

# **Article II. Temporary Securing Of Buildings**

## **Part 1. Boarding Process**

### **18.48.090: DEFINITIONS:**

**BOARDED BUILDING:** A building in which all or some of the utilities have been disconnected and all windows and doors are boarded against entry at the ground and second level (if a second level exists). Entry doors may be locked or boarded and windows adjacent to entry doors are boarded against entry.

**BOARDING:** The secured covering of openings to a building or structure to prevent entrance pursuant to the provisions and standards of this article due to the nonoccupancy of the building or structure.

**CLOSED TO OCCUPANCY:** A building in which no person may eat, sleep, live or otherwise reside or occupy the building or any portion thereof. Buildings closed to occupancy may only be entered by the owner, owner's agent or other authorized persons to do repair work.

**EMERGENCY CONDITIONS:** One or more conditions which exist in a building or on a property that create a likelihood of imminent danger to life or safety if anyone were to enter or occupy the property or building.

**UNBOARDED/UNSECURED BUILDING:** A building whose window(s) and/or door(s) are missing or broken and other openings are not secured against unauthorized persons entering the building.

**VACANT/SECURED BUILDING:** A building having utility meters that may be locked off but the meters and service lines are in place. All windows are secured and glazed and the doors are secured by means of a lock. (Ord. 27-00 § 1, 2000: Ord. 80-94 § 2, 1994)

### **18.48.100: NOTICE AND ORDER TO TEMPORARILY SECURE:**

- A. If the director of housing and neighborhood development determines that a building needs to be boarded, the director of housing and neighborhood development shall send a notice by certified mail, return receipt requested, and regular mail, to the property owner requiring the owner to board the building. The director of housing and neighborhood development shall also, on the same day, post a notice on the property.

B. If, due to the existence of emergency conditions, as identified by the director of housing and neighborhood development, it is not possible or practical to give notice in advance, the city may nevertheless board the building without giving prior notice to the owner or occupant, but the city shall provide all required notices immediately following the boarding of the building. (Ord. 27-00 § 2, 2000: Ord. 80-94 § 2, 1994)

#### **18.48.110: CITY BOARDING OR SECURING:**

A. If, within the time specified in the notice and order, the property owner fails to comply with the notice and order by taking out a permit to board the building pursuant to this article, or apply for a stay pursuant to part 2 of this article, the city may cause the property to be boarded.

B. If the director of housing and neighborhood development determines that emergency conditions exist, the city may board the building.

C. If the city boards a building, the city shall send the property owner a bill for:

1. The fees and charges for services which would otherwise have been charged for the securing of a boarding permit pursuant to section [18.48.140](#) of this chapter;
2. A one hundred dollar (\$100.00) fee to partially recover the city's costs in administering the boarding; and
3. The actual costs of the boarding incurred by the city. (Ord. 27-00 § 3, 2000: Ord. 80-94 § 2, 1994)

#### **18.48.120: BOARDING PERMIT REQUIRED:**

It is unlawful to board a building except pursuant to a permit issued under this article. (Ord. 80-94 § 2, 1994)

#### **18.48.130: BOARDING PERMIT APPLICATION:**

Permits for boarding a building must be applied for on a form provided by the director of housing and neighborhood development. The form shall specify the following:

A. The address of the structure to be boarded or temporarily secured;

- B. The type of building;
- C. For residential structures, the number of dwelling units;
- D. For nonresidential buildings, the number of building square feet and the linear footage of all building faces at ground level;
- E. The name, address and telephone number of a person authorized to act as an agent for the owner for performing the owner's obligations under this article, who lives within forty (40) miles of Salt Lake City;
- F. Whether the property has the required external water source for landscaping, if landscaping is required; and
- G. A description of the condition of the building and the landscaping of the surrounding property. (Ord. 27-00 § 4, 2000: Ord. 80-94 § 2, 1994)

**18.48.140: INITIAL FEES:**

For the first year of any boarding, at the time of filing the application, the applicant shall pay the following fees:

- A. Seven hundred dollars (\$700.00) for each structure; and
- B. A plumbing permit to install the external irrigation hose bib, if required, and not already present, in the amount of six dollars (\$6.00). (Ord. 27-00 § 5, 2000: Ord. 80-94 § 2, 1994)

**18.48.150: SEPARATE SALVAGE PERMIT REQUIRED:**

If the property owner intends to salvage any of the structure or other building components, hardware or equipment prior to or during the boarding, the property owner must secure a salvage permit as otherwise required by law. (Ord. 80-94 § 2, 1994)

### **18.48.160: COMPLETION OF BOARDING:**

Boarding must be completed within ten (10) days of the issuance of a permit. (Ord. 80-94 § 2, 1994)

### **18.48.170: BOARDING WITHOUT PERMIT:**

Boarding a building before obtaining a permit pursuant to this article will require payment of double the initial boarding application fee specified in subsection [18.48.140A](#) of this chapter or its successor. (Ord. 80-94 § 2, 1994)

### **18.48.180: YEARLY FEES:**

- A. On or before each yearly anniversary of a boarding permit, a property owner desiring to continue to board a building shall pay an annual boarding fee of one thousand two hundred dollars (\$1,200.00).
  
- B. A late fee of twenty five dollars (\$25.00) shall be assessed by the city for each thirty (30) days, or any portion thereof, in which the annual fees have not been paid.
  
- C. If the property owner fails to pay either the initial boarding fees or the annual boarding fee, the city may take legal action to collect any amounts owed. (Ord. 27-00 § 6, 2000: Ord. 80-94 § 2, 1994)

### **18.48.185: POSTING OF BOARDED OR CLOSED TO OCCUPANCY BUILDINGS:**

Whenever a building is boarded or closed to occupancy, the city shall be authorized to install a sign to be mounted on the front facade of the building. The sign shall state that the building is closed to occupancy and that it is unlawful for any unauthorized person to enter the building. The sign shall also provide phone numbers to call if people are seen on the property or if doors or windows are unsecured. (Ord. 27-00 § 7, 2000)

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**BOARDING:** The secured covering of openings to a building or structure to prevent entrance pursuant to the provisions and standards of this article due to the nonoccupancy of the building or structure.

**CLOSED TO OCCUPANCY:** A building in which no person may eat, sleep, live or otherwise reside or occupy the building or any portion thereof. Buildings closed to occupancy may only be entered by the owner, owner's agent or other authorized persons to do repair work.

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- B. If, due to the existence of emergency conditions, as identified by the director of housing and neighborhood development, it is not possible or practical to give notice in advance, the city may nevertheless board the building without giving prior notice to the owner or occupant, but the city shall provide all required notices immediately following the boarding of the building. (Ord. 27-00 § 2, 2000: Ord. 80-94 § 2, 1994)

#### **18.48.110: CITY BOARDING OR SECURING:**

- A. If, within the time specified in the notice and order, the property owner fails to comply with the notice and order by taking out a permit to board the building pursuant to this

article, or apply for a stay pursuant to part 2 of this article, the city may cause the property to be boarded.

B. If the director of housing and neighborhood development determines that emergency conditions exist, the city may board the building.

C. If the city boards a building, the city shall send the property owner a bill for:

1. The fees and charges for services which would otherwise have been charged for the securing of a boarding permit pursuant to section [18.48.140](#) of this chapter;
2. A one hundred dollar (\$100.00) fee to partially recover the city's costs in administering the boarding; and
3. The actual costs of the boarding incurred by the city. (Ord. 27-00 § 3, 2000; Ord. 80-94 § 2, 1994)

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B. The type of building;

C. For residential structures, the number of dwelling units;

- D. For nonresidential buildings, the number of building square feet and the linear footage of all building faces at ground level;
  
- E. The name, address and telephone number of a person authorized to act as an agent for the owner for performing the owner's obligations under this article, who lives within forty (40) miles of Salt Lake City;
  
- F. Whether the property has the required external water source for landscaping, if landscaping is required; and
  
- G. A description of the condition of the building and the landscaping of the surrounding property. (Ord. 27-00 § 4, 2000: Ord. 80-94 § 2, 1994)

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If the property owner intends to salvage any of the structure or other building components, hardware or equipment prior to or during the boarding, the property owner must secure a salvage permit as otherwise required by law. (Ord. 80-94 § 2, 1994)

**18.48.160: COMPLETION OF BOARDING:**

Boarding must be completed within ten (10) days of the issuance of a permit. (Ord. 80-94 § 2, 1994)

### **18.48.170: BOARDING WITHOUT PERMIT:**

Boarding a building before obtaining a permit pursuant to this article will require payment of double the initial boarding application fee specified in subsection [18.48.140A](#) of this chapter or its successor. (Ord. 80-94 § 2, 1994)

### **18.48.180: YEARLY FEES:**

- A. On or before each yearly anniversary of a boarding permit, a property owner desiring to continue to board a building shall pay an annual boarding fee of one thousand two hundred dollars (\$1,200.00).
  
- B. A late fee of twenty five dollars (\$25.00) shall be assessed by the city for each thirty (30) days, or any portion thereof, in which the annual fees have not been paid.
  
- C. If the property owner fails to pay either the initial boarding fees or the annual boarding fee, the city may take legal action to collect any amounts owed. (Ord. 27-00 § 6, 2000: Ord. 80-94 § 2, 1994)

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Whenever a building is boarded or closed to occupancy, the city shall be authorized to install a sign to be mounted on the front facade of the building. The sign shall state that the building is closed to occupancy and that it is unlawful for any unauthorized person to enter the building. The sign shall also provide phone numbers to call if people are seen on the property or if doors or windows are unsecured. (Ord. 27-00 § 7, 2000)

## **Part 2. Stays**

### **18.48.190: STAYS AUTHORIZED:**

The owner of any property which should be boarded pursuant to this article, either voluntarily by the owner or pursuant to a notice and order, may apply for a stay of the boarding requirement. (Ord. 80-94 § 2, 1994)

### **18.48.200: STAY PROCESS:**



- A. An owner seeking a stay shall obtain and complete the boarding application provided in section [18.48.130](#) of this chapter or its successor.
  
- B. The building official shall promptly inspect the building and render a determination, in writing, regarding the building's suitability for a stay.
  
- C. If the building official determines that the building is in such a condition as to pose an imminent danger of collapse or fire or is an attractive nuisance which creates a significant risk of transient occupancy or vandalism, the building official shall deny the request for a stay.
  
- D. If the director of housing and neighborhood development denies a stay request, the building owner shall obtain a boarding or demolition permit within seven (7) days or the city may proceed to board the property pursuant to section [18.48.110](#) of this chapter, or its successor. In addition to the provisions of this section, the issuance of demolition permits in historic districts and landmark sites are subject to the provisions of subsection [21A.34.020L](#) of this code. In the event of a conflict between the provisions of this subsection and subsection [21A.34.020L](#) of this code, the latter shall control.
  
- E. If the director of housing and neighborhood development determines that a stay is appropriate, the director of housing and neighborhood development shall certify in writing that a stay of up to four (4) months has been issued. (Ord. 27-00 § 8, 2000: Ord. 80-94 § 2, 1994)

#### **18.48.210: ACTIONS DURING THE STAY:**

- A. Within the stay period, the building owner shall obtain either a boarding permit pursuant to this article or a building permit to rehabilitate the building.
  
- B. If the owner obtains a boarding permit, the owner shall, at that time, pay all the fees required pursuant to this article.

- C. If the owner obtains a building permit for rehabilitation, the owner shall not be required to pay the boarding application fee but shall pay, instead, the appropriate building permit fees. (Ord. 80-94 § 2, 1994)

#### **18.48.220: WORK ON BUILDING PERMIT:**

- A. If an owner has obtained a stay pursuant to this article and subsequently secures a building permit for rehabilitation, work under the building permit must be begun within thirty (30) days of obtaining the permit and must be prosecuted to completion with reasonable diligence.
  
- B. If work under the building permit is not begun or pursued as required, the city may revoke the building permit without further notice and board the building as necessary. (Ord. 80-94 § 2, 1994)

#### **18.48.190: STAYS AUTHORIZED:**

The owner of any property which should be boarded pursuant to this article, either voluntarily by the owner or pursuant to a notice and order, may apply for a stay of the boarding requirement. (Ord. 80-94 § 2, 1994)

#### **18.48.200: STAY PROCESS:**

- A. An owner seeking a stay shall obtain and complete the boarding application provided in section [18.48.130](#) of this chapter or its successor.
  
- B. The building official shall promptly inspect the building and render a determination, in writing, regarding the building's suitability for a stay.
  
- C. If the building official determines that the building is in such a condition as to pose an imminent danger of collapse or fire or is an attractive nuisance which creates a significant risk of transient occupancy or vandalism, the building official shall deny the request for a stay.

- D. If the director of housing and neighborhood development denies a stay request, the building owner shall obtain a boarding or demolition permit within seven (7) days or the city may proceed to board the property pursuant to section [18.48.110](#) of this chapter, or its successor. In addition to the provisions of this section, the issuance of demolition permits in historic districts and landmark sites are subject to the provisions of subsection [21A.34.020L](#) of this code. In the event of a conflict between the provisions of this subsection and subsection [21A.34.020L](#) of this code, the latter shall control.
- E. If the director of housing and neighborhood development determines that a stay is appropriate, the director of housing and neighborhood development shall certify in writing that a stay of up to four (4) months has been issued. (Ord. 27-00 § 8, 2000: Ord. 80-94 § 2, 1994)

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- C. If the owner obtains a building permit for rehabilitation, the owner shall not be required to pay the boarding application fee but shall pay, instead, the appropriate building permit fees. (Ord. 80-94 § 2, 1994)

#### **18.48.220: WORK ON BUILDING PERMIT:**

- A. If an owner has obtained a stay pursuant to this article and subsequently secures a building permit for rehabilitation, work under the building permit must be begun within thirty (30) days of obtaining the permit and must be prosecuted to completion with reasonable diligence.

- B. If work under the building permit is not begun or pursued as required, the city may revoke the building permit without further notice and board the building as necessary. (Ord. 80-94 § 2, 1994)

## **Part 3. Boarding Standards**

### **18.48.230: METHOD OF SECURING BUILDINGS:**

All buildings shall be boarded in the following manner:

- A. All openings in the structure on the first two (2) floors, other openings easily accessible from the ground, and openings with broken glass, shall be secured either by erecting a single one-half inch ( $\frac{1}{2}$ " ) thick layer of plywood sheathing, or exterior grade chipboard, covering over all exterior openings, overlapping the opening on every edge by three inches (3"), nailed along the edges by eightpenny common nails spaced every six inches (6");
- B. Alternately, the openings may be secured by conventional wood frame construction. The frames shall use wood studs of a size not less than two inches by four inches (2" x 4") (nominal dimension) placed not more than twenty four inches (24") apart on center. The frame stud shall have the four inch (4") sides or the wide dimension perpendicular to the face of the wall. Each side of the frame shall be covered with plywood or chipboard sheathing of at least one-half inch ( $\frac{1}{2}$ " ) thickness or equivalent lumber nailed over the opening by using eightpenny common nails spaced every six inches (6") on the outside edges and every twelve inches (12") along intermediate stud supports;
- C. All coverings shall be painted with the same color as the building or its trim; and
- D. Exterior doors shall be secured by a strong nonglass door adequately locked to preclude entry of unauthorized persons, or shall be covered as an opening described in subsection A or B of this section or successor sections. (Ord. 80-94 § 2, 1994)

### **18.48.240: LANDSCAPE MAINTENANCE:**

Existing landscaping and lawn on the property shall be maintained in the manner otherwise required by law. (Ord. 80-94 § 2, 1994)

### **18.48.250: EXTERIOR MAINTENANCE:**

Exterior walls and surfaces must be properly maintained. Severely weathered, peeling or unpainted wood or damaged siding or roofing must be replaced or repaired with similar materials and colors. (Ord. 80-94 § 2, 1994)

### **18.48.260: SNOW REMOVAL:**

Snow must be removed from public sidewalk areas surrounding the property in the manner otherwise required by law. (Ord. 80-94 § 2, 1994)

### **18.48.270: CITY MAINTENANCE OF BUILDING:**

A. If the director of housing and neighborhood development determines that a boarded building is not being maintained, the director of housing and neighborhood development shall send a notice to the property owner and/or the property owner's agent requiring compliance with the building maintenance standards within seven (7) days.

B. If the director of housing and neighborhood development determines that the property owner has failed to comply with the notice and order, the city may cause the work to be done by a contractor employed by the city.

C. The city shall bill the property owner:

1. An administrative fee of one hundred seventy dollars (\$170.00) per year to cover the city's administrative expenses in contracting for the building maintenance; and
2. The actual cost of building maintenance billed to the city by the city's contractor. (Ord. 27-00 § 9, 2000: Ord. 80-94 § 2, 1994)

### **18.48.280: CITY MAINTENANCE OF LANDSCAPING:**

A. If the director of housing and neighborhood development determines that the landscaping on the property surrounding a boarded building is not being maintained as required by city code, the director of housing and neighborhood development shall send a notice to the property owner and/or the property owner's agent, requiring compliance with landscaping standards within seven (7) days.

B. If the director of housing and neighborhood development determines that the property owner has failed to comply with the notice and order, the city may cause the work to be done by a contractor employed by the city.

C. The city shall bill the property owner:

1. An administrative fee of one hundred seventy dollars (\$170.00) per year, to cover the city's administrative expenses in contracting for the landscaping maintenance; and
2. The actual cost of landscaping maintenance billed to the city by the city's contractor. (Ord. 27-00 § 10, 2000: Ord. 80-94 § 2, 1994)

### **18.48.290: CITY REMOVAL OF SNOW:**

A. If the director of housing and neighborhood development determines that sidewalks adjacent to a boarded building are not having the snow removed as required by section [18.48.260](#) of this chapter or its successor, the director of housing and neighborhood development shall send a notice to the property owner and/or the property owner's agent, requiring snow from the present snowfall to be removed and notifying the property owner that if snow from a subsequent snowfall is not removed as required, the city will contract for the removal and charge the property owner, pursuant to this section or its successor.

B. If the director of housing and neighborhood development determines that the property owner has failed to comply with the notice and order, the city may cause snow, during the winter, to be removed by a contractor employed by the city.

C. The city shall bill the property owner:

1. An administrative fee of one hundred seventy dollars (\$170.00) per year, to cover the city's administrative expenses in contracting for snow removal; and
2. The actual cost of snow removal billed to the city by the city's contractor. (Ord. 27-00 § 11, 2000: Ord. 80-94 § 2, 1994)

### **18.48.230: METHOD OF SECURING BUILDINGS:**

All buildings shall be boarded in the following manner:

- A. All openings in the structure on the first two (2) floors, other openings easily accessible from the ground, and openings with broken glass, shall be secured either by erecting a single one-half inch ( $\frac{1}{2}$ " ) thick layer of plywood sheathing, or exterior grade chipboard, covering over all exterior openings, overlapping the opening on every edge by three inches (3"), nailed along the edges by eightpenny common nails spaced every six inches (6");
  
- B. Alternately, the openings may be secured by conventional wood frame construction. The frames shall use wood studs of a size not less than two inches by four inches (2" x 4") (nominal dimension) placed not more than twenty four inches (24") apart on center. The frame stud shall have the four inch (4") sides or the wide dimension perpendicular to the face of the wall. Each side of the frame shall be covered with plywood or chipboard sheathing of at least one-half inch ( $\frac{1}{2}$ " ) thickness or equivalent lumber nailed over the opening by using eightpenny common nails spaced every six inches (6") on the outside edges and every twelve inches (12") along intermediate stud supports;
  
- C. All coverings shall be painted with the same color as the building or its trim; and
  
- D. Exterior doors shall be secured by a strong nonglass door adequately locked to preclude entry of unauthorized persons, or shall be covered as an opening described in subsection A or B of this section or successor sections. (Ord. 80-94 § 2, 1994)

## **Part 4. Miscellaneous Provisions**

### **18.48.300: APPEAL PROCESS:**

- A. Any person aggrieved by the decision of the director of housing and neighborhood development may appeal the decision to the housing advisory and appeals board (HAAB) by filing a notice with HAAB within seven (7) days of the director of housing and neighborhood development's decision. The notice shall specify the basis for the appeal.

- B. An HAAB panel of at least three (3) HAAB members shall schedule a hearing not less than seven (7) days after the notice of appeal nor more than fourteen (14) days after the notice.
  
- C. HAAB shall notify the applicant and any appellant of the hearing and, at the hearing, shall take testimony and evidence.
  
- D. HAAB shall sustain the decision of the director of housing and neighborhood development unless HAAB finds that the director of housing and neighborhood development has failed to comply with the provisions of this article.
  
- E. Any person aggrieved by any decision of HAAB under this article may appeal such decision to the mayor within seven (7) days of HAAB's decision. The appeal shall specify any objection to HAAB's decision.
  
- F. The mayor, or the mayor's designated hearing officer, shall not take any additional evidence and shall consider the appeal only on the basis of the material presented to HAAB.
  
- G. The mayor, or the mayor's designated hearing officer, shall sustain the decision of HAAB, unless it appears that the decision of HAAB is not supported by any competent evidence or is arbitrary or capricious. If the mayor or the mayor's designated hearing officer does not reverse or otherwise modify the HAAB decision within seven (7) days after the matter is submitted, the HAAB decision shall be sustained. (Ord. 27-00 § 12, 2000: Ord. 80-94 § 2, 1994)

**18.48.310: LEGAL ACTION AUTHORIZED:**

The city may take appropriate legal action to collect all unpaid fees or bills provided by this article. (Ord. 80-94 § 2, 1994)

**18.48.320: EXISTING BOARDED PROPERTIES:**

- A. The director of housing and neighborhood development shall take reasonable actions to notify the owners of buildings boarded as of the effective date hereof.



- B. The notice shall generally inform the property owner of the enactment of the ordinance codified herein and shall notify the owner that a permit is required for the boarded building.
  
- C. Owners of buildings boarded as of the effective date hereof shall apply for a permit no later than January 31, 1995.
  
- D. The permit for buildings boarded as of the effective date hereof shall be processed as a new permit pursuant to the provisions of section [18.48.130](#) of this chapter or its successor.
  
- E. To partially even the burden of processing applications, any owner of a building boarded as of the effective date hereof shall receive a discount of thirty percent (30%) of the fees required by section [18.48.140](#) of this chapter or its successor, if the owner applies for a permit prior to October 31, 1994. (Ord. 27-00 § 13, 2000: Ord. 80-94 § 2, 1994)

### **18.48.325: BUILDING INSPECTIONS REQUIRED:**

Whenever a property owner, manager or tenant intends to clean, repair, renovate, reopen or reoccupy a building that has been boarded, the building is to be inspected and a permit must be issued by the Salt Lake City building services and licensing division prior to the building owner, manager or tenant initiating any of the above actions. Any person conducting any work on a building that has been boarded or closed to occupancy must have a copy of the permit on the site at all times. Any person conducting work without a permit on the site, will be evicted from the premises. (Ord. 27-00 § 15, 2000)