



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

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Date: March 28, 2018

Re: PLNPCM2018-00132 - Dangerous Buildings and Demolition

Chapter 18 – Building & Construction Text Amendment

PROPERTY ADDRESS: Citywide
PARCEL ID: Citywide
MASTER PLAN: Citywide
ZONING DISTRICT: All zoning districts

REQUEST: Salt Lake City Corporation, on behalf of various departments and divisions, is requesting amendments to Chapters 18.48 – *Dangerous Buildings*, 18.64 – *Demolition* and Section 2.21.030 – *Housing Authority and Appeals Board (HAAB) Powers and Authority*. The Planning Commission is required to transmit a recommendation to the City Council for the Zoning Text Amendment.

RECOMMENDATION: Based on the findings in the staff report, Building Services staff finds the proposed amendment adequately meets the standards for general text amendments and therefore recommends that Planning Commission transmit a positive recommendation to the City Council to adopt the proposed ordinance text amendment.

ATTACHMENTS:

- A. Summary of Key Text Changes
- B. Proposed Text Amendment Changes
- C. Open House Information Handout
- D. Public Process Comments

PROJECT DESCRIPTION:

In December of 2012, significant changes were made to the ordinance regulating the obtaining of demolition permits and the process for documenting and maintaining boarded buildings throughout the city. The passing of the new ordinance was a culmination of nearly four years of intense discussion and study by the administration, City Council and Council staff.

As it turns out, perhaps the most impactful change was the added requirement for an immediate replacement use to either be permitted through an approved building permit, in the case of residential construction, or the requirement to submit a landscape bond with fees for all installed landscaping and irrigation, for commercial construction. Both of these requirements were new to the ordinance and created additional complications for property owners interested in re-use of their property.

The current ordinance requires an approved replacement use to be submitted for review with plan review fees paid prior to issuance of the demolition permit. For residential demolition, the permit for the replacement use must actually be issued prior to the City issuing a demolition permit. The only redress from these requirements was a nuisance abatement process by a committee appointed by the Mayor, or posting a bond for the cost of landscaping and irrigation of the site should a construction project not be permitted and commenced within 18 months.

Recently, the City has guided the demolition of several structures through a nuisance abatement process that has been very popular. This process allows demolition after approval by a committee appointed by the Mayor. Specifically, this is intended to expedite demolition for buildings that have been boarded for over two years and have little or no possibility for rehabilitation.

This transmittal provides more options than the current ordinance than just a replacement use to be submitted, or in the case of residential, actually issued. In addition, there are better definitions of what constitutes a “boarded building”. The proposed ordinance is similar to the ordinance that predated the current ordinance, which was adopted in December of 2012.

NEXT STEPS:

The City Council has the final authority to make changes to the text of the Ordinance. The recommendation of the Planning Commission for this request will be forwarded to the City Council for their review and decision.

Attachment A: Summary of Key Text Changes:

1. Repeal and replace the text of 18.48 Article I pertaining to the repair, vacation or boarding of dangerous buildings.
2. Repeal and replace the text of 18.48 Article II pertaining to the boarding or temporary securing of buildings.
3. Amending the text of Section 2.21.030 pertaining to the Powers and Authority of the Housing Authority and Appeals Board.
4. Purpose statement is changed to “promote responsible reuse of existing housing where practical and provide an orderly process for demolition”. (18.64.005)
 - It no longer cites the following purposes:
 - avoid demolition of buildings in a manner that disrupts the character of established neighborhoods
 - avoid demolition until a permit for a replacement use is issued prior to issuance of a demolition permit
 - avoid the creation of vacant sites with minimal perimeter landscaping
5. Eliminates perimeter landscaping and irrigation requirements. (18.64.040)
6. Eliminates performance bond requirements for the installation of landscaping and irrigation, an amount sufficient enough to cover the cost of landscape installation and maintenance. (18.64.040)
7. Eliminates HAAB hearing process after a finding of residential impact (net loss of residential units). (18.64.050)
8. Eliminates public notice requirements if a there is a net loss of residential units caused by a demolition (finding of residential impact). (18.64.050)
 - Instead Chapter 18.97 (mitigation of residential housing loss) would apply
9. Eliminates requirement to complete demolition work “diligently” or the bond may be forfeited. (18.64.080)
10. Create new section pertaining to Emergency Demolitions.
 - Establishes process to notify property owner of an emergency demolition
 - Establishes committee that will meet to review emergency demolition request Committee members include:
 - All HAAB members
 - Historic Landmark Commission Planning staff person
 - City Council Member (*whose area the demolition is located*)
 - Chairperson of neighborhood council or designee (*whose area the demolition is located*)
 - Outlines rules and procedures of an emergency meeting
 - Establishes appeal process to be heard by the Mayor or Mayor’s designee
11. Establishes demolition process for Extreme Emergencies.
12. Establishes procedures for City to recoup costs from the property owner for emergency demolitions.

Attachment B: Proposed Text Amendment Changes:

Text that is proposed to be removed is indicated as red strikethrough text.
Text that is proposed to be added is indicated as blue underlined text.
Text that is to remain is indicated as black standard text.

SECTION 1. Repealing and Replacing the Text of *Salt Lake City Code* Chapter 18.48, Article I. That Chapter 18.48, Article I, of the *Salt Lake City Code* (Code Adoption and Administration) shall be and hereby is repealed in its entirety and replaced as follows:

CHAPTER 18.48: REPAIR, VACATION, OR BOARDING OF DANGEROUS BUILDINGS

Article I. Repair, Vacation, or Boarding of Dangerous Buildings

18.48.010: Title:

18.48.020: Purpose and Scope:

18.48.030: Definitions:

18.48.040: Authority to Enforce:

18.48.050: Procedure upon Determination of a Violation:

18.48.060: Notice to Vacate:

18.48.070: Extension of Time to Perform Work:

18.48.080: Appeals:

18.48.090: City's Abatement of Property:

18.48.100: Recovery of Costs:

18.48.110: Applicability of Building Code:

18.48.120: Public Nuisances:

18.48.010: TITLE:

This chapter and the provisions included herein constitute Salt Lake City's Dangerous Building Code, and will be referred to hereinafter as "the Dangerous Building Code" or "this Code." This Code is modeled after the Uniform Code of Abatement of Dangerous Buildings, 1997 edition, and has only been adopted as stated herein.

18.48.020: PURPOSE AND SCOPE:

It is the purpose of the Dangerous Building Code to provide a just, equitable, and practicable methods to require the repair, vacation, or temporary boarding of buildings or structures that endanger the life, limb, health, morals, property, safety, or welfare of the

general public or their occupants. The provisions of this code are cumulative and in addition to any other remedy provided by law.

18.48.030: DEFINITIONS:

- A. BUILDING CODE: The International Building Code, or its successor, promulgated by the International Code Council, as adopted by the city.
- B. BOARDED BUILDING: A building in which accessible openings, such as windows and doors, are secured by a secondary means against entry. Examples of securing a building by a secondary means includes, but is not limited to, boarding and fencing.
- C. DANGEROUS BUILDINGS: For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered.
 - 1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
 - 2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
 - 3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
 - 4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose, or location.
 - 5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
 - 6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a

wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

7. Whenever any portion of a building or structure has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
10. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals, or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
13. Whenever 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 building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location, or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a

newly constructed building of like area, height and occupancy in the same location.

15. Whenever 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, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

D. DIVISION: Salt Lake City's Division of Building Services, or the successor Salt Lake City Division authorized to perform the repair, vacation, or boarding of a building under this chapter.

E. HOUSING CODE: The Salt Lake City Existing Residential Housing Ordinance as promulgated in Chapter 18.50 of the City Code.

F. VACANT/SECURE BUILDING: An unoccupied building having all openings, such as windows and doors, secured against entry, where windows are fully glazed and the doors are secured by means of a lock.

18.48.040: AUTHORITY TO ENFORCE:

A. Authority to Enforce: The building official or designee is hereby authorized to enforce the provisions of this code. The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

B. Authority to Inspect: The building official or their designee are hereby authorized to make inspections and take such actions as may be required to enforce the provisions of this code.

C. Buildings or Structures Subject to Inspection: Any building or structure, where there is reasonable cause to believe a condition exists that renders the building or structure in violation of the provisions of this code, is subject to inspection by the building official or their designee in the manner provided by this code.

D. Inspection when Permit Required: All construction or work for which a permit is required is subject to inspection by the building official or their designee in accordance with and in the manner provided by this code.

E. Inspections: The building official or their designee may enter a building or structure at reasonable times to inspect or to perform the duties imposed by this code.

1. If the building or structure is occupied, the building official or designee shall present credentials to the occupant and request entry;
2. If the building or structure is unoccupied, the building official or their designee shall make reasonable efforts to locate the owner or other persons having charge or control of the building or premises and request entry;
3. If entry is refused, the building official or their designee shall have recourse to the remedies provided by law to secure entry.

18.48.050: PROCEDURE UPON DETERMINATION OF A VIOLATION:

A. Initiation of Action: When the building official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the building official shall commence proceedings to cause the repair, vacation, or boarding of the building.

B. Form of Notice & Order: The building official shall issue a written notice and order directed to the record owner of the building.

1. The notice and order shall:
 - a. Identify the property owner of record according to the records of the Salt Lake County Recorder;
 - b. Describe the property and contain a statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of this code.

- c. Require the property owner to take action as determined by the building official.
 - i. If the building official has determined that the building or structure must be repaired or boarded, the order shall require that all required permits be secured and the work physically commenced within such time as the building official shall determine is reasonable under all of the circumstances, which time shall not be less than 10 days from the date after the day the notice is delivered in person or postmarked.
 - ii. If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable, which time shall not be less than 10 days from the date after the day the notice is delivered in person or postmarked.
 - d. A statement that, if any required repair work not also requiring the vacation of property is not commenced within the time specified in section 18.48.050(B)(1)(c)(i), the building official will order the building vacated and posted to prevent further occupancy until the work is completed and may proceed to cause the work to be done and recover the costs as set forth in Section 18.48.100.
 - e. A statement that (i) any person having any record title or legal interest in the building may appeal from the notice and order of the building official, except for an objection from an itemized statement of costs, to the Housing Advisory and Appeals Board as established in this chapter, provided the appeal is made in writing as provided in this code and filed with the building official within 30 days from the date of service of such notice and order; and (ii) failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.
- C. Service: The written notice and order, and any amended or supplemental notice and order, shall be served on a property owner of record according to the records of the county recorder. Service shall be made in person or by mail, postage prepaid, return receipt requested. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date the notice and order are postmarked.
- D. Proof of Service: Proof of service of the notice and order shall be certified at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date, and manner in which service was made.

The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.

E. Recording of Certificate: If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. If the actions ordered are completed after filing of this certificate or the building is demolished so that it no longer exists as a dangerous building on the property, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

18.48.060: NOTICE TO VACATE:

A. Form of Notice: Every notice to vacate shall, in addition to being served as provided in Section 18.48.050, be posted on the exterior of the building and shall be in substantially the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official

Of

B. Compliance with Notice to Vacate: No person shall remain or enter any building which has been so posted, except that entry may be made to repair or board. No person shall remove or deface any such notice after it is posted.

18.48.070: EXTENSION OF TIME TO PERFORM WORK:

Upon a timely written request by the owner setting forth the requested reasons for an extension of time, the building official or designee may grant an extension of time, not to exceed 120 days from the deadline set forth in the original notice and order, within which to complete said repair, vacation, or boarding, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair,

vacation, or boarding of the premises and will not in any way affect the time to appeal the notice and order.

18.48.080: APPEALS:

- A. Hearing Appeals: Timely written appeals of notice and orders or any action of the building official, except for an objection from an itemized statement of costs, shall be heard and decided by the Housing Advisory and Appeals Board.
- B. Form of Notice: Any person entitled to service under Section 18.48.050 may appeal from any notice and order or any action of the building official under this code by filing at the office of the building official a written appeal containing:
1. A heading containing the words: "Before the housing advisory and appeals board _____"
 2. A caption reading: "Appeal of _____," giving the names of all appellants participating in the appeal.
 3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
 4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
 5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
 6. The signatures of all parties named as appellants and their official mailing addresses.
 7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- C. Time to File an Appeal: The appeal must be filed within 30 days from the date of the issuance of the notice and order described herein, except as provided in Subsection D.
- D. Time to File an Appeal for an Imminently Dangerous Building: If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 18.48.060, such appeal shall be filed as soon as

reasonably practical from the date of the issuance of the notice and order of the building official.

- E. Transmittal of Appeal: Upon receipt of any appeal filed pursuant to this section, the building official shall transmit the appeal to the members of the Housing Advisory and Appeals board for scheduling of a meeting within 30 days of receipt of a timely appeal.
- F. Scheduling Hearing: As soon as practicable after receiving the written appeal, the Housing Advisory and Appeals board shall fix a date, time and place for the hearing of the appeal by the board. Such date shall not be less than 10 days nor more than 30 days from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.
- G. Failure to Timely Appeal: Failure of any person to file a timely appeal in accordance with the provisions of this code shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.
- H. Issues Considered on Appeal: Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
- I. Stays Pending Appeal: Except for vacation or boarding orders made pursuant to section 18.48.050, enforcement of any notice and order of the building official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.
- J. Authority to Hear and Evaluate Appeal: The Housing Advisory and Appeals board shall have the authority to hear and evaluate evidence related to the building official's decision and determine whether the decision was arbitrary or a reasoned decision. The Housing Advisory and Appeals board has no authority relative to interpretation of the administrative provisions of this code nor is the board empowered to waive requirements of this code. After the Housing Advisory and Appeals board makes a final determination, they shall issue a written determination.
- K. Appeal to Utah District Court: After issuance of a final written determination by the Housing Advisory and Appeals board, the decision may be appealed to the Utah District Court, Third Judicial District within 30 days from the issuance of the decision.

18.48.090: CITY'S ABATEMENT OF PROPERTY:

If compliance is not had with the order within the time specified in the Notice and Order and no appeal has been properly and timely filed, the building official or designees may cause the building to be repaired, vacated, or boarded to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order. Any such repair, vacation, or boarding shall be accomplished and the cost thereof paid and recovered as set forth in this code.

18.48.100: RECOVERY OF COSTS:

A. Permitted Recovery of Costs: If the building official or designee causes the repair, vacation, or boarding of a building pursuant to a notice issued under section 18.48.050, the division may collect the cost of that abatement, by filing a property tax lien, as set forth in this section.

B. Itemized Statement of Costs: Upon completion of the repair, vacation, or boarding work, the building official or designee shall prepare an itemized statement of costs and mail it to the property owner by certified mail, demanding payment within thirty (30) days of the date the statement is post marked.

C. Form of Itemized Statement of Costs: The itemized statement of costs shall:

1. Include:

- a. the address of the property at issue;
- b. an itemized list of all expenses incurred by the division, including administrative costs;
- c. a demand for payment; and
- d. the address where payment is to be made;

2. Notify the property owner:

- a. that failure to timely pay the expenses described in the itemized statement may result in a lien on the property in accordance with this chapter and Utah code section 10-11-4 or its successor;
- b. that the property owner may file a written objection to all or part of the statement within twenty (20) days of the date the statement is postmarked; and

- c. where the property owner may file the objection, including the name of the office and the mailing address.
- D. Delivery of Statement of Costs: The itemized statement of costs described in subsection C shall be deemed delivered when mailed by certified mail addressed to the last known address of the property owner, according to the records of the county recorder.
- E. Objection to Statement of Costs: If the property owner files a timely written objection, the division will schedule a hearing and will mail or deliver to the property owner prior to the hearing a notice stating the date, time, and location of the hearing.
- F. Objection Hearing: At the hearing described in subsection E, after the property owner presents the objection to the hearing officer, the hearing officer shall review and determine the cost of abatement incurred by the division in abating the property, including administrative costs. The property owner must pay any amount the fines hearing officer determines is due and owing to the Salt Lake City Treasurer at the address provided in the statement of costs within thirty (30) days of the date of the hearing.
- G. Failure to Object or Pay: If the property owner fails to make payment of the amount set forth in the itemized statement within thirty (30) days of the date of the mailing of that statement, or to file a timely objection, then the division may certify the past due costs and expenses to the Salt Lake County Treasurer and the Treasurer will proceed as set forth in Utah code section 10-11-4 or its successor.
- H. Failure to Pay After Objection Hearing: If the property owner files a timely objection but fails to make payment of any amount found due and owing under subsection F within thirty (30) days of the date of the hearing, the inspector may certify the past due costs and expense to the Salt Lake County Treasurer and the Treasurer will proceed as set forth in Utah code section 10-11-4.
- I. Lien on Property: After entry by the treasurer of the county, as set forth in subsections G and H the amount entered shall have the force and effect of a valid judgment of the district court, is a lien on the property, and shall be collected by the treasurer of the county in which the property is located at the time of the payment of general taxes.
- J. Release of Lien: Upon payment of the amount set forth in the itemized statement of costs or otherwise determined due and owing by the hearing officer in subsections and F, the judgment is satisfied, the lien is released from the property, and receipt shall be acknowledged upon the general tax receipt issued by the treasurer.

18.48.110: APPLICABILITY OF BUILDING CODE:

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of the International Building code, or its successor section.

18.48.120: PUBLIC NUISANCES:

- A. Declaration and Abatement of Public Nuisances: All buildings or structures or portions thereof which are determined after inspection by the building official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, vacation, or boarding in accordance with the procedures specified herein.
- B. Boarded Building as Public Nuisance: Any structure which has been boarded for over two (2) years may be declared to be a public nuisance as detrimental to the safety and public welfare of the residents and property values of this city.

SECTION 2. Repealing and Replacing the Text of *Salt Lake City Code*

Chapter 18.48, Article II. That Chapter 18.48, Article II, of the *Salt Lake City Code*

(Temporary Securing of Buildings) shall be and hereby is repealed in its entirety

and replaced as follows:

Article II. BOARDING OR TEMPORARILY SECURING BUILDINGS

18.48.200: SCOPE AND APPLICABILITY:

18.48.205: BOARDING PERMIT:

18.48.210: INITIAL FEES:

18.48.215: YEARLY FEES:

18.48.220: POSTING OF BOARDED OR CLOSED TO OCCUPANCY BUILDINGS:

18.48.225: METHOD OF SECURING BUILDINGS:

18.48.230: LANDSCAPE MAINTENANCE:

18.48.235: EXTERIOR MAINTENANCE:

18.48.240: SNOW AND ICE REMOVAL:

18.48.245: CITY MAINTENANCE OF PROPERTY:

18.48.250: CITY MAINTENANCE OF LANDSCAPING:

18.48.255: LEGAL ACTION AUTHORIZED:

18.48.260: BUILDING INSPECTIONS REQUIRED:

18.48.200: SCOPE AND APPLICABILITY:

The provisions of this article apply to any person that is ordered to board a building under Article I and any person that voluntarily boards a building.

18.48.205: BOARDING PERMIT:

- A. Permit Required: A permit is required to board a building.
- B. Form of Permit: Permits for boarding a building must be applied for on a form provided by the building official or designee. The form shall specify the following:
 - 1. The address of the structure to be boarded or temporarily secured;
 - 2. The type of building;
 - 3. For residential structures, the number of dwelling units;
 - 4. For nonresidential buildings, the number of square feet of all building faces at ground level;
 - 5. 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; and
 - 6. Whether the property has the required external water source for landscaping, if landscaping is required.

18.48.210: INITIAL FEES:

For the first year of any boarding, at the time of filing the application, the applicant shall pay the fees shown on the Salt Lake City consolidated fee schedule for each structure.

18.48.215: YEARLY FEES:

- A. Annual Fee: On or before each yearly anniversary of the issuance of a boarding permit, a property owner desiring to maintain a boarded building shall pay the annual boarding fee shown on the Salt Lake City consolidated fee schedule.
- B. Late Fee: A late fee as shown on the Salt Lake consolidated fee schedule 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. Failure to Obtain Permit: Boarding a building before obtaining a permit pursuant to this article shall result in a fine of double the initial boarding application fee specified in the Salt Lake City consolidated fee schedule.

D. Collection of Fees: If the property owner fails to pay either the initial boarding fees or the annual boarding fees, the city may take legal action to collect any amounts owed.

18.48.220: 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 exterior 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.

18.48.225: METHOD OF SECURING BUILDINGS:

All buildings shall be boarded in the following manner:

A. Securing Opening: All openings in the structure on the first floor, other openings easily accessible from the ground, and openings with broken glass, shall be secured either by erecting a single one-half inch (1/2") thick layer of plywood sheathing or similar material, not to include chipboard/OSB, covering over all exterior openings, overlapping the opening on every edge by three inches (3"), affixed along the edges by nails or screws spaced every six inches (6").

B. Alternatives to Securing Openings: 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 sheathing or similar material of at least one-half inch (1/2") thickness or equivalent lumber nailed over the opening by using nails or screws spaced every six inches (6") on the outside edges and every twelve inches (12") along intermediate stud supports; and

C. Exterior Doors: Exterior doors shall be secured by a strong non-glass 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.

18.48.230: LANDSCAPE MAINTENANCE:

Existing landscaping and lawn on the property shall be maintained in the manner otherwise required by 9.16 and 21A.48.

18.48.235: EXTERIOR MAINTENANCE:

- A. Exterior of Building: The exterior of a boarded building shall be maintained as required by relevant requirements set forth in Section 18.50.140 of this title. In particular, exterior walls and surfaces shall be properly maintained and severely weathered, peeling, or unpainted wood and damaged siding and roofing shall be replaced or repaired with similar materials and colors.
- B. Salvage Permit Required: Doors, windows, special glass, fixtures, fittings, pipes, railings, posts, panels, boards, lumber, stones, bricks, marble, or similar materials within the interior of a boarded building shall not be salvaged except upon the issuance of a permit as provided in Section 18.64.070 of this title.
- C. Enforcement of Exterior Maintenance Requirements: If the owner of a boarded building fails to maintain the building and its premises as required by this section and section 18.64.045 of this title, the city may take appropriate legal action to enforce such requirements.

18.48.240: SNOW AND ICE REMOVAL:

Snow and ice must be removed from public sidewalk areas surrounding the boarded property in the manner indicated in section 14.20.070 of this code.

18.48.245: CITY MAINTENANCE OF PROPERTY:

- A. Notice: If the building official or the building official's designee determines that a boarded building and/or property is not being maintained, the building official or the building official's designee shall send a notice to the property owner and/or the property owner's agent requiring compliance with the building maintenance standards as required in city code.
- B. Failure to Comply with Notice: If the building official or designee determines that the property owner has failed to comply with the notice, the city may cause the work to be done by a contractor employed by the city.
- C. City's Recovery of Costs: The city shall bill the property owner:
 - 1. The administrative fee shown on the Salt Lake City consolidated fee schedule 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.

18.48.250: CITY MAINTENANCE OF LANDSCAPING:

If the building official or the building official's designee determines that the landscaping on the property surrounding a boarded building is not being maintained as required by city code, the building official or the building official's designee shall follow the notice of violation and corrective measures procedures as detailed in sections 9.16.050 and 9.16.060.

18.48.255: LEGAL ACTION AUTHORIZED:

The city may recover any costs it incurs in for enforcing the provisions of this title, as set forth in City Code.

18.48.260: 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 by the building official or designee and a permit must be issued by the Salt Lake City building services or its successor 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 valid building permit at all times.

Chapter 18.48

DANGEROUS BUILDINGS

Article I. Code Adoption And Administration

18.48.010: UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS ADOPTED:

~~The uniform code for the abatement of dangerous buildings, 1994 edition, hereinafter sometimes referred to as "UCADB", is adopted by Salt Lake City as the ordinances, rules and regulations of the city, subject to the amendments and exceptions thereto as set out in this chapter; three (3) copies of said code shall be filed for use and examination by the public in the office of the city recorder. The purpose of this code is to provide minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of buildings within the city, and providing for correction of violations thereof. Hereafter, all references in this code to the uniform code for the abatement of dangerous buildings, 1988 edition, adopted by this section, or its successor, are amended and deemed to read the uniform code for the abatement of dangerous buildings, 1994 edition. (Ord. 55-95 § 3, 1995; amended during 1/88 supplement; prior code § 5-11-1)~~

18.48.020: CITY COUNCIL AS GOVERNING BODY:

All references to a governing body in the uniform code for the abatement of dangerous buildings, 1994 edition, as adopted by section 18.48.010 of this chapter, or its successor, are amended to refer to the city council of Salt Lake City, hereinafter "city council", except as specifically amended. (Ord. 55-95 § 3, 1995; amended during 11/88 supplement; amended during 1/88 supplement; prior code § 5-11-2)

18.48.030: HOUSING INSPECTION FEES:

The fee shown on the Salt Lake City consolidated fee schedule for an existing single-family dwelling housing unit inspection shall not exceed the amount shown on the Salt Lake City consolidated fee schedule. An additional fee shown on the Salt Lake City consolidated fee schedule shall be charged for every additional dwelling unit on the premises. (Ord. 24-11, 2011)

An additional fee shown on the Salt Lake City consolidated fee schedule shall be charged for every additional dwelling unit on the premises. (Ord. 24-11, 2011)

18.48.060: PERFORMANCE OF ABATEMENT WORK:

Chapter 6 of the uniform code for the abatement of dangerous buildings, 1994 edition, relating to procedures for conduct of hearing appeals, shall be amended as follows:

PROCEDURES FOR CONDUCT OF HEARING APPEALS

~~Section 601 UCADB. Hearing.~~

~~(a) Petition For Hearing. When any abatement work of repair or demolition is to be done or requested by the city pursuant to the enforcement provisions of this code, except in emergency situations, the building official shall petition the mayor to hold a hearing and order the property owner(s) to show cause why the city should not abate by repair or demolition a substandard or dangerous building or structure constituting a public nuisance.~~

~~Notwithstanding the provision of any other ordinance pertaining to hearings before the mayor, said hearings may be held either before the mayor or the mayor may direct the matter to be heard before a panel of hearing examiners of HAAB to conduct such hearings to determine the facts and make recommendations and findings to the mayor.~~

~~(b) Panel Of Hearing Examiners. In the event the mayor may direct a panel of hearing examiners from HAAB to act as hearing examiners in abatement proceedings, HAAB~~

~~shall select at least three individual members of its board to act as the panel of hearing examiners and designate one as acting chairperson. The mayor or said panel of hearing examiners shall have the power and authority to call, preside at, and conduct hearings to consider whether or not structures are dangerous or substandard buildings under this code constituting a public nuisance to be abated by the city by demolition or repair, including the power to issue subpoenas, administer oaths, examine witnesses, receive evidence, compel attendance of witnesses and/or the production of witnesses or evidence; and based upon the evidence presented, prepare for the approval of the mayor, findings of fact, conclusions of law and proposed orders for said board. Hearings shall be conducted as provided in this code. The owner(s) shall have the right to appear at said hearing in person or by counsel or both, present evidence and oral argument, cross-examine witnesses, and in all proper ways defend the owner(s)' interest.~~

~~(c) Notice Of Abatement Hearing. Reasonable notice (not less than ten [10] days) of the time and place of said hearing together with a petition for abatement setting forth the nature of the complaint against the property sufficient to reasonably inform the owner(s) and enable them to answer the charges of the complaint, shall be served upon the owner(s) personally or by mailing a copy to the owner(s) at their last known address appearing on the last assessment rolls for the property on file in the county assessor's office.~~

~~(d) Action By Hearing Examiners. Within thirty (30) days of the conclusion of abatement hearings held before HAAB's panel of hearing examiners as provided in (a) and (b) above, said panel shall submit to the office of the mayor a report of written findings of fact, conclusions, recommendations and proposed order based upon and supported by the evidence presented at the hearing. A copy of such findings, conclusions, recommendations and order shall be mailed or delivered to each party on the date they are filed with the office of the mayor.~~

~~(e) Consideration Of Report. The office of the mayor shall fix a date, time and place to consider the panel of hearing examiners' report and proposed recommendations. Notice thereof shall be mailed to each party to the action not less than ten (10) days prior to the date fixed unless otherwise stipulated by all parties.~~

~~(f) Exceptions To Report. Not later than two (2) days before the date set to consider said report, any party may file with the city recorder two copies of written exceptions, proposed additional or alternative findings to any part or all of the hearing examiners' report and may attach thereto a proposed decision together with written argument in support of such decision. Such exception must also indicate whether or not the party desires to present oral argument, which may be heard only with the consent of the mayor and said argument shall be confined to the issues set forth in the written exceptions or as otherwise limited by the mayor.~~

~~(g) Disposition By The Mayor. The mayor may adopt the report of findings as the basis~~

for its action in the abatement proceedings, or upon filing its own statement of the legal or substantial basis in the record therefor, it may:

- (i) ~~Reject all or any portion of the report's findings and remand the same back to the same panel of hearing examiners for further hearing and findings on specific issues;~~
- (ii) ~~Disregard any portion of the report's findings and proceed to take action upon the remainder of the findings;~~
- (iii) ~~Substitute alternative or additional findings of fact on the issues presented to the examiners, if the substituted findings are supported by a preponderance of the evidence in the record.~~

~~Upon remand of any portion of the panel's reported findings, the same panel of examiners shall conduct further hearing proceedings to the extent necessary to make findings on the issues remanded for further hearing. Upon remand, the panel of examiners shall prepare and submit its revised report and findings as provided in (d) above. Consideration of the revised report by the mayor shall comply with (e) — (g) above.~~

~~(h) Order Of The Mayor. Upon disposition, the decision of the mayor shall be made in written order supported by findings of facts, which may be those submitted by the panel of hearing examiners if approved and adopted by said board or as the report may be modified, reversed or rejected by the mayor. A copy of the decision shall be mailed to parties in interest or their counsel. All orders entered by the mayor shall be final and shall be effective as of the date stated in such written order. Said order shall specify the manner in which the expense of any abatement work ordered shall be charged and collected from the owner(s) as an individual obligation, a special assessment, and/or as a certified property lien as provided below.~~

~~Section 801 UCADB. Abatement Work.~~

~~(a) Procedure To Accomplish Abatement Work. Upon the order of the mayor to complete abatement work by demolition or repair, the building official shall cause the work to be accomplished by city personnel or by private parties under his direction. Plans, specifications, bidding proposals, etc. therefor, may be prepared by the building official or his designee, or said official may employ such appropriate professional assistance that he may deem reasonably necessary.~~

~~(b) Expense To Be Charged To Owner. The expense of such work, including costs of professional assistance, shall be paid from the repair and demolition abatement fund and charged against the property and/or its owner(s), placed as a special assessment on city tax rolls, and/or certified directly to the county treasurer as a certified property tax lien, whichever the mayor shall determine is appropriate at the time the order is entered.~~

~~Section 802 UCADB. Repair And Demolition Abatement Fund.~~

~~(a) Use Of Fund. The city council shall establish a special revolving fund to be designated as the repair and demolition abatement fund and shall oversee its administration. Recommendations to the mayor for the use of the fund may be made by HAAB. Upon the order of the mayor for the building official to proceed with abatement work, the building official may make demand for disbursements to be made out of said fund to defray costs and expenses which may be incurred by the city in doing or causing to be done the necessary abatement work as ordered.~~

~~(b) Revolving Fund. The city council may, at any time, transfer to said repair and demolition abatement fund, out of any money in the city's general fund or such other sources that may be available, such sums as it may deem necessary in order to expedite the performance of abatement work. Such sums, though transferred to the fund, may be deemed a grant, or at the option of the city council, may be deemed a loan to said fund which may be repaid out of the proceeds of collection as hereinafter provided for. All funds collected under the proceedings hereinafter provided for, shall be paid to the city treasurer who shall credit the same to the repair and demolition abatement fund. (Ord. 55-95 § 3, 1995; amended during 1/88 supplement; prior code § 5-11-6)~~

~~**18.48.070: RECOVERY OF COST OF REPAIR OR DEMOLITION:**~~

~~Chapter 9 of the uniform code for the abatement of dangerous buildings, 1994 edition, shall be amended to read as follows:~~

~~**RECOVERY OF COST OF REPAIR OR DEMOLITION**~~

~~Section 901 UCADB. Account Of Expense And Filing Of Reports. Contents.~~

~~The building official shall keep an itemized account of expense incurred by the city in the abatement by work authorized by an order of the mayor under this code. Within ten days of the completion of the abatement work of demolition or repair as ordered by the mayor, said building official shall prepare and file with the city recorder a report specifying the work done, the itemized and total cost of the work to be reimbursed, a description of the real property upon which the building or structure is or was located, and the name and addresses of the property owner(s) joined as parties in the abatement proceeding or otherwise entitled to notice pursuant to this code.~~

~~Concurrently, the building official shall file three copies of the account with the county treasurer and mail a fourth copy of the account to the named property owner(s) demanding payment within twenty days of the date of mailing by certified or registered mail to the last known address of the property owner, or the address shown on current property tax rolls.~~

~~Section 903 UCADB. Protests And Objections. How Made.~~

~~Any property owner(s) or interested parties affected by the proposed charge who desire to protest the amount or method of collection, shall file a written protest or objection with the city recorder within twenty days of the date of the demand and mailing of the report. Each such protest or objection shall contain a description of the property involved and state the grounds of such protest or objection. The city recorder shall endorse on every such protest or objection the date it was received in the recorder's office and shall present such protest or objections to the office of the mayor to be set for hearing and no other protest or objection shall be considered. The office of the mayor shall fix a time, date, and place for hearing of said objection and shall cause the city recorder to prepare notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in the city, and served by certified mail, postage prepaid, addressed to the owner(s) of the property at the address as it appears on the building official's report or on the address submitted on the protest. Such notice shall be given at least seven (7) days prior to the date set for hearing and shall specify the date, hour and place when the mayor will hear and pass upon the building official's report, together with the objections and protests that have been filed.~~

~~Section 904 UCADB. Hearing Of Protest And Approval Of Report.~~

~~Upon the day and hour fixed for hearing, the mayor shall hear and pass upon the report of the building official together with objections made thereto. The mayor may make such revision, correction, or modification in the report or the charge as deemed just. When the mayor is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge shall be affirmed or rejected. The decision of the mayor on the report and the charge, and all protests, and objections thereto shall be final and conclusive.~~

~~If no objections to the items of the report are so filed or made within twenty (20) days of the date of the mailing of such report by the building official, the city recorder shall so certify upon the report which shall be deemed to be approved by the mayor. In the event the abatement order of the mayor directed the charge to be certified to the county treasurer as a certified lien to be included upon the county tax rolls, the recorder shall send a copy of the approved report to the city treasurer and certify the same as a lien to the county treasurer and the board of county commissioners.~~

~~Section 905 UCADB. Method Of Collection.~~

~~(a) Selection Of Method: The mayor, in its order of abatement work as provided herein or in its order as it may be modified upon a hearing and protest, may order that the charge of any abatement work shall be made a personal obligation of the property owner, a special city assessment against the property involved, and/or be placed as a certified lien on the assessment rolls of the county.~~

~~(i) Personal Obligation. If the mayor orders that the charge to be made a personal obligation of the property owner, it shall direct the city attorney to collect the same on behalf of the city by use of all appropriate legal remedies.~~

~~(ii) Special City Assessment. If the mayor orders the charge to be assessed as a special city assessment against the property, it shall confirm the assessment and direct the city recorder to transmit the building official's report to the city treasurer to be recorded on the special assessment roll on the city tax rolls, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.~~

~~(iii) Certified lien against property to be collected with property taxes. If the mayor orders abatement by demolition and orders the charge for such expense, in addition to being assessed as a special assessment against the property, to be certified to the county treasurer for placement upon its appropriate rolls to be collected by the county treasurer at the same time and in the same manner as general property taxes, then the city recorder at the expiration of demand period (twenty days from the date of the mailing of the itemized statement from the building official) if no objections are filed within said period, or upon the action of the mayor following the hearing of an objection or protest, shall submit the county treasurer's office a certification that the amount approved as a special assessment is to be placed as a certified lien against the property for the improvement of real property.~~

~~(b) Action By County Treasurer Upon Certified Lien. Upon the receipt of the itemized statement in triplicate from the building official, and the certification from the city recorder relating to the costs of abating such structure by demolition, the county treasurer shall forthwith mail one copy to the owner(s) of the land from which the same were removed, together with notice that objection in writing may be made within thirty days to the whole or any part of the statement so filed with the board of county commissioners. The county treasurer shall at the same time deliver a copy of the statement to the clerk of the board of county commissioners and the city recorder. If objections to any statement are filed with said County Commissioners within thirty days, the objections shall be set for hearing, giving notice thereof to the owner(s) of the property involved and the protestant, together with a copy thereof to the county treasurer, the building official and city attorney. The board of county commissioners, upon the hearing of the same, shall fix and determine the actual cost of abating said structures and report their findings to the county treasurer. If no objections to the statement so filed are made within thirty days of the date of the mailing of such itemized account by the county treasurer, said treasurer shall enter the amount of said statement upon the assessment rolls of the county in the column prepared for the proposed certified liens; and likewise, within ten days from the board of county commissioners' action upon objections filed, shall enter in the prepared column upon tax rolls the amount found by the board of county commissioners as the cost of such abatement work. If current tax notices have been mailed for the year, said~~

~~certified lien may be carried over on the rolls of the county treasurer to the following year. After the entry by the county treasurer of the costs for such abatement work, the amount so entered shall have the force and effect of a valid judgment of the district court, and shall be a lien upon the property involved and shall be collected by the county treasurer at the time of the payment of general taxes. Upon payment thereof, receipt shall be acknowledged upon the general tax receipt issued by the county treasurer and the funds shall be reimbursed back to the city treasurer and credited to the repair and demolition abatement fund.~~

~~Section 906 UCADB. Contest—Time Limitation.~~

~~The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced in a court of competent jurisdiction within thirty days after the assessment is placed upon the assessment rolls provided herein. An appeal from a final judgment in such action or proceeding must be perfected within thirty days after the entry of such judgment.~~

~~Section 907 UCADB. Authority Or Installment Payment Of Assessments With Interest.~~

~~The mayor, in his/her discretion, may determine that assessments which are special assessments on city tax rolls in amounts of \$500 or more, may be payable in not to exceed five equal annual installments. The mayor's determination to allow such assessments to be paid in installments, the number of installments, and whether they shall bear interest and the rate thereof, shall be specified in the order of abatement, or any order issued as a result of a protest or objection to the building official's report. Said authority to allow installment payments of assessments with interest, shall only be allowed on special assessments placed on the city tax rolls, and shall not apply to any assessments which are directed to be placed as a certified tax lien on county tax rolls.~~

~~Section 908 UCADB. Lien Of Assessment.~~

~~(a) Priority. Immediately upon its being placed on the assessment rolls of either the city treasurer's office or the county treasurer's office, the assessment shall be deemed to be complete, the several amounts shall be payable, and the assessments shall be liens against the lot or parcels of land assessed respectively. The liens shall be subordinate to all existing special assessment liens previously imposed upon the same property, and shall be paramount to all other liens, except for state, county and municipal taxes with which it shall be upon a parity. The lien of the special assessment placed on the special tax assessments of the city treasurer's office, shall continue until the assessment and all of the interest due and payable thereon are paid. The lien of any special assessment certified and placed upon the tax rolls of the county treasurer's office, shall continue until the assessment and all interest due and payable thereon are paid or otherwise collected in the same manner as general taxes or are sold pursuant to the general law and taxes.~~

~~(b) Interest. All such assessments appearing on the city treasurer's assessment rolls which remain unpaid after thirty days from the date of recording on the assessment rolls, shall become delinquent and shall bear interest at the rate of seven percent (7%) per annum from and after said date. All such assessments which remain unpaid after the date of recording on the assessment roll within the county treasurer's office, shall become delinquent and shall bear interest as provided by the laws affecting the collection of general taxes.~~

~~Section 909 UCADB. Report To Assessor And Tax Collector; Addition To Assessment Of City Tax.~~

~~After confirmation of the building official's report, certified copies of the assessment shall be given by the city recorder to the city assessor and the city treasurer, who shall add the amount of the assessment as a special assessment to the next regular tax bill levied against the parcel for municipal purposes. A certified copy of the assessment and all assessments for the special assessments for charges made from the repair and demolition abatement fund, may be filed by the city treasurer with the County Auditor on or before August 10. The descriptions of the parcels reported shall be those used for the same parcels on the County Assessor's map book for the current year.~~

~~Section 911 UCADB. Collections Of Assessments; Penalties For Foreclosure.~~

~~The amount of the special assessment shall be collected at the same time and in the same manner as the ordinary municipal taxes are collected; and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall apply to such assessments which appear upon the rolls of the city assessor and treasurer.~~

~~If the mayor has determined that the charge shall be placed as an assessment upon the city tax rolls, and that said assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as ordinary municipal taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for collection as provided for ordinary municipal taxes.~~

~~Section 912 UCADB. Repayment Of Repair And Demolition Fund.~~

~~All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the city treasurer who shall credit the same to the repair and demolition abatement fund.~~

~~(Ord. 55-95 § 3, 1995; amended during 1/88 supplement; prior code § 5-11-7)~~

18.48.080: PUBLIC NUISANCES; ADMINISTRATIVE REVIEW AND LIMITATIONS:

~~A. Public Nuisance Structures: Any structure which has been boarded and/or vacant over two (2) years is declared to be a public nuisance as detrimental to the safety and public welfare of the residents and property values of this city.~~

~~B. Administrative Review And Time Limitation: Any aggrieved property owner or other interested party may seek review of HAAB's decision by filing a written petition for review, together with advertising costs, requesting a public hearing before the office of the mayor within thirty (30) days of HAAB's written decision. The petitioner shall be responsible for all costs of advertising. On review, the office of the mayor shall determine from the minutes whether or not HAAB's decision was reasonably related to the information provided and, if so, shall sustain its action. Only if the office of the mayor should find HAAB's decision to be unreasonable or arbitrary insofar as it is unsupported by the facts and evidence presented in HAAB, shall it reverse or modify HAAB's decision. Any party which fails to request a review as provided herein, shall be deemed to have waived such review. (Prior code § 5-11-9)~~

Article II Temporary Securing Of Buildings

Part 1. Boarding Process

~~18.48.090: Definitions~~

~~18.48.100: Notice And Order To Temporarily Secure~~

~~18.48.110: City Boarding Or Securing~~

~~18.48.120: Boarding Permit Required~~

~~18.48.130: Boarding Permit Application~~

~~18.48.140: Initial Fees~~

~~18.48.150: Separate Salvage Permit Required~~

~~18.48.160: Completion Of Boarding~~

~~18.48.170: Boarding Without Permit~~

~~18.48.180: Yearly Fees~~

~~18.48.185: Posting Of Boarded Or Closed To Occupancy Buildings~~

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. The fee shown on the Salt Lake City consolidated fee schedule to partially recover the city's costs in administering the boarding; and~~

~~3. The actual costs of the boarding incurred by the city. (Ord. 24-11, 2011)~~

~~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. The fee shown on the Salt Lake City consolidated fee schedule for each structure; and~~

~~B. A plumbing permit fee shown on the Salt Lake City consolidated fee schedule to install the external irrigation hose bib, if required, and not already present. (Ord. 24-11, 2011)~~

~~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 the annual boarding fee shown on the Salt Lake City consolidated fee schedule.~~
- ~~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. 24-11, 2011)~~

~~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)~~

Part 2. Stays

18.48.190: Stays Authorized

18.48.200: Stay Process

18.48.210: Actions During The Stay

18.48.220: Work On Building Permit

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)~~

Part 3. Boarding Standards

18.48.230: Method Of Securing Buildings

18.48.240: Landscape Maintenance

18.48.250: Exterior Maintenance

18.48.260: Snow And Ice Removal

18.48.270: City Maintenance Of Building

18.48.280: City Maintenance Of Landscaping

18.48.290: City Removal Of Snow

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:~~

- ~~A. The exterior of a boarded building shall be maintained as required by relevant requirements set forth in sections 18.50.140 to 18.50.230 of this title. In particular, exterior walls and surfaces shall be properly maintained and severely weathered, peeling, or unpainted wood and damaged siding and roofing shall be replaced or repaired with similar materials and colors.~~
- ~~B. Doors, windows, special glass, fixtures, fittings, pipes, railings, posts, panels, boards, lumber, stones, bricks, marble, or similar materials within the interior of a boarded building shall not be salvaged except upon the issuance of a predemolition salvage permit as provided in section 18.64.070 of this title.~~
- ~~C. If the owner of a boarded building fails to maintain the building and its premises as required by this section and section 18.64.045 of this title, the city may take appropriate legal action to enforce such requirements. (Ord. 94-12, 2012)~~

~~18.48.260: SNOW AND ICE REMOVAL:~~

~~Snow and ice must be removed from public sidewalk areas surrounding the property in the manner indicated in section 14.20.070 of this code. (Ord. 59-14, 2014; 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. The administrative fee shown on the Salt Lake City consolidated fee schedule, 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. 24-11, 2011)~~

~~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. The administrative fee shown on the Salt Lake City consolidated fee schedule, 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. 24-11, 2011)~~~~

~~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. ~~The administrative fee shown on the Salt Lake City consolidated fee schedule, 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. 24-11, 2011)~~

Part 4. Miscellaneous Provisions

18.48.300: Appeal Process

18.48.310: Legal Action Authorized

18.48.320: Existing Boarded Properties

18.48.325: Building Inspections Required

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)~~

Article III. Emergency Demolition

18.48.330: Purpose

18.48.340: Emergency Demolitions Applicability

18.48.350: Immediate City Demolition

18.48.360: Level 3 Emergencies

18.48.370: Bill For Costs; Collection

18.48.330: PURPOSE:

Notwithstanding the other provisions of this chapter, the UCADB, the process for demolishing buildings in an emergency situation, shall be as provided by this article. (Ord. 55-95 § 3, 1995; Ord. 90-94 § 1, 1994)

~~18.48.340: EMERGENCY DEMOLITIONS APPLICABILITY:~~

~~If the building official determines that the walls or roof of a building or structure are collapsing, either in whole or in part, or in imminent danger of collapsing in such a way as to fall on other structures, property or public rights of way, or create a danger to persons who may enter the property, or create a danger of fire, the building official may seek an order that the building should be demolished pursuant to this article. (Ord. 90-94 § 1, 1994)~~

~~18.48.350: IMMEDIATE CITY DEMOLITION:~~

- ~~A. If the building official determines that demolition should be begun immediately, the building official shall schedule an emergency meeting of the housing advisory and appeals board (HAAB) as soon as practical.~~
- ~~B. The director of housing and neighborhood development shall make reasonable efforts to notify the recorded property owner, all HAAB members, the historic landmark commission staff person, the city council member and the chairperson of the neighborhood council recognized pursuant to title 2, chapter 2.60 of this code in which the property is located.~~
- ~~C. At least three (3) HAAB members, and any others available, shall attend the emergency meeting to consider the immediate demolition.~~
- ~~D. The emergency HAAB meeting shall hear any evidence or testimony regarding the immediate demolition and shall determine whether immediate demolition is appropriate under the standards of section 18.48.340 of this chapter or its successor.~~
- ~~E. If the emergency HAAB meeting authorizes immediate demolition, and the property owner was present or represented at the emergency HAAB meeting, the property owner shall have twenty four (24) hours in which to have a licensed contractor take out a permit for the demolition. Work under any such permit shall be commenced within twenty four (24) hours of the permit's issuance. Within twenty four (24) hours of the start of the work, the property shall be secured to prevent entry and the structure demolished so that no part~~

~~of the structure is in imminent danger of collapsing in such a way as to fall on other structures, property or public rights of way, or create a danger of fire. Work under the demolition permit shall be completed within seven (7) days of the permit's issuance.~~

~~F. If the property owner was unrepresented at the emergency HAAB meeting, or the property owner fails to proceed with the demolition pursuant to the requirements of subsection E of this section or its successor, the city may contract with a licensed demolition contractor to demolish the building.~~

~~G. If HAAB does not authorize the immediate demolition, the building official may appeal such a denial on an expedited basis to the mayor.~~

~~1. All parties specified in subsection B of this section, or its successor, shall be notified of the appeal hearing before the mayor or the mayor's designee.~~

~~2. The mayor, or the mayor's designee, shall hear evidence regarding the immediate demolition.~~

~~H. If the mayor or the mayor's designee authorizes immediate demolition under the standards of section 18.48.340 of this chapter, or its successor, the provisions of subsections E and F of this section, or their successors, shall apply. (Ord. 58-13, 2013; Ord. 27-00 § 14, 2000; Ord. 90-94 § 1, 1994)~~

~~18.48.360: LEVEL 3 EMERGENCIES:~~

~~If the mayor has declared a level 3 emergency, the notification and hearing provisions of section 18.48.350 of this chapter, or its successor, shall be waived and the building official may immediately secure the demolition of any structure which meets the standards of section 18.48.340 of this chapter or its successor. (Ord. 90-94 § 1, 1994)~~

~~18.48.370: BILL FOR COSTS; COLLECTION:~~

~~A. Upon the completion of any city demolition pursuant to this article, the city shall mail a bill to the property owner for the city's costs of demolition which shall include the cost of the demolition contractor and a reasonable amount to pay the costs of city personnel involved in the demolition.~~

~~B. If the bill is not paid within thirty (30) days, the city may take legal action to collect the bill. (Ord. 90-94 § 1, 1994)~~

SECTION 3. Repealing and Moving the Text of *Salt Lake City Code* Chapter 18.48, Article III. That Chapter 18.48, Article III, of the *Salt Lake City Code* (Emergency Demolition) shall be and hereby is repealed in its entirety and moved to Chapter 18.64.

SECTION 4. Amending the Text of *Salt Lake City Code* Section 2.21.030.
That Section 2.21.030, of the *Salt Lake City Code* (HAAB Powers and Authority) shall be amended to read as follows:

2.21.030: POWERS AND AUTHORITY:

HAAB shall have the power and authority to:

- A. Apply the provisions of title 5, chapter 5.14 and title 18, chapter 18.50 of this code;
- B. Hear and decide appeals as specified in title 5, chapter 5.14 and title 18, chapter 18.50 of this code;
- C. Modify the impact of specific provisions of title 5, chapter 5.14 and title 18, chapter 18.50 of this code, where strict compliance with the provisions is economically or structurally impracticable and any approved alternative substantially accomplishes the purpose and intent of the requirement deviated from;
- D. Conduct housing mitigation hearings pursuant to title 18, chapter 18.97 of this code;
- E. Recommend new procedures to the building official and new ordinances regarding housing to the city council; and
- F. -Hear and decide appeals as specified in Title 18, Chapter 18.48 of this code.

Section 5. Amending the Text of Salt Lake City Code Chapter 18.64 (Demolition).

This Chapter shall be amended to read as follows:

CHAPTER 18.64: DEMOLITION:

Article I. Demolition

18.64.005	PURPOSE AND INTENT.
18.64.010	PERMIT REQUIRED.
18.64.020	APPLICATION FOR AND PERMIT.
18.64.030	FEES AND SIGNATURE; BOND.
18.64.040	ISSUANCE OF DEMOLITION PERMIT.
18.64.045	DEMOLITION BY NEGLIGENCE.
18.64.050	RESIDENTIAL DEMOLITION PROVISIONS.
18.64.070	PREDEMOLITION SALVAGE PERMITS.
18.64.080	EXPIRATION; DILIGENCE.
18.64.090	QUALIFICATIONS TO DO WORK.
18.64.100	DEMOLITION REQUIREMENTS.
18.64.110	RELATIONSHIP TO OTHER ORDINANCE.
18.64.120	VIOLATIONS.

18.64.005: PURPOSE AND INTENT:

A. The purpose of the provisions in this chapter is to:

1. Promote the public welfare by maintaining the integrity and continuity of the urban fabric and economic vitality;
2. Provide an orderly and predictable process for demolition of buildings and structures when appropriate;
3. Ensure demolition occurs safely;
4. Protect utilities and other infrastructure from damage during demolition;
5. Provide for enforcement of timely completion of demolition and for improvement of property following demolition to ensure the site is not detrimental to the use and enjoyment of surrounding property;
6. Provide for enforcement and maintenance of property to avoid purposeful demolition by neglect; and

7. Encourage preservation of the city's housing stock where appropriate.

B. A primary intent of the city council with respect to this chapter is to:

1. Promote responsible re-use of existing housing stock where practical and provide an orderly process for demolition where it is not practical or cost efficient to rebuild/reuse.
~~avoid demolition, or partial demolition, of buildings in a manner that disrupts the character and development pattern of established neighborhood and business areas. Accordingly, the council finds that it is in the public interest to:~~
2. Require existing buildings to be maintained in a manner that does not constitute a public nuisance habitable condition until replaced by new construction, except as otherwise permitted by this code;
- ~~2. Avoid demolition of existing structures until a complete building permit application is submitted for new construction, except as otherwise provided in this chapter; and~~
- ~~3. Avoid creation of vacant demolition sites with minimal or no landscaping or other improvements.~~

18.64.010: PERMIT REQUIRED:

It is unlawful to demolish any building or structure in the city, or cause the same to be demolished, without first obtaining a permit for demolition of each such building or structure from the city building official as provided in this chapter.

18.64.020: APPLICATION FOR PERMIT

To obtain a permit for demolition, an applicant shall submit an application in writing on a form furnished by the building official for that purpose. Each application shall:

- A. Identify and describe the type of work to be performed under the permit;
- B. State the address of the structure or building to be demolished;
- C. Describe the building or structure to be demolished including the type of use, type of building construction, size and square footage, number of stories, and number of residential dwelling units (if any);
- D. Indicate the method and location of demolished material disposal;
- E. Identify the approximate date of commencement and completion of demolition;
- F. Indicate if fences, barricades, scaffolds or other protections are required by any city code for the demolition and, if so, their proposed location and compliance;

- G. State whether fill material will be required to restore the site to level grade after demolition and, if required, the approximate amount of fill material;
- H. If the building or structure to be demolished contains any dwelling units, state whether any of the dwelling units are presently occupied; and
- I. State the proposed use of the premises following demolition. If new construction is proposed following demolition, state the anticipated start date and whether any development applications have been submitted to and/or approved by the city.

18.64.030: FEES AND SIGNATURE;~~BOND~~:

- A. The permit application shall be signed by the party or the party's authorized agent requesting the permit. A signature on the permit application constitutes a certification by the signee that the information contained in the application is true and correct.
- B. The fee for a demolition permit application shall be as shown on the Salt Lake City consolidated fee schedule.
- C. An additional fee for the cost of inspecting the property to determine compliance with the requirements of this chapter and to assure the property is kept free of weeds and junk materials shall be collected in the amount shown on the Salt Lake City consolidated fee schedule.

~~D. Except as otherwise permitted under this chapter, a performance bond shall be provided prior to issuance of a demolition permit. The bond amount shall be determined by the building official and shall be sufficient to ensure abatement of potential impacts to public health and safety, including environmental impacts resulting from demolition, general cleanup of the demolition site, and installation and maintenance of landscaping if landscaping is required under this chapter.~~

18.64.040: ISSUANCE OF DEMOLITION PERMIT:

- A. A demolition permit may be issued upon completion of an application in accordance with 18.64.020 herein; or
- B. ~~2.~~The chief building official or fire marshal orders immediate demolition:
 - 1. . Due to an emergency as provided in chapter 18.64, Article II of this title; or
 - 2. . Because the premises have been damaged beyond repair because of a natural disaster, fire, or other similar event; or

3. The chief building official or fire marshal authorizes immediate demolition because clearing of land is necessary to remove a nuisance as defined in [this code or](#) section 76-10-801 et seq., Utah Code Annotated or its successor.

C.1. ~~4. a.~~ The chief building official or fire marshal may request that an administrative committee, appointed by the mayor, render an opinion regarding whether a particular building or structure should be demolished pursuant to the provisions of subsection B2 or B3 of this section.

2. b. If a committee demolition opinion is requested, information regarding the factual and legal basis for determining the propriety of the request shall be provided to the committee. The property owner shall be notified of the opinion request and may submit any information to the committee deemed relevant by the owner.

3. e. If after considering the factual and legal information provided, the committee recommends the building or structure should be demolished, the chief building official or fire marshal, as the case may be, shall consider such information in determining whether to authorize demolition.

D. If proposed demolition involves a landmark site, a contributing structure, or a structure located in a historic preservation overlay district, as provided in section 21A.34.020 of this code, or its successor, a demolition permit shall be issued only upon compliance with applicable provisions of that section or its successor.

18.64.045: DEMOLITION BY NEGLIGENCE:

~~A. The owner of a boarded building shall maintain the exterior of the building as provided in section 18.48.250, "Exterior Maintenance", of this title or its successor.~~

18.64.050: RESIDENTIAL DEMOLITION PROVISIONS:

A. Except as provided in subsection B of this section, if the structure for which a demolition permit is sought contains one or more dwelling units, whether or not occupied, the building official shall consider the impact of the requested demolition on the housing stock of Salt Lake City pursuant to the provisions of this section.

B. This section shall not apply to any housing which:

1. Is a nonconforming use as provided by relevant provisions of title 21A, "Zoning", of this code; or
2. Is located on property for which an applicable master plan or the current zoning envisions exclusive nonresidential use; or

3. ~~a. Is proposed to be demolished for health or safety reasons as provided in section 18.64.040 of this chapter or chapter 18.48 of this title or their successors.~~

~~a.b. Notwithstanding subsection B3a of this section, housing which is demolished for health or safety reasons, which is the result of neglect pursuant to section 18.64.045 of this chapter, shall be subject to the provisions of this section.~~

C. The building official, within ten (10) days after receipt of a demolition permit application, shall determine whether the requested demolition will result in:

1. Construction of one or more residential units with a net loss of one or more dwelling units; or
2. No net loss of dwelling units will occur due to the anticipated construction of new dwelling units pursuant to an approved and issued building permit for the premises where the demolition will occur.

D. 1. If subsection C2 of this section applies, the building official shall issue a finding of no residential impact and the demolition permit may be issued.

2. If subsection C1 of this section applies, the building official shall issue a finding of residential impact.

E. Upon making a finding of residential impact, the building official shall [follow the procedures outlined in 18.97](#) . [Once the fee is paid, the demolition permit may be issued immediately upon completion of the application process in 18.64.020.](#)

18.64.070: PREDEMOLITION SALVAGE PERMITS:

A. A predemolition salvage permit shall be required for removal of doors, windows, special glass, fixtures, fittings, pipes, railings, posts, panels, boards, lumber, stones, bricks, marble, or similar materials on the exterior or interior of any building prior to demolition of the structure. A predemolition salvage permit may be issued only contemporaneously with, or after, city approval of:

1. A building permit for new construction on the premises following demolition, or
2. A demolition permit.

B. A predemolition salvage permit fee shall be as shown on the Salt Lake City consolidated fee schedule.

18.64.080: EXPIRATION; DILIGENCE:A demolition permit shall expire forty five (45) calendar days from the date of issuance, unless a completion date allowing more time is requested and approved by the building official at the time of application. A demolition permit may be renewed upon request prior to expiration with approval of the building official for one-half ($\frac{1}{2}$) of the original permit fee, provided continuous progress is being made. If a permit is allowed to expire without prior renewal, any subsequent request for reinstatement shall be accompanied by a reinstatement fee equal to the original demolition permit fee.

18.64.090: QUALIFICATIONS TO DO WORK:

- A. It shall be unlawful for demolition work permitted under this chapter to be performed except by a wrecking and demolition contractor having a license in good standing issued by the division of occupational and professional licensing in the Utah department of commerce.
- B. Salvage work under a predemolition salvage permit may be done without a contractor's license provided all other applicable conditions of this chapter are met.

18.64.100: DEMOLITION REQUIREMENTS:

- A. Prior to the commencement of any demolition or moving, the permittee shall plug all sewer laterals at or near sidewalk lines as staked out by the department of public utilities. No excavation shall be covered until such plugging is approved by the department or by the building official. The permittee shall further ensure all utility services to the structure and/or premises have been shut off and meters removed prior to commencement of demolition work.
- B. When the applicant indicates the demolition will require more than thirty (30) days to complete, and where required by the building official for the safety of the public, the applicant shall also provide plans to fence the demolition site so that it is inaccessible to unauthorized persons in a manner acceptable to the building official. The building official may waive the fencing requirement if it is determined that fencing would be inappropriate or unnecessary to protect safety or health.
- C. A permit for demolition shall require that all materials comprising part of the existing structure(s), including the foundation and footings, be removed from the site. Unless otherwise approved under a building permit for redevelopment of the site, the depression caused by the removal of such debris shall be filled back and compacted to the original grade, as approved by the building official, with fill material excluding detrimental amounts of organic material or large dimension nonorganic material.
- D. Permitted demolition work, including filling and leveling back to grade and removal of required pedestrian walkways and fences, shall be completed within the permit period unless the building official finds that any part of the foundation of building or site will form an integral part of a new structure to be erected on the same site for which plans

have already been approved by the building services and licensing division. ~~In such event, the building official may approve plans for appropriate adjustments to the completion time and may impose reasonable conditions including the posting of a bond, erection of fences, securing, or similar preventions to ensure the site does not create a hazard after the demolition is completed.~~

18.64.110: RELATIONSHIP TO OTHER ORDINANCE:

Provisions of this chapter shall be subordinate to any contrary specific provisions of title 21A, chapter 21A.34 of this code, dealing with demolition in historic districts, or its successor.

18.64.120: VIOLATIONS:

- A. It is unlawful for the owner of a building or structure to violate the provisions of this chapter. Each day a violation occurs shall be a separate offense.
- B. Violation of the provisions of this chapter is punishable as a class B misdemeanor or by imposing a civil penalty as provided in section 21A.20.010 et seq., of this code.

SECTION 2. Chapter 18.64, Article II or the Salt Lake City Code is enacted to read as follows:

Article II. Emergency Demolition

18.64.130: PURPOSE

18.64.140: EMERGENCY DEMOLITIONS APPLICABILITY

18.64.150: IMMEDIATE CITY DEMOLITION

18.64.160: EMERGENCY DEMOLITION

18.64.170: BILL FOR COSTS; COLLECTION

18.64.130: Purpose:

Notwithstanding the other provisions of this chapter, the process for demolishing buildings in an emergency situation shall be as provided by this article.

18.64.140: EMERGENCY DEMOLITIONS APPLICABILITY:

If the building official determines that the walls or roof of a building or structure are collapsing, either in whole or in part, or in imminent danger of collapsing in such a way as to fall on other structures, property or public rights of way, or create a danger to persons who may enter the property, or create a danger of fire, the building official may issue an order that the building should be demolished pursuant to this article.

18.64.150: IMMEDIATE CITY DEMOLITION:

- A. If the building official determines that demolition should be begun immediately, the building official shall schedule an emergency meeting of the housing advisory and appeals board (HAAB) as soon as practical.
- B. The Director of Community and Neighborhoods shall make reasonable efforts to notify the recorded property owner, all HAAB members, the historic landmark commission staff person, and the city council member.
- C. At least three (3) HAAB members, and any others available, shall attend the emergency meeting to consider the immediate demolition.
- D. The emergency HAAB meeting shall hear any evidence or testimony regarding the immediate demolition and shall determine whether immediate demolition is appropriate.
- E. If the emergency HAAB meeting authorizes immediate demolition, and the property owner was present or represented at the emergency HAAB meeting, the property owner shall have twenty four (24) hours in which to have a licensed contractor take out a permit for the demolition. Work under any such permit shall be commenced within twenty four (24) hours of the permit's issuance. Within twenty four (24) hours of the start of the work, the property shall be secured to prevent entry and the structure demolished so that no part of the structure is in imminent danger of collapsing in such a way as to fall on other structures, property or public rights of way, or create a danger of fire. Work under the demolition permit shall be completed within seven (7) days of the permit's issuance.
- F. If the property owner was unrepresented at the emergency HAAB meeting, or the property owner fails to proceed with the demolition pursuant to the requirements of subsection E of this section or its successor, the city may contract with a licensed demolition contractor to demolish the building.
- G. If HAAB does not authorize the immediate demolition, the building official may appeal such a denial on an expedited basis to the mayor.
 - 1. All parties specified in subsection B of this section, or its successor, shall be notified of the appeal hearing before the mayor or the mayor's designee.
 - 2. The mayor, or the mayor's designee, shall hear evidence regarding the immediate demolition.
- H. If the mayor or the mayor's designee authorizes immediate demolition under the standards of section 18.48.340 of this chapter, or its successor, the provisions of subsections E and F of this section, or their successors, shall apply.

18.64.160: EMERGENCY DEMOLITION:

If the chief building official declares an emergency, the notification and hearing provisions of section 18.64.150 of this chapter, or its successor, shall be waived and the building official may authorize immediate demolition of any structure that meets the standards of section 18.64.140 of this chapter or its successor. The chief building official must make an emergency declaration in writing.

18.64.170: BILL FOR COSTS; COLLECTION:

Upon the completion of any city demolition pursuant to this article, the city shall mail a bill to the property owner for the city's costs of demolition which shall include the cost of the demolition contractor and a reasonable amount to pay the costs of city personnel involved in the demolition.

ATTACHMENT C: PUBLIC PROCESS AND COMMENTS

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed amendment:

Open House: On December 6, 2017, a community wide Open House was held regarding the proposed text amendment. Staff did not receive any comments at the meeting.

Public Hearing Notice: A notice of the public hearing for this text amendment includes:

- Public hearing notice published in newspaper on March 16, 2018.
- Public hearing notice posted on City and State websites on March 16, 2018.

Public Comments: At the time of the publication of this staff report, no public comments have been received. Any comments received will be forwarded to the Planning Commission.