

## ORDINANCE NO. 219

AN ORDINANCE PROVIDING FOR THE ABATEMENT OF BUILDING NUISANCES; AND REPEALING ORDINANCE NO. 137.

The Town of Canyon City ordains as follows:

Section 1. Definitions. For the purposes of this ordinance, the following mean:

Dangerous building.

(a) A structure that, for lack of proper repairs or because of age and dilapidated condition or of poorly installed electrical wiring or equipment, defective chimney, gas connection or heating apparatus, or for any other reason, is liable to cause fire, and which is situated or occupied in a manner that endangers other property or human life.

(b) A structure containing combustible or explosive materials or inflammable substances liable to cause fire or danger to the safety of the building, premises or to human life.

(c) A structure that is in a filthy or unsanitary condition liable to cause the spread of contagious or infectious disease.

(d) A structure in such a weak, dilapidated or deteriorated condition that it endangers a person or property because of the probability of partial or entire collapse.

Person. Every natural person, firm, partnership, association or corporation.

Section 2. Nuisance Declared. Every building found by the council to be a dangerous building is declared to be a public nuisance and may be abated by the procedures specified in this ordinance or by a suit for abatement brought by the city.

Section 3. Initial Action. When a city official determines that there is a dangerous building, the official shall report it to the council. The council shall, within a reasonable time, fix a time and place for a public hearing.

Section 4. Mailed Notice.

(1) The city recorder shall notify the owner of the building and, if not the same person, the owner of the

property on which the building is situated. The notice shall state:

- (a) That a hearing will be held concerning the nuisance character of the property; and
  - (b) The time and place of the hearing.
- (2) A copy of this notice shall be posted on the property.

Section 5. Published and Posted Notices. Ten days' notice of the hearing shall be published in a newspaper of general circulation in the city or by posting notices in three public places in the city.

Section 6. Hearing.

(1) At the hearing, the owner or other persons interested in the dangerous building shall have a right to be heard.

(2) The council may inspect the building and may consider the facts observed by it in determining if the building is dangerous.

(3) If the council determines that the building is dangerous, the council may by resolution:

- (a) Order the building to be abated; or
- (b) Order the building to be made safe and prescribe what must be done to make it safe.

Section 7. Council Orders; Notice. Five days' notice of the council's findings and any orders made by the council shall be given to the owner of the building, the owner's agent or other person controlling it. If the orders are not obeyed and the building not made safe within the time specified by the order (being not less than five days), the council may order the building demolished or made safe at the expense of the property on which it is situated.

Section 8. Abatement by the City. If the council orders are not complied with, the council may:

- (1) Specify the work to be done;
- (2) File a statement with the recorder; and
- (3) Unless exempted by state law or ordinance, advertise for bids for doing the work, receive the bids, and let the contract. As an alternative, the council may direct city forces to carry out the work.

Section 9. Assessment.

(1) The council shall determine the probable cost of the work and assess the cost against the property upon which the building is situated. The assessment shall be

declared by resolution, and it shall be entered in the docket of city liens and become a lien against the property.

(2) The creation of the lien and the collection and enforcement of the cost shall be performed in substantially the same manner as assessments for street improvements.

Section 10. Summary Abatement. The procedures of this ordinance need not be followed if a building is unmistakably dangerous and imminently endangers human life or property. In this instance, the chief of the fire department, the fire marshal or the chief of police may summarily demolish the building.

Section 11. Errors in Procedure. Failure to conform to the requirements of this ordinance that does not substantially affect a legal right of a person does not invalidate a proceeding under this ordinance.

Section 12. Repeal. Ordinance No. 137, relating to dangerous buildings, enacted in 1960, is repealed.

Section 13. Penalty. A person who owns or is in possession of or is in charge of a dangerous building, and who allows the building to remain dangerous for as long as 10 days after receipt of the notice specified in section 7, may be fined not more than \$500. Each day following the 10th day after receipt of notice that a violation of this ordinance continues shall be considered a separate offense.

Passed by the council and approved by the mayor October 22, 1986.