

CHAPTER 14. ABATEMENT OF DANGEROUS BUILDINGS

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4-14-1. "Uniform Code for the Abatement of Dangerous Buildings" Adopted.

(1) The "Uniform Code for the Abatement of Dangerous Buildings" (hereinafter "UCADB"), 1997 edition, published by the International Conference of Building Officials, is hereby adopted as a code of Tooele City, subject to the amendments and exceptions thereto set out in this Chapter. Each and all of the regulations, provisions, conditions and terms of the UCADB, subject to the amendments and exceptions thereto as set out in this Chapter, are hereby referred to, adopted, and made a part hereof as if fully set out herein.

(2) The purpose of this Chapter is to provide a just, equitable, and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants, may be required to be repaired, vacated, and/or demolished.

(3) The remedies declared in this Chapter are cumulative with and in addition to any other remedy provided by the uniform codes adopted by the City. (Ord. 2019-32, 12-04-2019) (Ord. 1998-42, 11-18-1998) (Ord. 1995-06, 05-19-1995) (Ord. 1994-20, 05-12-1994)

4-14-2. Definitions.

As used in the UCADB:

(1) "Legislative body" means the Tooele City Council unless specifically stated otherwise.

(2) "Director of public works" means the Building Official.

(3) "Clerk of this jurisdiction" means the City Recorder.

(4) "Treasurer of this jurisdiction" means the City Treasurer. (Ord. 2019-32, 12-04-2019) (Ord. 1994-20, 05-12-1994)

4-14-3. Repealed. (Ord. 1998-42, 11-18-1998). (Ord. 1994-20, 05-12-1994)

4-14-4. Appeals.

All references in the UCADB to the "board of appeals" shall be amended to reference the Administrative Hearing Officer under Chapter 1-28 of this Code. (Ord. 2019-32, 12-04-2019) (Ord. 1995-06, 05-19-1995) (Ord. 1994-20, 05-12-1994)

4-14-5. Appeal Procedures.

Procedures for the conduct of appeals shall be those set forth in Chapter 1-28 of this Code. (Ord. 2019-32, 12-04-2019) (Ord. 1995-06, 05-19-1995) (Ord. 1994-20, 05-12-1994)

4-14-6. Repair and Demolition Fund. (Repealed.)

(Ord. 2019-32, 12-04-2019) (Ord. 1995-06, 05-19-1995) (Ord. 1994-20, 05-12-1994)

4-14-7. Contest. (Repealed.)

(Ord. 2019-32, 12-04-2019) (Ord. 1995-06, 05-19-1995) (Ord. 1994-20, 05-12-1994)

4-14-8. Conditional Permit to Secure.

(1) An application for a conditional permit to secure a building for temporary nonoccupancy may be made by the owner of the building who has received from the building official a notice of deficiencies and order to repair or demolish pursuant to the UCADB. The application must be made within 30 days of service of the notice and order and must be accompanied with a declaration of intent concerning the plans, use, and anticipated disposition of the building, together with a specific date for the commencement of the work to be performed under the permit, as well as the permit fee. The issuance by the building official of a conditional permit to secure shall act as a temporary stay of the notice and order until the permit expires or is terminated or cancelled.

(2) Unless provided otherwise, securing authorized under a conditional permit to secure shall be commenced within seven days of its issuance. The permit will expire if the work is not completed within 15 days of its issuance. (Ord. 2019-32, 12-04-2019) (Ord. 1994-20, 05-12-1994)

4-14-9. Permit Expiration or Termination.

(1) Failure of the owner to pay required permit fees, obtain a permit, commence or complete work as ordered, or to correct securing deficiencies as required in this Chapter will result in the termination and cancellation of the conditional permit to secure. Notice of the expiration or termination shall be delivered personally or by certified mail and shall be effective five days thereafter unless any deficiencies are corrected and the building official reinstates this permit. The permit is not transferable and will terminate upon the

owner's transfer of the property.

(2) If a conditional permit to secure expires or terminates, the preexisting notice and order will be automatically reinstated. The building official may proceed for abatement of a building by repair, demolition, or securing of the building, with the abatement costs together with any unpaid permit fees to be charged to the owner or levied against the property pursuant to the UCADB.

(Ord. 2019-32, 12-04-2019) (Ord. 1994-20, 05-12-1994)

4-14-10. Effect of Recording.

The action of the building official in ordering the approval or denial of a conditional permit to secure shall be recorded against the property in the Tooele County recorder's office and shall constitute notice to the public, including future bona fide purchasers, that the building and property violate code requirements and are the subject of an outstanding notice and order for noncompliance which has temporarily been stayed pursuant to a nontransferable conditional permit to secure. A notice of expiration or cancellation shall also be recorded after expiration becomes final indicating the stay is vacated and the order is reinstated. Such findings shall specify that the permit is nontransferable and shall terminate upon any transfer of the owner's interest in the property.

(Ord. 2019-32, 12-04-2019) (Ord. 1994-20, 05-12-1994)

4-14-11. Permit Appeal.

(1) Any aggrieved property owner or other interested party may appeal the building official's decision regarding a conditional permit by filing an appeal to the Administrative Hearing Officer pursuant to Chapter 1-28 of this Code within 10 days of the decision being appealed.

(2) Any party which fails to appeal as provided herein shall be deemed to have waived such appeal right.

(Ord. 2019-32, 12-04-2019) (Ord. 1994-20, 05-12-1994)

4-14-12. Method of Securing Buildings.

All buildings to be temporarily secured shall be boarded as follows:

(1) All openings in the structure on the ground floor or easily accessible from the ground floor shall be secured either by erecting a single one-half-inch-thick layer of plywood sheathing covering over all exterior openings, overlapping the opening on every edge by no more than three inches, anchored along the edges by eight-penny or larger common nails or equivalent screws spaced no more than every six inches.

(2) 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 placed not more than 24 inches apart on center. The frame stud shall have the four-inch sides or

the wide dimension perpendicular to the face of the wall. Each side of the frame shall be covered with plywood sheathing of at least one-half inch thickness or equivalent lumber nailed over the opening by using eight-penny common nails or equivalent screws spaced no more than every six inches on the outside edges and no more than every twelve inches along intermediate stud supports.

(3) All coverings shall be painted the same color as the building or its trim. Whole glass areas above ground floor are acceptable so long as they remain intact, but if broken, they must be covered as provided in Subsections (1) or (2). 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 Subsections (1) or (2).

(Ord. 2019-32, 12-04-2019) (Ord. 1994-20, 05-12-1994)

4-14-13. Property Maintenance Responsibilities.

(1) Buildings and property under the purview of the UCADB shall be properly maintained and secured by their owner, who shall keep the property free from debris, litter, and weeds.

(2) The building official will cause a bimonthly inspection to insure such buildings remain properly secured and maintained. If the owner fails to timely obtain a conditional permit to secure, or comply to with any terms hereof, the owner shall receive a warning by telephone and also, if possible, a written confirmation of the warning from the building official. The owner shall commence action to correct the deficiency within five days of such notice or other appropriate time as designated by the building official, or the permit shall be cancelled by the building official.

(Ord. 2019-32, 12-04-2019) (Ord. 1994-20, 05-12-1994)

4-14-14. Recover of Fees and Costs.

(1) Chapter 9 of the UDBAC shall be replaced with this Section.

(2) Consistent with the provisions and procedures of U.C.A. 10-11-3 and -4, as amended, and after any established deadlines for the payment of abatement-related fees and costs have passed, the officer may file and record with the Tooele County Recorder and Treasurer a building abatement tax lien and an itemized statement of all such fees and costs.

(3) Upon full payment of all amounts owing under a building abatement tax lien, or upon the entry of an order from the Administrative Hearing Office or a Utah Court declaring the lien amount satisfied, the City shall file and record an appropriate notice of satisfaction and/or release of lien.

(4) The City may pursue all lawful means to recover all penalties, fees, and costs imposed or incurred pursuant to this Chapter.

(Ord. 2019-32, 12-04-2019)