

Issuance of order by building board of appeals

(a) Findings of board.

(1) No violation. If the board, by a majority vote, finds upon evidence presented at the public hearing that the building is not in violation of standards set out in section 3.03.005, the board shall order that the enforcement action cease; provided, however, that such order shall neither prevent the building official from instituting a new enforcement action for other violations the building official alleges have been determined to exist, nor shall such order prevent the building official from instituting a new enforcement action for the same violations if the building official later determines that the conditions as determined by the board have materially changed as to such violations.

(2) Violations may be repaired. If the board, by a majority vote, finds upon evidence presented at the public hearing that the building is in violation of standards set out in section 3.03.005, that such conditions can reasonably be remedied by repair within a reasonable time, and that the owner, lienholder, or mortgagee is financially able and is willing to conduct or cause such repairs to be made within a reasonable time, the board shall identify the specific violations found to exist, and order that the owner, mortgagee or lienholder repair such violations, and, if necessary to the public safety, vacate, secure, or relocate the occupants, at the cost of the owner, lienholders, or mortgagees, within such reasonable times as determined by the board to be appropriate, as provided herein.

(3) Violations, building must be demolished. If the board, by a majority vote, finds upon evidence presented at the public hearing that the building is in violation of standards set out in section 3.03.005, and that such conditions cannot reasonably be remedied by repair, or that neither the owner, the lienholder, nor the mortgagee are financially able or willing to conduct or cause such repairs to be made within a reasonable time, the board shall identify the specific violations found to exist, and order that the owner, mortgagee or lienholder remove or demolish the structure, and, if necessary to the public safety, vacate, secure, or relocate the occupants, at the cost of the owner, lienholders, or mortgagees, within such reasonable times as determined by the board to be appropriate, as provided herein, or order such other relief as is permitted by this section.

(b) Time allowed to complete work.

(1) Unless the owner, lienholder, or mortgagee establishes at the hearing that the work cannot reasonably be performed within thirty (30) days, the order shall require the owner, lienholder or mortgagee of the building to, within thirty (30) days, and the lienholder or mortgagee to within an additional thirty (30) days if the owner does not comply, take one or more of the following actions:

- (A) Vacate the building;
- (B) Secure the building from unauthorized entry;
- (C) Repair the violations; and/or
- (D) Remove or demolish the building.

(2) If the owner, lienholder, or mortgagee establishes at the hearing that the work cannot reasonably be performed within thirty (30) days and the board allows the owner, lienholder or mortgagee more than thirty (30) days to repair, remove or demolish the building, the board shall establish specific time schedules as the board determines are appropriate for the commencement and performance of the work and shall require the owner, lienholder or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed.

(3) The board may not allow the owner, lienholder or mortgagee more than ninety (90) days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder or mortgagee:

- (A) Submits a detailed plan and time schedule for the work at the hearing; and
- (B) Establishes at the hearing that the work cannot be reasonably completed within ninety (90) days because of the scope and complexity of the work.

(4) If the board allows the owner, lienholder or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove or demolish the building, the board shall require the owner, lienholder or mortgagee to regularly submit progress reports to the building official to demonstrate that the owner, lienholder or mortgagee has complied with the time schedules established for commencement and performance of the work.

The order may require that the owner, lienholder or mortgagee appear before the board or the building official:

(A) To demonstrate compliance with the time schedules; and

(B) If the owner, lienholder or mortgagee owns property, including structures and improvements on property, within the city's boundaries that exceeds one hundred thousand dollars (\$100,000.00), to post cash or a surety bond or letter of credit or third party guarantee to cover the cost of the work ordered by the board.

(c) Contents of order. The order of the board must contain at a minimum:

(1) An identification, which is not required to be a legal description, of the building and the property on which it is located;

(2) A description of each violation of minimum standards present at the building;

(3) A description of each of the ordered actions, including a statement that the owner may repair, if determined feasible by the board, or demolish or remove at his option; and

(4) A statement that the city will vacate, secure, remove or demolish the building or relocate the occupants of the building if the ordered action is not taken within the time allowed.