

Code Enforcement - Non-Residential Buildings Procedure

Step 1. Preliminary Findings

It shall be the duty of the Code Enforcement Officer (CEO) to examine non-residential structures located in the Town and its environs where conditions described herein exist for the purpose of locating and taking action with respect to such structures as appear to be a health or safety hazard. The building or structure is in a condition that appears to meet one or more of the following conditions: (1) Constitutes a fire and safety hazard; (2) Is dangerous to life, health, or other property; (3) Is likely to cause or contribute to blight, disease, vagrancy or danger to children; or (4) Has a tendency to attract person/s intent on criminal activities or other activities which would constitute a public nuisance.

Step 2. Code Enforcement Officer Issues Notice of Violation/Hearing

If the inspection discloses health or safety hazards as described in this article, the official shall affix a notice of unsafe character in a conspicuous place on the exterior wall of the structure giving notice of its unsafe or dangerous conditions. Complaint will also contain a notice that a hearing will be held before the CEO not less than 10 days and no more than 30 days from mailing/posting the complaint.

Step 3. Code Enforcement Officer Holds Hearing

The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person or otherwise, and give testimony at the place and time fixed in the complaint. Any person desiring to do so may attend the hearing and give evidence relevant to the matter being heard.

Step 4. Decision

After such hearing, if the official finds that a structure constitutes a health or safety hazard, the code enforcement officer shall state in writing the findings of fact in support of such determination. In such case, the official shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, close, vacate or demolish the structure as necessary to correct the health or safety hazard within a specified period of time.

Owner Options for Appeal

Owner Appeal

An appeal from any decision or order of the code enforcement officer may be taken by any person who is the subject of the decision or order. Any appeal from the official shall be taken within ten days from the rendering of the decision or notice of the order, and shall be taken by filing a notice of appeal with the planning department which shall specify the grounds upon which the appeal is based. The board of adjustment shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the official, but the concurring vote of four members of the board shall be necessary to reverse or modify any decision or order of the official.

Step 5. Owner Action/Inaction

If the owner fails to comply with an order of the official to repair, secure and close, vacate or demolish, the official shall take one (1) or more of the following actions as necessary:

- (a) Secure the issuance of a warrant charging such owner with violation of this article;
- (b) Secure and close said structure;
- (c) Cause such structure to be repaired, altered or improved; or
- (d) Cause such structure to be demolished.

Step 6. Town Action
City Council Adopts an Ordinance that States the Building will be Repaired or Demolished within 90 Days.

Building is repaired or demolished by the Town and a Lien placed against the Real Property.