

Seconded by _____

FORM APPROVED:

Kristine Stone, Special Counsel
Ahlers & Cooney, P.C.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			

CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ Mayor

_____ City Clerk

34B





34B


Polk County Assessor

111 Court Avenue #195
Des Moines, IA 50309-0904

(515) 286-3014 Fax (515) 286-3386
polkweb@assess.co.polk.ia.us

Location					
Address	2004 40TH PL				
City	DES MOINES	Zip	50310	Jurisdiction	Des Moines
District/Parcel	100/04543-000-000	Geoparcel	7924-32-126-035	Status	Active
School	Des Moines	Nbhd/Pocket	DM58/Z	Tax Authority Group	DEM-C-DEM-77131
Submarket	Northwest Des Moines	Appraiser	Sarah Cunningham, SRA 515-286-3426		

Map and Current Photos - 1 Record

<p>Click on parcel to get a new listing</p> <table border="1"> <tr> <td>2015</td> <td></td> <td>2015</td> </tr> <tr> <td>2011</td> <td>2012</td> <td>2011</td> </tr> <tr> <td>2009</td> <td>2008</td> <td>2009</td> </tr> <tr> <td>2001</td> <td style="background-color: yellow;">2004</td> <td>2003</td> </tr> <tr> <td></td> <td>1924</td> <td>1925</td> </tr> <tr> <td>1923</td> <td>1920</td> <td>1921</td> </tr> <tr> <td></td> <td>1918</td> <td>1919</td> </tr> </table> <p style="text-align: center;">40TH PL</p> <p style="text-align: center;"> Bigger Map Polk County GIS Google Map Pictometry </p>	2015		2015	2011	2012	2011	2009	2008	2009	2001	2004	2003		1924	1925	1923	1920	1921		1918	1919	<p>Photo Processed on 2012-03-28 a</p> 
2015		2015																				
2011	2012	2011																				
2009	2008	2009																				
2001	2004	2003																				
	1924	1925																				
1923	1920	1921																				
	1918	1919																				

[Historical Photos](#)

Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	LEGACY 515 LLC	2021-10-15	18807/201

Legal Description and Mailing Address

LOT 9 FAIRACRES	LEGACY 515 LLC 4225 FLEUR DR STE 171 DES MOINES, IA 50321-2325
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Current Values

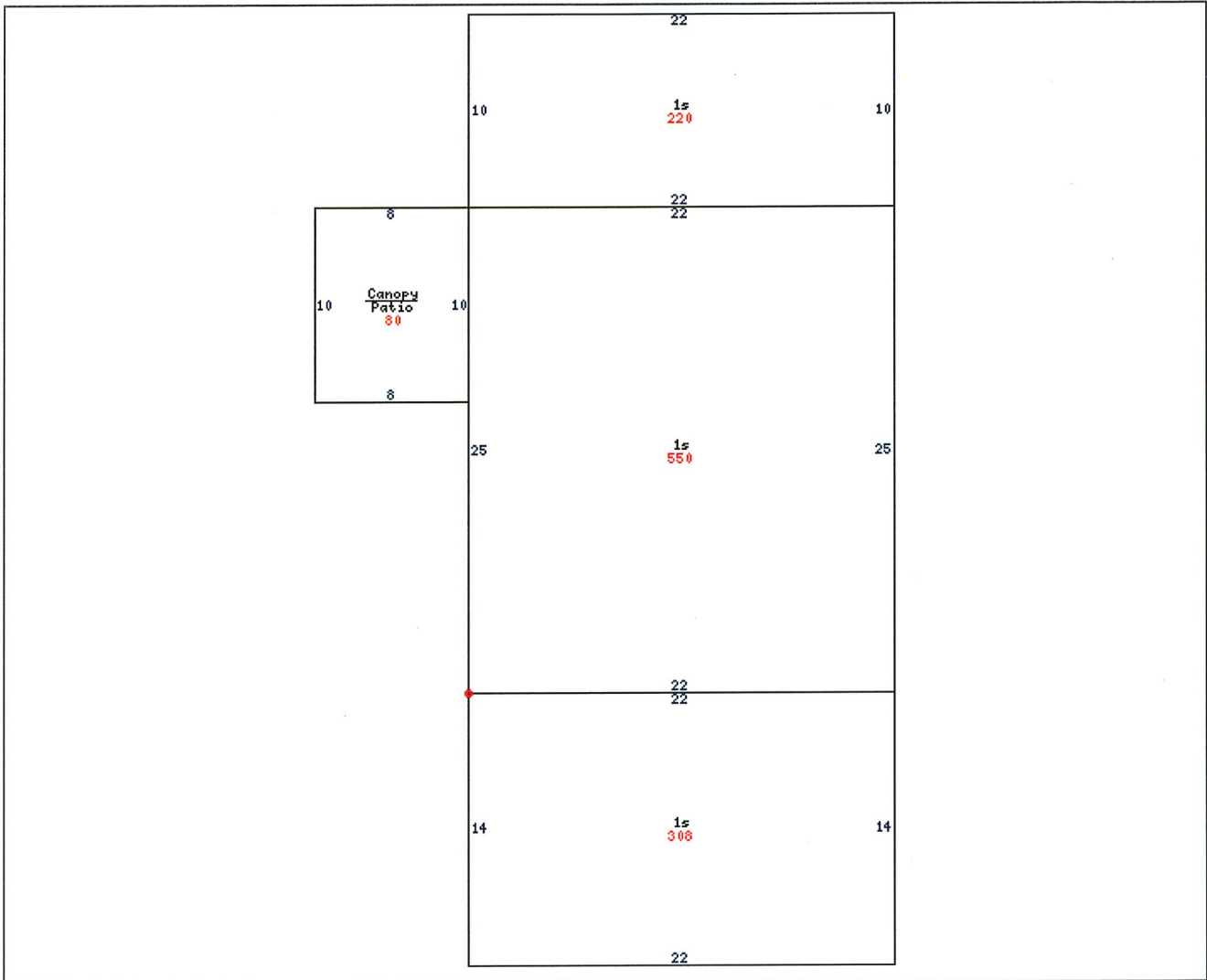
Type	Class	Kind	Land	Bldg	Total
2023 Assessment Roll	Residential	Full	\$41,000	\$58,300	\$99,300
2022 Value	Residential	Full	\$36,200	\$123,900	\$160,100

[Assessment Roll Notice](#) [Market Adjusted Cost Report](#)

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning

Zoning	Description		SF	Assessor Zoning	
N4	N4 Neighborhood District			Residential	
<i>City of Des Moines Community Development Planning and Urban Design 515 283-4182 (2012-03-20)</i>					
Land					
Square Feet	7,000	Acres	0.161	Frontage	50.0
Depth	140.0	Topography	Normal	Shape	Rectangle
Vacancy	No	Unbuildable	No		
Residences - 1 Record					
Residence #1					
Occupancy	Single Family	Residence Type	1 Story	Building Style	Bungalow
Year Built	1948	Number Families	1	Grade	4-10
Condition	Very Poor	Total Square Foot Living Area	1078	Main Living Area	1078
Patio Area	80	Canopy Square Foot	80	Foundation	Poured Concrete
Exterior Wall Type	Brick	Brick%	60	Roof Type	Gable
Roof Material	Asphalt Shingle	Heating	Gas Forced Air	Air Conditioning	100
Number Bathrooms	1	Bedrooms	2	Rooms	4



Detached Structures - 1 Record

Detached Structure #101

Occupancy	Garage	Construction Type	Frame	Measurement Code	Dimensions
Measure 1	12	Measure 2	20	Story Height	1
Grade	5	Year Built	1950	Condition	Normal

Sales - 4 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
KILLMER, KELLI K	LEGACY 515, LLC	2021-10-13	\$147,780	Deed	18807/201
ANDERSON, MARY K	KILLMER, KELLI K.	2004-02-16	\$85,000	Deed	10409/401
WOOD, FERDELLE L	ANDERSON, MARY K	2001-10-23	\$68,000	Deed	9059/207
CROUSE, MARVIN L	WOOD, FERDELLE	1993-01-29	\$22,000	Deed	6718/990

Recent Ownership Transfers

Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
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Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
KILLMER, KELLI K	LEGACY 515 LLC	2021-10-13	2021-10-15	Warranty Deed	18807/201

Permits - 1 Record

Year	Type	Permit Status	Application	Reason	Reason1
1992	Permit	Complete	1991-05-07		Addition

Historical Values

Yr	Type	Class	Kind	Land	Bldg	Total
2021	Assessment Roll	Residential	Full	\$36,200	\$123,900	\$160,100
2019	Assessment Roll	Residential	Full	\$33,100	\$113,700	\$146,800
2017	Assessment Roll	Residential	Full	\$29,500	\$105,800	\$135,300
2015	Assessment Roll	Residential	Full	\$25,800	\$95,100	\$120,900
2013	Assessment Roll	Residential	Full	\$23,100	\$86,200	\$109,300
2011	Assessment Roll	Residential	Full	\$23,100	\$86,700	\$109,800
2009	Assessment Roll	Residential	Full	\$26,100	\$95,800	\$121,900
2007	Assessment Roll	Residential	Full	\$25,000	\$91,700	\$116,700
2005	Assessment Roll	Residential	Full	\$24,400	\$66,300	\$90,700
2003	Assessment Roll	Residential	Full	\$21,720	\$58,760	\$80,480
2002	Assessment Roll	Residential	Full	\$20,790	\$69,230	\$90,020
2001	Assessment Roll	Residential	Full	\$20,790	\$69,230	\$90,020
			Adj	\$20,790	\$57,180	\$77,970
1999	Assessment Roll	Residential	Full	\$13,860	\$64,760	\$78,620
			Adj	\$13,860	\$52,710	\$66,570
1997	Assessment Roll	Residential	Full	\$12,610	\$58,930	\$71,540
			Adj	\$12,610	\$46,880	\$59,490
1995	Assessment Roll	Residential	Full	\$11,700	\$54,680	\$66,380
			Adj	\$11,700	\$42,630	\$54,330
1993	Assessment Roll	Residential	Full	\$10,150	\$47,430	\$57,580
			Adj	\$10,150	\$35,380	\$45,530
1992	Assessment Roll	Residential	Full	\$9,150	\$42,770	\$51,920
			Adj	\$9,150	\$30,720	\$39,870
1991	Assessment Roll	Residential	Full	\$9,150	\$32,290	\$41,440
1991	Was Prior Year	Residential	Full	\$9,150	\$26,960	\$36,110

34B



City of Des Moines
400 Robert D. Ray Drive
Des Moines, IA 50309

Notice of Violation	Case Number: NUIS-2022-000246
	Case Type: Public Nuisance
	Case Opened: 12/28/2022
	Date of Notice: 02/10/2023
	Date of Inspection: 02/08/2023

HARDIN COUNTY SAVINGS BANK
1202 EDGINGTON AVE
ELDORA IA 50627

Address of Property: 2004 40TH PL, DES MOINES IA 50310
Parcel Number: 792432126035

Legal Description: LOT 9 FAIRACRES

Upon inspection of the property located at and locally known as the Address of Property shown above, located in Des Moines, Iowa, ("Property"), there was/were found to be violation(s) of the Municipal Code of the City of Des Moines, Iowa. It has been determined from that inspection that the dwelling currently constitutes a danger to health and safety to the public and is a public nuisance.

We are notifying you that you have the **time set out in this notice (below under "Compliance Due Date")** to abate the following violation(s) and complete the required remedial action.

VIOLATION(S)

Violation	Corrective Action	Compliance Due Date
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Violation	Corrective Action	Compliance Due Date
<p>60-191 - Vacation and Abatement Any structure, dwelling, mobile home, equipment, or premise declared to be a public nuisance and unfit for human habitation or use, and so designated by the administrator, shall immediately be vacated and the nuisance shall be abated by repair, rehabilitation, demolition, or any other City-approved corrective action. The owner(s) shall be responsible for the vacation and abatement of the nuisance at such owner's expense. If not complied by such owner(s), then the nuisance may be abated by the city at the owner's expense. As indicated by section 60-19, the owner of land upon which a mobile home sits is a responsible owner in the event that mobile home is declared to be a public nuisance. Both the owner of the mobile home and the owner of the land upon which the mobile home sits shall be responsible for vacation and abatement of the public nuisance.</p>	<p>Vacate the structure until nuisance has been abated and is no longer declared a public nuisance. ** * ALL ELECTRICAL, MECHANICAL, PLUMBING AND STUCTURAL COMPONENTS THROUGHOUT THE STRUCTRE THAT ARE IN NEED OF REPLACEMENT OR REPAIR ARE TO BE BROUGHT TO MINIMUM CODE REQUIREMENTS WITH NECESSARY PERMITS AS REQUIRED TO MEET THE CITY CODES. ** * WAS UNABLE TO DETERMINE IF MAIN STRUCTURE IS DAMAGED AS WELL. WILL REQUIRE A STRUCTURE INSPECTION. ** * UN ABLE TO GAIN ACCESS INTO STRUCTURE, POSSIBLE MORE VIOLATIONS.</p>	02/16/2023
<p>60-192(1) - Unsafe and Dangerous Structure or Premise Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.</p>	<p>MAINSTRUCTURE THROUGH OUT Repair or replace any door, aisle, passageway, stairway, exit, or other means of egress that does not conform to the approved building or fire code.</p>	02/16/2023
<p>60-192(2) - Unsafe and Dangerous Structure or Premise The building or structure, or part of a structure, because of dilapidation, deterioration, decay, faulty construction, the removal of movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.</p>	<p>MAINSTRUCTURE THROUGH OUT Repair or replacè walking surface of any aisle, passageway, stairway, exit, or other means of egress that is unsafe and does not provide safe and adequate means of egress.</p>	02/16/2023

Violation	Corrective Action	Compliance Due Date
<p>60-192(3) - Unsafe and Dangerous Structure or Premise The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.</p>	<p>MAINSTRUCTURE THROUGH OUT Repair or replace any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.</p>	02/16/2023
<p>60-192(4) - Unsafe and Dangerous Structure or Premise The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.</p>	<p>MAINSTRUCTURE THROUGH OUT Repair or replace any portion of a building, or any member, appurtenance, or ornamentation on the exterior of the structure 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.</p>	02/16/2023
<p>60-192(5) - Unsafe and Dangerous Structure or Premise Any portion of a building or structure remaining on site after the demolition or destruction of the building or structure or whenever building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.</p>	<p>MAINSTRUCTURE THROUGH OUT Repair or replace the building or structure, or part of a structure which is likely to partially or completely collapse because of dilapidation, deterioration, decay, faulty construction, the removal of movement of some portion of the ground necessary for the support, or for any other reason, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.</p>	02/16/2023
<p>60-192(6) - Unsafe and Dangerous Structure or Premise Whenever the condition or maintenance of the premise creates a nuisance that endangers the health and safety of the residents or public.</p>	<p>MAINSTRUCTURE THROUGH OUT Vacate and secure any structure that is clearly unsafe for its use and occupancy, OR, demolish the structure after obtaining required permit, OR repair or replace the building or structure, or any portion thereof, that is clearly unsafe for its use and occupancy.</p>	02/16/2023

Violation	Corrective Action	Compliance Due Date
<p>60-192(7) - Unsafe and Dangerous Structure or Premise Any structure that the administrator determines is unfit for human occupancy meaning that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, 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.</p>	<p>MAINSTRUCTURE THROUGH OUT Vacate and secure the structure, OR, repair or replace the building or structure that is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.</p>	02/16/2023
<p>60-192(9) - Unsafe and Dangerous Structure or Premise Siding and masonry joints, including joints between the building envelope and the perimeter of window, doors and skylights are not maintained weather resistance or watertight.</p>	<p>MAINSTRUCTURE THROUGH OUT Vacate and secure the structure or premises, OR, repair, replace, and/or sanitize any building or structure determined to be unsanitary, unfit for human habitation, or in such a condition that it is likely to cause sickness or disease. ** *HAVE A LICENSED MECHANICAL CONTRACTOR INSPECT THE ENTIRE MECHANICAL SYSTEM AND PROVIDE A COPY OF THE FINDING. REPAIR AND/OR REPLACE ALL DEFICIENT ELEMENTS OF THE MECHANICAL SYSTEM. THROUGHOUT THE ENTIRE STRUCTRE. WORK MUST BE DONE BY A LICENSED MECHANICAL CONTRACTOR * HAVE A LICENSED PLUMBING CONTRACTOR INSPECT THE ENTIRE PLUMBING SYSTEM AND PROVIDE A COPY OF THE FINDINGS. REPAIR AND/OR REPLACE ALL DEFICIENT ELEMENTS OF THE PLUMBING SYSTEM THROUGHOUT THE ENTIRE STRUCTRE. WORK MUST BE DONE BY A LICENSED PLUMBING CONTRACTOR.</p>	02/16/2023

Violation	Corrective Action	Compliance Due Date
<p>60-192(10) - Unsafe and Dangerous Structure or Premise Veneer, cornice, belt courses, corbels, rim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads resisting all load effects.</p>	<p>MAINSTRUCTURE THROUGH OUT Vacate and secure the structure or premises, OR, demolish the structure after obtaining required demolition permit, OR, repair or replace insufficient construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause that is a threat to life or health.</p> <p>** * HAVE A LICENSED ELECTRICAL CONTRACTOR INSPECT THE ENTIRE ELECTRICAL SYSTEM AND PROVIDE A COPY OF THE FINDINGS. REPAIR AND/OR REPLACE ALL DEFICIENT ELEMENTS OF THE ELECTRICAL SYSTEM THROUGHOUT THE ENTIRE STRUCTURE. WORK MUST BE DONE BY A LICENSED ELECTRICAL CONTRACTOR.</p>	02/16/2023
<p>60-192(13) - Unsafe and Dangerous Structure or Premise Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load affects.</p>	<p>MAINSTRUCTURE THROUGH OUT Repair or replace the building or structure that is in a condition that it presents either a substantial risk of fire, building collapse, or any other threat to life and safety, OR, demolish the structure.</p>	02/16/2023
<p>60-192(14) - Unsafe and Dangerous Structure or Premise Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.</p>	<p>MAINSTRUCTURE THROUGH OUT Repair or replace the unsafe equipment OR demolish the structure.</p>	02/16/2023

Violation	Corrective Action	Compliance Due Date
<p>60-192(15) - Unsafe and Dangerous Structure or Premise Exterior and interior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or broken and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load affects.</p>	<p>MAINSTRUCTURE THROUGH OUT Repair or replace the unsafe or unlawful structure OR demolish the structure. ** * SEVERE SMOKE AND FIRE DAMAGE. REPLACE ALL THAT IS DAMAGED. BUILDING PERMIT REQUIRED. ** * GAS SERVICE HAS BEEN SHUT OFF NEED LICENSED MECHANICAL CONTRACTOR TO VERIFY SAFETY OF MECHANICAL SYSTEMS AND CORRECT ANY VIOLATIONS PRIOR TO SERVICE BEING RESTORED. PERMIT REQUIRED. * CLEAN SOMKE DAMAGE FROM WALLS AND THEN PAINT TO MATCH. * REPAIR/REPLACE ANY MISSING, ROTTED OR DAMAGED WINDOWS/WINDOW FRAMES. ANY REPAIRS TO THE STRUCTURE WILL REQUIRE A BUILDING PERMIT. * SCRAPE LOOSE PAINT, REPAIR WHERE NEEDED AND PAINT TO MATCH. * REPAIR/REPLACE ANY BROKEN, MISSING, D A M A G E D O R R O T T E D DRYWALL/PANELING/WALL COVERING. ANY REPAIRS TO THE STRUCTURE WILL REQUIRE A BUILDING PERMIT. * REPLACE ALL SMOKE DETECTORS PER CODE AFTER FIRE.</p>	02/16/2023
<p>60-194 - Defacing and Removing Placard No person shall deface or remove the placard, except as authorized by the administrator.</p>	<p>Replace or restore defaced or removed placard.</p>	02/16/2023

Violation	Corrective Action	Compliance Due Date
<p>60-195 - Emergency Measures to Vacate If one or more of the following exists, the administrator is hereby authorized and empowered to order and require the owner(s) and/or occupant(s) to vacate the premises immediately:</p> <p>(1) There is imminent danger of failure of collapse of a building or structure that endangers life;</p> <p>(2) Any structure or part of a structure has fallen and life is endangered by occupation of the structure; or</p> <p>(3) There is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment.</p>	<p>MAINSTRUCTURE THROUGH OUT Immediately vacate the building or structure.</p>	<p>02/16/2023</p>

If not occupied, the structure is to remain vacant and unoccupied until occupancy is authorized by this office.

If the structure is occupied, it must be **vacated immediately**. If procedures to vacate the premises are not undertaken immediately upon receipt of this notice, and in no case later than seven (7) days, the City may seek a court order directing you to vacate the structure, pursuant to Section 60-191 and 60-192 of the Municipal Code of the City of Des Moines, Iowa.

ALL ELECTRICAL, MECHANICAL, PLUMBING, AND STRUCTURAL COMPONENTS IN NEED OF REPLACEMENT OR REPAIR, ARE TO BE BROUGHT TO MINIMUM CODE REQUIREMENTS WITH NECESSARY PERMITS AS REQUIRED TO MEET CITY CODES. Should you have any questions regarding permits, contact the Permit and Development Center at (515) 283-4200. All work performed by a contractor or you must be completed in a workmanlike manner.

If you plan to renovate the structure and it has been vacant for over a year, there may be zoning issues, which may affect the renovation plans. Please contact the Development Zoning Division at (515) 283-4207 to determine if there is anything you should be aware of.

If you decide to demolish the building or take the structure down, you will need a demolition permit.

If you cannot renovate or demolish the structure, contact me to discuss allowing the City to remove the structure. There will be costs billed out to you and possibly a judgment. It may be cheaper for you to remove the structure yourself.

If you no longer own this property, please let us know.

Unpaid costs may be collected by personal judgment, collection, or assessment to be collected as a property tax.

Should you have any questions, feel free to call. I can usually be reached between 8:00 a.m. and 9:00 a.m., Monday through Friday.

Thank you for your help,

Respectfully,

A handwritten signature in black ink that reads "C McClaran". The signature is written in a cursive style with a large initial "C".

Charles McClaran
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
(515) 283-4143
CWMcClaran@dmgov.org



City of Des Moines
 400 Robert D. Ray Drive
 Des Moines, IA 50309

Case Number: NUIS-2022-000246	
Notice of Violation	Case Type: Public Nuisance
	Case Opened: 12/28/2022
	Date of Notice: 01/04/2023
	Date of Inspection: 12/28/2022

LEGACY 515 LLC
 ZACH VANDER PLOEG, REG. AGENT
 4225 FLEUR DR #171
 DES MOINES IA 50321

Address of Property: **2004 40TH PL, DES MOINES IA 50310**
 Parcel Number: **792432126035**

Legal Description: **LOT 9 FAIRACRES**

Upon inspection of the property located at and locally known as the Address of Property shown above, located in Des Moines, Iowa, ("Property"), there was/were found to be violation(s) of the Municipal Code of the City of Des Moines, Iowa. It has been determined from that inspection that the dwelling currently constitutes a danger to health and safety to the public and is a public nuisance.

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Violation	Corrective Action	Compliance Due Date
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<p>60-192(1) - Dangerous Structure or Premise - Door, Stairway, Exit For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance: (1) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.</p>	<p>MAINSTRUCTURE THROUGH OUT Repair or replace any door, aisle, passageway, stairway, exit, or other means of egress that does not conform to the approved building or fire code.</p>	02/16/2023

Violation	Corrective Action	Compliance Due Date
<p>60-192(10) - Dangerous Structure or Premise - Lack of Sufficient Construction For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance: (10) Any building or structure, because of 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 administrator to be a threat to life or health.</p>	<p>MAINSTRUCTURE THROUGH OUT Vacate and secure the structure or premises, OR, demolish the structure after obtaining required demolition permit, OR, repair or replace insufficient construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause that is a threat to life or health.</p> <p>** * HAVE A LICENSED ELECTRICAL CONTRACTOR INSPECT THE ENTIRE ELECTRICAL SYSTEM AND PROVIDE A COPY OF THE FINDINGS. REPAIR AND/OR REPLACE ALL DEFICIENT ELEMENTS OF THE ELECTRICAL SYSTEM THROUGHOUT THE ENTIRE STRUCTURE. WORK MUST BE DONE BY A LICENSED ELECTRICAL CONTRACTOR.</p>	02/16/2023
<p>60-192(13) - Unsafe or dangerous structure Any structure that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or contains unsafe equipment or is so damaged, decayed dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.</p>	<p>MAINSTRUCTURE THROUGH OUT Repair or replace the building or structure that is in a condition that it presents either a substantial risk of fire, building collapse, or any other threat to life and safety, OR, demolish the structure.</p>	02/16/2023
<p>60-192(14) - Unsafe or dangerous structure Unsafe equipment including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within in 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.</p>	<p>MAINSTRUCTURE THROUGH OUT Repair or replace the unsafe equipment OR demolish the structure.</p>	02/16/2023

Violation	Corrective Action	Compliance Due Date
<p>60-192(15) - Unsafe or dangerous structure Any structure that the administrator determines is unfit for human occupancy meaning that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, 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.</p>	<p>MAINSTRUCTURE THROUGH OUT Repair or replace the unsafe or unlawful structure OR demolish the structure. ** * SEVERE SMOKE AND FIRE DAMAGE. REPLACE ALL THAT IS DAMAGED. BUILDING PERMIT REQUIRED. ** * GAS SERVICE HAS BEEN SHUT OFF NEED LICENSED MECHANICAL CONTRACTOR TO VERIFY SAFETY OF MECHANICAL SYSTEMS AND CORRECT ANY VIOLATIONS PRIOR TO SERVICE BEING RESTORED. PERMIT REQUIRED. * CLEAN SOMKE DAMAGE FROM WALLS AND THEN PAINT TO MATCH. * REPAIR/REPLACE ANY MISSING, ROTTED OR DAMAGED WINDOWS/WINDOW FRAMES. ANY REPAIRS TO THE STRUCTURE WILL REQUIRE A BUILDING PERMIT. * SCRAPE LOOSE PAINT, REPAIR WHERE NEEDED AND PAINT TO MATCH. * REPAIR/REPLACE ANY BROKEN, MISSING, D A M A G E D O R R O T T E D DRYWALL/PANELING/WALL COVERING. ANY REPAIRS TO THE STRUCTURE WILL REQUIRE A BUILDING PERMIT. * REPLACE ALL SMOKE DETECTORS PER CODE AFTER FIRE.</p>	02/16/2023
<p>60-192(2) - Dangerous Structure or Premise - Walking Surface For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance: (2) The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn or loose, torn or otherwise unsafe so as to not provide safe and adequate means of egress.</p>	<p>MAINSTRUCTURE THROUGH OUT Repair or replace walking surface of any aisle, passageway, stairway, exit, or other means of egress that is unsafe and does not provide safe and adequate means of egress.</p>	02/16/2023

Violation	Corrective Action	Compliance Due Date
<p>60-192(3) - Dangerous Structure or Premise - Damaged For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance: (3) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.</p>	<p>MAINSTRUCTURE THROUGH OUT Repair or replace any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.</p>	02/16/2023
<p>60-192(4) - Dangerous Structure or Premise - Insufficient Strength or Stability For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance: (4) Any portion of a building, or any member, appurtenance or ornamentation on the exterior of the structure 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.</p>	<p>MAINSTRUCTURE THROUGH OUT Repair or replace any portion of a building, or any member, appurtenance, or ornamentation on the exterior of the structure 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.</p>	02/16/2023
<p>60-192(5) - Dangerous Structure or Premise - Dilapidated or Deteriorated For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance: (5) The building or structure, or part of a structure, because of dilapidation, deterioration, decay, faulty construction, the removal of movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.</p>	<p>MAINSTRUCTURE THROUGH OUT Repair or replace the building or structure, or part of a structure which is likely to partially or completely collapse because of dilapidation, deterioration, decay, faulty construction, the removal of movement of some portion of the ground necessary for the support, or for any other reason, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.</p>	02/16/2023

Violation	Corrective Action	Compliance Due Date
<p>60-192(6) - Dangerous Structure or Premise - Unsafe For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance: (6) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.</p>	<p>MAINSTRUCTURE THROUGH OUT Vacate and secure any structure that is clearly unsafe for its use and occupancy, OR, demolish the structure after obtaining required permit, OR repair or replace the building or structure, or any portion thereof, that is clearly unsafe for its use and occupancy.</p>	02/16/2023
<p>60-192(7) - Dangerous Structure or Premise - Attractive Nuisance, Harbor for Vagrants For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance: (7) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.</p>	<p>MAINSTRUCTURE THROUGH OUT Vacate and secure the structure, OR, repair or replace the building or structure that is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.</p>	02/16/2023

Violation	Corrective Action	Compliance Due Date
<p>60-192(9) - Dangerous Structure or Premise - Unsanitary, Unfit for Habitation For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance: (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 administrator to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness of disease.</p>	<p>MAINSTRUCTURE THROUGH OUT Vacate and secure the structure or premises, OR, repair, replace, and/or sanitize any building or structure determined to be unsanitary, unfit for human habitation, or in such a condition that it is likely to cause sickness or disease. ** *HAVE A LICENSED MECHANICAL CONTRACTOR INSPECT THE ENTIRE MECHANICAL SYSTEM AND PROVIDE A COPY OF THE FINDING. REPAIR AND/OR REPLACE ALL DEFICIENT ELEMENTS OF THE MECHANICAL SYSTEM. THROUGHOUT THE ENTIRE STRUCTRE. WORK MUST BE DONE BY A LICENSED MECHANICAL CONTRACTOR * HAVE A LICENSED PLUMBING CONTRACTOR INSPECT THE ENTIRE PLUMBING SYSTEM AND PROVIDE A COPY OF THE FINDINGS. REPAIR AND/OR REPLACE ALL DEFICIENT ELEMENTS OF THE PLUMBING SYSTEM THROUGHOUT THE ENTIRE STRUCTRE. WORK MUST BE DONE BY A LICENSED PLUMBING CONTRACTOR.</p>	02/16/2023
<p>60-194 - Defacing and Removing Placard No person shall deface or remove the placard, except as authorized by the administrator.</p>	<p>Replace or restore defaced or removed placard.</p>	02/16/2023
<p>60-195 - Emergency Measures to Vacate If one or more of the following exists, the administrator is hereby authorized and empowered to order and require the owner(s) and/or occupant(s) to vacate the premises immediately: (1) There is imminent danger of failure of collapse of a building or structure that endangers life; (2) Any structure or part of a structure has fallen and life is endangered by occupation of the structure; or (3) There is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment.</p>	<p>MAINSTRUCTURE THROUGH OUT Immediately vacate the building or structure.</p>	02/16/2023

If not occupied, the structure is to remain vacant and unoccupied until occupancy is authorized by this office.

If the structure is occupied, it must be **vacated immediately**. If procedures to vacate the premises are not undertaken immediately upon receipt of this notice, and in no case later than seven (7) days, the City may seek a court order directing you to vacate the structure, pursuant to Section 60-191 and 60-192 of the Municipal Code of the City of Des Moines, Iowa.

ALL ELECTRICAL, MECHANICAL, PLUMBING, AND STRUCTURAL COMPONENTS IN NEED OF REPLACEMENT OR REPAIR, ARE TO BE BROUGHT TO MINIMUM CODE REQUIREMENTS WITH NECESSARY PERMITS AS REQUIRED TO MEET CITY CODES. Should you have any questions regarding permits, contact the Permit and Development Center at (515) 283-4200. All work performed by a contractor or you must be completed in a workmanlike manner.

If you plan to renovate the structure and it has been vacant for over a year, there may be zoning issues, which may affect the renovation plans. Please contact the Development Zoning Division at (515) 283-4207 to determine if there is anything you should be aware of.

If you decide to demolish the building or take the structure down, you will need a demolition permit.

If you cannot renovate or demolish the structure, contact me to discuss allowing the City to remove the structure. There will be costs billed out to you and possibly a judgment. It may be cheaper for you to remove the structure yourself.

If you no longer own this property, please let us know.

Unpaid costs may be collected by personal judgment, collection, or assessment to be collected as a property tax.

Should you have any questions, feel free to call. I can usually be reached between 8:00 a.m. and 9:00 a.m., Monday through Friday.

Thank you for your help,

Respectfully,



Charles McClaran
Neighborhood Inspector
Neighborhood Services
602 Robert D. Ray Drive, Des Moines, IA 50309
(515) 283-4143
CWMcClaran@dmgov.org