



MOTION SHEET

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Nick Tarbet
Policy Analyst

DATE: November 17, 2020

RE: Demolition Ordinance Updates

Two public hearings were scheduled for this petition. They were held on October 6 and October 20

MOTION 1 (Close and adopt)

I move that the Council close the public hearing and adopt the ordinance

MOTION 2 (Close, adopt and initiate legislative intents)

I move that the Council close the public hearing and adopt the ordinance.

I further move the Council adopt the following legislative intents which were outlined in the staff report.
The council may choose any or all of the following:

- **Vacant and Boarded Building Fee Study**

- I move the Council adopt a legislative intent requesting the administration conduct a cost justification study of the vacant and boarded building fee to include Fire and Police services into the fee calculation and then return to the City Council with a Consolidated Fee Schedule amendment for consideration.

...See next page for more motions

- **Potential Disproportionate Fee Schedule for Vacant and Boarded Buildings**

- I move the Council adopt a legislative intent requesting the administration study the potential of implementing a tiered disproportionate fee schedule for vacant and



boarded buildings that cause a disproportionate cost on municipal services including police, fire, civil enforcement and other related services.

- **City/RDA Purchase of Nuisance Properties for Affordable Housing**

- I move the Council adopt a legislative intent requesting the administration study and include in the upcoming FY22 annual budget an ongoing appropriation for the purchase of nuisance properties to be rehabilitated or redeveloped and set aside as affordable housing.

MOTION 3 (Continue)

I move the council continue the public hearing to a future Council meeting.

MOTION 4 (Close and reject)

I move that the Council close the public hearing and reject the ordinance.



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Nick Tarbet
Policy Analyst

DATE: November 17, 2020

RE: Demolition Ordinance Updates

Item Schedule:

Briefing 1: Sept 15, 2020
Briefing 2: Nov 17, 2020
Set Date: Sept 15, 2020
Public Hearing 1: Oct 6, 2020
Public Hearing 2: Oct 20, 2020
Public Hearing 3: Nov 17, 2020
Potential Action: Nov 17, 2020

PUBLIC HEARING #2 Summary

During the October 20 public hearing, both support and opposition to the proposed ordinance were expressed by members of the public.

Those who spoke in support stated it would help deter public nuisance issues, improve neighborhood safety, and deter crime.

Those who oppose the ordinance said it could have a negative impact to historic homes, public notification of demolitions is not sufficient, and it would lead to an increase in demolished homes.

The Council continued the public hearing to a future Council Meeting.

In addition to the work session discussion on November 17, the continued public hearing is also set for the formal meeting that day. If the Council is ready to consider action on the proposed ordinance, there will be a motion stating the option to close the public hearing and adopt the ordinance.

NEW INFORMATION

During the September 15 work session briefing the Council discussed a variety of issues pertaining to the demolition ordinance. The questions were consolidated by Council staff and sent to the Administration for a response. The responses from the Administration are provided below in red.

Staff anticipates the Council will review these during the work session. Administrative staff will be in attendance to go over any questions that may arise. Then, if the Council is ready to move forward, potential action may be considered during the formal meeting.

1. Are SLC Fire and Police services/responses included in the calculation for the boarded/vacant building fee?
 - Can we verify if their services are fully captured in the fee?



- If not, then it would be helpful to understand any obstacles and concerns such as data availability, tracking fire and police time associated with specific properties, legal uncertainty, etc.
 - *The Finance Department has not completed a cost analysis on these fees. If the Council wishes for the Finance Department to complete a cost analysis, it would include both Fire and Police services/responses. (Please see legislative intent section below)*
2. Can a disproportionate fee be implemented for buildings/properties that are a persistent nuisance?
 - Does Utah Code allow a fee or tax on vacant properties/buildings that cause disproportionate costs on municipal services?
 - If yes, can the administration provide a proposal for the Council to consider adopting in the final ordinance?
 - *See the response to number one above. If the Council chooses, it could request a study be initiated. (Please see legislative intent section below)*
 3. Currently the boarded/vacant building fee is charged per parcel rather than per building.
 - Would it make any sense to change it to per building?
 - Do we know if there are many parcels with multiple vacant buildings on the lot?
 - *The Attorney's Office believes that it would be difficult to accomplish as the parcel is the legal description, not each individual building.*
 - *Currently, there are four in that condition.*
 4. During the briefing a list of 18 terms that help define what a nuisance is was referenced.
 - Is this list just being referenced by the proposed ordinance?
 - How is this list related to definitions of nuisance in City Code and state law, if at all?
 - *To clarify, the list of 18 terms are part of the definition of "dangerous building." Under the proposed ordinance, what is considered a "dangerous building" is also a nuisance (the ordinance also states that if a building is boarded for 2 years, it is a nuisance). These proposed additions have been added verbatim from the most up to date version of the Uniform Code for the Abatement of Dangerous Buildings (which has been adopted by the state).*
 5. Can the Administration provide a proposal for some basic landscaping requirements for properties on which a building is demolished?
 - During the briefing the possibility of charging daily fines if landscaping requirements are not met was raised.
 - Could the Administration provide draft ordinance language for that concept for the Council to consider?
 - *This has been done in the new 'strike and bold' and the clean copy. Based on the concerns over landscaping, the revised ordinance will include language that will require certain zoning districts to keep, maintain and/or install front-yard landscaping in accordance with 21A.48.090 – Landscaping and Buffers. The revised ordinance will also require that park strip landscaping (if there is a park strip) be maintained and/or installed. 21A.48.040 would allow for landscaping installation to be delayed during the winter season.*

- *Lines 1523-1524 (page 38) - Affirm that the property will comply with the landscaping requirements for the zoning district that the property is located in as required under the provisions of Chapter 21A.48.*
6. Can the City pay for the demolition or derelict homes and put a lien on property, so it is paid when property is sold?
 - *Currently, the City use liens on property all of the time with some success. The downside is that it may be years before the lien becomes an issue for the owner or new owner – usually when it's time to sell or refinance. There is nothing in the current ordinance or the proposed ordinance that keeps the City from taking that action. However, we have no budget to pay contractors and it's not clear that there is the 'political will' for us to go onto private property in such an invasive action. Also, see comments below regarding nuisance property(s)*
 7. Can the City go in and demolish a building that is clearly beyond repair, has attracted criminal activity and unsafe/unsanitary conditions, and for which the owner has been negligent?
 - *The Administration thinks that that case scenario is very unlikely. The first issue would be how to pay for it and the second issue is that very few jurisdictions have had any success going to that extreme. ('Takings' Case Law and similar legal entanglements) Where jurisdictions have had good results is where they have formed nonprofits or similar to purchase the vacant homes and then do the demo and rebuilds. (Think HAND or the RDA in SLC)*
 8. Does the ordinance allow the City any way to deal with nuisance structures, or are they stuck in limbo until the owner decides to take action?
 - *The Administration believes that the daily fines and the civil penalties attached to them in the proposed ordinance will be a strong motivator for owners to move forward with the demolition and subsequent minimal landscaping for the zoning district involved.*
 - *Most likely there will be a few outliers that will remain boarded by the City until the ownership changes – many times due to lack of payment of taxes or the settlement of an estate.*

POTENTIAL LEGISLATIVE ACTIONS

As the Administration's response notes above, Police and Fire services are not factored into the fee calculation for the vacant and boarded buildings. The Council may consider adopting the following legislative intents, requesting the Administration conduct a study and return to the Council with those amended fees in the future, potentially with next year's budget.

Additionally, some questions were raised about the possibility of the City buying nuisance properties to rehab and set aside as affordable housing, potentially in the City's Community Land Trust. The Council may wish to adopt a legislative action, requesting the Administration further study that concept and come back to the Council with recommendations.

- **Vacant and Boarded Building Fee Study**

- I move the Council adopt a legislative intent requesting the administration conduct a cost justification study of the vacant and boarded building fee to include Fire and Police services into the fee calculation and then return to the City Council with a Consolidated Fee Schedule amendment for consideration.

- *Staff note: the building fee would be in addition to a disproportionate fee and zoning violation fines for unsecured sites.*
- **Potential Disproportionate Fee Schedule for Vacant and Boarded Buildings**
 - I move the Council adopt a legislative intent requesting the administration study the potential of implementing a tiered disproportionate fee schedule for vacant and boarded buildings that cause a disproportionate cost on municipal services including police, fire, civil enforcement and other related services.
 - *Staff note: the disproportionate fee would be in addition to an updated building fee and zoning violation fines for unsecured sites.*
- **City/RDA Purchase of Nuisance Properties for Affordable Housing**
 - I move the Council adopt a legislative intent requesting the administration study and include in the upcoming FY22 annual budget an ongoing appropriation for the purchase of nuisance properties to be rehabilitated or redeveloped and set aside as affordable housing.

The following information was provided for the October 20 public hearing. It is provided again for background purposes.

PUBLIC HEARING #1 Summary

During the October 6 public hearing, many people spoke in support of the proposed changes to the demolition ordinance. Some of the reasons for supporting the ordinance included:

- it will help deter dangerous public nuisances
- make neighborhoods safer
- the current process is difficult and stops the demolition of nuisance buildings
- it may help contribute to cleaning up areas of the city that are having lots of public nuisance problems

Additionally, some said it makes it too easy for landlord who don't take care of their property to demolish existing housing and suggested an affordable housing overlay is needed to encourage preservation of affordable housing.

Staff is still working with the Administration to obtain responses to the questions raised by the Council during the September 15 work session. It is anticipated a follow-up briefing will be set once those responses are received.

Staff recommends the Council postpone adopting the ordinance until those responses are discussed in a future work session. Therefore, the recommended motions for the second public hearing include:

- close the public hearing and defer action
- continue the public hearing

The following information was provided for the October 6 public hearings. It is provided again for background purposes.

WORK SESSION SUMMARY

During the September 15 work session, the Council discussed the impacts to communities from nuisance properties and the potential tradeoffs between boarded/vacant buildings vs. a vacant lot.

Many of the question raised by the Council were focused on the fee structure for boarded/vacant buildings. Council Members asked how the current fee was calculated, whether fire and police services responding to the buildings was factored into that fee, and if it would be possible to institute a higher fee for nuisance properties who use City services more.

Additionally, the Administration was asked to provide some options for minimal landscaping requirements for vacant lots resulting from a demolition.

The Administration is working on responses to each of these questions. It is anticipated a follow-up briefing will be set once those responses are received.

The public hearings were set for October 6 and 20.

The following information was provided for the September 15 work session. It is provided again for background purposes.

ISSUE AT-A-GLANCE

The Council will receive a follow-up briefing on changes to the City's Demolition and Boarded Building ordinance. The proposed changes are intended to streamline the process for demolitions on commercial and residential properties, remove the requirement for a replacement use, landscape plan and bond, and provide clarity to the enforcement process for boarded buildings. Chapters 18.84, 18.64 and 2.21.030 will be amended as part of this petition. The Council was first briefed on these amendments on January 8, 2019.

In March 2016 the Council adopted a legislative action, requesting the Administration review the City's Demolition Ordinance. At that time, the Council Office had received feedback that the current demolition ordinance has unintentionally created blight and nuisance issues in some City neighborhoods and was difficult to navigate and administer. The intent was for the Administration to review the ordinance and come back to the Council with recommendations for amendments.

The Council was originally briefed on this proposed ordinance in January 2019. At that briefing, the Council asked a few questions and the administration provided written answers to those questions. However, another briefing was not scheduled until now.

Goal of the briefing: To review the proposed text amendment, determine if the Council supports moving forward with the amendments and potentially direct staff to prepare for a public hearing.

POLICY QUESTIONS

1. The proposed ordinance would eliminate public notice requirements if there is a net loss of residential units caused by a demolition (finding of residential impact). Instead Chapter 18.97 (mitigation of residential housing loss) would apply.
 - ***The administration is currently reviewing that ordinance for potential updates.***
 - ***The Council may wish to ask the administration for an update on the drafting of potential changes to that ordinance.***
2. The proposed changes would streamline the process for demolition of commercial and residential properties. This could result in more vacant lots, but also quicken redevelopment of some properties.
 - ***The Council may wish to discuss what would be considered bigger nuisance to a neighborhood – boarded and vacant buildings or vacant lots.***

ADDITIONAL INFORMATION

In 2012 the Council adopted an ordinance significantly changing the demolition ordinance. This was done in part due to some large properties being demolished and then left vacant for a long time. At that time, the council was concerned about the impact of vacant lots on the community and neighborhood fabric. The Council made changes to the ordinance to ensure a demolition would not occur without a reuse plan.

Then in 2016, the Council initiated a review of the demolition ordinance because they received lots of complaints from residents and developers that the current demolition ordinance unintentionally created blight and nuisance issues in some City neighborhoods and was difficult to navigate and administer.

Based on their review, the administration's proposed ordinance is very similar to the one that predated the current ordinance (adopted December 2012).

Responses to Council Questions from January 8, 2019 Briefing

The proposed demolition ordinance was first briefed in January 2019. During that briefing, the following questions were raised, and the Administration provided written responses to them a few weeks later.

1. **How does this impact the demolition process for historic districts / structures?**
 - Unless a structure needs to be demolished due to an emergency, all other demolitions shall be processed in the Planning Division and heard/approved or disapproved by the Historic Landmark Commission under the guidance of 31A.34.020(M).
2. **Please give background/explanation why bonds are difficult to track and enforce?**
 - The Building Services Division does not currently have a process for tracking bonds. Due to the number of demolition permits issued, we would need additional staff to adequately track and execute a bonding and recovery process. In addition, the bonds that are currently being accepted for landscaping on early demolitions are not bonds that can easily be captured and utilized by the City. We believe that vacant lots due to demolition can be easily maintained free of weeds through our currently running weed abatement process. We believe that the City is better served with a vacant lot than a possible nuisance structure and all the disproportionate calls for service that a nuisance structure encourages. So, we are in favor of a simplified process for owners to accomplish voluntary

demolition in all cases that don't require Historic Landmark Committee action. Lastly, because the City does not have a Professional Landscape Contractor team (nor is one on contract), it is very difficult to get outside professional contractors to install landscaping/irrigation on sites that fail to install the landscaping in the required time-frame. Bonds generally do not cover the cost of installation of landscaping over an extended period of time. Note that once again, even those properties that do provide for the required landscaping, generally, the landscaping is neglected and unmaintained – ostensibly ending-up requiring city enforcement at some point in time.

Summary of Key Changes

The administration's Transmittal letter provided the following outline summarizing the key changes to the ordinance.

- **Section 2.21.030 HAAB Powers and Authority**
 - Hear and decide appeals from 18.48. This is a change from “Conduct Abatement Hearings”
- **Amend Section 18.48 - Dangerous Building Code**
 - Scope: Provide a just, equitable, and practicable method to require the repair, vacation, or temporary boarding of buildings and a means to remedy dangerous buildings.
 - Goals/Intent:
 - Ensure accessibility by codifying applicable provisions of the most recent version of the Uniform Code for the Abatement of Dangerous Buildings.
 - Relocate the provisions related to emergency demolition of dangerous building to 18.64.
 - Authority to Enforce: Clarify that the building official/designee has the authority to enforce the provisions of the Code.
 - Make clear the procedures, action, and noticing upon the building official's determination of a violation.
 - Clarify the City's role and authority to abate a building that is declared dangerous and unsafe to occupy.
 - Establish a means for the City to recover costs of any abatement when such abatement work is done by the City.
 - Clarify the process(es) in which a property owner can appeal decisions of the building official and costs of abatement.
 - Improve language in the Code pertaining to:
 - the provisions for and permitting of any person ordered to board a building;
 - notification requirements;
 - the manner in which a building shall be boarded; and
 - the way property shall be maintained and/or landscaped while boarded.
 - **Amend Section 18.64 – Demolition**
 - Purpose statement is changed to “promote responsible reuse of existing housing where practical and provide an orderly process for demolition”
 - 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 complete building permit is submitted
 - avoid the creation of vacant sites with minimal or no landscaping
 - Eliminates performance bond requirements

- Eliminates landscaping requirements
- Eliminates public notice requirements if there is a net loss of residential units caused by a demolition (finding of residential impact).
 - Instead Chapter 18.97 (mitigation of residential housing loss) would apply
- Eliminates HAAB hearing process after a finding of residential impact (net loss of residential units)
- Eliminates requirement to complete demolition work “diligently” or the bond may be forfeited
- Move Emergency Demolitions section from 18.48-Dangerous Buildings to 18.64- Demolition
 - Outlines rules and procedures of emergency meeting
 - Appeal process to be heard by the Mayor or Mayor’s designee
 - Demolition process for Extreme Emergencies
 - Procedures for City to recoup costs from property owner for emergency demolitions

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SALT LAKE CITY ORDINANCE

No. _____ of 202__

(Amending Section 2.21.030; Repealing Chapter 18.48 and Enacting Chapter 18.48, Articles I and II; Amending Chapter 18.64, Article I and Enacting Chapter 18.64, Article II)

An ordinance amending Section 2.21.030, repealing Chapter 18.48 and enacting Chapter 18.48, Articles I & II, and amending Chapter 18.64, Article I and enacting Chapter 18.64, Article II of the *Salt Lake City Code*; and

WHEREAS, it is proposed that Section 2.21.030 of the *Salt Lake City Code* relating to appeals, be amended to clarify the appeals authority of the Housing Advisory and Appeals Board;

WHEREAS, it is proposed that Chapters 18.48 and 18.64 of the *Salt Lake City Code* relating to dangerous buildings and demolition be amended to modify the requirements for boarding, abatement, and demolition of dangerous buildings and structures, adequately describe what constitutes a dangerous and/or boarded building, and what constitutes emergency demolition;

WHEREAS, the Salt Lake City Planning Commission held a public hearing on March 28, 2018 at which the planning commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council on said application; and

WHEREAS, after a public hearing on this matter, the city council has determined that adopting this ordinance is in the city's best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

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SECTION 1. Amending the Text of Salt Lake City Code Section 2.21.030. That Section 2.21.030, of the *Salt Lake City Code* (Administration and Personnel: Housing Advisory Appeals Board: 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, ~~e~~Chapter 5.14 and ~~§~~Title 18, ~~e~~Chapter 18.50 of this code;
- B. Hear and decide appeals as specified in ~~§~~Title 5, ~~e~~Chapter 5.14 and ~~§~~Title 18, ~~e~~Chapter 18.50 of this code;
- C. Modify the impact of specific provisions of ~~§~~Title 5, ~~e~~Chapter 5.14 and ~~§~~Title 18, ~~e~~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 impact hearings pursuant to ~~§~~Title 18, ~~e~~Chapter 18.64 of this code;
- E. Recommend new procedures to the building official and new ordinances regarding housing to the city council; and
- F. ~~Conduct abatement hearings pursuant to~~ Hear and decide appeals as specified in ~~§~~Title 18, ~~e~~Chapter 18.48 of this code.

SECTION 2. 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* (Buildings and Construction; Dangerous Buildings; Code Adoption and Administration) shall be and hereby is repealed in its entirety and replaced as follows:

~~Article I. Code Adoption And Administration~~

- ~~18.48.010: Uniform Code For The Abatement Of Dangerous Buildings Adopted~~
- ~~18.48.020: City Council As Governing Body~~
- ~~18.48.030: Housing Inspection Fees~~
- ~~18.48.060: Performance Of Abatement Work~~
- ~~18.48.070: Recovery Of Cost Of Repair Or Demolition~~
- ~~18.48.080: Public Nuisances; Administrative Review And Limitations~~

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.

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.

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.

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~~

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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

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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.

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

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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

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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

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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

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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.

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.~~

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 for the 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 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 Dangerous Building 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 state.

- 436
437 B. BOARDED BUILDING: A building in which accessible openings, such as windows and
438 doors, are secured by a secondary means against entry. Examples of securing a building
439 by a secondary means includes, but is not limited to, boarding and fencing.
440
- 441 C. DANGEROUS BUILDINGS: For the purpose of this Dangerous Building Code, any
442 building or structure that has any or all of the conditions or defects hereinafter described
443 may be deemed to be a dangerous building, provided that such conditions or defects exist
444 to the extent that the life, health, property, or safety of the public or its occupants are
445 endangered.
446
- 447 1. Whenever any door, aisle, passageway, stairway or other means of exit is not of
448 sufficient width or size or is not so arranged as to provide safe and adequate means of
449 exit in case of fire or panic.
450
- 451 2. Whenever the walking surface of any aisle, passageway, stairway or other means of
452 exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and
453 adequate means of exit in case of fire or panic.
454
- 455 3. Whenever the stress in any materials, member or portion thereof, due to all dead and
456 live loads, is more than one and one half times the working stress or stresses allowed
457 in the Building Code for new buildings of similar structure, purpose or location.
458
- 459 4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or
460 by any other cause, to such an extent that the structural strength or stability thereof is
461 materially less than it was before such catastrophe and is less than the minimum
462 requirements of the Building Code for new buildings of similar structure, purpose, or
463 location.
464
- 465 5. Whenever any portion or member or appurtenance thereof is likely to fail, or to
466 become detached or dislodged, or to collapse and thereby injure persons or damage
467 property.
468
- 469 6. Whenever any portion of a building, or any member, appurtenance, or ornamentation
470 on the exterior thereof is not of sufficient strength or stability, or is not so anchored,
471 attached, or fastened in place so as to be capable of resisting a wind pressure of one
472 half of that specified in the Building Code for new buildings of similar structure,
473 purpose or location without exceeding the working stresses permitted in the Building
474 Code for such buildings.
475
- 476 7. Whenever any portion of a building or structure has wracked, warped, buckled, or
477 settled to such an extent that walls or other structural portions have materially less
478 resistance to winds or earthquakes than is required in the case of similar new
479 construction.
480

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 an attractive nuisance to children or as to enable persons to resort thereto for the purpose of committing unlawful 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 Dangerous Building Code. The building official shall have the power to render interpretations of this Dangerous Building Code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Dangerous Building Code.

B. Authority to Inspect: The building official or their designee is hereby authorized to make inspections and take such actions as may be required to enforce the provisions of this Dangerous Building 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 Dangerous Building 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 Dangerous Building 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 Dangerous Building 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 and 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; and
 - 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 Subsection

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 the property owner of record according to the records of the county recorder. Service shall be made in person or by certified or commercial courier service. 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 or commercial courier service 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

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

Building Official

.....of.....

Salt Lake City

- 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;

- 711
- 712 5. A brief statement in ordinary and concise language of the relief sought and the
- 713 reasons why it is claimed the protested order or action should be reversed, modified
- 714 or otherwise set aside;
- 715
- 716 6. The signatures of all parties named as appellants and their official mailing addresses;
- 717 and
- 718
- 719 7. The verification (by declaration under penalty of perjury) of at least one appellant as
- 720 to the truth of the matters stated in the appeal.
- 721
- 722 C. Time to File an Appeal: The appeal must be filed within 30 days from the date of the
- 723 issuance of the notice and order described herein, except as provided in Subsection D.
- 724
- 725 D. Time to File an Appeal for an Imminently Dangerous Building: If the building or
- 726 structure is in such condition as to make it immediately dangerous to the life, limb,
- 727 property or safety of the public or adjacent property and is ordered vacated and is posted
- 728 in accordance with Section 18.48.060, such appeal shall be filed as soon as reasonably
- 729 practical from the date of the issuance of the notice and order of the building official.
- 730
- 731 E. Transmittal of Appeal: Upon receipt of any appeal filed pursuant to this section, the
- 732 building official shall transmit the appeal to the members of the Housing Advisory and
- 733 Appeals Board for scheduling of a meeting within 30 days of receipt of a timely appeal.
- 734
- 735 F. Scheduling Hearing: As soon as practicable after receiving the written appeal, the
- 736 Housing Advisory and Appeals board shall fix a date, time and place for the hearing of
- 737 the appeal by the board. Such date shall not be less than 10 days nor more than 30 days
- 738 from the date the appeal was filed with the building official, unless extraordinary
- 739 circumstances are present. Written notice of the time and place of the hearing shall be
- 740 given at least 10 days prior to the date of the hearing to each appellant by the secretary of
- 741 the board either by causing a copy of such notice to be delivered to the appellant
- 742 personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the
- 743 address shown on the appeal.
- 744
- 745 G. Failure to Timely Appeal: Failure of any person to file a timely appeal in accordance
- 746 with the provisions of this code shall constitute a waiver of the right to an administrative
- 747 hearing and adjudication of the notice and order or any portion thereof.
- 748
- 749 H. Issues Considered on Appeal: Only those matters or issues specifically raised by the
- 750 appellant shall be considered in the hearing of the appeal.
- 751
- 752 I. Stays Pending Appeal: Except for vacation or boarding orders made pursuant to Section
- 753 18.48.050, enforcement of any notice and order of the building official issued under this
- 754 Dangerous Building Code shall be stayed during the pendency of an appeal therefrom
- 755 which is properly and timely filed.
- 756

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 and capricious or illegal. 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 the property owner does not comply 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 completed 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. A fines hearing officer, appointed pursuant to Section 21A.06.090, shall preside at the hearing and consider the property owner's objection as set forth in Subsection F.

F. Objection Hearing: At the hearing described in Subsection E, after the property owner presents the objection to the hearing officer, the fines 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.

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.

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 E 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 3. 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* (Buildings and

Construction: Dangerous Buildings: Temporary Securing of Buildings) shall be and hereby is

repealed in its entirety and replaced as follows:

~~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.

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.

18.48.110: CITY BOARDING OR SECURING:

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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.~~

18.48.120: BOARDING PERMIT REQUIRED:

~~It is unlawful to board a building except pursuant to a permit issued under this article.~~

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.~~

~~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.~~

~~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.~~

~~18.48.160: COMPLETION OF BOARDING:~~

~~Boarding must be completed within ten (10) days of the issuance of a permit.~~

~~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.~~

~~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.~~

~~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.~~

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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.

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 article 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 article, 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.34.020K of this Code. In the event of a conflict between the provisions of this subsection and subsection 21A.34.020K 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.

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.

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C. ~~If the owner obtains a building permit for rehabilitation, the owner shall not be required to pay the boarding application fee but shall pay, instead, the appropriate building permit fees.~~

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.~~

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~~

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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.~~

~~18.48.240: LANDSCAPE MAINTENANCE:~~

~~Existing landscaping and lawn on the property shall be maintained in the manner otherwise required by law.~~

~~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.~~

~~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.~~

~~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:~~

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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.~~

~~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.~~

~~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~~

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2. ~~The actual cost of snow removal billed to the city by the city's contractor.~~

~~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.~~

~~18.48.310: LEGAL ACTION AUTHORIZED:~~

~~The city may take appropriate legal action to collect all unpaid fees or bills provided by this article.~~

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.~~

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.~~

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: VIOLATIONS:

18.48.260: BUILDING INSPECTIONS REQUIRED:

18.48.200: SCOPE AND APPLICABILITY:

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

18.48.205: BOARDING PERMIT:

- A. Permit Required: A permit is required to board a building. In the case where the city causes the boarding work to be done pursuant to Section 18.48.245, the city is not required to obtain a boarding permit.
- 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 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 up to amounts allowed by state law.

C. Failure to Obtain Permit: Boarding a building before obtaining a permit pursuant to this article shall result in a fine of up to twenty five percent (25%) of the 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 Chapters 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 hired 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: VIOLATIONS:

A. It is unlawful for the building owner to fail to maintain the boarded building or ensure the building remains vacated after the property has been abated by either the city or the building owner. Each day a violation occurs shall be a separate offense.

B. Violations of the provisions of this chapter are punishable by imposing a civil penalty as provided in Section 21A.20.010 et seq., of this 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 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.

SECTION 4. 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* (Buildings and Construction: Dangerous Buildings: Emergency Demolition) shall be and hereby is repealed in its entirety and moved to Chapter 18.64 as provided in Section 5 herein.

~~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.

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.

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.

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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.~~

18.48.360: 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.~~

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.~~

SECTION 5. Amending the Text of *Salt Lake City Code* Section 18.64. That Section

18.64, of the *Salt Lake City Code* (Buildings and Construction: Demolition) shall be amended to read as follows:

Article I. Demolition

18.64.005: PURPOSE AND INTENT:

18.64.010: PERMIT REQUIRED:

18.64.020: APPLICATION 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:

1458 **18.64.070: PREDEMOLITION SALVAGE PERMITS:**

1459 **18.64.080: EXPIRATION; DILIGENCE:**

1460 **18.64.090: QUALIFICATIONS TO DO WORK:**

1461 **18.64.100: DEMOLITION REQUIREMENTS:**

1462 **18.64.110: RELATIONSHIP TO OTHER ORDINANCE:**

1463 **18.64.120: VIOLATIONS:**

1464
1465 **18.64.005: PURPOSE AND INTENT:**

1466 A. The purpose of the provisions in this chapter is to:

- 1467 1. Promote the public welfare by maintaining the integrity and continuity of the urban
1468 fabric and economic vitality;
- 1469 2. Provide an orderly and predictable process for demolition of buildings and structures
1470 when appropriate;
- 1471 3. Ensure demolition occurs safely;
- 1472 4. Protect utilities and other infrastructure from damage during demolition;
- 1473 5. Provide for enforcement of timely completion of demolition and for improvement of
1474 property following demolition to ensure the site is not detrimental to the use and
1475 enjoyment of surrounding property;
- 1476 6. Provide for enforcement and maintenance of property to avoid purposeful demolition
1477 by neglect; and
- 1478 7. Encourage preservation of the city's housing stock where appropriate.

1479 B. A primary intent of the city council with respect to this chapter is to ~~avoid~~ promote
1480 responsible re-use of existing housing stock where practical and provide an orderly
1481 process for demolition, where it is not practical or partial demolition, of buildings in a
1482 manner that disrupts the character and development pattern of established neighborhood
1483 and business areas cost efficient to rebuild/reuse. Accordingly, the council finds that it is
1484 in the public interest to

- 1485 1. ~~Require existing buildings to be maintained in a habitable condition manner that~~
1486 does not constitute a public nuisance until replaced by new construction, except as
1487 otherwise permitted by this code.
- 1488 2. ~~Avoid demolition of existing structures until a complete building permit application is~~
1489 submitted for new construction, except as otherwise provided in this chapter; and
- 1490 3. ~~Avoid creation of vacant demolition sites with minimal or no landscaping or other~~
1491 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; and-
- J. Affirm that the property will comply with the landscaping requirements for the zoning district that the property is located in as required under the provisions of Chapter 21A.48.

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.

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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.~~

~~1. The form of the bond shall be approved by the city attorney or designee and may include any commercially reasonable method of bonding.~~

~~2. The building official may require adjustment of bond amount if the scope of work changes after demolition work has begun.~~

~~3. If the applicant fails to comply with provisions of the demolition permit and the city has any unreimbursed cost resulting from such failure, the building official or designee may call on the bond for reimbursement. After such cost has been finally determined, if the amount of the bond exceeds such cost, the remainder shall be released to the applicant. If the amount of the bond is less than the cost incurred by the city, the applicant shall be liable to the city for the difference in cost.~~

~~4. The bond shall remain in place until all required work is complete, final inspection has been approved, and a building permit for new construction on the subject property has been approved by the city.~~

18.64.040: ISSUANCE OF DEMOLITION PERMIT:

~~A. Except as otherwise provided in subsection D of this section, a~~ A demolition permit shall may be issued only upon ~~compliance with subsection B of this section, if applicable, and if:~~

~~1. A complete building permit completion of an application for a use replacing the demolished building or structure has been submitted to the building services and licensing division; or~~

~~2. The~~ in accordance with Section 18.64.020 herein; or the chief building official or fire marshal orders immediate demolition:

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1. Due to an emergency as provided in ~~chapter 18.48 of~~ 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 ~~section~~ this code or Section 76-10-801 et seq., Utah Code or its successor.
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 A2 or A3 of this section.~~
 - 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.~~
 - c. ~~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.~~
- B. ~~Except as provided in subsection B1 of this section, unless a building permit has been issued for one or more new buildings or structures located on the same site as the demolished building or structure, within thirty (30) days after demolition is completed, landscaping shall be installed on the property according to the standards set forth in subsection 21A.48.100D2 of this Code.~~
 1. ~~A bond for landscaping shall not be required when a single-family dwelling is demolished and will be replaced by a new single-family dwelling.~~
 2. ~~This subsection B shall apply regardless of the zoning district in which the subject property is located and any contrary provision in title 21A of this Code.~~
 3. ~~Timely and proper installation and maintenance of landscaping shall be assured by a bond filed with the City as provided in section 18.64.030D of this chapter.~~
 4. ~~Required landscaping shall remain in place and shall be maintained until new construction is commenced on the subject property and may be removed to facilitate such construction. Thereafter, replacement landscaping shall be installed as may be required by this Code.~~

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5. ~~A park strip abutting the subject property shall be maintained as provided in section 21A.48.060 of this Code or its successor.~~

6. ~~Notwithstanding the thirty (30) day requirement in this subsection B, installation of landscaping may be delayed due to weather conditions so long as landscaping is completed within six (6) months after demolition and the property owner escrows funds sufficient to assure installation of landscaping as determined by the Building Services and Licensing Division.~~

C. 1. ~~Except as otherwise provided in section 18.64.050 of this chapter, if one or more dwelling units located in a residential zone, whether or not occupied, will be removed under a demolition permit, a housing mitigation plan shall be prepared as required in chapter 18.97 of this title prior to issuance of the permit.~~

2B. ~~If proposed demolition involves a landmark site, a contributing principal building; structure, or a structure located in a the H 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.~~

D. 1. ~~Notwithstanding contrary provisions of this section, a demolition permit for a building or structure may be issued if the Community Development Director certifies that the land on which the building or structure is located:~~

a. ~~Is subject to a Master Plan that envisions redevelopment of the land unless removal of the building or structure is inconsistent with the Master Plan;~~

b. ~~Is being assembled for redevelopment purposes; and~~

c. ~~Is part of a larger area being joined to create one or more larger parcels of developable land in order to implement the Master Plan.~~

2. ~~If a building permit for new construction is not issued within eighteen (18) months after demolition occurs pursuant to subsection D1 of this section, landscaping shall be installed as provided in subsection B of this section.~~

18.64.045: DEMOLITION BY NEGLECT:

A. ~~Except as otherwise provided in subsection B of this section, a property owner shall not neglect a building or structure to the point that the building or structure fails to substantially conform to applicable standards of the state construction code and sections 18.50.140 to 18.50.230 of this title.~~

B. 1. ~~The owner of a boarded building shall maintain the exterior of the building as provided in sSection 18.48.2505, "Exterior Maintenance", of this title or its successor.~~

2. ~~The interior of a boarded building shall not be subject to the provisions of subsection A of this section but shall be maintained as provided in section 18.48.250 of this title.~~

18.64.050: RESIDENTIAL DEMOLITION PROVISIONS:

- A. Except as provided in sSubsection 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 this section ~~18.64.045 of this chapter or chapter 18.48 of this title or their its~~ successors.
 - b. Notwithstanding sSubsection B.3.a of this section, housing which is demolished for health or safety reasons, which is the result of neglect pursuant to sSection 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 sSubsection C.2 of this section applies, the building official shall issue a finding of no residential impact and the demolition permit may be issued.
 2. If sSubsection C.1 of this section applies, the building official shall issue a finding of residential impact.

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E. Upon making a finding of residential impact, the building official shall mail-written notice to follow the owners and residents of property located within six hundred feet (600') from procedures outlined in Chapter 18.97. Once the property line of fee is paid, the lot where the proposed demolition work will take place as shown on the last equalized property tax assessment roll. Notice shall also permit may be mailed to any affected community organization recognized pursuant to section 2.60.040 of this code. The notice shall specify: issued immediately upon completion of the application process in Section 18.64.020.

- ~~1. The property proposed for demolition,~~
- ~~2. The proposed replacement use,~~
- ~~3. The proposed housing mitigation plan,~~
- ~~4. The basis for the finding of residential impact, and~~
- ~~5. The date and time of a hearing before the housing advisory and appeals board.~~

F.

- ~~1. To allow time for effective consideration by the notified parties, the hearing before the HAAB shall take place not less than thirty (30) days after the finding of residential impact issued by the building official and not more than sixty (60) days after the finding.~~
- ~~2. The HAAB shall take evidence from the applicant and all interested parties regarding:~~
 - ~~a. The effect of the proposed demolition and replacement use plan on:~~
 - ~~(1) The city's housing stock,~~
 - ~~(2) The city's employment and economic base,~~
 - ~~(3) The character of the neighborhood where the subject property is located,~~
 - ~~(4) The city's master plans for the area,~~
 - ~~(5) The city's adopted housing policy, and~~
 - ~~(6) Any other policy adopted by the city which applies to the subject property;~~
 - ~~b. The cost and economic practicality of repairing or remodeling the structure proposed for demolition to comply with zoning requirements and with building and housing codes; and~~
 - ~~c. The proposed method of housing mitigation, including the factual basis upon which the housing mitigation plan is premised and justified.~~
- ~~3. The HAAB may encourage an applicant to work with the city and interested parties to repair, remodel, preserve, or increase the city's housing stock.~~
- ~~4. The HAAB shall issue its decision not more than ten (10) days after the hearing.~~

G.

- ~~1. Notwithstanding the acceptability of a housing mitigation plan, the HAAB may order that a demolition permit not be issued for an additional period not to exceed six (6)~~

months to allow the city and interested parties time to make further attempts to preserve the housing stock if the HAAB finds:

a. ~~The proposed demolition and replacement use plan are likely to:~~

- ~~(1) Adversely impact the city's housing stock and character of the neighborhood;~~
- ~~and~~
- ~~(2) Such impact is not outweighed by any positive effects on the city's economic and employment base; and~~

b. ~~The structure proposed for demolition is economically practical to repair or remodel to comply with zoning requirements and building and housing codes.~~

2. ~~After any additional time period ordered by the HAAB has expired, the requested permit shall be immediately issued subject to compliance with the housing mitigation plan.~~

3. ~~If the HAAB does not make the findings required by this subsection G, the demolition permit shall be issued ten (10) days after the HAAB decision.~~

H.

1. ~~The applicant or any person or entity required to be notified of the demolition pursuant to subsection E of this section, if aggrieved by the HAAB decision, may appeal to the mayor by filing a written notice specifying the grounds for such an appeal within ten (10) days of the HAAB decision.~~

2. ~~Any other party identified in subsection H1 of this section may respond to the appeal in writing within ten (10) days of the appeal.~~

3. ~~The mayor or the mayor's designee shall consider the appeal on the written record and shall issue a decision within ten (10) days of the close of any written submissions. Such decision shall be based on the criteria set forth in subsection F of this section and may be appealed within ten (10) days to a court of competent jurisdiction.~~

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.—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 (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.

- ~~B. Once demolition has begun pursuant to a demolition permit, the permit holder shall diligently pursue completion of the work authorized thereunder. If such work is not diligently pursued the city may declare the bond required under subsection 18.64.030D of this chapter to be forfeited and may use the proceeds to finish demolition as provided in such section.~~

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 ~~d~~Division of ~~e~~Occupational and ~~p~~Professional ~~l~~icensing in the Utah ~~d~~Department of ~~e~~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.

- 1811
- 1812 C. A permit for demolition shall require that all materials comprising part of the existing
- 1813 structure(s), including the foundation and footings, be removed from the site. Unless
- 1814 otherwise approved under a building permit for redevelopment of the site, the depression
- 1815 caused by the removal of such debris shall be filled back and compacted to the original
- 1816 grade, as approved by the building official, with fill material excluding detrimental
- 1817 amounts of organic material or large dimension nonorganic material.
- 1818
- 1819 D. Permitted demolition work, including filling and leveling back to grade and removal of
- 1820 required pedestrian walkways and fences, shall be completed within the permit period
- 1821 unless the building official finds that any part of the foundation of building or site will
- 1822 form an integral part of a new structure to be erected on the same site for which plans
- 1823 have already been approved by the building services and licensing division. In such
- 1824 event, the building official may approve plans for appropriate adjustments to the
- 1825 completion time and may impose reasonable conditions including the posting of a bond,
- 1826 erection of fences, securing, or similar preventions to ensure the site does not create a
- 1827 hazard after the demolition is completed.
- 1828

1829 **18.64.110: RELATIONSHIP TO OTHER ORDINANCE:**

1830

1831 Provisions of this chapter shall be subordinate to any contrary specific provisions of ~~the~~ Title

1832 21A, ~~and~~ Chapter 21A.34 of this code, dealing with demolition in historic districts, or its

1833 successor.

1834

1835 **18.64.120: VIOLATIONS:**

1836

- 1837 A. It is unlawful for the owner of a building or structure to violate the provisions of this
- 1838 chapter. Each day a violation occurs shall be a separate offense.
- 1839
- 1840 B. Violation of the provisions of this chapter is punishable ~~as a class B misdemeanor or by~~
- 1841 imposing a civil penalty as provided in ~~Section~~ 21A.20.010 et seq., of this code.
- 1842

1843 SECTION 6. Enacting the Text of Salt Lake City Code Section Chapter 18.64, Article

1844 II. That Section 18.64, Article II, of the *Salt Lake City Code* is enacted to read as follows:

1845 **Article II. Emergency Demolition**

1846

1847 **18.64.130: PURPOSE:**

1848 **18.64.140: EMERGENCY DEMOLITIONS APPLICABILITY:**

1849 **18.64.150: IMMEDIATE CITY DEMOLITION:**

1850 **18.64.160: EMERGENCY DEMOLITION:**

1851 **18.64.170: BILL FOR COSTS; COLLECTION:**

1852

1853 **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: EMERGENCY DEMOLITION:

If the chief building official declares an emergency, the notification and hearing provisions of section 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.

18.64.160: 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.

SECTION 7. Amending the Text of Salt Lake City Code Section 21A.06.090. That

Section 21A.06.090 of the *Salt Lake City Code* (Zoning: Decision Making Bodies and Officials: Fines Hearing Officer) shall be amended to read as follows:

21A.06.090: FINES HEARING OFFICER:

A. Creation: The position of Fines Hearing Officer is created pursuant to the enabling authority granted by the Municipal Land Use, Development, and Management Act, sSection 10-9a-701 of the Utah Code.

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- B. Jurisdiction And Authority: The Fines Hearing Officer shall have the powers and duties set forth in eChapter 21A.20 of this title and Subsections 18.48.100.E and 18.48.100.F.
- C. Qualifications: The Fines Hearing Officer shall be appointed by the Mmayor with the advice and consent of the Ccity Council. The Mmayor may appoint more than one Fines Hearing Officer, but only one Fines Hearing Officer shall consider and decide upon any matter properly presented for Fines Hearing Officer review pursuant to eChapter 21A.20 of this title or Subsections 18.48.100.E and 18.48.100.F as the case may be. The Fines Hearing Officer may serve terms of four (4) years each, which may be renewed at the Mmayor's discretion. The Fines Hearing Officer shall either be law trained or have significant experience with the requirements and operations of administrative hearing processes.
- D. Conflict Of Interest: The Fines Hearing Officer shall not participate in any appeal in which the Fines Hearing Officer has a conflict of interest prohibited by tTitle 2, eChapter 2.44 of this Ccode.
- E. Removal Of The Fines Hearing Officer: The Fines Hearing Officer may be removed by the Mmayor for violation of this title, any relevant policies and procedures or any relevant provision of Sstate law following receipt by the Mmayor of a written complaint filed against the Fines Hearing Officer. If requested by the Fines Hearing Officer, the Mmayor shall provide the Fines Hearing Officer with a public hearing conducted by a Hhearing Officer appointed by the Mmayor.

SECTION 8. Effective Date. This ordinance shall become effective on the date of its

first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 202_.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

LEGISLATIVE DRAFT

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MAYOR

ATTEST:

CITY RECORDER

(SEAL)

Bill No. _____ of 202__.

Published: _____.

SALT LAKE CITY ORDINANCE

No. _____ of 202__

(Amending Section 2.21.030; Repealing Chapter 18.48 and Enacting Chapter 18.48, Articles I and II; Amending Chapter 18.64, Article I and Enacting Chapter 18.64, Article II)

An ordinance amending Section 2.21.030, repealing Chapter 18.48 and enacting Chapter 18.48, Articles I & II, and amending Chapter 18.64, Article I and enacting Chapter 18.64, Article II of the *Salt Lake City Code*; and

WHEREAS, it is proposed that Section 2.21.030 of the *Salt Lake City Code* relating to appeals, be amended to clarify the appeals authority of the Housing Advisory and Appeals Board;

WHEREAS, it is proposed that Chapters 18.48 and 18.64 of the *Salt Lake City Code* relating to dangerous buildings and demolition be amended to modify the requirements for boarding, abatement, and demolition of dangerous buildings and structures, adequately describe what constitutes a dangerous and/or boarded building, and what constitutes emergency demolition;

WHEREAS, the Salt Lake City Planning Commission held a public hearing on March 28, 2018 at which the planning commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council on said application; and

WHEREAS, after a public hearing on this matter, the city council has determined that adopting this ordinance is in the city's best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Text of *Salt Lake City Code* Section 2.21.030. That Section 2.21.030, of the *Salt Lake City Code* (Administration and Personnel: Housing Advisory Appeals Board: 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 impact hearings pursuant to Title 18, Chapter 18.64 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 2. 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* (Buildings and Construction: Dangerous Buildings: Code Adoption and Administration) shall be and hereby is repealed in its entirety and replaced as follows:

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 for the 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 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 Dangerous Building 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 state.
- 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 Dangerous Building Code, any building or structure that has any or all of the conditions or defects hereinafter described may 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 an attractive

nuisance to children or as to enable persons to resort thereto for the purpose of committing unlawful 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 Dangerous Building Code. The building official shall have the power to render interpretations of this Dangerous Building Code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Dangerous Building Code.
- B. Authority to Inspect: The building official or their designee is hereby authorized to make inspections and take such actions as may be required to enforce the provisions of this Dangerous Building 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 Dangerous Building 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 Dangerous Building 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 Dangerous Building 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 and 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; and
 - 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 Subsection 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 the property owner of record according to the records of the county recorder. Service shall be made in person or by certified or commercial courier service. 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 or commercial courier service 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.....

Salt Lake City

- 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; and
 - 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, unless extraordinary circumstances are present. 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 Dangerous Building 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 and capricious or illegal. 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 the property owner does not comply 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 completed 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. A fines hearing

officer, appointed pursuant to Section 21A.06.090, shall preside at the hearing and consider the property owner's objection as set forth in Subsection F.

- F. **Objection Hearing:** At the hearing described in Subsection E, after the property owner presents the objection to the hearing officer, the fines 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.
- 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.
- 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 E 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 3. 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* (Buildings and Construction: Dangerous Buildings: 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: VIOLATIONS:

18.48.260: BUILDING INSPECTIONS REQUIRED:

18.48.200: SCOPE AND APPLICABILITY:

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

18.48.205: BOARDING PERMIT:

- A. Permit Required: A permit is required to board a building. In the case where the city causes the boarding work to be done pursuant to Section 18.48.245, the city is not required to obtain a boarding permit.
- 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 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 up to amounts allowed by state law.
- C. Failure to Obtain Permit: Boarding a building before obtaining a permit pursuant to this article shall result in a fine of up to twenty five percent (25%) of the 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 Chapters 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 hired 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: VIOLATIONS:

- A. It is unlawful for the building owner to fail to maintain the boarded building or ensure the building remains vacated after the property has been abated by either the city or the building owner. Each day a violation occurs shall be a separate offense.
- B. Violations of the provisions of this chapter are punishable by imposing a civil penalty as provided in Section 21A.20.010 et seq., of this 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 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.

SECTION 4. 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* (Buildings and Construction: Dangerous Buildings: Emergency Demolition) shall be and hereby is repealed in its entirety and moved to Chapter 18.64 as provided in Section 5 herein.

SECTION 5. Amending the Text of *Salt Lake City Code* Section 18.64. That Section 18.64, of the *Salt Lake City Code* (Buildings and Construction: Demolition) shall be amended to read as follows:

Article I. Demolition

18.64.005: PURPOSE AND INTENT:

18.64.010: PERMIT REQUIRED:

18.64.020: APPLICATION 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 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. Accordingly, the council finds that it is in the public interest to require existing buildings to be maintained in a manner that does not constitute a public nuisance until replaced by new construction, except as otherwise permitted by this code.

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.
- J. Affirm that the property will comply with the landscaping requirements for the zoning district that the property is located in as required under the provisions of Chapter 21A.48.

18.64.030: FEES AND SIGNATURE:

- 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.

18.64.040: ISSUANCE OF DEMOLITION PERMIT:

- A. A demolition permit may be issued only upon completion of an application in accordance with Section 18.64.020 herein; or 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 or its successor.

- B. If proposed demolition involves a landmark site, a contributing structure, or a structure located in the H 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 NEGLECT:

The owner of a boarded building shall maintain the exterior of the building as provided in Section 18.48.255, "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 this section its successors.
 - b. Notwithstanding Subsection B.3.a 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 C.2 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 C.1 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 Chapter 18.97. Once the fee is paid, the demolition permit may be issued immediately upon completion of the application process in Section 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 (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 6. Enacting the Text of *Salt Lake City Code* Section Chapter 18.64, Article

II. That Section 18.64, Article II, of 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: EMERGENCY DEMOLITION:

If the chief building official declares an emergency, the notification and hearing provisions of section 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.

18.64.160: 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.

SECTION 7. Amending the Text of Salt Lake City Code Section 21A.06.090. That Section 21A.06.090 of the *Salt Lake City Code* (Zoning: Decision Making Bodies and Officials: Fines Hearing Officer) shall be amended to read as follows:

21A.06.090: FINES HEARING OFFICER:

- A. Creation: The position of fines hearing officer is created pursuant to the enabling authority granted by the Municipal Land Use, Development, and Management Act, Section 10-9a-701 of the Utah Code.
- B. Jurisdiction and Authority: The fines hearing officer shall have the powers and duties set forth in Chapter 21A.20 of this title and Subsections 18.48.100.E and 18.48.100.F.
- C. Qualifications: The fines hearing officer shall be appointed by the mayor with the advice and consent of the city council. The mayor may appoint more than one fines hearing officer, but only one fines hearing officer shall consider and decide upon any matter properly presented for fines hearing officer review pursuant to Chapter 21A.20 of this title or Subsections 18.48.100.E and 18.48.100.F as the case may be. The fines hearing officer may serve terms of four (4) years each, which may be renewed at the mayor's discretion. The fines hearing officer shall either be law trained or have significant experience with the requirements and operations of administrative hearing processes.
- D. Conflict of Interest: The fines hearing officer shall not participate in any appeal in which the fines hearing officer has a conflict of interest prohibited by Title 2, Chapter 2.44 of this code.
- E. Removal of The Fines Hearing Officer: The fines hearing officer may be removed by the mayor for violation of this title, any relevant policies and procedures or any relevant provision of state law following receipt by the mayor of a written complaint filed against the fines hearing officer. If requested by the fines hearing officer, the mayor shall provide the fines hearing officer with a public hearing conducted by a hearing officer appointed by the mayor.

SECTION 8. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 202_.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

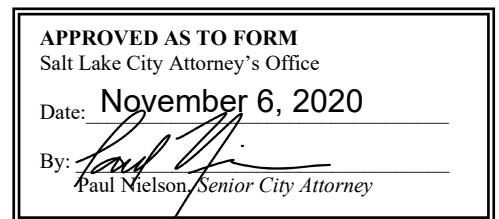
ATTEST:

CITY RECORDER

(SEAL)

Bill No. _____ of 202__.

Published: _____.





CITY COUNCIL TRANSMITTAL


Patrick Leary, Chief of Staff

Date Received: October 26, 2018
Date sent to Council: October 29, 2018

TO: Salt Lake City Council
Erin Mendenhall, Chair

DATE: October 26, 2018

FROM: Mike Reberg, Director Department of Community & Neighborhoods


SUBJECT: Demolition/Dangerous/Boarded Buildings Title 18.48, 18.64 & 2.21.030

STAFF CONTACT: Orion Goff CBO, Building Official Director - Building Services and
Civil Enforcement, 801-535-6681, orion.goff@slcgov.com

DOCUMENT TYPE: Ordinance

RECOMMENDATION: Adopt the proposed Text Amendment to the Current Ordinance(s)

BUDGET IMPACT: None

BACKGROUND/DISCUSSION:

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.

Perhaps the most impactful change was the added requirement for the replacement use to either be permitted, in the case of residential construction, or submitted with fees paid and bonding for landscape, 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.

Currently, the 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 provided by

a committee appointed by the Mayor, or posting a bond for the cost of landscaping the site should the project not be commenced within 18 months of demolition. Processing, tracking and refunding these bonds was time consuming and problematic for Building Services Staff.

Recently, we have moved 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, have little or no possibility for rehabilitation and have created a disproportionate number of calls for service from the City Police and Fire Departments.

The changes proposed in this transmittal provide a streamlined process for demolition on commercial and residential properties. The requirements for either a permitted replacement use or a landscape plan and bond have been removed. In addition, there are better definitions of what constitutes a “boarded building”. The proposed ordinance is like the ordinance that predated the current ordinance, which was adopted in December of 2012.

Amend Section 2.21.030 HAAB Powers and Authority

- Hear and decide appeals from 18.48. This is a change from “Conduct Abatement Hearings”

Amend Section 18.48 - Dangerous Building Code

- Scope: Provide a just, equitable, and practicable method to require the repair, vacation, or temporary boarding of buildings and a means to remedy *dangerous buildings*.
- Goals/Intent:
 - Ensure accessibility by codifying applicable provisions of the most recent version of the Uniform Code for the Abatement of Dangerous Buildings.
 - Relocate the provisions related to emergency demolition of dangerous building to 18.64.
 - Authority to Enforce: Clarify that the building official/designee has the authority to enforce the provisions of the Code.
 - Make clear the procedures, action, and noticing upon the building official’s determination of a violation.
 - Clarify the City’s role and authority to abate a building that is declared dangerous and unsafe to occupy.
 - Establish a means for the City to recover costs of any abatement when such abatement work is done by the City.
 - Clarify the process(s) in which a property owner can appeal decisions of the building official and costs of abatement.
 - Improve language in the Code pertaining to:
 - the provisions for and permitting of any person ordered to board a building;
 - the manner in which a building shall be boarded; and
 - the way property shall be maintained and/or landscaped while boarded.

Amend Section 18.64 – Demolition

1. Purpose statement is changed to “promote responsible reuse of existing housing where practical and provide an orderly process for demolition”
 - 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 complete building permit is submitted
 - avoid the creation of vacant sites with minimal or no landscaping
2. Eliminates performance bond requirements
3. Eliminates landscaping requirements
4. Eliminates public notice requirements if there is a net loss of residential units caused by a demolition (finding of residential impact).
 - Instead Chapter 18.97 (mitigation of residential housing loss) would apply
5. Eliminates HAAB hearing process after a finding of residential impact (net loss of residential units)
6. Eliminates requirement to complete demolition work “diligently” or the bond may be forfeited
7. Move Emergency Demolitions section from 18.48-Dangerous Buildings to 18.64-Demolition
 - Includes process to notify property owner of emergency demolition
 - Includes committee that will meet to review emergency demolition request. Committee members include:
 - All HAAB members
 - Historic Landmark Commission staff person
 - City Council Member (*whose area the demolition is located*)
 - Chairperson of neighborhood council (*whose area the demolition is located*)
 - Outlines rules and procedures of emergency meeting
 - Appeal process to be heard by the Mayor or Mayor’s designee
 - Demolition process for Extreme Emergencies
 - Procedures for City to recoup costs from property owner for emergency demolitions

PUBLIC PROCESS: The proposal has been to an open house and to the Planning Commission in March of 2018. Public comment was very limited, but in favor of the changes.

EXHIBITS: None

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SALT LAKE CITY ORDINANCE

No. _____ of 201__

(Amending Section 2.21.030; Repealing Chapter 18.48 and Enacting Chapter 18.48, Articles I and II; Amending Chapter 18.64, Article I and Enacting Chapter 18.64, Article II)

An ordinance amending Section 2.21.030, repealing Chapter 18.48 and enacting Chapter 18.48, Articles I & II, and amending Chapter 18.64, Article I and enacting Chapter 18.64, Article II of the *Salt Lake City Code*; and

WHEREAS, it is proposed that Section 2.21.030 of the *Salt Lake City Code* relating to appeals, be amended to clarify the appeals authority of the Housing Advisory and Appeals Board;

WHEREAS, it is proposed that Chapters 18.48 and 18.64 of the *Salt Lake City Code* relating to dangerous buildings and demolition be amended to modify the requirements for boarding, abatement, and demolition of dangerous buildings and structures, adequately describe what constitutes a dangerous and/or boarded building, and what constitutes emergency demolition;

WHEREAS, the Salt Lake City Planning Commission held a public hearing on March 28, 2018 at which the planning commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council on said application; and

WHEREAS, after a public hearing on this matter, the city council has determined that adopting this ordinance is in the city's best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

LEGISLATIVE DRAFT

SECTION 1. Amending the Text of Salt Lake City Code Section 2.21.030. That Section 2.21.030, of the *Salt Lake City Code* (Administration and Personnel; Housing Advisory Appeals Board; 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, ~~e~~Chapter 5.14 and ~~†~~Title 18, ~~e~~Chapter 18.50 of this code;
- B. Hear and decide appeals as specified in ~~†~~Title 5, ~~e~~Chapter 5.14 and ~~†~~Title 18, ~~e~~Chapter 18.50 of this code;
- C. Modify the impact of specific provisions of ~~†~~Title 5, ~~e~~Chapter 5.14 and ~~†~~Title 18, ~~e~~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 impact hearings pursuant to ~~†~~Title 18, ~~e~~Chapter 18.64 of this code;
- E. Recommend new procedures to the building official and new ordinances regarding housing to the city council; and
- F. ~~Conduct abatement hearings pursuant to~~ Hear and decide appeals as specified in ~~†~~Title 18, ~~e~~Chapter 18.48 of this code.

SECTION 2. 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* (Buildings and Construction; Dangerous Buildings; Code Adoption and Administration) shall be and hereby is repealed in its entirety and replaced as follows:

~~Article I. Code Adoption And Administration~~

- ~~18.48.010: Uniform Code For The Abatement Of Dangerous Buildings Adopted~~
- ~~18.48.020: City Council As Governing Body~~
- ~~18.48.030: Housing Inspection Fees~~
- ~~18.48.060: Performance Of Abatement Work~~
- ~~18.48.070: Recovery Of Cost Of Repair Or Demolition~~

~~18.48.080: Public Nuisances; Administrative Review And Limitations~~

~~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.~~

~~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.~~

~~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.~~

~~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~~

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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,

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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.

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(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.

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

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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

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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

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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

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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.

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.~~

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 for the 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 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 Dangerous Building Code are cumulative and in addition to any other remedy provided by law.

18.48.030: DEFINITIONS:

- 435 A. BUILDING CODE: The International Building Code, or its successor, promulgated by
436 the International Code Council, as adopted by the state.
437
- 438 B. BOARDED BUILDING: A building in which accessible openings, such as windows and
439 doors, are secured by a secondary means against entry. Examples of securing a building
440 by a secondary means includes, but is not limited to, boarding and fencing.
441
- 442 C. DANGEROUS BUILDINGS: For the purpose of this Dangerous Building Code, any
443 building or structure that has any or all of the conditions or defects hereinafter described
444 may be deemed to be a dangerous building, provided that such conditions or defects exist
445 to the extent that the life, health, property, or safety of the public or its occupants are
446 endangered.
447
- 448 1. Whenever any door, aisle, passageway, stairway or other means of exit is not of
449 sufficient width or size or is not so arranged as to provide safe and adequate means of
450 exit in case of fire or panic.
451
- 452 2. Whenever the walking surface of any aisle, passageway, stairway or other means of
453 exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and
454 adequate means of exit in case of fire or panic.
455
- 456 3. Whenever the stress in any materials, member or portion thereof, due to all dead and
457 live loads, is more than one and one half times the working stress or stresses allowed
458 in the Building Code for new buildings of similar structure, purpose or location.
459
- 460 4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or
461 by any other cause, to such an extent that the structural strength or stability thereof is
462 materially less than it was before such catastrophe and is less than the minimum
463 requirements of the Building Code for new buildings of similar structure, purpose, or
464 location.
465
- 466 5. Whenever any portion or member or appurtenance thereof is likely to fail, or to
467 become detached or dislodged, or to collapse and thereby injure persons or damage
468 property.
469
- 470 6. Whenever any portion of a building, or any member, appurtenance, or ornamentation
471 on the exterior thereof is not of sufficient strength or stability, or is not so anchored,
472 attached, or fastened in place so as to be capable of resisting a wind pressure of one
473 half of that specified in the Building Code for new buildings of similar structure,
474 purpose or location without exceeding the working stresses permitted in the Building
475 Code for such buildings.
476
- 477 7. Whenever any portion of a building or structure has wracked, warped, buckled, or
478 settled to such an extent that walls or other structural portions have materially less
479 resistance to winds or earthquakes than is required in the case of similar new
480 construction.

- 481
482 8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation,
483 deterioration or decay; (ii) faulty construction; (iii) the removal, movement or
484 instability of any portion of the ground necessary for the purpose of supporting such
485 building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other
486 cause, is likely to partially or completely collapse.
487
488 9. Whenever, for any reason, the building or structure, or any portion thereof, is
489 manifestly unsafe for the purpose for which it is being used.
490
491 10. Whenever the exterior walls or other vertical structural members list, lean, or buckle
492 to such an extent that a plumb line passing through the center of gravity does not fall
493 inside the middle one third of the base.
494
495 11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or
496 more damage or deterioration of its supporting member or members, or 50 percent
497 damage or deterioration of its non-supporting members, enclosing or outside walls or
498 coverings.
499
500 12. Whenever the building or structure has been so damaged by fire, wind, earthquake,
501 or flood, or has become so dilapidated or deteriorated as to become an attractive
502 nuisance to children or as to enable persons to resort thereto for the purpose of
503 committing unlawful acts.
504
505 13. Whenever any building or structure has been constructed, exists, or is maintained in
506 violation of any specific requirement or prohibition applicable to such building or
507 structure provided by the building regulations of this jurisdiction, as specified in the
508 Building Code or Housing Code, or of any law or ordinance of this state or
509 jurisdiction relating to the condition, location, or structure of buildings.
510
511 14. Whenever any building or structure which, whether or not erected in accordance
512 with all applicable laws and ordinances, has in any non-supporting part, member or
513 portion less than 50 percent, or in any supporting part, member or portion less than 66
514 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii)
515 weather-resisting qualities or characteristics required by law in the case of a newly
516 constructed building of like area, height and occupancy in the same location.
517
518 15. Whenever a building or structure, used or intended to be used for dwelling purposes,
519 because of inadequate maintenance, dilapidation, decay, damage, faulty construction
520 or arrangement, inadequate light, air or sanitation facilities, or otherwise, is
521 determined by the health officer to be unsanitary, unfit for human habitation, or in
522 such a condition that is likely to cause sickness or disease.
523
524 16. Whenever any building or structure, because of obsolescence, dilapidated condition,
525 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.

E. 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.

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

G. 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 Dangerous Building Code. The building official shall have the power to render interpretations of this Dangerous Building Code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Dangerous Building Code.

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

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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 the 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:

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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.

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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.

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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 Dangerous Building 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 and capricious or illegal. 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 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.

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.

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 E 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 3. 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* (Buildings and Construction; Dangerous Buildings; Temporary Securing of Buildings) shall be and hereby is repealed in its entirety and replaced as follows:

~~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.~~

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.

~~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.~~

~~18.48.120: BOARDING PERMIT REQUIRED:~~

~~It is unlawful to board a building except pursuant to a permit issued under this article.~~

~~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;~~

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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.~~

~~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.~~

~~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.~~

~~18.48.160: COMPLETION OF BOARDING:~~

~~Boarding must be completed within ten (10) days of the issuance of a permit.~~

~~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.~~

~~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.~~

~~18.48.185: POSTING OF BOARDED OR CLOSED TO OCCUPANCY BUILDINGS:~~

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

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.

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 article 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 article, 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.34.020K of this Code. In the event of a conflict between the provisions of this subsection and subsection 21A.34.020K 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.

18.48.210: ACTIONS DURING THE STAY:

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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.~~

~~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.~~

~~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.

18.48.240: LANDSCAPE MAINTENANCE:

Existing landscaping and lawn on the property shall be maintained in the manner otherwise required by law.

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.

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.

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.

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~~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.~~

~~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.~~

~~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.~~

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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.~~

~~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.~~

~~18.48.310: LEGAL ACTION AUTHORIZED:~~

~~The city may take appropriate legal action to collect all unpaid fees or bills provided by this article.~~

~~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.~~

~~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.~~

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 who voluntarily boards a building.

18.48.205: BOARDING PERMIT:

A. Permit Required: A permit is required to board a building. In the case where the city causes the boarding work to be done pursuant to Section 18.48.245, the city is not required to obtain a boarding permit.

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 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 up to amounts allowed by state law.

C. Failure to Obtain Permit: Boarding a building before obtaining a permit pursuant to this article shall result in a fine of up to twenty five percent (25%) of the 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 Chapters 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 hired by the city.

C. City's Recovery of Costs: The city shall bill the property owner:

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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 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.

SECTION 4. 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* (Buildings and Construction; Dangerous Buildings; Emergency Demolition) shall be and hereby is repealed in its entirety and moved to Chapter 18.64.

~~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.

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.

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.

LEGISLATIVE DRAFT

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.~~

18.48.360: 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.~~

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.~~

SECTION 5. Amending the Text of *Salt Lake City Code* Section 18.64. That Section

18.64, of the *Salt Lake City Code* (Buildings and Construction; Demolition) shall be amended to read as follows:

Article I. Demolition

18.64.005: PURPOSE AND INTENT:

18.64.010: PERMIT REQUIRED:

18.64.020: APPLICATION AND PERMIT:

18.64.030: FEES AND SIGNATURE, BOND:

18.64.040: ISSUANCE OF DEMOLITION PERMIT:

18.64.045: DEMOLITION BY NEGLECT:

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 ~~avoid~~ promote responsible re-use of existing housing stock where practical and provide an orderly process for demolition, where it is not practical or partial demolition, of buildings in a manner that disrupts the character and development pattern of established neighborhood and business areas cost efficient to rebuild/reuse. Accordingly, the council finds that it is in the public interest to

- ~~1. Require existing buildings to be maintained in a habitable condition~~ manner that does not constitute a public nuisance 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.

LEGISLATIVE DRAFT

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.~~

~~1. The form of the bond shall be approved by the city attorney or designee and may include any commercially reasonable method of bonding.~~

~~2. The building official may require adjustment of bond amount if the scope of work changes after demolition work has begun.~~

~~3. If the applicant fails to comply with provisions of the demolition permit and the city has any unreimbursed cost resulting from such failure, the building official or designee may call on the bond for reimbursement. After such cost has been finally determined, if the amount of the bond exceeds such cost, the remainder shall be released to the applicant. If the amount of the bond is less than the cost incurred by the city, the applicant shall be liable to the city for the difference in cost.~~

~~4. The bond shall remain in place until all required work is complete, final inspection has been approved, and a building permit for new construction on the subject property has been approved by the city.~~

18.64.040: ISSUANCE OF DEMOLITION PERMIT:

~~A. Except as otherwise provided in subsection D of this section, a~~ A ~~demolition permit shall may be issued only upon compliance with subsection B of this section, if applicable, and if:~~

~~1. A complete building permit completion of an application for a use replacing the demolished building or structure has been submitted to the building services and licensing division; or~~

~~2. The~~ in accordance with Section 18.64.020 herein; or the ~~chief building official or fire marshal orders immediate demolition:~~

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1. Due to an emergency as provided in ~~chapter 18.48 of~~ 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 ~~section~~ this code or Section 76-10-801 et seq., Utah Code Annotated or its successor.

~~4. a.~~ B. The chief building official or ~~F~~Marshal may request that an administrative committee, appointed by the ~~M~~Mayor, render an opinion regarding whether a particular building or structure should be demolished pursuant to the provisions of ~~s~~Subsection A2B1 or A3B2 of this section.

~~b.~~ 1. 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.

~~c.~~ 2. If after considering the factual and legal information provided, the committee recommends the building or structure should be demolished, the chief building official or ~~F~~Marshal, as the case may be, shall consider such information in determining whether to authorize demolition.

~~B. Except as provided in subsection B1 of this section, unless a building permit has been issued for one or more new buildings or structures located on the same site as the demolished building or structure, within thirty (30) days after demolition is completed, landscaping shall be installed on the property according to the standards set forth in subsection 21A.48.100D2 of this Code.~~

~~1. A bond for landscaping shall not be required when a single family dwelling is demolished and will be replaced by a new single family dwelling.~~

~~2. This subsection B shall apply regardless of the zoning district in which the subject property is located and any contrary provision in title 21A of this Code.~~

~~3. Timely and proper installation and maintenance of landscaping shall be assured by a bond filed with the City as provided in section 18.64.030D of this chapter.~~

~~4. Required landscaping shall remain in place and shall be maintained until new construction is commenced on the subject property and may be removed to facilitate such construction. Thereafter, replacement landscaping shall be installed as may be required by this Code.~~

LEGISLATIVE DRAFT

5. ~~A park strip abutting the subject property shall be maintained as provided in section 21A.48.060 of this Code or its successor.~~

6. ~~Notwithstanding the thirty (30) day requirement in this subsection B, installation of landscaping may be delayed due to weather conditions so long as landscaping is completed within six (6) months after demolition and the property owner escrows funds sufficient to assure installation of landscaping as determined by the Building Services and Licensing Division.~~

C. 1. ~~Except as otherwise provided in section 18.64.050 of this chapter, if one or more dwelling units located in a residential zone, whether or not occupied, will be removed under a demolition permit, a housing mitigation plan shall be prepared as required in chapter 18.97 of this title prior to issuance of the permit.~~

2. ~~If proposed demolition involves a landmark site, a contributing principal building; structure, or a structure located in a the H Hhistoric Ppreservation Ooverlay Ddistrict, 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.~~

D. 1. ~~Notwithstanding contrary provisions of this section, a demolition permit for a building or structure may be issued if the Community Development Director certifies that the land on which the building or structure is located:~~

a. ~~Is subject to a Master Plan that envisions redevelopment of the land unless removal of the building or structure is inconsistent with the Master Plan;~~

b. ~~Is being assembled for redevelopment purposes; and~~

c. ~~Is part of a larger area being joined to create one or more larger parcels of developable land in order to implement the Master Plan.~~

2. ~~If a building permit for new construction is not issued within eighteen (18) months after demolition occurs pursuant to subsection D1 of this section, landscaping shall be installed as provided in subsection B of this section.~~

18.64.045: DEMOLITION BY NEGLECT:

A. ~~Except as otherwise provided in subsection B of this section, a property owner shall not neglect a building or structure to the point that the building or structure fails to substantially conform to applicable standards of the state construction code and sections 18.50.140 to 18.50.230 of this title.~~

B. 1. ~~The owner of a boarded building shall maintain the exterior of the building as provided in sSection 18.48.2505, "Exterior Maintenance", of this title or its successor.~~

- ~~2. The interior of a boarded building shall not be subject to the provisions of subsection A of this section but shall be maintained as provided in section 18.48.250 of this title.~~

18.64.050: RESIDENTIAL DEMOLITION PROVISIONS:

- A. Except as provided in sSubsection 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 this section ~~18.64.045 of this chapter or chapter 18.48 of this title or their its~~ successors.
 - b. Notwithstanding sSubsection B3a of this section, housing which is demolished for health or safety reasons, which is the result of neglect pursuant to sSection 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 sSubsection 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 sSubsection 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 ~~mail written notice to follow the owners and residents of property located within six hundred feet (600') from procedures outlined in Chapter 18.97. Once the property line of fee is paid, the lot where the proposed demolition work will take place as shown on the last equalized property tax assessment roll. Notice shall also permit may be mailed to any affected community organization recognized pursuant to section 2.60.040 of this code. The notice shall specify:~~ issued immediately upon completion of the application process in Section 18.64.020.

- ~~1. The property proposed for demolition;~~
- ~~2. The proposed replacement use;~~
- ~~3. The proposed housing mitigation plan;~~
- ~~4. The basis for the finding of residential impact, and~~
- ~~5. The date and time of a hearing before the housing advisory and appeals board.~~

F.

- ~~1. To allow time for effective consideration by the notified parties, the hearing before the HAAB shall take place not less than thirty (30) days after the finding of residential impact issued by the building official and not more than sixty (60) days after the finding.~~
- ~~2. The HAAB shall take evidence from the applicant and all interested parties regarding:~~
 - ~~a. The effect of the proposed demolition and replacement use plan on:~~
 - ~~(1) The city's housing stock;~~
 - ~~(2) The city's employment and economic base;~~
 - ~~(3) The character of the neighborhood where the subject property is located;~~
 - ~~(4) The city's master plans for the area;~~
 - ~~(5) The city's adopted housing policy; and~~
 - ~~(6) Any other policy adopted by the city which applies to the subject property;~~
 - ~~b. The cost and economic practicality of repairing or remodeling the structure proposed for demolition to comply with zoning requirements and with building and housing codes; and~~
 - ~~c. The proposed method of housing mitigation, including the factual basis upon which the housing mitigation plan is premised and justified.~~
- ~~3. The HAAB may encourage an applicant to work with the city and interested parties to repair, remodel, preserve, or increase the city's housing stock.~~
- ~~4. The HAAB shall issue its decision not more than ten (10) days after the hearing.~~

G.

- ~~1. Notwithstanding the acceptability of a housing mitigation plan, the HAAB may order that a demolition permit not be issued for an additional period not to exceed six (6)~~

months to allow the city and interested parties time to make further attempts to preserve the housing stock if the HAAB finds:

a. ~~The proposed demolition and replacement use plan are likely to:~~

- ~~(1) Adversely impact the city's housing stock and character of the neighborhood;~~
- ~~and~~
- ~~(2) Such impact is not outweighed by any positive effects on the city's economic and employment base; and~~

b. ~~The structure proposed for demolition is economically practical to repair or remodel to comply with zoning requirements and building and housing codes.~~

2. ~~After any additional time period ordered by the HAAB has expired, the requested permit shall be immediately issued subject to compliance with the housing mitigation plan.~~

3. ~~If the HAAB does not make the findings required by this subsection G, the demolition permit shall be issued ten (10) days after the HAAB decision.~~

H.

1. ~~The applicant or any person or entity required to be notified of the demolition pursuant to subsection E of this section, if aggrieved by the HAAB decision, may appeal to the mayor by filing a written notice specifying the grounds for such an appeal within ten (10) days of the HAAB decision.~~

2. ~~Any other party identified in subsection H1 of this section may respond to the appeal in writing within ten (10) days of the appeal.~~

3. ~~The mayor or the mayor's designee shall consider the appeal on the written record and shall issue a decision within ten (10) days of the close of any written submissions. Such decision shall be based on the criteria set forth in subsection F of this section and may be appealed within ten (10) days to a court of competent jurisdiction.~~

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.—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 (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.

- ~~B. Once demolition has begun pursuant to a demolition permit, the permit holder shall diligently pursue completion of the work authorized thereunder. If such work is not diligently pursued the city may declare the bond required under subsection 18.64.030D of this chapter to be forfeited and may use the proceeds to finish demolition as provided in such section.~~

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 ~~d~~Division of ~~e~~Occupational and ~~p~~Professional ~~I~~Licensing in the Utah ~~d~~Department of ~~e~~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, ~~e~~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 ~~s~~Section 21A.20.010 et seq., of this code.

SECTION 6. Enacting the Text of Salt Lake City Code Section Chapter 18.64, Article

II. That Section 18.64, Article II, of 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 begin 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 community organization 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 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 obtain 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 notified but 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.

LEGISLATIVE DRAFT

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 18.64.160 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 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:

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.

SECTION 7. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 201__.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to the Mayor on _____.

LEGISLATIVE DRAFT

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Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CITY RECORDER

(SEAL)

Bill No. _____ of 201__.

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: _____

By: _____
Allison Parks, Assistant City Attorney

SALT LAKE CITY ORDINANCE

No. _____ of 201__

(Amending Section 2.21.030; Repealing Chapter 18.48 and Enacting Chapter 18.48, Articles I and II; Amending Chapter 18.64, Article I and Enacting Chapter 18.64, Article II)

An ordinance amending Section 2.21.030, repealing Chapter 18.48 and enacting Chapter 18.48, Articles I & II, and amending Chapter 18.64, Article I and enacting Chapter 18.64, Article II of the *Salt Lake City Code*; and

WHEREAS, it is proposed that Section 2.21.030 of the *Salt Lake City Code* relating to appeals, be amended to clarify the appeals authority of the Housing Advisory and Appeals Board;

WHEREAS, it is proposed that Chapters 18.48 and 18.64 of the *Salt Lake City Code* relating to dangerous buildings and demolition be amended to modify the requirements for boarding, abatement, and demolition of dangerous buildings and structures, adequately describe what constitutes a dangerous and/or boarded building, and what constitutes emergency demolition;

WHEREAS, the Salt Lake City Planning Commission held a public hearing on March 28, 2018 at which the planning commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council on said application; and

WHEREAS, after a public hearing on this matter, the city council has determined that adopting this ordinance is in the city's best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Text of *Salt Lake City Code* Section 2.21.030. That Section 2.21.030, of the *Salt Lake City Code* (Administration and Personnel; Housing Advisory Appeals Board; 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 impact hearings pursuant to Title 18, Chapter 18.64 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 2. 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* (Buildings and Construction; Dangerous Buildings; Code Adoption and Administration) shall be and hereby is repealed in its entirety and replaced as follows:

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 for the 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 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 Dangerous Building 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 state.
- 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 Dangerous Building Code, any building or structure that has any or all of the conditions or defects hereinafter described may 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 an attractive

nuisance to children or as to enable persons to resort thereto for the purpose of committing unlawful 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.
- E. 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.
- F. HOUSING CODE: The Salt Lake City Existing Residential Housing Ordinance as promulgated in Chapter 18.50 of the City Code.
- G. 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 Dangerous Building Code. The building official shall have the power to render interpretations of this Dangerous Building Code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Dangerous Building Code.
- B. Authority to Inspect: The building official or their designee is hereby authorized to make inspections and take such actions as may be required to enforce the provisions of this Dangerous Building 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 Dangerous Building 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 Dangerous Building 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 Dangerous Building 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 and 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 the 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 Dangerous Building 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 and capricious or illegal. 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 fines 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.
- 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.
- 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 E 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 3. 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* (Buildings and Construction; Dangerous Buildings; 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 who 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 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 up to amounts allowed by state law.
- C. Failure to Obtain Permit: Boarding a building before obtaining a permit pursuant to this article shall result in a fine of up to twenty five percent (25%) of the 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 Chapters 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 hired 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 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.

SECTION 4. 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* (Buildings and

Construction; Dangerous Buildings; Emergency Demolition) shall be and hereby is repealed in its entirety and moved to Chapter 18.64.

SECTION 5. Amending the Text of *Salt Lake City Code* Section 18.64. That Section 18.64, of the *Salt Lake City Code* (Buildings and Construction; Demolition) shall be amended to read as follows:

Article I. Demolition

18.64.005: PURPOSE AND INTENT:

18.64.010: PERMIT REQUIRED:

18.64.020: APPLICATION AND PERMIT:

18.64.030: FEES AND SIGNATURE:

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 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. Accordingly, the council finds that it is in the public interest to require existing buildings to be maintained in a manner that does not constitute a public nuisance until replaced by new construction, except as otherwise permitted by this code.

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:

- 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.

18.64.040: ISSUANCE OF DEMOLITION PERMIT:

- A. A demolition permit may be issued upon completion of an application in accordance with Section 18.64.020 herein; or 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 or its successor.
- B. 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 B1 or B2 of this section.
 - 1. 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.

2. 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.
- C. If proposed demolition involves a landmark site, a contributing structure, or a structure located in the H 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 NEGLECT:

The owner of a boarded building shall maintain the exterior of the building as provided in Section 18.48.235, “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 this section or its successors.
 - 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 Chapter 18.97. Once the fee is paid, the demolition permit may be issued immediately upon completion of the application process in Section 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 (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 6. Enacting the Text of *Salt Lake City Code* Section Chapter 18.64, Article

II. That Section 18.64, Article II, of 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 begin 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 community organization 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 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 obtain 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 notified but 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 18.64.160 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 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:

- 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.

SECTION 7. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 201__.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CITY RECORDER

(SEAL)

Bill No. _____ of 201__.
Published: _____.

APPROVED AS TO FORM Salt Lake City Attorney's Office Date: <u>Sep. 19, 2018</u> By: <u>[Signature]</u> Allison Parks, Assistant City Attorney
--

Erin Mendenhall
Mayor



DEPARTMENT of COMMUNITY
and NEIGHBORHOODS

Jennifer McGrath
Interim Director

CITY COUNCIL TRANSMITTAL


Jul 22, 2020 14:09 MDT

Lisa Shaffer, Chief Administrative Officer

Date Received: July 21, 2020

Date sent to Council: July 22, 2020

To: Salt Lake City Council

Date: 07/21/2020

Chris Wharton, Chair

From: Jennifer McGrath, Interim Director; Department of Community & Neighborhoods


Jennifer McGrath (Jul 21, 2020 12:10 MDT)

SUBJECT: Demolition/Dangerous/Boarded Buildings; Title 18.48, 18.64 & 2.21.030

STAFF CONTACT: Orion Goff CBO, Building Official Director- Building Services and Civil Enforcement; 801-535-6681, Orion.goff@slcgov.com

DOCUMENT TYPE: Ordinance

RECOMMENDATION: Adopt the proposed Text Amendment to the Current Ordinance(s)

BUDGET IMPACT: None

BACKGROUND/DISCUSSION:

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.

Perhaps the most impactful change was the added requirement for the replacement use to either be permitted, in the case of residential construction, or submitted with fees paid and bonding for landscaping for commercial construction. Both of these requirements were new to the ordinance and created additional complications for property owners interested in the re-use of their property.

Currently the 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 provided by a committee appointed by the Mayor or posting a bond for the cost of landscaping the site should the project not be commenced within 18 months of demolition. Processing, tracking and refunding these bonds was time consuming and problematic for Building Services Staff.

Recently, we have moved 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, have little or no possibility for rehabilitation and have created a disproportionate number of calls for service from the City Police and Fire Departments.

The changes proposed in this transmittal provide a streamlined process for demolition on commercial and residential properties. The requirements for either a permitted replacement use or a landscape plan and bond have been removed. In addition, there are better definitions of what constitutes a “boarded building”. The proposed ordinance is like the ordinance that predated the current ordinance, which was adopted in December of 2012.

Amend Section 2.21.030 HAAB Powers and Authority

- Hear and decide appeals from 18.48. This is a change from “Conduct Abatement Hearings”

Amend Section 18.48 - Dangerous Building Code

- Scope: Provide a just, equitable, and practicable method to require the repair, vacation, or temporary boarding of buildings and a means to remedy dangerous buildings.
- Goals/Intent:
 - Ensure accessibility by codifying applicable provisions of the most recent version of the Uniform Code for the Abatement of Dangerous Buildings.
 - Relocate the provisions related to emergency demolition of dangerous building to 18.64.
 - Authority to Enforce: Clarify that the building official/designee has the authority to enforce the provisions of the Code.
 - Make clear the procedures, action, and noticing upon the building official’s determination of a violation.
 - Clarify the City’s role and authority to abate a building that is declared dangerous and unsafe to occupy.
 - Establish a means for the City to recover costs of any abatement when such abatement work is done by the City.
 - Clarify the process(s) in which a property owner can appeal decisions of the building official and costs of abatement.
 - Improve language in the Code pertaining to:
 - the provisions for and permitting of any person ordered to board a building;
 - notification requirements;
 - the manner in which a building shall be boarded; and
 - the way property shall be maintained and/or landscaped while boarded.

Amend Section 18.64 – Demolition

1. Purpose statement is changed to “promote responsible reuse of existing housing where practical and provide an orderly process for demolition”
 - 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 complete building permit is submitted
 - avoid the creation of vacant sites with minimal or no landscaping
2. Eliminates performance bond requirements
3. Eliminates landscaping requirements
4. Eliminates public notice requirements if there is a net loss of residential units caused by a demolition (finding of residential impact).
 - Instead Chapter 18.97 (mitigation of residential housing loss) would apply
5. Eliminates HAAB hearing process after a finding of residential impact (net loss of residential units)
6. Eliminates requirement to complete demolition work “diligently” or the bond may be forfeited
7. Move Emergency Demolitions section from 18.48-Dangerous Buildings to 18.64-Demolition
 - Outlines rules and procedures of emergency meeting
 - Appeal process to be heard by the Mayor or Mayor’s designee
 - Demolition process for Extreme Emergencies
 - Procedures for City to recoup costs from property owner for emergency demolitions

PUBLIC PROCESS: The proposal has been to an open house and to the Planning Commission in March of 2018. Public comment was very limited, but in favor of the changes.

EXHIBITS: None

SALT LAKE CITY ORDINANCE

No. _____ of 2020

(Amending Section 2.21.030; Repealing Chapter 18.48 and Enacting Chapter 18.48, Articles I and II; Amending Chapter 18.64, Article I and Enacting Chapter 18.64, Article II)

An ordinance amending Section 2.21.030, repealing Chapter 18.48 and enacting Chapter 18.48, Articles I & II, and amending Chapter 18.64, Article I and enacting Chapter 18.64, Article II of the *Salt Lake City Code*; and

WHEREAS, it is proposed that Section 2.21.030 of the *Salt Lake City Code* relating to appeals, be amended to clarify the appeals authority of the Housing Advisory and Appeals Board;

WHEREAS, it is proposed that Chapters 18.48 and 18.64 of the *Salt Lake City Code* relating to dangerous buildings and demolition be amended to modify the requirements for boarding, abatement, and demolition of dangerous buildings and structures, adequately describe what constitutes a dangerous and/or boarded building, and what constitutes emergency demolition;

WHEREAS, the Salt Lake City Planning Commission held a public hearing on March 28, 2018 at which the planning commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council on said application; and

WHEREAS, after a public hearing on this matter, the city council has determined that adopting this ordinance is in the city's best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Text of *Salt Lake City Code* Section 2.21.030. That Section 2.21.030, of the *Salt Lake City Code* (Administration and Personnel: Housing Advisory Appeals Board: 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 impact hearings pursuant to Title 18, Chapter 18.64 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 2. 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* (Buildings and Construction: Dangerous Buildings: Code Adoption and Administration) shall be and hereby is repealed in its entirety and replaced as follows:

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 for the 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 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 Dangerous Building 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 state.
- 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 Dangerous Building Code, any building or structure that has any or all of the conditions or defects hereinafter described may 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 an attractive

nuisance to children or as to enable persons to resort thereto for the purpose of committing unlawful 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 Dangerous Building Code. The building official shall have the power to render interpretations of this Dangerous Building Code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Dangerous Building Code.
- B. Authority to Inspect: The building official or their designee is hereby authorized to make inspections and take such actions as may be required to enforce the provisions of this Dangerous Building 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 Dangerous Building 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 Dangerous Building 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 Dangerous Building 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 and 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; and
 - 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 Subsection 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 the property owner of record according to the records of the county recorder. Service shall be made in person or by certified or registered mail. 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 or proof of registered 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.....

Salt Lake City

- 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; and
 - 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, unless extraordinary circumstances are present. 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 Dangerous Building 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 and capricious or illegal. 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 the property owner does not comply 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 completed 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. A fines hearing

officer, appointed pursuant to Section 21A.06.090, shall preside at the hearing and consider the property owner's objection as set forth in Subsection F.

- F. **Objection Hearing:** At the hearing described in Subsection E, after the property owner presents the objection to the hearing officer, the fines 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.
- 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.
- 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 E 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 3. 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* (Buildings and Construction: Dangerous Buildings: 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 or entity who is ordered to board a building under Article I and any person or entity who voluntarily boards a building.

18.48.205: BOARDING PERMIT:

- A. Permit Required: A permit is required to board a building. In the case where the city causes the boarding work to be done pursuant to Section 18.48.245, the city is not required to obtain a boarding permit.
- 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 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 up to amounts allowed by state law.
- C. Failure to Obtain Permit: Boarding a building before obtaining a permit pursuant to this article shall result in a fine of up to twenty five percent (25%) of the 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 Chapters 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 hired 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 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.

SECTION 4. 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* (Buildings and Construction: Dangerous Buildings: Emergency Demolition) shall be and hereby is repealed in its entirety and moved to Chapter 18.64 as provided in Section 5 herein.

SECTION 5. Amending the Text of *Salt Lake City Code* Section 18.64. That Section 18.64, of the *Salt Lake City Code* (Buildings and Construction: Demolition) shall be amended to read as follows:

Article I. Demolition

18.64.005: PURPOSE AND INTENT:

18.64.010: PERMIT REQUIRED:

18.64.020: APPLICATION 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 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. Accordingly, the council finds that it is in the public interest to require existing buildings to be maintained in a manner that does not constitute a public nuisance until replaced by new construction, except as otherwise permitted by this code.

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:

- 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.

18.64.040: ISSUANCE OF DEMOLITION PERMIT:

- A. A demolition permit may be issued only upon completion of an application in accordance with Section 18.64.020 herein; or 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 or its successor.
- B. If proposed demolition involves a landmark site, a contributing structure, or a structure located in the H 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 NEGLECT:

The owner of a boarded building shall maintain the exterior of the building as provided in Section 18.48.255, "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 this section its successors.
 - b. Notwithstanding Subsection B.3.a 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 C.2 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 C.1 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 Chapter 18.97. Once the fee is paid, the demolition permit may be issued immediately upon completion of the application process in Section 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 (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 6. Enacting the Text of *Salt Lake City Code* Section Chapter 18.64, Article

II. That Section 18.64, Article II, of 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: EMERGENCY DEMOLITION:

If the chief building official declares an emergency, the notification and hearing provisions of section 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.

18.64.160: 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.

SECTION 7. Amending the Text of Salt Lake City Code Section 21A.06.090. That

Section 21A.06.090 of the *Salt Lake City Code* (Zoning: Decision Making Bodies and Officials:

Fines Hearing Officer) shall be amended to read as follows:

21A.06.090: FINES HEARING OFFICER:

- A. Creation: The position of fines hearing officer is created pursuant to the enabling authority granted by the Municipal Land Use, Development, and Management Act, Section 10-9a-701 of the Utah Code.
- B. Jurisdiction and Authority: The fines hearing officer shall have the powers and duties set forth in Chapter 21A.20 of this title and Subsections 18.48.100.E and 18.48.100.F.
- C. Qualifications: The fines hearing officer shall be appointed by the mayor with the advice and consent of the city council. The mayor may appoint more than one fines hearing officer, but only one fines hearing officer shall consider and decide upon any matter properly presented for fines hearing officer review pursuant to Chapter 21A.20 of this title or Subsections 18.48.100.E and 18.48.100.F as the case may be. The fines hearing officer may serve terms of four (4) years each, which may be renewed at the mayor's discretion. The fines hearing officer shall either be law trained or have significant experience with the requirements and operations of administrative hearing processes.
- D. Conflict of Interest: The fines hearing officer shall not participate in any appeal in which the fines hearing officer has a conflict of interest prohibited by Title 2, Chapter 2.44 of this code.
- E. Removal of The Fines Hearing Officer: The fines hearing officer may be removed by the mayor for violation of this title, any relevant policies and procedures or any relevant provision of state law following receipt by the mayor of a written complaint filed against the fines hearing officer. If requested by the fines hearing officer, the mayor shall provide the fines hearing officer with a public hearing conducted by a hearing officer appointed by the mayor.

SECTION 8. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2020.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CITY RECORDER

(SEAL)

Bill No. _____ of 2020.

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: July 20, 2020

By: *Paul Nielson*
Paul Nielson, Senior City Attorney






Demolition Dangerous Boarded Buildings Transmittal

Final Audit Report

2020-07-22

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