



Process for Dilapidated Properties – April 11, 2023

Current Ordinances

- The first step in investigating any dilapidated property is to determine which section of the City's Ordinances apply to the specific case.
 - Chapter 8, Article 5 of the City's Ordinances relates to Property Maintenance cases.
 - Chapter 8, Article 6 of the City's Ordinance relates to Demolition cases.

Chapter 8, Article 6 – Demolition Cases

- Section 8-81.1 paragraph e provides 11 conditions that a structure can meet to be to be declared an unsafe structure.
 - 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.

Chapter 8, Article 6 – Demolition Cases

- 2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress
- 3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged
- 4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

Chapter 8, Article 6 – Demolition Cases

- 5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- 6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy

Chapter 8, Article 6 – Demolition Cases

- 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, become a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act
- 8. 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 approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety

Chapter 8, Article 6 – Demolition Cases

- 9. A building or structure, used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- 10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health

Chapter 8, Article 6 – Demolition Cases

- 11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

Chapter 8, Article 6 – Demolition Cases

- Section 8-82 describes the first step in the demolition process which is the demolition hearing.
- The demolition hearing is held with Inspections and Code staff as the designated agent of the City Manager.
- Property owners are notified of the hearing by certified mail.
- The demolition hearing is the time for the owner to dispute that the building is eligible for demolition.

Chapter 8, Article 6 – Demolition Cases

- Section 8-83 defines when a structure is eligible for involuntary demolition or when it shall be repaired. Section 8-83 states “If the cost of such repair, alteration or improvement as would be necessary to make such buildings safe would be in excess of 50 percent of the then physical value of the building or structure as determined by the tax assessor's office, the order may require that the building or structure be demolished and removed unless such repair, alteration or improvements as are necessary to make the building or structure safe shall be made within the specified time period. If the person responsible fails to comply with the order, they may be cited for violation of this article, and the building official may cause such structure to be demolished and removed.

Chapter 8, Article 6 – Demolition Cases

- Demolition cases are brought forward for Council consideration based on length of time on the demolition list and the overall condition of the structure.

931 5th Avenue



931 5th Avenue

- Does 931 5th Avenue meet the definition of unsafe in accordance with section 8-81.1?
 - In my opinion, as the Building Official, this structure meets the conditions set forth in paragraphs 2, 3, 6, 7, 8 and 9 and therefore is unsafe.
- Will the costs to repair 931 5th Avenue exceed 50% of the value of the structure?
 - In my opinion, as the Building Official, yes, the repair costs will exceed 50% of the value of the structure. The current value of the structure according to the Tax Assessor is \$5,770.00

931 5th Avenue

- Since 931 5th Avenue meets the definition of unsafe and the costs to repair is greater than 50% of the value of the structure, it is eligible for demolition under our current ordinances.

Chapter 8, Article 5 – Property Maintenance

- Property Maintenance cases are for properties that have violations of the 2018 International Property Maintenance Code but do not rise to the level of a demolition case.
 - Either the cost to repair the damage is less than 50% of the structure and/or the structure does not qualify as unsafe in accordance with Section 81.1.
- Common Property Maintenance violations include rotten fascia board, broken windows, unsecured doors, leaking roofs, and similar issues.

Chapter 8, Article 5 – Property Maintenance

- Property Maintenance cases also include landlord/tenant issues.
- The property owner is notified of Property Maintenance violations by certified mail, by personal delivery, or by posting the violations on the property for a period of 24 hours.
- The notice includes a reasonable amount of time to repair the violations.
- If the violations are not repaired, additional enforcement actions can occur.

Questions?