



CITY COUNCIL TRANSMITTAL

  
Patrick Leary, Chief of Staff

Date Received: October 26, 2018  
Date sent to Council: October 29, 2018

TO: Salt Lake City Council  
Erin Mendenhall, Chair

DATE: October 26, 2018

FROM: Mike Reberg, Director Department of Community & Neighborhoods

  
SUBJECT: Demolition/Dangerous/Boarded Buildings Title 18.48, 18.64 & 2.21.030

STAFF CONTACT: Orion Goff CBO, Building Official Director - Building Services and  
Civil Enforcement, 801-535-6681, [orion.goff@slcgov.com](mailto:orion.goff@slcgov.com)

DOCUMENT TYPE: Ordinance

RECOMMENDATION: Adopt the proposed Text Amendment to the Current Ordinance(s)

BUDGET IMPACT: None

BACKGROUND/DISCUSSION:

In December of 2012, significant changes were made to the ordinance regulating the obtaining of demolition permits and the process for documenting and maintaining boarded buildings throughout the city. The passing of the new ordinance was a culmination of nearly four years of intense discussion and study by the Administration, City Council and Council Staff.

Perhaps the most impactful change was the added requirement for the replacement use to either be permitted, in the case of residential construction, or submitted with fees paid and bonding for landscape, for commercial construction. Both of these requirements were new to the ordinance and created additional complications for property owners interested in re-use of their property.

Currently, the ordinance requires an approved replacement use to be submitted for review with plan review fees paid prior to issuance of the demolition permit. For residential demolition, the permit for the replacement use must actually be issued prior to the City issuing a demolition permit. The only redress from these requirements was a nuisance abatement process provided by

a committee appointed by the Mayor, or posting a bond for the cost of landscaping the site should the project not be commenced within 18 months of demolition. Processing, tracking and refunding these bonds was time consuming and problematic for Building Services Staff.

Recently, we have moved several structures through a nuisance abatement process that has been very popular. This process allows demolition after approval by a committee appointed by the Mayor. Specifically, this is intended to expedite demolition for buildings that have been boarded for over two years, have little or no possibility for rehabilitation and have created a disproportionate number of calls for service from the City Police and Fire Departments.

The changes proposed in this transmittal provide a streamlined process for demolition on commercial and residential properties. The requirements for either a permitted replacement use or a landscape plan and bond have been removed. In addition, there are better definitions of what constitutes a “boarded building”. The proposed ordinance is like the ordinance that predated the current ordinance, which was adopted in December of 2012.

#### **Amend Section 2.21.030 HAAB Powers and Authority**

- Hear and decide appeals from 18.48. This is a change from “Conduct Abatement Hearings”

#### **Amend Section 18.48 - Dangerous Building Code**

- Scope: Provide a just, equitable, and practicable method to require the repair, vacation, or temporary boarding of buildings and a means to remedy *dangerous buildings*.
- Goals/Intent:
  - Ensure accessibility by codifying applicable provisions of the most recent version of the Uniform Code for the Abatement of Dangerous Buildings.
  - Relocate the provisions related to emergency demolition of dangerous building to 18.64.
  - Authority to Enforce: Clarify that the building official/designee has the authority to enforce the provisions of the Code.
  - Make clear the procedures, action, and noticing upon the building official’s determination of a violation.
  - Clarify the City’s role and authority to abate a building that is declared dangerous and unsafe to occupy.
  - Establish a means for the City to recover costs of any abatement when such abatement work is done by the City.
  - Clarify the process(s) in which a property owner can appeal decisions of the building official and costs of abatement.
  - Improve language in the Code pertaining to:
    - the provisions for and permitting of any person ordered to board a building;
    - the manner in which a building shall be boarded; and
    - the way property shall be maintained and/or landscaped while boarded.

## Amend Section 18.64 – Demolition

1. Purpose statement is changed to “promote responsible reuse of existing housing where practical and provide an orderly process for demolition”
  - It no longer cites the following purposes:
    - avoid demolition of buildings in a manner that disrupts the character of established neighborhoods
    - avoid demolition until a complete building permit is submitted
    - avoid the creation of vacant sites with minimal or no landscaping
2. Eliminates performance bond requirements
3. Eliminates landscaping requirements
4. Eliminates public notice requirements if there is a net loss of residential units caused by a demolition (finding of residential impact).
  - Instead Chapter 18.97 (mitigation of residential housing loss) would apply
5. Eliminates HAAB hearing process after a finding of residential impact (net loss of residential units)
6. Eliminates requirement to complete demolition work “diligently” or the bond may be forfeited
7. Move Emergency Demolitions section from 18.48-Dangerous Buildings to 18.64-Demolition
  - Includes process to notify property owner of emergency demolition
  - Includes committee that will meet to review emergency demolition request. Committee members include:
    - All HAAB members
    - Historic Landmark Commission staff person
    - City Council Member (*whose area the demolition is located*)
    - Chairperson of neighborhood council (*whose area the demolition is located*)
  - Outlines rules and procedures of emergency meeting
  - Appeal process to be heard by the Mayor or Mayor’s designee
  - Demolition process for Extreme Emergencies
  - Procedures for City to recoup costs from property owner for emergency demolitions

**PUBLIC PROCESS:** The proposal has been to an open house and to the Planning Commission in March of 2018. Public comment was very limited, but in favor of the changes.

**EXHIBITS:** None

LEGISLATIVE DRAFT

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 201\_\_

(Amending Section 2.21.030; Repealing Chapter 18.48 and Enacting Chapter 18.48, Articles I and II; Amending Chapter 18.64, Article I and Enacting Chapter 18.64, Article II)

An ordinance amending Section 2.21.030, repealing Chapter 18.48 and enacting Chapter 18.48, Articles I & II, and amending Chapter 18.64, Article I and enacting Chapter 18.64, Article II of the *Salt Lake City Code*; and

WHEREAS, it is proposed that Section 2.21.030 of the *Salt Lake City Code* relating to appeals, be amended to clarify the appeals authority of the Housing Advisory and Appeals Board;

WHEREAS, it is proposed that Chapters 18.48 and 18.64 of the *Salt Lake City Code* relating to dangerous buildings and demolition be amended to modify the requirements for boarding, abatement, and demolition of dangerous buildings and structures, adequately describe what constitutes a dangerous and/or boarded building, and what constitutes emergency demolition;

WHEREAS, the Salt Lake City Planning Commission held a public hearing on March 28, 2018 at which the planning commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council on said application; and

WHEREAS, after a public hearing on this matter, the city council has determined that adopting this ordinance is in the city's best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

**LEGISLATIVE DRAFT**

24 SECTION 1. Amending the Text of Salt Lake City Code Section 2.21.030. That Section  
25 2.21.030, of the *Salt Lake City Code* (Administration and Personnel; Housing Advisory Appeals  
26 Board; Powers and Authority) shall be amended to read as follows:

27 **2.21.030: POWERS AND AUTHORITY:**

28 HAAB shall have the power and authority to:

- 29 A. Apply the provisions of ~~†~~Title 5, ~~e~~Chapter 5.14 and ~~†~~Title 18, ~~e~~Chapter 18.50 of this  
30 code;  
31  
32 B. Hear and decide appeals as specified in ~~†~~Title 5, ~~e~~Chapter 5.14 and ~~†~~Title 18, ~~e~~Chapter  
33 18.50 of this code;  
34  
35 C. Modify the impact of specific provisions of ~~†~~Title 5, ~~e~~Chapter 5.14 and ~~†~~Title 18,  
36 ~~e~~Chapter 18.50 of this code, where strict compliance with the provisions is economically  
37 or structurally impracticable and any approved alternative substantially accomplishes the  
38 purpose and intent of the requirement deviated from;  
39  
40 D. Conduct housing impact hearings pursuant to ~~†~~Title 18, ~~e~~Chapter 18.64 of this code;  
41  
42 E. Recommend new procedures to the building official and new ordinances regarding  
43 housing to the city council; and  
44  
45 F. ~~Conduct abatement hearings pursuant to~~ Hear and decide appeals as specified in ~~†~~Title  
46 18, ~~e~~Chapter 18.48 of this code.  
47

48 SECTION 2. Repealing and Replacing the Text of Salt Lake City Code Chapter 18.48,  
49 Article I. That Chapter 18.48, Article I, of the *Salt Lake City Code* (Buildings and Construction;  
50 Dangerous Buildings; Code Adoption and Administration) shall be and hereby is repealed in its  
51 entirety and replaced as follows:

52 ~~**Article I. Code Adoption And Administration**~~

53 ~~**18.48.010: Uniform Code For The Abatement Of Dangerous Buildings Adopted**~~

54 ~~**18.48.020: City Council As Governing Body**~~

55 ~~**18.48.030: Housing Inspection Fees**~~

56 ~~**18.48.060: Performance Of Abatement Work**~~

57 ~~**18.48.070: Recovery Of Cost Of Repair Or Demolition**~~

58 ~~18.48.080: Public Nuisances; Administrative Review And Limitations~~

59 ~~18.48.010: UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS~~  
60 ~~BUILDINGS ADOPTED:~~

61  
62 The uniform code for the abatement of dangerous buildings, 1994 edition, hereinafter  
63 sometimes referred to as "UCADB", is adopted by Salt Lake City as the ordinances, rules  
64 and regulations of the city, subject to the amendments and exceptions thereto as set out in  
65 this chapter; three (3) copies of said code shall be filed for use and examination by the public  
66 in the office of the city recorder. The purpose of this code is to provide minimum  
67 requirements for the protection of life, limb, health, property, safety and welfare of the  
68 general public and the owners and occupants of buildings within the city, and providing for  
69 correction of violations thereof. Hereafter, all references in this code to the uniform code for  
70 the abatement of dangerous buildings, 1988 edition, adopted by this section, or its successor,  
71 are amended and deemed to read the uniform code for the abatement of dangerous buildings,  
72 1994 edition.

73 ~~18.48.020: CITY COUNCIL AS GOVERNING BODY:~~

74  
75 All references to a governing body in the uniform code for the abatement of dangerous  
76 buildings, 1994 edition, as adopted by section 18.48.010 of this chapter, or its successor, are  
77 amended to refer to the city council of Salt Lake City, hereinafter "city council", except as  
78 specifically amended.

79  
80 ~~18.48.030: HOUSING INSPECTION FEES:~~

81  
82 The fee shown on the Salt Lake City consolidated fee schedule for an existing single family  
83 dwelling housing unit inspection shall not exceed the amount shown on the Salt Lake City  
84 consolidated fee schedule. An additional fee shown on the Salt Lake City consolidated fee  
85 schedule shall be charged for every additional dwelling unit on the premises.

86  
87 ~~18.48.060: PERFORMANCE OF ABATEMENT WORK:~~

88  
89 Chapter 6 of the uniform code for the abatement of dangerous buildings, 1994 edition,  
90 relating to procedures for conduct of hearing appeals, shall be amended as follows:

91  
92 ~~PROCEDURES FOR CONDUCT OF~~  
93 ~~HEARING APPEALS-~~

94  
95 Section 601 UCADB. Hearing.

96 (a) ~~Petition For Hearing.~~ When any abatement work of repair or demolition is to be done  
97 or requested by the city pursuant to the enforcement provisions of this code, except in  
98 emergency situations, the building official shall petition the mayor to hold a hearing and  
99 order the property owner(s) to show cause why the city should not abate by repair or

**LEGISLATIVE DRAFT**

100 demolition a substandard or dangerous building or structure constituting a public  
101 nuisance.

102  
103 ~~Notwithstanding the provision of any other ordinance pertaining to hearings before the~~  
104 ~~mayor, said hearings may be held either before the mayor or the mayor may direct the~~  
105 ~~matter to be heard before a panel of hearing examiners of HAAB to conduct such~~  
106 ~~hearings to determine the facts and make recommendations and findings to the mayor.~~

107  
108 (b) ~~Panel Of Hearing Examiners. In the event the mayor may direct a panel of hearing~~  
109 ~~examiners from HAAB to act as hearing examiners in abatement proceedings, HAAB~~  
110 ~~shall select at least three individual members of its board to act as the panel of hearing~~  
111 ~~examiners and designate one as acting chairperson. The mayor or said panel of hearing~~  
112 ~~examiners shall have the power and authority to call, preside at, and conduct hearings to~~  
113 ~~consider whether or not structures are dangerous or substandard buildings under this code~~  
114 ~~constituting a public nuisance to be abated by the city by demolition or repair, including~~  
115 ~~the power to issue subpoenas, administer oaths, examine witnesses, receive evidence,~~  
116 ~~compel attendance of witnesses and/or the production of witnesses or evidence; and~~  
117 ~~based upon the evidence presented, prepare for the approval of the mayor, findings of~~  
118 ~~fact, conclusions of law and proposed orders for said board. Hearings shall be conducted~~  
119 ~~as provided in this code. The owner(s) shall have the right to appear at said hearing in~~  
120 ~~person or by counsel or both, present evidence and oral argument, cross-examine~~  
121 ~~witnesses, and in all proper ways defend the owner(s)' interest.~~

122  
123 (c) ~~Notice Of Abatement Hearing. Reasonable notice (not less than ten [10] days) of the~~  
124 ~~time and place of said hearing together with a petition for abatement setting forth the~~  
125 ~~nature of the complaint against the property sufficient to reasonably inform the owner(s)~~  
126 ~~and enable them to answer the charges of the complaint, shall be served upon the~~  
127 ~~owner(s) personally or by mailing a copy to the owner(s) at their last known address~~  
128 ~~appearing on the last assessment rolls for the property on file in the county assessor's~~  
129 ~~office.~~

130  
131 (d) ~~Action By Hearing Examiners. Within thirty (30) days of the conclusion of abatement~~  
132 ~~hearings held before HAAB's panel of hearing examiners as provided in (a) and (b)~~  
133 ~~above, said panel shall submit to the office of the mayor a report of written findings of~~  
134 ~~fact, conclusions, recommendations and proposed order based upon and supported by the~~  
135 ~~evidence presented at the hearing. A copy of such findings, conclusions,~~  
136 ~~recommendations and order shall be mailed or delivered to each party on the date they~~  
137 ~~are filed with the office of the mayor.~~

138  
139 (e) ~~Consideration Of Report. The office of the mayor shall fix a date, time and place to~~  
140 ~~consider the panel of hearing examiners' report and proposed recommendations. Notice~~  
141 ~~thereof shall be mailed to each party to the action not less than ten (10) days prior to the~~  
142 ~~date fixed unless otherwise stipulated by all parties.~~

143  
144 (f) ~~Exceptions To Report. Not later than two (2) days before the date set to consider said~~  
145 ~~report, any party may file with the city recorder two copies of written exceptions,~~

**LEGISLATIVE DRAFT**

146 proposed additional or alternative findings to any part or all of the hearing examiners'  
147 report and may attach thereto a proposed decision together with written argument in  
148 support of such decision. Such exception must also indicate whether or not the party  
149 desires to present oral argument, which may be heard only with the consent of the mayor  
150 and said argument shall be confined to the issues set forth in the written exceptions or as  
151 otherwise limited by the mayor.

152  
153 (g) ~~Disposition By The Mayor.~~ The mayor may adopt the report of findings as the basis  
154 for its action in the abatement proceedings, or upon filing its own statement of the legal  
155 or substantial basis in the record therefor, it may:

156 (i) ~~Reject all or any portion of the report's findings and remand the same back to the~~  
157 ~~same panel of hearing examiners for further hearing and findings on specific issues;~~

158  
159 (ii) ~~Disregard any portion of the report's findings and proceed to take action upon the~~  
160 ~~remainder of the findings;~~

161  
162 (iii) ~~Substitute alternative or additional findings of fact on the issues presented to the~~  
163 ~~examiners, if the substituted findings are supported by a preponderance of the~~  
164 ~~evidence in the record.~~

165 Upon remand of any portion of the panel's reported findings, the same panel of examiners  
166 shall conduct further hearing proceedings to the extent necessary to make findings on the  
167 issues remanded for further hearing. Upon remand, the panel of examiners shall prepare  
168 and submit its revised report and findings as provided in (d) above. Consideration of the  
169 revised report by the mayor shall comply with (e) — (g) above.

170  
171 (h) ~~Order Of The Mayor.~~ Upon disposition, the decision of the mayor shall be made in  
172 written order supported by findings of facts, which may be those submitted by the panel  
173 of hearing examiners if approved and adopted by said board or as the report may be  
174 modified, reversed or rejected by the mayor. A copy of the decision shall be mailed to  
175 parties in interest or their counsel. All orders entered by the mayor shall be final and shall  
176 be effective as of the date stated in such written order. Said order shall specify the  
177 manner in which the expense of any abatement work ordered shall be charged and  
178 collected from the owner(s) as an individual obligation, a special assessment, and/or as a  
179 certified property lien as provided below.

180 ~~Section 801 UCADB. Abatement Work.~~

181 (a) ~~Procedure To Accomplish Abatement Work.~~ Upon the order of the mayor to complete  
182 abatement work by demolition or repair, the building official shall cause the work to be  
183 accomplished by city personnel or by private parties under his direction. Plans,  
184 specifications, bidding proposals, etc. therefor, may be prepared by the building official  
185 or his designee, or said official may employ such appropriate professional assistance that  
186 he may deem reasonably necessary.



**LEGISLATIVE DRAFT**

188 (b) Expense To Be Charged To Owner. The expense of such work, including costs of  
189 professional assistance, shall be paid from the repair and demolition abatement fund and  
190 charged against the property and/or its owner(s), placed as a special assessment on city  
191 tax rolls, and/or certified directly to the county treasurer as a certified property tax lien,  
192 whichever the mayor shall determine is appropriate at the time the order is entered.

193 ~~Section 802 UCADB. Repair And Demolition Abatement Fund.~~

194 (a) Use Of Fund. The city council shall establish a special revolving fund to be  
195 designated as the repair and demolition abatement fund and shall oversee its  
196 administration. Recommendations to the mayor for the use of the fund may be made by  
197 HAAB. Upon the order of the mayor for the building official to proceed with abatement  
198 work, the building official may make demand for disbursements to be made out of said  
199 fund to defray costs and expenses which may be incurred by the city in doing or causing  
200 to be done the necessary abatement work as ordered.

201  
202 (b) Revolving Fund. The city council may, at any time, transfer to said repair and  
203 demolition abatement fund, out of any money in the city's general fund or such other  
204 sources that may be available, such sums as it may deem necessary in order to expedite  
205 the performance of abatement work. Such sums, though transferred to the fund, may be  
206 deemed a grant, or at the option of the city council, may be deemed a loan to said fund  
207 which may be repaid out of the proceeds of collection as hereinafter provided for. All  
208 funds collected under the proceedings hereinafter provided for, shall be paid to the city  
209 treasurer who shall credit the same to the repair and demolition abatement fund.

210  
211 **18.48.070: RECOVERY OF COST OF REPAIR OR DEMOLITION:**

212  
213 Chapter 9 of the uniform code for the abatement of dangerous buildings, 1994 edition, shall  
214 be amended to read as follows:

215  
216 **RECOVERY OF COST OF REPAIR OR DEMOLITION**

217  
218 ~~Section 901 UCADB. Account Of Expense And Filing Of Reports. Contents.~~

219 The building official shall keep an itemized account of expense incurred by the city in the  
220 abatement by work authorized by an order of the mayor under this code. Within ten days  
221 of the completion of the abatement work of demolition or repair as ordered by the mayor,  
222 said building official shall prepare and file with the city recorder a report specifying the  
223 work done, the itemized and total cost of the work to be reimbursed, a description of the  
224 real property upon which the building or structure is or was located, and the name and  
225 addresses of the property owner(s) joined as parties in the abatement proceeding or  
226 otherwise entitled to notice pursuant to this code.

227  
228 Concurrently, the building official shall file three copies of the account with the county  
229 treasurer and mail a fourth copy of the account to the named property owner(s)  
230 demanding payment within twenty days of the date of mailing by certified or registered

**LEGISLATIVE DRAFT**

231 mail to the last known address of the property owner, or the address shown on current  
232 property tax rolls.

233 ~~Section 903 UCADB. Protests And Objections. How Made.~~

234 Any property owner(s) or interested parties affected by the proposed charge who desire to  
235 protest the amount or method of collection, shall file a written protest or objection with  
236 the city recorder within twenty days of the date of the demand and mailing of the report.  
237 Each such protest or objection shall contain a description of the property involved and  
238 state the grounds of such protest or objection. The city recorder shall endorse on every  
239 such protest or objection the date it was received in the recorder's office and shall present  
240 such protest or objections to the office of the mayor to be set for hearing and no other  
241 protest or objection shall be considered. The office of the mayor shall fix a time, date,  
242 and place for hearing of said objection and shall cause the city recorder to prepare notice  
243 of said hearing to be posted upon the property involved, published once in a newspaper of  
244 general circulation in the city, and served by certified mail, postage prepaid, addressed to  
245 the owner(s) of the property at the address as it appears on the building official's report or  
246 on the address submitted on the protest. Such notice shall be given at least seven (7) days  
247 prior to the date set for hearing and shall specify the date, hour and place when the mayor  
248 will hear and pass upon the building official's report, together with the objections and  
249 protests that have been filed.

250 ~~Section 904 UCADB. Hearing Of Protest And Approval Of Report.~~

251 Upon the day and hour fixed for hearing, the mayor shall hear and pass upon the report of  
252 the building official together with objections made thereto. The mayor may make such  
253 revision, correction, or modification in the report or the charge as deemed just. When the  
254 mayor is satisfied with the correctness of the charge, the report (as submitted or as  
255 revised, corrected or modified) together with the charge shall be affirmed or rejected. The  
256 decision of the mayor on the report and the charge, and all protests, and objections  
257 thereto shall be final and conclusive.

258  
259 If no objections to the items of the report are so filed or made within twenty (20) days of  
260 the date of the mailing of such report by the building official, the city recorder shall so  
261 certify upon the report which shall be deemed to be approved by the mayor. In the event  
262 the abatement order of the mayor directed the charge to be certified to the county  
263 treasurer as a certified lien to be included upon the county tax rolls, the recorder shall  
264 send a copy of the approved report to the city treasurer and certify the same as a lien to  
265 the county treasurer and the board of county commissioners.

266 ~~Section 905 UCADB. Method Of Collection.~~

267 ~~(a) Selection Of Method: The mayor, in its order of abatement work as provided herein or~~  
268 ~~in its order as it may be modified upon a hearing and protest, may order that the charge of~~  
269 ~~any abatement work shall be made a personal obligation of the property owner, a special~~

LEGISLATIVE DRAFT

city assessment against the property involved, and/or be placed as a certified lien on the assessment rolls of the county.

(i) ~~Personal Obligation.~~ If the mayor orders that the charge to be made a personal obligation of the property owner, it shall direct the city attorney to collect the same on behalf of the city by use of all appropriate legal remedies.

(ii) ~~Special City Assessment.~~ If the mayor orders the charge to be assessed as a special city assessment against the property, it shall confirm the assessment and direct the city recorder to transmit the building official's report to the city treasurer to be recorded on the special assessment roll on the city tax rolls, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

(iii) ~~Certified lien against property to be collected with property taxes.~~ If the mayor orders abatement by demolition and orders the charge for such expense, in addition to being assessed as a special assessment against the property, to be certified to the county treasurer for placement upon its appropriate rolls to be collected by the county treasurer at the same time and in the same manner as general property taxes, then the city recorder at the expiration of demand period (twenty days from the date of the mailing of the itemized statement from the building official) if no objections are filed within said period, or upon the action of the mayor following the hearing of an objection or protest, shall submit the county treasurer's office a certification that the amount approved as a special assessment is to be placed as a certified lien against the property for the improvement of real property.

(b) ~~Action By County Treasurer Upon Certified Lien.~~ Upon the receipt of the itemized statement in triplicate from the building official, and the certification from the city recorder relating to the costs of abating such structure by demolition, the county treasurer shall forthwith mail one copy to the owner(s) of the land from which the same were removed, together with notice that objection in writing may be made within thirty days to the whole or any part of the statement so filed with the board of county commissioners. The county treasurer shall at the same time deliver a copy of the statement to the clerk of the board of county commissioners and the city recorder. If objections to any statement are filed with said County Commissioners within thirty days, the objections shall be set for hearing, giving notice thereof to the owner(s) of the property involved and the protestant, together with a copy thereof to the county treasurer, the building official and city attorney. The board of county commissioners, upon the hearing of the same, shall fix and determine the actual cost of abating said structures and report their findings to the county treasurer. If no objections to the statement so filed are made within thirty days of the date of the mailing of such itemized account by the county treasurer, said treasurer shall enter the amount of said statement upon the assessment rolls of the county in the column prepared for the proposed certified liens; and likewise, within ten days from the board of county commissioners' action upon objections filed, shall enter in the prepared column upon tax rolls the amount found by the board of county commissioners as the cost of such abatement work. If current tax notices have been mailed for the year, said certified lien may be carried over on the rolls of the county treasurer to the following

**LEGISLATIVE DRAFT**

314 year. After the entry by the county treasurer of the costs for such abatement work, the  
315 amount so entered shall have the force and effect of a valid judgment of the district court,  
316 and shall be a lien upon the property involved and shall be collected by the county  
317 treasurer at the time of the payment of general taxes. Upon payment thereof, receipt shall  
318 be acknowledged upon the general tax receipt issued by the county treasurer and the  
319 funds shall be reimbursed back to the city treasurer and credited to the repair and  
320 demolition abatement fund.

321 ~~Section 906 UCADB. Contest—Time Limitation.~~

322 ~~The validity of any assessment made under the provisions of this chapter shall not be~~  
323 ~~contested in any action or proceeding unless the same is commenced in a court of~~  
324 ~~competent jurisdiction within thirty days after the assessment is placed upon the~~  
325 ~~assessment rolls provided herein. An appeal from a final judgment in such action or~~  
326 ~~proceeding must be perfected within thirty days after the entry of such judgment.~~

327 ~~Section 907 UCADB. Authority Or Installment Payment Of Assessments With Interest.~~

328 ~~The mayor, in his/her discretion, may determine that assessments which are special~~  
329 ~~assessments on city tax rolls in amounts of \$500 or more, may be payable in not to~~  
330 ~~exceed five equal annual installments. The mayor's determination to allow such~~  
331 ~~assessments to be paid in installments, the number of installments, and whether they shall~~  
332 ~~bear interest and the rate thereof, shall be specified in the order of abatement, or any~~  
333 ~~order issued as a result of a protest or objection to the building official's report. Said~~  
334 ~~authority to allow installment payments of assessments with interest, shall only be~~  
335 ~~allowed on special assessments placed on the city tax rolls, and shall not apply to any~~  
336 ~~assessments which are directed to be placed as a certified tax lien on county tax rolls.~~

337 ~~Section 908 UCADB. Lien Of Assessment.~~

338 ~~(a) Priority. Immediately upon its being placed on the assessment rolls of either the city~~  
339 ~~treasurer's office or the county treasurer's office, the assessment shall be deemed to be~~  
340 ~~complete, the several amounts shall be payable, and the assessments shall be liens against~~  
341 ~~the lot or parcels of land assessed respectively. The liens shall be subordinate to all~~  
342 ~~existing special assessment liens previously imposed upon the same property, and shall~~  
343 ~~be paramount to all other liens, except for state, county and municipal taxes with which it~~  
344 ~~shall be upon a parity. The lien of the special assessment placed on the special tax~~  
345 ~~assessments of the city treasurer's office, shall continue until the assessment and all of the~~  
346 ~~interest due and payable thereon are paid. The lien of any special assessment certified and~~  
347 ~~placed upon the tax rolls of the county treasurer's office, shall continue until the~~  
348 ~~assessment and all interest due and payable thereon are paid or otherwise collected in the~~  
349 ~~same manner as general taxes or are sold pursuant to the general law and taxes.~~

350  
351 ~~(b) Interest. All such assessments appearing on the city treasurer's assessment rolls which~~  
352 ~~remain unpaid after thirty days from the date of recording on the assessment rolls, shall~~  
353 ~~become delinquent and shall bear interest at the rate of seven percent (7%) per annum~~

**LEGISLATIVE DRAFT**

354 ~~from and after said date. All such assessments which remain unpaid after the date of~~  
355 ~~recording on the assessment roll within the county treasurer's office, shall become~~  
356 ~~delinquent and shall bear interest as provided by the laws affecting the collection of~~  
357 ~~general taxes.~~

358 ~~Section 909 UCADB. Report To Assessor And Tax Collector; Addition To Assessment Of~~  
359 ~~City Tax.~~

360 ~~After confirmation of the building official's report, certified copies of the assessment~~  
361 ~~shall be given by the city recorder to the city assessor and the city treasurer, who shall~~  
362 ~~add the amount of the assessment as a special assessment to the next regular tax bill~~  
363 ~~levied against the parcel for municipal purposes. A certified copy of the assessment and~~  
364 ~~all assessments for the special assessments for charges made from the repair and~~  
365 ~~demolition abatement fund, may be filed by the city treasurer with the County Auditor on~~  
366 ~~or before August 10. The descriptions of the parcels reported shall be those used for the~~  
367 ~~same parcels on the County Assessor's map book for the current year.~~

368 ~~Section 911 UCADB. Collections Of Assessments; Penalties For Foreclosure.~~

369 ~~The amount of the special assessment shall be collected at the same time and in the same~~  
370 ~~manner as the ordinary municipal taxes are collected; and shall be subject to the same~~  
371 ~~penalties and procedure and sale in case of delinquency as provided for ordinary~~  
372 ~~municipal taxes. All laws applicable to the levy, collection and enforcement of municipal~~  
373 ~~taxes shall apply to such assessments which appear upon the rolls of the city assessor and~~  
374 ~~treasurer.~~

375  
376 ~~If the mayor has determined that the charge shall be placed as an assessment upon the~~  
377 ~~city tax rolls, and that said assessment shall be paid in installments, each installment and~~  
378 ~~any interest thereon shall be collected in the same manner as ordinary municipal taxes in~~  
379 ~~successive years. If any installment is delinquent, the amount thereof is subject to the~~  
380 ~~same penalties and procedure for collection as provided for ordinary municipal taxes.~~

381 ~~Section 912 UCADB. Repayment Of Repair And Demolition Fund.~~

382 ~~All money recovered by payment of the charge or assessment or from the sale of the~~  
383 ~~property at foreclosure sale shall be paid to the city treasurer who shall credit the same to~~  
384 ~~the repair and demolition abatement fund.~~

385  
386 **18.48.080: PUBLIC NUISANCES; ADMINISTRATIVE REVIEW AND**  
387 **LIMITATIONS:**

388 ~~A. Public Nuisance Structures: Any structure which has been boarded and/or vacant over~~  
389 ~~two (2) years is declared to be a public nuisance as detrimental to the safety and public~~  
390 ~~welfare of the residents and property values of this city.~~

391 B. ~~Administrative Review And Time Limitation: Any aggrieved property owner or other~~  
392 ~~interested party may seek review of HAAB's decision by filing a written petition for~~  
393 ~~review, together with advertising costs, requesting a public hearing before the office of~~  
394 ~~the mayor within thirty (30) days of HAAB's written decision. The petitioner shall be~~  
395 ~~responsible for all costs of advertising. On review, the office of the mayor shall determine~~  
396 ~~from the minutes whether or not HAAB's decision was reasonably related to the~~  
397 ~~information provided and, if so, shall sustain its action. Only if the office of the mayor~~  
398 ~~should find HAAB's decision to be unreasonable or arbitrary insofar as it is unsupported~~  
399 ~~by the facts and evidence presented in HAAB, shall it reverse or modify HAAB's~~  
400 ~~decision. Any party which fails to request a review as provided herein, shall be deemed to~~  
401 ~~have waived such review.~~

402 **Article I. Repair, Vacation, or Boarding of Dangerous Buildings**

403  
404 **18.48.010: Title:**

405 **18.48.020: Purpose and Scope:**

406 **18.48.030: Definitions:**

407 **18.48.040: Authority to Enforce:**

408 **18.48.050: Procedure Upon Determination of a Violation:**

409 **18.48.060: Notice to Vacate:**

410 **18.48.070: Extension of Time to Perform Work:**

411 **18.48.080: Appeals:**

412 **18.48.090: City's Abatement of Property:**

413 **18.48.100: Recovery of Costs:**

414 **18.48.110: Applicability of Building Code:**

415 **18.48.120: Public Nuisances:**

416  
417  
418 **18.48.010: TITLE:**

419  
420 This chapter and the provisions included herein constitute Salt Lake City's Dangerous  
421 Building Code, and will be referred to hereinafter as "the Dangerous Building Code" or "this  
422 Code." This Code is modeled after the Uniform Code for the Abatement of Dangerous  
423 Buildings, 1997 edition, and has only been adopted as stated herein.  
424

425 **18.48.020: PURPOSE AND SCOPE:**

426  
427 It is the purpose of the Dangerous Building Code to provide just, equitable, and practicable  
428 methods to require the repair, vacation, or temporary boarding of buildings or structures that  
429 endanger the life, limb, health, morals, property, safety, or welfare of the general public or  
430 their occupants. The provisions of this Dangerous Building Code are cumulative and in  
431 addition to any other remedy provided by law.  
432

433 **18.48.030: DEFINITIONS:**

## LEGISLATIVE DRAFT

- 435 A. BUILDING CODE: The International Building Code, or its successor, promulgated by  
436 the International Code Council, as adopted by the state.  
437
- 438 B. BOARDED BUILDING: A building in which accessible openings, such as windows and  
439 doors, are secured by a secondary means against entry. Examples of securing a building  
440 by a secondary means includes, but is not limited to, boarding and fencing.  
441
- 442 C. DANGEROUS BUILDINGS: For the purpose of this Dangerous Building Code, any  
443 building or structure that has any or all of the conditions or defects hereinafter described  
444 may be deemed to be a dangerous building, provided that such conditions or defects exist  
445 to the extent that the life, health, property, or safety of the public or its occupants are  
446 endangered.
- 447
- 448 1. Whenever any door, aisle, passageway, stairway or other means of exit is not of  
449 sufficient width or size or is not so arranged as to provide safe and adequate means of  
450 exit in case of fire or panic.  
451
- 452 2. Whenever the walking surface of any aisle, passageway, stairway or other means of  
453 exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and  
454 adequate means of exit in case of fire or panic.  
455
- 456 3. Whenever the stress in any materials, member or portion thereof, due to all dead and  
457 live loads, is more than one and one half times the working stress or stresses allowed  
458 in the Building Code for new buildings of similar structure, purpose or location.  
459
- 460 4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or  
461 by any other cause, to such an extent that the structural strength or stability thereof is  
462 materially less than it was before such catastrophe and is less than the minimum  
463 requirements of the Building Code for new buildings of similar structure, purpose, or  
464 location.  
465
- 466 5. Whenever any portion or member or appurtenance thereof is likely to fail, or to  
467 become detached or dislodged, or to collapse and thereby injure persons or damage  
468 property.  
469
- 470 6. Whenever any portion of a building, or any member, appurtenance, or ornamentation  
471 on the exterior thereof is not of sufficient strength or stability, or is not so anchored,  
472 attached, or fastened in place so as to be capable of resisting a wind pressure of one  
473 half of that specified in the Building Code for new buildings of similar structure,  
474 purpose or location without exceeding the working stresses permitted in the Building  
475 Code for such buildings.  
476
- 477 7. Whenever any portion of a building or structure has wracked, warped, buckled, or  
478 settled to such an extent that walls or other structural portions have materially less  
479 resistance to winds or earthquakes than is required in the case of similar new  
480 construction.

LEGISLATIVE DRAFT

- 481  
482 8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation,  
483 deterioration or decay; (ii) faulty construction; (iii) the removal, movement or  
484 instability of any portion of the ground necessary for the purpose of supporting such  
485 building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other  
486 cause, is likely to partially or completely collapse.  
487  
488 9. Whenever, for any reason, the building or structure, or any portion thereof, is  
489 manifestly unsafe for the purpose for which it is being used.  
490  
491 10. Whenever the exterior walls or other vertical structural members list, lean, or buckle  
492 to such an extent that a plumb line passing through the center of gravity does not fall  
493 inside the middle one third of the base.  
494  
495 11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or  
496 more damage or deterioration of its supporting member or members, or 50 percent  
497 damage or deterioration of its non-supporting members, enclosing or outside walls or  
498 coverings.  
499  
500 12. Whenever the building or structure has been so damaged by fire, wind, earthquake,  
501 or flood, or has become so dilapidated or deteriorated as to become an attractive  
502 nuisance to children or as to enable persons to resort thereto for the purpose of  
503 committing unlawful acts.  
504  
505 13. Whenever any building or structure has been constructed, exists, or is maintained in  
506 violation of any specific requirement or prohibition applicable to such building or  
507 structure provided by the building regulations of this jurisdiction, as specified in the  
508 Building Code or Housing Code, or of any law or ordinance of this state or  
509 jurisdiction relating to the condition, location, or structure of buildings.  
510  
511 14. Whenever any building or structure which, whether or not erected in accordance  
512 with all applicable laws and ordinances, has in any non-supporting part, member or  
513 portion less than 50 percent, or in any supporting part, member or portion less than 66  
514 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii)  
515 weather-resisting qualities or characteristics required by law in the case of a newly  
516 constructed building of like area, height and occupancy in the same location.  
517  
518 15. Whenever a building or structure, used or intended to be used for dwelling purposes,  
519 because of inadequate maintenance, dilapidation, decay, damage, faulty construction  
520 or arrangement, inadequate light, air or sanitation facilities, or otherwise, is  
521 determined by the health officer to be unsanitary, unfit for human habitation, or in  
522 such a condition that is likely to cause sickness or disease.  
523  
524 16. Whenever any building or structure, because of obsolescence, dilapidated condition,  
525 deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction,



**LEGISLATIVE DRAFT**

526 faulty electric wiring, gas connections or heating apparatus, or other cause, is  
527 determined by the fire marshal to be a fire hazard.

528  
529 17. Whenever any building or structure is in such a condition as to constitute a public  
530 nuisance known to the common law or in equity jurisprudence.

531  
532 18. Whenever any portion of a building or structure remains on a site after the  
533 demolition or destruction of the building or structure or whenever any building or  
534 structure is abandoned for a period in excess of six months so as to constitute such  
535 building or portion thereof an attractive nuisance or hazard to the public.

536  
537 E. DIVISION: Salt Lake City's Division of Building Services, or the successor Salt Lake  
538 City division authorized to perform the repair, vacation, or boarding of a building under  
539 this chapter.

540  
541 F. HOUSING CODE: The Salt Lake City Existing Residential Housing Ordinance as  
542 promulgated in Chapter 18.50 of the City Code.

543  
544 G. VACANT/SECURE BUILDING: An unoccupied building having all openings, such as  
545 windows and doors, secured against entry, where windows are fully glazed and the doors  
546 are secured by means of a lock.

547  
548 **18.48.040: AUTHORITY TO ENFORCE:**

549  
550 A. Authority to Enforce: The building official or designee is hereby authorized to enforce  
551 the provisions of this Dangerous Building Code. The building official shall have the  
552 power to render interpretations of this Dangerous Building Code and to adopt and enforce  
553 rules and supplemental regulations to clarify the application of its provisions. Such  
554 interpretations, rules, and regulations shall be in conformity with the intent and purpose  
555 of this Dangerous Building Code.

556  
557 B. Authority to Inspect: The building official or their designee is hereby authorized to make  
558 inspections and take such actions as may be required to enforce the provisions of this  
559 Dangerous Building Code.

560  
561 C. Buildings or Structures Subject to Inspection: Any building or structure, where there is  
562 reasonable cause to believe a condition exists that renders the building or structure in  
563 violation of the provisions of this code, is subject to inspection by the building official or  
564 their designee in the manner provided by this Dangerous Building Code.

565  
566 D. Inspection when Permit Required: All construction or work for which a permit is  
567 required is subject to inspection by the building official or their designee in accordance  
568 with and in the manner provided by this Dangerous Building Code.

569

570 E. Inspections: The building official or their designee may enter a building or structure at  
571 reasonable times to inspect or to perform the duties imposed by this Dangerous Building  
572 Code.

573  
574 1. If the building or structure is occupied, the building official or designee shall present  
575 credentials to the occupant and request entry;

576  
577 2. If the building or structure is unoccupied, the building official or their designee shall  
578 make reasonable efforts to locate the owner or other persons having charge or control  
579 of the building or premises and request entry;

580  
581 3. If entry is refused, the building official or their designee shall have recourse to the  
582 remedies provided by law to secure entry.

583  
584 **18.48.050: PROCEDURE UPON DETERMINATION OF A VIOLATION:**

585  
586 A. Initiation of Action: When the building official has inspected or caused to be inspected  
587 any building and has found and determined that such building is a dangerous building,  
588 the building official shall commence proceedings to cause the repair, vacation, or  
589 boarding of the building.

590  
591 B. Form of Notice and Order: The building official shall issue a written notice and order  
592 directed to the record owner of the building.

593  
594 1. The notice and order shall:

595  
596 a. Identify the property owner of record according to the records of the Salt Lake  
597 County Recorder.

598  
599 b. Describe the property and contain a statement that the building official has found  
600 the building to be dangerous with a brief and concise description of the conditions  
601 found to render the building dangerous under the provisions of this code.

602  
603 c. Require the property owner to take action as determined by the building official.

604  
605 i. If the building official has determined that the building or structure must be  
606 repaired or boarded, the order shall require that all required permits be secured  
607 and the work physically commenced within such time as the building official  
608 shall determine is reasonable under all of the circumstances, which time shall  
609 not be less than 10 days from the date after the day the notice is delivered in  
610 person or postmarked.

611  
612 ii. If the building official has determined that the building or structure must be  
613 vacated, the order shall require that the building or structure shall be vacated  
614 within a time certain from the date of the order as determined by the building

**LEGISLATIVE DRAFT**

official to be reasonable, which time shall not be less than 10 days from the date after the day the notice is delivered in person or postmarked.

d. A statement that, if any required repair work not also requiring the vacation of property is not commenced within the time specified in Section 18.48.050.B.1.c.i, the building official will order the building vacated and posted to prevent further occupancy until the work is completed and may proceed to cause the work to be done and recover the costs as set forth in Section 18.48.100.

e. A statement that (i) any person having any record title or legal interest in the building may appeal from the notice and order of the building official, except for an objection from an itemized statement of costs, to the Housing Advisory and Appeals Board as established in this chapter, provided the appeal is made in writing as provided in this code and filed with the building official within 30 days from the date of service of such notice and order; and (ii) failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

C. Service: The written notice and order, and any amended or supplemental notice and order, shall be served on the property owner of record according to the records of the county recorder. Service shall be made in person or by mail, postage prepaid, return receipt requested. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date the notice and order are postmarked.

D. Proof of Service: Proof of service of the notice and order shall be certified at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.

E. Recording of Certificate: If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. If the actions ordered are completed after filing of this certificate or the building is demolished so that it no longer exists as a dangerous building on the property, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

**18.48.060: NOTICE TO VACATE:**

**LEGISLATIVE DRAFT**

660 A. Form of Notice: Every notice to vacate shall, in addition to being served as provided in  
661 Section 18.48.050, be posted on the exterior of the building and shall be in substantially  
662 the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official

.....of.....

674 B. Compliance with Notice to Vacate: No person shall remain or enter any building which  
675 has been so posted, except that entry may be made to repair or board. No person shall  
676 remove or deface any such notice after it is posted.

677 **18.48.070: EXTENSION OF TIME TO PERFORM WORK:**

680 Upon a timely written request by the owner setting forth the requested reasons for an  
681 extension of time, the building official or designee may grant an extension of time, not to  
682 exceed 120 days from the deadline set forth in the original notice and order, within which to  
683 complete said repair, vacation, or boarding, if the building official determines that such an  
684 extension of time will not create or perpetuate a situation imminently dangerous to life or  
685 property. The building official's authority to extend time is limited to the physical repair,  
686 vacation, or boarding of the premises and will not in any way affect the time to appeal the  
687 notice and order.

688 **18.48.080: APPEALS:**

690 A. Hearing Appeals: Timely written appeals of notice and orders or any action of the  
691 building official, except for an objection from an itemized statement of costs, shall be  
692 heard and decided by the Housing Advisory and Appeals Board.

694 B. Form of Notice: Any person entitled to service under Section 18.48.050 may appeal from  
695 any notice and order or any action of the building official under this code by filing at the  
696 office of the building official a written appeal containing:

698 1. A heading containing the words: "Before the housing advisory and appeals board

699 \_\_\_\_\_"

701 2. A caption reading: "Appeal of \_\_\_\_\_," giving the names of all appellants  
702 participating in the appeal.

**LEGISLATIVE DRAFT**

- 705 3. A brief statement setting forth the legal interest of each of the appellants in the  
706 building or the land involved in the notice and order.
- 707
- 708 4. A brief statement in ordinary and concise language of the specific order or action  
709 protested, together with any material facts claimed to support the contentions of the  
710 appellant.
- 711
- 712 5. A brief statement in ordinary and concise language of the relief sought and the  
713 reasons why it is claimed the protested order or action should be reversed, modified  
714 or otherwise set aside.
- 715
- 716 6. The signatures of all parties named as appellants and their official mailing addresses.
- 717
- 718 7. The verification (by declaration under penalty of perjury) of at least one appellant as  
719 to the truth of the matters stated in the appeal.
- 720

721 C. Time to File an Appeal: The appeal must be filed within 30 days from the date of the  
722 issuance of the notice and order described herein, except as provided in Subsection D.

723

724 D. Time to File an Appeal for an Imminently Dangerous Building: If the building or  
725 structure is in such condition as to make it immediately dangerous to the life, limb,  
726 property or safety of the public or adjacent property and is ordered vacated and is posted  
727 in accordance with Section 18.48.060, such appeal shall be filed as soon as reasonably  
728 practical from the date of the issuance of the notice and order of the building official.

729

730 E. Transmittal of Appeal: Upon receipt of any appeal filed pursuant to this section, the  
731 building official shall transmit the appeal to the members of the Housing Advisory and  
732 Appeals Board for scheduling of a meeting within 30 days of receipt of a timely appeal.

733

734 F. Scheduling Hearing: As soon as practicable after receiving the written appeal, the  
735 Housing Advisory and Appeals board shall fix a date, time and place for the hearing of  
736 the appeal by the board. Such date shall not be less than 10 days nor more than 30 days  
737 from the date the appeal was filed with the building official. Written notice of the time  
738 and place of the hearing shall be given at least 10 days prior to the date of the hearing to  
739 each appellant by the secretary of the board either by causing a copy of such notice to be  
740 delivered to the appellant personally or by mailing a copy thereof, postage prepaid,  
741 addressed to the appellant at the address shown on the appeal.

742

743 G. Failure to Timely Appeal: Failure of any person to file a timely appeal in accordance  
744 with the provisions of this code shall constitute a waiver of the right to an administrative  
745 hearing and adjudication of the notice and order or any portion thereof.

746

747 H. Issues Considered on Appeal: Only those matters or issues specifically raised by the  
748 appellant shall be considered in the hearing of the appeal.

749

**LEGISLATIVE DRAFT**

750 I. Stays Pending Appeal: Except for vacation or boarding orders made pursuant to Section  
751 18.48.050, enforcement of any notice and order of the building official issued under this  
752 Dangerous Building Code shall be stayed during the pendency of an appeal therefrom  
753 which is properly and timely filed.

754  
755 J. Authority to Hear and Evaluate Appeal: The Housing Advisory and Appeals Board shall  
756 have the authority to hear and evaluate evidence related to the building official’s decision  
757 and determine whether the decision was arbitrary and capricious or illegal. The Housing  
758 Advisory and Appeals Board has no authority relative to interpretation of the  
759 administrative provisions of this code nor is the board empowered to waive requirements  
760 of this code. After the Housing Advisory and Appeals Board makes a final determination,  
761 they shall issue a written determination.

762  
763 K. Appeal to Utah District Court: After issuance of a final written determination by the  
764 Housing Advisory and Appeals Board, the decision may be appealed to the Utah District  
765 Court, Third Judicial District within 30 days from the issuance of the decision.

766  
767 **18.48.090: CITY’S ABATEMENT OF PROPERTY:**

768  
769 If compliance is not had with the order within the time specified in the notice and order and  
770 no appeal has been properly and timely filed, the building official or designees may cause the  
771 building to be repaired, vacated, or boarded to the extent necessary to correct the conditions  
772 which render the building dangerous as set forth in the notice and order. Any such repair,  
773 vacation, or boarding shall be accomplished and the cost thereof paid and recovered as set  
774 forth in this code.

775  
776 **18.48.100: RECOVERY OF COSTS:**

777  
778 A. Permitted Recovery of Costs: If the building official or designee causes the repair,  
779 vacation, or boarding of a building pursuant to a notice issued under Section 18.48.050,  
780 the division may collect the cost of that abatement, by filing a property tax lien, as set  
781 forth in this section.

782  
783 B. Itemized Statement of Costs: Upon completion of the repair, vacation, or boarding work,  
784 the building official or designee shall prepare an itemized statement of costs and mail it  
785 to the property owner by certified mail, demanding payment within thirty (30) days of the  
786 date the statement is post marked.

787  
788 C. Form of Itemized Statement of Costs: The itemized statement of costs shall:

789  
790 1. Include:

791  
792 a. the address of the property at issue;

793  
794 b. an itemized list of all expenses incurred by the division, including administrative  
795 costs;

LEGISLATIVE DRAFT

796  
797 c. a demand for payment; and

798  
799 d. the address where payment is to be made;

800  
801 2. Notify the property owner:

802  
803 a. that failure to timely pay the expenses described in the itemized statement may  
804 result in a lien on the property in accordance with this chapter and Utah Code  
805 Section 10-11-4 or its successor;

806  
807 b. that the property owner may file a written objection to all or part of the statement  
808 within twenty (20) days of the date the statement is postmarked; and

809  
810 c. where the property owner may file the objection, including the name of the office  
811 and the mailing address.

812  
813 D. Delivery of Statement of Costs: The itemized statement of costs described in Subsection  
814 C shall be deemed delivered when mailed by certified mail addressed to the last known  
815 address of the property owner, according to the records of the county recorder.

816  
817 E. Objection to Statement of Costs: If the property owner files a timely written objection,  
818 the division will schedule a hearing and will mail or deliver to the property owner prior to  
819 the hearing a notice stating the date, time, and location of the hearing.

820  
821 F. Objection Hearing: At the hearing described in Subsection E, after the property owner  
822 presents the objection to the hearing officer, the fines hearing officer shall review and  
823 determine the cost of abatement incurred by the division in abating the property,  
824 including administrative costs. The property owner must pay any amount the fines  
825 hearing officer determines is due and owing to the Salt Lake City Treasurer at the address  
826 provided in the statement of costs within thirty (30) days of the date of the hearing.

827  
828 G. Failure to Object or Pay: If the property owner fails to make payment of the amount set  
829 forth in the itemized statement within thirty (30) days of the date of the mailing of that  
830 statement, or to file a timely objection, then the division may certify the past due costs  
831 and expenses to the Salt Lake County Treasurer.

832  
833 H. Failure to Pay After Objection Hearing: If the property owner files a timely objection but  
834 fails to make payment of any amount found due and owing under Subsection F within  
835 thirty (30) days of the date of the hearing, the inspector may certify the past due costs and  
836 expense to the Salt Lake County Treasurer.

837  
838 I. Lien on Property: After entry by the treasurer of the county, as set forth in Subsections G  
839 and H, the amount entered shall have the force and effect of a valid judgment of the  
840 district court, is a lien on the property, and shall be collected by the treasurer of the  
841 county in which the property is located at the time of the payment of general taxes.

J. Release of Lien: Upon payment of the amount set forth in the itemized statement of costs or otherwise determined due and owing by the hearing officer in Subsections E and F, the judgment is satisfied, the lien is released from the property, and receipt shall be acknowledged upon the general tax receipt issued by the treasurer.

**18.48.110: APPLICABILITY OF BUILDING CODE:**

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of the International Building Code, or its successor section.

**18.48.120: PUBLIC NUISANCES:**

A. Declaration and Abatement of Public Nuisances: All buildings or structures or portions thereof which are determined after inspection by the building official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, vacation, or boarding in accordance with the procedures specified herein.

B. Boarded Building as Public Nuisance: Any structure which has been boarded for over two (2) years may be declared to be a public nuisance as detrimental to the safety and public welfare of the residents and property values of this city.

SECTION 3. Repealing and Replacing the Text of Salt Lake City Code Chapter 18.48,

Article II. That Chapter 18.48, Article II, of the *Salt Lake City Code* (Buildings and Construction; Dangerous Buildings; Temporary Securing of Buildings) shall be and hereby is repealed in its entirety and replaced as follows:

~~Article II Temporary Securing Of Buildings~~

~~Part 1. Boarding Process~~

~~18.48.090: Definitions~~

~~18.48.100: Notice And Order To Temporarily Secure~~

~~18.48.110: City Boarding Or Securing~~

~~18.48.120: Boarding Permit Required~~

~~18.48.130: Boarding Permit Application~~

~~18.48.140: Initial Fees~~

~~18.48.150: Separate Salvage Permit Required~~

~~18.48.160: Completion Of Boarding~~



**LEGISLATIVE DRAFT**

- 880 ~~18.48.170: Boarding Without Permit~~
- 881 ~~18.48.180: Yearly Fees~~
- 882 ~~18.48.185: Posting Of Boarded Or Closed To Occupancy Buildings~~

883 **18.48.090: DEFINITIONS:**

884  
885 ~~BOARDED BUILDING: A building in which all or some of the utilities have been~~  
886 ~~disconnected and all windows and doors are boarded against entry at the ground and second~~  
887 ~~level (if a second level exists). Entry doors may be locked or boarded and windows adjacent~~  
888 ~~to entry doors are boarded against entry.~~

889  
890 ~~BOARDING: The secured covering of openings to a building or structure to prevent entrance~~  
891 ~~pursuant to the provisions and standards of this article due to the nonoccupancy of the~~  
892 ~~building or structure.~~

893  
894 ~~CLOSED TO OCCUPANCY: A building in which no person may eat, sleep, live or~~  
895 ~~otherwise reside or occupy the building or any portion thereof. Buildings closed to~~  
896 ~~occupancy may only be entered by the owner, owner's agent or other authorized persons to~~  
897 ~~do repair work.~~

898  
899 ~~EMERGENCY CONDITIONS: One or more conditions which exist in a building or on a~~  
900 ~~property that create a likelihood of imminent danger to life or safety if anyone were to enter~~  
901 ~~or occupy the property or building.~~

902  
903 ~~UNBOARDED/UNSECURED BUILDING: A building whose window(s) and/or door(s) are~~  
904 ~~missing or broken and other openings are not secured against unauthorized persons entering~~  
905 ~~the building.~~

906  
907 ~~VACANT/SECURED BUILDING: A building having utility meters that may be locked off~~  
908 ~~but the meters and service lines are in place. All windows are secured and glazed and the~~  
909 ~~doors are secured by means of a lock.~~

910  
911 ~~**18.48.100: NOTICE AND ORDER TO TEMPORARILY SECURE:**~~

912 ~~A. If the director of housing and neighborhood development determines that a building~~  
913 ~~needs to be boarded, the director of housing and neighborhood development shall send a~~  
914 ~~notice by certified mail, return receipt requested, and regular mail, to the property owner~~  
915 ~~requiring the owner to board the building. The director of housing and neighborhood~~  
916 ~~development shall also, on the same day, post a notice on the property.~~

917 ~~B. If, due to the existence of emergency conditions, as identified by the director of housing~~  
918 ~~and neighborhood development, it is not possible or practical to give notice in advance,~~  
919 ~~the city may nevertheless board the building without giving prior notice to the owner or~~

**LEGISLATIVE DRAFT**

920 occupant, but the city shall provide all required notices immediately following the  
921 boarding of the building.

922 **~~18.48.110: CITY BOARDING OR SECURING:~~**

923 A. ~~If, within the time specified in the notice and order, the property owner fails to comply~~  
924 ~~with the notice and order by taking out a permit to board the building pursuant to this~~  
925 ~~article, or apply for a stay pursuant to part 2 of this article, the city may cause the~~  
926 ~~property to be boarded.~~

927 B. ~~If the director of housing and neighborhood development determines that emergency~~  
928 ~~conditions exist, the city may board the building.~~

929 C. ~~If the city boards a building, the city shall send the property owner a bill for:~~

930 1. ~~The fees and charges for services which would otherwise have been charged for the~~  
931 ~~securing of a boarding permit pursuant to section 18.48.140 of this chapter;~~

932 2. ~~The fee shown on the Salt Lake City consolidated fee schedule to partially recover the~~  
933 ~~city's costs in administering the boarding; and~~

934 3. ~~The actual costs of the boarding incurred by the city.~~

935 **~~18.48.120: BOARDING PERMIT REQUIRED:~~**

936  
937 ~~It is unlawful to board a building except pursuant to a permit issued under this article.~~  
938

939 **~~18.48.130: BOARDING PERMIT APPLICATION:~~**

940  
941 ~~Permits for boarding a building must be applied for on a form provided by the director of~~  
942 ~~housing and neighborhood development. The form shall specify the following:~~

943 A. ~~The address of the structure to be boarded or temporarily secured;~~

944 B. ~~The type of building;~~

945 C. ~~For residential structures, the number of dwelling units;~~

946 D. ~~For nonresidential buildings, the number of building square feet and the linear footage of~~  
947 ~~all building faces at ground level;~~

948 E. ~~The name, address and telephone number of a person authorized to act as an agent for the~~  
949 ~~owner for performing the owner's obligations under this article, who lives within forty~~  
950 ~~(40) miles of Salt Lake City;~~

**LEGISLATIVE DRAFT**

951 F.—Whether the property has the required external water source for landscaping, if  
952 landscaping is required; and

953 G.—A description of the condition of the building and the landscaping of the surrounding  
954 property.

955 **~~18.48.140: INITIAL FEES:~~**

956  
957 For the first year of any boarding, at the time of filing the application, the applicant shall pay  
958 the following fees:

959 A.—The fee shown on the Salt Lake City consolidated fee schedule for each structure; and

960 B.—A plumbing permit fee shown on the Salt Lake City consolidated fee schedule to install  
961 the external irrigation hose bib, if required, and not already present.

962 **~~18.48.150: SEPARATE SALVAGE PERMIT REQUIRED:~~**

963  
964 If the property owner intends to salvage any of the structure or other building components,  
965 hardware or equipment prior to or during the boarding, the property owner must secure a  
966 salvage permit as otherwise required by law.

967  
968 **~~18.48.160: COMPLETION OF BOARDING:~~**

969 Boarding must be completed within ten (10) days of the issuance of a permit.

970 **~~18.48.170: BOARDING WITHOUT PERMIT:~~**

971  
972  
973 Boarding a building before obtaining a permit pursuant to this article will require payment of  
974 double the initial boarding application fee specified in subsection 18.48.140A of this chapter  
975 or its successor.

976 **~~18.48.180: YEARLY FEES:~~**

977  
978  
979 A.—On or before each yearly anniversary of a boarding permit, a property owner desiring to  
980 continue to board a building shall pay the annual boarding fee shown on the Salt Lake  
981 City consolidated fee schedule.

982 B.—A late fee of twenty five dollars (\$25.00) shall be assessed by the City for each thirty  
983 (30) days, or any portion thereof, in which the annual fees have not been paid.

984 C.—If the property owner fails to pay either the initial boarding fees or the annual boarding  
985 fee, the City may take legal action to collect any amounts owed.

986 **~~18.48.185: POSTING OF BOARDED OR CLOSED TO OCCUPANCY BUILDINGS:~~**

**LEGISLATIVE DRAFT**

987  
988 Whenever a building is boarded or closed to occupancy, the City shall be authorized to install  
989 a sign to be mounted on the front facade of the building. The sign shall state that the building  
990 is closed to occupancy and that it is unlawful for any unauthorized person to enter the  
991 building. The sign shall also provide phone numbers to call if people are seen on the property  
992 or if doors or windows are unsecured.

993 **Part 2. Stays**

- 994 **18.48.190: Stays Authorized**  
995 **18.48.200: Stay Process**  
996 **18.48.210: Actions During The Stay**  
997 **18.48.220: Work On Building Permit**

998 **18.48.190: STAYS AUTHORIZED:**

999  
1000 The owner of any property which should be boarded pursuant to this article, either  
1001 voluntarily by the owner or pursuant to a notice and order, may apply for a stay of the  
1002 boarding requirement.

1003 **18.48.200: STAY PROCESS:**

1004 A. An owner seeking a stay shall obtain and complete the boarding application provided in  
1005 section 18.48.130 of this article or its successor.

1006 B. The building official shall promptly inspect the building and render a determination, in  
1007 writing, regarding the building's suitability for a stay.

1008 C. If the building official determines that the building is in such a condition as to pose an  
1009 imminent danger of collapse or fire or is an attractive nuisance which creates a significant  
1010 risk of transient occupancy or vandalism, the building official shall deny the request for a  
1011 stay

1012 D. If the Director of Housing and Neighborhood Development denies a stay request, the  
1013 building owner shall obtain a boarding or demolition permit within seven (7) days or the  
1014 City may proceed to board the property pursuant to section 18.48.110 of this article, or its  
1015 successor. In addition to the provisions of this section, the issuance of demolition permits  
1016 in historic districts and landmark sites are subject to the provisions of  
1017 subsection 21A.34.020K of this Code. In the event of a conflict between the provisions of  
1018 this subsection and subsection 21A.34.020K of this Code, the latter shall control

1019 E. If the Director of Housing and Neighborhood Development determines that a stay is  
1020 appropriate, the Director of Housing and Neighborhood Development shall certify in  
1021 writing that a stay of up to four (4) months has been issued.

1022 **18.48.210: ACTIONS DURING THE STAY:**

**LEGISLATIVE DRAFT**

1023 A. ~~Within the stay period, the building owner shall obtain either a boarding permit pursuant~~  
1024 ~~to this article or a building permit to rehabilitate the building.~~

1025 B. ~~If the owner obtains a boarding permit, the owner shall, at that time, pay all the fees~~  
1026 ~~required pursuant to this article.~~

1027 C. ~~If the owner obtains a building permit for rehabilitation, the owner shall not be required~~  
1028 ~~to pay the boarding application fee but shall pay, instead, the appropriate building permit~~  
1029 ~~fees.~~

1030 **~~18.48.220: WORK ON BUILDING PERMIT:~~**

1031 A. ~~If an owner has obtained a stay pursuant to this article and subsequently secures a~~  
1032 ~~building permit for rehabilitation, work under the building permit must be begun within~~  
1033 ~~thirty (30) days of obtaining the permit and must be prosecuted to completion with~~  
1034 ~~reasonable diligence.~~

1035 B. ~~If work under the building permit is not begun or pursued as required, the city may~~  
1036 ~~revoke the building permit without further notice and board the building as necessary.~~

1037 **~~Part 3. Boarding Standards~~**

1038 **~~18.48.230: Method Of Securing Buildings~~**

1039 **~~18.48.240: Landscape Maintenance~~**

1040 **~~18.48.250: Exterior Maintenance~~**

1041 **~~18.48.260: Snow And Ice Removal~~**

1042 **~~18.48.270: City Maintenance Of Building~~**

1043 **~~18.48.280: City Maintenance Of Landscaping~~**

1044 **~~18.48.290: City Removal Of Snow~~**

1045 **~~18.48.230: METHOD OF SECURING BUILDINGS:~~**

1046  
1047 All buildings shall be boarded in the following manner:

1048 A. ~~All openings in the structure on the first two (2) floors, other openings easily accessible~~  
1049 ~~from the ground, and openings with broken glass, shall be secured either by erecting a~~  
1050 ~~single one-half inch ( $\frac{1}{2}$ " ) thick layer of plywood sheathing, or exterior grade chipboard,~~  
1051 ~~covering over all exterior openings, overlapping the opening on every edge by three~~  
1052 ~~inches (3"), nailed along the edges by eightpenny common nails spaced every six inches~~  
1053 ~~(6");~~

1054 B. ~~Alternately, the openings may be secured by conventional wood frame construction. The~~  
1055 ~~frames shall use wood studs of a size not less than two inches by four inches (2" x 4")~~  
1056 ~~(nominal dimension) placed not more than twenty four inches (24") apart on center. The~~  
1057 ~~frame stud shall have the four inch (4") sides or the wide dimension perpendicular to the~~

**LEGISLATIVE DRAFT**

1058 face of the wall. Each side of the frame shall be covered with plywood or chipboard  
1059 sheathing of at least one-half inch ( $\frac{1}{2}$ " ) thickness or equivalent lumber nailed over the  
1060 opening by using eightpenny common nails spaced every six inches (6") on the outside  
1061 edges and every twelve inches (12") along intermediate stud supports;

1062 C. ~~All coverings shall be painted with the same color as the building or its trim; and~~

1063 D. ~~Exterior doors shall be secured by a strong nonglass door adequately locked to preclude~~  
1064 ~~entry of unauthorized persons, or shall be covered as an opening described in subsection~~  
1065 ~~A or B of this section or successor sections.~~

1066 **~~18.48.240: LANDSCAPE MAINTENANCE:~~**

1067  
1068 Existing landscaping and lawn on the property shall be maintained in the manner otherwise  
1069 required by law.

1071 **~~18.48.250: EXTERIOR MAINTENANCE:~~**

1072 A. ~~The exterior of a boarded building shall be maintained as required by relevant~~  
1073 ~~requirements set forth in sections 18.50.140 to 18.50.230 of this title. In particular,~~  
1074 ~~exterior walls and surfaces shall be properly maintained and severely weathered, peeling,~~  
1075 ~~or unpainted wood and damaged siding and roofing shall be replaced or repaired with~~  
1076 ~~similar materials and colors.~~

1077 B. ~~Doors, windows, special glass, fixtures, fittings, pipes, railings, posts, panels, boards,~~  
1078 ~~lumber, stones, bricks, marble, or similar materials within the interior of a boarded~~  
1079 ~~building shall not be salvaged except upon the issuance of a predemolition salvage permit~~  
1080 ~~as provided in section 18.64.070 of this title.~~

1081 C. ~~If the owner of a boarded building fails to maintain the building and its premises as~~  
1082 ~~required by this section and section 18.64.045 of this title, the city may take appropriate~~  
1083 ~~legal action to enforce such requirements.~~

1084 **~~18.48.260: SNOW AND ICE REMOVAL:~~**

1085  
1086 Snow and ice must be removed from public sidewalk areas surrounding the property in the  
1087 manner indicated in section 14.20.070 of this code.

1089 **~~18.48.270: CITY MAINTENANCE OF BUILDING:~~**

1090 A. ~~If the director of housing and neighborhood development determines that a boarded~~  
1091 ~~building is not being maintained, the director of housing and neighborhood development~~  
1092 ~~shall send a notice to the property owner and/or the property owner's agent requiring~~  
1093 ~~compliance with the building maintenance standards within seven (7) days.~~

**LEGISLATIVE DRAFT**

1094 ~~B. If the director of housing and neighborhood development determines that the property~~  
1095 ~~owner has failed to comply with the notice and order, the city may cause the work to be~~  
1096 ~~done by a contractor employed by the city.~~

1097 ~~C. The city shall bill the property owner:~~

1098 ~~1. The administrative fee shown on the Salt Lake City consolidated fee schedule, per~~  
1099 ~~year to cover the city's administrative expenses in contracting for the building~~  
1100 ~~maintenance; and~~

1101 ~~2. The actual cost of building maintenance billed to the city by the city's contractor.~~

1102 ~~**18.48.280: CITY MAINTENANCE OF LANDSCAPING:**~~

1103 ~~A. If the director of housing and neighborhood development determines that the~~  
1104 ~~landscaping on the property surrounding a boarded building is not being maintained as~~  
1105 ~~required by city code, the director of housing and neighborhood development shall send a~~  
1106 ~~notice to the property owner and/or the property owner's agent, requiring compliance~~  
1107 ~~with landscaping standards within seven (7) days.~~

1108 ~~B. If the director of housing and neighborhood development determines that the property~~  
1109 ~~owner has failed to comply with the notice and order, the city may cause the work to be~~  
1110 ~~done by a contractor employed by the city.~~

1111 ~~C. The city shall bill the property owner:~~

1112 ~~1. The administrative fee shown on the Salt Lake City consolidated fee schedule, per~~  
1113 ~~year, to cover the city's administrative expenses in contracting for the landscaping~~  
1114 ~~maintenance; and~~

1115 ~~2. The actual cost of landscaping maintenance billed to the city by the city's contractor.~~

1116 ~~**18.48.290: CITY REMOVAL OF SNOW:**~~

1117 ~~A. If the director of housing and neighborhood development determines that sidewalks~~  
1118 ~~adjacent to a boarded building are not having the snow removed as required by~~  
1119 ~~section 18.48.260 of this chapter or its successor, the director of housing and~~  
1120 ~~neighborhood development shall send a notice to the property owner and/or the property~~  
1121 ~~owner's agent, requiring snow from the present snowfall to be removed and notifying the~~  
1122 ~~property owner that if snow from a subsequent snowfall is not removed as required, the~~  
1123 ~~city will contract for the removal and charge the property owner, pursuant to this section~~  
1124 ~~or its successor.~~

1125 ~~B. If the director of housing and neighborhood development determines that the property~~  
1126 ~~owner has failed to comply with the notice and order, the city may cause snow, during the~~  
1127 ~~winter, to be removed by a contractor employed by the city.~~

- 1128 C. ~~The city shall bill the property owner:~~
- 1129       1. ~~The administrative fee shown on the Salt Lake City consolidated fee schedule, per~~
- 1130         ~~year, to cover the city's administrative expenses in contracting for snow removal; and~~
- 1131       2. ~~The actual cost of snow removal billed to the city by the city's contractor.~~

1132 **~~Part 4. Miscellaneous Provisions~~**

- 1133 **~~18.48.300: Appeal Process~~**
- 1134 **~~18.48.310: Legal Action Authorized~~**
- 1135 **~~18.48.320: Existing Boarded Properties~~**
- 1136 **~~18.48.325: Building Inspections Required~~**

1137 **~~18.48.300: APPEAL PROCESS:~~**

- 1138 A. ~~Any person aggrieved by the decision of the director of housing and neighborhood~~
- 1139       ~~development may appeal the decision to the housing advisory and appeals board (HAAB)~~
- 1140       ~~by filing a notice with HAAB within seven (7) days of the director of housing and~~
- 1141       ~~neighborhood development's decision. The notice shall specify the basis for the appeal.~~
- 1142 B. ~~An HAAB panel of at least three (3) HAAB members shall schedule a hearing not less~~
- 1143       ~~than seven (7) days after the notice of appeal nor more than fourteen (14) days after the~~
- 1144       ~~notice.~~
- 1145 C. ~~HAAB shall notify the applicant and any appellant of the hearing and, at the hearing,~~
- 1146       ~~shall take testimony and evidence.~~
- 1147 D. ~~HAAB shall sustain the decision of the director of housing and neighborhood~~
- 1148       ~~development unless HAAB finds that the director of housing and neighborhood~~
- 1149       ~~development has failed to comply with the provisions of this article.~~
- 1150 E. ~~Any person aggrieved by any decision of HAAB under this article may appeal such~~
- 1151       ~~decision to the mayor within seven (7) days of HAAB's decision. The appeal shall specify~~
- 1152       ~~any objection to HAAB's decision.~~
- 1153 F. ~~The mayor, or the mayor's designated hearing officer, shall not take any additional~~
- 1154       ~~evidence and shall consider the appeal only on the basis of the material presented to~~
- 1155       ~~HAAB.~~
- 1156 G. ~~The mayor, or the mayor's designated hearing officer, shall sustain the decision of~~
- 1157       ~~HAAB, unless it appears that the decision of HAAB is not supported by any competent~~
- 1158       ~~evidence or is arbitrary or capricious. If the mayor or the mayor's designated hearing~~
- 1159       ~~officer does not reverse or otherwise modify the HAAB decision within seven (7) days~~
- 1160       ~~after the matter is submitted, the HAAB decision shall be sustained.~~



**LEGISLATIVE DRAFT**

**1161 18.48.310: LEGAL ACTION AUTHORIZED:**

1162  
1163 The city may take appropriate legal action to collect all unpaid fees or bills provided by this  
1164 article.

1165  
1166 **18.48.320: EXISTING BOARDED PROPERTIES:**

1167 A. The director of housing and neighborhood development shall take reasonable actions to  
1168 notify the owners of buildings boarded as of the effective date hereof.

1169 B. The notice shall generally inform the property owner of the enactment of the ordinance  
1170 codified herein and shall notify the owner that a permit is required for the boarded  
1171 building.

1172 C. Owners of buildings boarded as of the effective date hereof shall apply for a permit no  
1173 later than January 31, 1995.

1174 D. The permit for buildings boarded as of the effective date hereof shall be processed as a  
1175 new permit pursuant to the provisions of section 18.48.130 of this chapter or its  
1176 successor.

1177 E. To partially even the burden of processing applications, any owner of a building boarded  
1178 as of the effective date hereof shall receive a discount of thirty percent (30%) of the fees  
1179 required by section 18.48.140 of this chapter or its successor, if the owner applies for a  
1180 permit prior to October 31, 1994.

1181 **18.48.325: BUILDING INSPECTIONS REQUIRED:**

1182  
1183 Whenever a property owner, manager or tenant intends to clean, repair, renovate, reopen or  
1184 reoccupy a building that has been boarded, the building is to be inspected and a permit must  
1185 be issued by the Salt Lake City building services and licensing division prior to the building  
1186 owner, manager or tenant initiating any of the above actions. Any person conducting any  
1187 work on a building that has been boarded or closed to occupancy must have a copy of the  
1188 permit on the site at all times. Any person conducting work without a permit on the site, will  
1189 be evicted from the premises.

1190  
1191 **Article II. BOARDING OR TEMPORARILY SECURING BUILDINGS**

1192  
1193 **18.48.200: SCOPE AND APPLICABILITY:**

1194 **18.48.205: BOARDING PERMIT:**

1195 **18.48.210: INITIAL FEES:**

1196 **18.48.215: YEARLY FEES:**

1197 **18.48.220: POSTING OF BOARDED OR CLOSED TO OCCUPANCY BUILDINGS:**

1198 **18.48.225: METHOD OF SECURING BUILDINGS:**

1199 **18.48.230: LANDSCAPE MAINTENANCE:**

1200 **18.48.235: EXTERIOR MAINTENANCE:**

1201 **18.48.240: SNOW AND ICE REMOVAL:**

1202 **18.48.245: CITY MAINTENANCE OF PROPERTY:**

1203 **18.48.250: CITY MAINTENANCE OF LANDSCAPING:**

1204 **18.48.255: LEGAL ACTION AUTHORIZED:**

1205 **18.48.260: BUILDING INSPECTIONS REQUIRED:**

1206  
1207  
1208 **18.48.200: SCOPE AND APPLICABILITY:**

1209  
1210 The provisions of this article apply to any person that is ordered to board a building under  
1211 Article I and any person who voluntarily boards a building.

1212  
1213 **18.48.205: BOARDING PERMIT:**

1214  
1215 A. Permit Required: A permit is required to board a building. In the case where the city  
1216 causes the boarding work to be done pursuant to Section 18.48.245, the city is not  
1217 required to obtain a boarding permit.

1218  
1219 B. Form of Permit: Permits for boarding a building must be applied for on a form provided  
1220 by the building official or designee. The form shall specify the following:

1221  
1222 1. The address of the structure to be boarded or temporarily secured;

1223  
1224 2. The type of building;

1225  
1226 3. For residential structures, the number of dwelling units;

1227  
1228 4. For nonresidential buildings, the number of square feet of all building faces at ground  
1229 level;

1230  
1231 5. The name, address, and telephone number of a person authorized to act as an agent  
1232 for the owner for performing the owner's obligations under this article, who lives  
1233 within forty (40) miles of Salt Lake City; and

1234  
1235 6. Whether the property has the required external water source for landscaping, if  
1236 landscaping is required.

1237  
1238 **18.48.210: INITIAL FEES:**

1239  
1240 For the first year of any boarding, at the time of filing the application, the applicant shall pay  
1241 the fees shown on the Salt Lake City consolidated fee schedule for each structure.

1242  
1243 **18.48.215: YEARLY FEES:**

**LEGISLATIVE DRAFT**

1245 A. Annual Fee: On or before each yearly anniversary of the issuance of a boarding permit,  
1246 a property owner desiring to maintain a boarded building shall pay the annual boarding  
1247 fee shown on the Salt Lake City consolidated fee schedule.

1248  
1249 B. Late Fee: A late fee of twenty five dollars (\$25.00) shall be assessed by the city for each  
1250 thirty (30) days, or any portion thereof, in which the annual fees have not been paid up to  
1251 amounts allowed by state law.

1252  
1253 C. Failure to Obtain Permit: Boarding a building before obtaining a permit pursuant to this  
1254 article shall result in a fine of up to twenty five percent (25%) of the boarding application  
1255 fee specified in the Salt Lake City consolidated fee schedule.

1256  
1257 D. Collection of Fees: If the property owner fails to pay either the initial boarding fees or  
1258 the annual boarding fees, the city may take legal action to collect any amounts owed.

1259  
1260 **18.48.220: POSTING OF BOARDED OR CLOSED TO OCCUPANCY BUILDINGS:**

1261  
1262 Whenever a building is boarded or closed to occupancy, the city shall be authorized to install  
1263 a sign to be mounted on the exterior of the building. The sign shall state that the building is  
1264 closed to occupancy and that it is unlawful for any unauthorized person to enter the building.  
1265 The sign shall also provide phone numbers to call if people are seen on the property or if  
1266 doors or windows are unsecured.

1267  
1268 **18.48.225: METHOD OF SECURING BUILDINGS:**

1269  
1270 All buildings shall be boarded in the following manner:

1271  
1272 A. Securing Opening: All openings in the structure on the first floor, other openings easily  
1273 accessible from the ground, and openings with broken glass, shall be secured either by  
1274 erecting a single one-half inch (1/2") thick layer of plywood sheathing or similar  
1275 material, not to include chipboard/OSB, covering over all exterior openings, overlapping  
1276 the opening on every edge by three inches (3"), affixed along the edges by nails or screws  
1277 spaced every six inches (6").

1278  
1279 B. Alternatives to Securing Openings: Alternately, the openings may be secured by  
1280 conventional wood frame construction. The frames shall use wood studs of a size not less  
1281 than two inches by four inches (2" x 4") (nominal dimension) placed not more than  
1282 twenty four inches (24") apart on center. The frame stud shall have the four inch (4")  
1283 sides or the wide dimension perpendicular to the face of the wall. Each side of the frame  
1284 shall be covered with plywood sheathing or similar material of at least one-half inch  
1285 (1/2") thickness or equivalent lumber nailed over the opening by using nails or screws  
1286 spaced every six inches (6") on the outside edges and every twelve inches (12") along  
1287 intermediate stud supports; and

1289 C. Exterior Doors: Exterior doors shall be secured by a strong non-glass door adequately  
1290 locked to preclude entry of unauthorized persons, or shall be covered as an opening  
1291 described in Subsection A or B of this section or successor sections.  
1292

1293 **18.48.230: LANDSCAPE MAINTENANCE:**  
1294

1295 Existing landscaping and lawn on the property shall be maintained in the manner otherwise  
1296 required by Chapters 9.16 and 21A.48.  
1297

1298 **18.48.235: EXTERIOR MAINTENANCE:**  
1299

1300 A. Exterior of Building: The exterior of a boarded building shall be maintained as required  
1301 by relevant requirements set forth in Section 18.50.140 of this title. In particular, exterior  
1302 walls and surfaces shall be properly maintained and severely weathered, peeling, or  
1303 unpainted wood and damaged siding and roofing shall be replaced or repaired with  
1304 similar materials and colors.  
1305

1306 B. Salvage Permit Required: Doors, windows, special glass, fixtures, fittings, pipes,  
1307 railings, posts, panels, boards, lumber, stones, bricks, marble, or similar materials within  
1308 the interior of a boarded building shall not be salvaged except upon the issuance of a  
1309 permit as provided in Section 18.64.070 of this title.  
1310

1311 C. Enforcement of Exterior Maintenance Requirements: If the owner of a boarded building  
1312 fails to maintain the building and its premises as required by this section and  
1313 Section 18.64.045 of this title, the city may take appropriate legal action to enforce such  
1314 requirements.  
1315

1316 **18.48.240: SNOW AND ICE REMOVAL:**  
1317

1318 Snow and ice must be removed from public sidewalk areas surrounding the boarded property  
1319 in the manner indicated in Section 14.20.070 of this code.  
1320

1321 **18.48.245: CITY MAINTENANCE OF PROPERTY:**  
1322

1323 A. Notice: If the building official or the building official's designee determines that a  
1324 boarded building and/or property is not being maintained, the building official or the  
1325 building official's designee shall send a notice to the property owner and/or the property  
1326 owner's agent requiring compliance with the building maintenance standards as required  
1327 in city code.  
1328

1329 B. Failure to Comply with Notice: If the building official or designee determines that the  
1330 property owner has failed to comply with the notice, the city may cause the work to be  
1331 done by a contractor hired by the city.  
1332

1333 C. City's Recovery of Costs: The city shall bill the property owner:  
1334

**LEGISLATIVE DRAFT**

1335 1. The administrative fee shown on the Salt Lake City consolidated fee schedule to  
1336 cover the city’s administrative expenses in contracting for the building maintenance;  
1337 and

1338  
1339 2. The actual cost of building maintenance billed to the city by the city’s contractor.  
1340

1341 **18.48.250: CITY MAINTENANCE OF LANDSCAPING:**  
1342

1343 If the building official or the building official’s designee determines that the landscaping on  
1344 the property surrounding a boarded building is not being maintained as required by city code,  
1345 the building official or the building official’s designee shall follow the notice of violation and  
1346 corrective measures procedures as detailed in Sections 9.16.050 and 9.16.060.  
1347

1348 **18.48.255: LEGAL ACTION AUTHORIZED:**  
1349

1350 The city may recover any costs it incurs in for enforcing the provisions of this title, as set  
1351 forth in city code.  
1352

1353 **18.48.260: BUILDING INSPECTIONS REQUIRED:**  
1354

1355 Whenever a property owner, manager, or tenant intends to clean, repair, renovate, reopen or  
1356 reoccupy a building that has been boarded, the building is to be inspected by the building  
1357 official or designee and a permit must be issued by building services or its successor prior to  
1358 the building owner, manager, or tenant initiating any of the above actions. Any person  
1359 conducting any work on a building that has been boarded or closed to occupancy must have a  
1360 valid building permit at all times.  
1361

1362 SECTION 4. Repealing and Moving the Text of Salt Lake City Code Chapter 18.48,

1363 Article III. That Chapter 18.48, Article III, of the Salt Lake City Code (Buildings and  
1364 Construction; Dangerous Buildings; Emergency Demolition) shall be and hereby is repealed in  
1365 its entirety and moved to Chapter 18.64.

1366 ~~**Article III. Emergency Demolition**~~

1367 ~~**18.48.330: Purpose**~~

1368 ~~**18.48.340: Emergency Demolitions Applicability**~~

1369 ~~**18.48.350: Immediate City Demolition**~~

1370 ~~**18.48.360: Level 3 Emergencies**~~

1371 ~~**18.48.370: Bill For Costs; Collection**~~

1372 **18.48.330: PURPOSE:**

1373  
1374 Notwithstanding the other provisions of this chapter, the UCADB, the process for  
1375 demolishing buildings in an emergency situation, shall be as provided by this article.

1376  
1377 **18.48.340: EMERGENCY DEMOLITIONS APPLICABILITY:**  
1378

1379 If the building official determines that the walls or roof of a building or structure are  
1380 collapsing, either in whole or in part, or in imminent danger of collapsing in such a way as to  
1381 fall on other structures, property or public rights of way, or create a danger to persons who  
1382 may enter the property, or create a danger of fire, the building official may seek an order that  
1383 the building should be demolished pursuant to this article.

1384  
1385 **18.48.350: IMMEDIATE CITY DEMOLITION:**

1386 A. ~~If the building official determines that demolition should be begun immediately, the~~  
1387 ~~building official shall schedule an emergency meeting of the housing advisory and~~  
1388 ~~appeals board (HAAB) as soon as practical.~~

1389 B. ~~The director of housing and neighborhood development shall make reasonable efforts to~~  
1390 ~~notify the recorded property owner, all HAAB members, the historic landmark~~  
1391 ~~commission staff person, the city council member and the chairperson of the~~  
1392 ~~neighborhood council recognized pursuant to title 2, chapter 2.60 of this code in which~~  
1393 ~~the property is located.~~

1394 C. ~~At least three (3) HAAB members, and any others available, shall attend the emergency~~  
1395 ~~meeting to consider the immediate demolition.~~

1396 D. ~~The emergency HAAB meeting shall hear any evidence or testimony regarding the~~  
1397 ~~immediate demolition and shall determine whether immediate demolition is appropriate~~  
1398 ~~under the standards of section 18.48.340 of this chapter or its successor.~~

1399 E. ~~If the emergency HAAB meeting authorizes immediate demolition, and the property~~  
1400 ~~owner was present or represented at the emergency HAAB meeting, the property owner~~  
1401 ~~shall have twenty four (24) hours in which to have a licensed contractor take out a permit~~  
1402 ~~for the demolition. Work under any such permit shall be commenced within twenty four~~  
1403 ~~(24) hours of the permit's issuance. Within twenty four (24) hours of the start of the work,~~  
1404 ~~the property shall be secured to prevent entry and the structure demolished so that no part~~  
1405 ~~of the structure is in imminent danger of collapsing in such a way as to fall on other~~  
1406 ~~structures, property or public rights of way, or create a danger of fire. Work under the~~  
1407 ~~demolition permit shall be completed within seven (7) days of the permit's issuance.~~

1408 F. ~~If the property owner was unrepresented at the emergency HAAB meeting, or the~~  
1409 ~~property owner fails to proceed with the demolition pursuant to the requirements of~~  
1410 ~~subsection E of this section or its successor, the city may contract with a licensed~~  
1411 ~~demolition contractor to demolish the building.~~

**LEGISLATIVE DRAFT**

1412 G. ~~If HAAB does not authorize the immediate demolition, the building official may appeal~~  
1413 ~~such a denial on an expedited basis to the mayor.~~

1414 1. ~~All parties specified in subsection B of this section, or its successor, shall be notified~~  
1415 ~~of the appeal hearing before the mayor or the mayor's designee.~~

1416 2. ~~The mayor, or the mayor's designee, shall hear evidence regarding the immediate~~  
1417 ~~demolition.~~

1418 H. ~~If the mayor or the mayor's designee authorizes immediate demolition under the~~  
1419 ~~standards of section 18.48.340 of this chapter, or its successor, the provisions of~~  
1420 ~~subsections E and F of this section, or their successors, shall apply.~~

1421 **18.48.360: LEVEL 3 EMERGENCIES:**  
1422

1423 ~~If the mayor has declared a level 3 emergency, the notification and hearing provisions of~~  
1424 ~~section 18.48.350 of this chapter, or its successor, shall be waived and the building official~~  
1425 ~~may immediately secure the demolition of any structure which meets the standards of~~  
1426 ~~section 18.48.340 of this chapter or its successor.~~

1427  
1428 **18.48.370: BILL FOR COSTS; COLLECTION:**

1429 A. ~~Upon the completion of any city demolition pursuant to this article, the city shall mail a~~  
1430 ~~bill to the property owner for the city's costs of demolition which shall include the cost of~~  
1431 ~~the demolition contractor and a reasonable amount to pay the costs of city personnel~~  
1432 ~~involved in the demolition.~~

1433 B. ~~If the bill is not paid within thirty (30) days, the city may take legal action to collect the~~  
1434 ~~bill.~~

1435  
1436  
1437 SECTION 5. Amending the Text of *Salt Lake City Code* Section 18.64. That Section

1438 18.64, of the *Salt Lake City Code* (Buildings and Construction; Demolition) shall be amended to  
1439 read as follows:

1440  
1441 **Article I. Demolition**  
1442

1443 **18.64.005: PURPOSE AND INTENT:**

1444 **18.64.010: PERMIT REQUIRED:**

1445 **18.64.020: APPLICATION AND PERMIT:**

1446 **18.64.030: FEES AND SIGNATURE, BOND:**

1447 **18.64.040: ISSUANCE OF DEMOLITION PERMIT:**

1448 **18.64.045: DEMOLITION BY NEGLIGENCE:**

1449 **18.64.050: RESIDENTIAL DEMOLITION PROVISIONS:**

1450 **18.64.070: PREDEMOLITION SALVAGE PERMITS:**

1451 **18.64.080: EXPIRATION; DILIGENCE:**

1452 **18.64.090: QUALIFICATIONS TO DO WORK:**

1453 **18.64.100: DEMOLITION REQUIREMENTS:**

1454 **18.64.110: RELATIONSHIP TO OTHER ORDINANCE:**

1455 **18.64.120: VIOLATIONS:**

1456

1457 **18.64.005: PURPOSE AND INTENT:**

1458 A. The purpose of the provisions in this chapter is to:

1459 1. Promote the public welfare by maintaining the integrity and continuity of the urban  
1460 fabric and economic vitality;

1461 2. Provide an orderly and predictable process for demolition of buildings and structures  
1462 when appropriate;

1463 3. Ensure demolition occurs safely;

1464 4. Protect utilities and other infrastructure from damage during demolition;

1465 5. Provide for enforcement of timely completion of demolition and for improvement of  
1466 property following demolition to ensure the site is not detrimental to the use and  
1467 enjoyment of surrounding property;

1468 6. Provide for enforcement and maintenance of property to avoid purposeful demolition  
1469 by neglect; and

1470 7. Encourage preservation of the city's housing stock where appropriate.

1471 B. A primary intent of the city council with respect to this chapter is to ~~avoid~~ promote  
1472 responsible re-use of existing housing stock where practical and provide an orderly  
1473 process for demolition, where it is not practical or partial demolition, of buildings in a  
1474 manner that disrupts the character and development pattern of established neighborhood  
1475 and business areas cost efficient to rebuild/reuse. Accordingly, the council finds that it is  
1476 in the public interest to

1477 1. ~~Require existing buildings to be maintained in a habitable condition~~ manner that  
1478 does not constitute a public nuisance until replaced by new construction, except as  
1479 otherwise permitted by this code.

1480 2. ~~Avoid demolition of existing structures until a complete building permit application is~~  
1481 submitted for new construction, except as otherwise provided in this chapter; and



1482           3. ~~Avoid creation of vacant demolition sites with minimal or no landscaping or other~~  
1483           ~~improvements.~~

1484  
1485           **18.64.010: PERMIT REQUIRED:**

1486  
1487           It is unlawful to demolish any building or structure in the city, or cause the same to be  
1488           demolished, without first obtaining a permit for demolition of each such building or structure  
1489           from the city building official as provided in this chapter.

1490  
1491           **18.64.020: APPLICATION FOR PERMIT**

1492  
1493           To obtain a permit for demolition, an applicant shall submit an application in writing on a  
1494           form furnished by the building official for that purpose. Each application shall:

- 1495           A. Identify and describe the type of work to be performed under the permit;
- 1496           B. State the address of the structure or building to be demolished;
- 1497           C. Describe the building or structure to be demolished including the type of use, type of  
1498           building construction, size and square footage, number of stories, and number of  
1499           residential dwelling units (if any);
- 1500           D. Indicate the method and location of demolished material disposal;
- 1501           E. Identify the approximate date of commencement and completion of demolition;
- 1502           F. Indicate if fences, barricades, scaffolds or other protections are required by any city code  
1503           for the demolition and, if so, their proposed location and compliance;
- 1504           G. State whether fill material will be required to restore the site to level grade after  
1505           demolition and, if required, the approximate amount of fill material;
- 1506           H. If the building or structure to be demolished contains any dwelling units, state whether  
1507           any of the dwelling units are presently occupied; and
- 1508           I. State the proposed use of the premises following demolition. If new construction is  
1509           proposed following demolition, state the anticipated start date and whether any  
1510           development applications have been submitted to and/or approved by the city.

1511  
1512           **18.64.030: FEES AND SIGNATURE, ~~BOND~~:**

- 1513           A. The permit application shall be signed by the party or the party's authorized agent  
1514           requesting the permit. A signature on the permit application constitutes a certification by  
1515           the signee that the information contained in the application is true and correct.
- 1516  
1517  
1518

**LEGISLATIVE DRAFT**

- 1519 B. The fee for a demolition permit application shall be as shown on the Salt Lake City  
1520 consolidated fee schedule.
- 1521 C. An additional fee for the cost of inspecting the property to determine compliance with  
1522 the requirements of this chapter and to assure the property is kept free of weeds and junk  
1523 materials shall be collected in the amount shown on the Salt Lake City consolidated fee  
1524 schedule.
- 1525 ~~D. Except as otherwise permitted under this chapter, a performance bond shall be provided~~  
1526 ~~prior to issuance of a demolition permit. The bond amount shall be determined by the~~  
1527 ~~building official and shall be sufficient to ensure abatement of potential impacts to public~~  
1528 ~~health and safety, including environmental impacts resulting from demolition, general~~  
1529 ~~cleanup of the demolition site, and installation and maintenance of landscaping if~~  
1530 ~~landscaping is required under this chapter.~~
- 1531 1. ~~The form of the bond shall be approved by the city attorney or designee and may~~  
1532 ~~include any commercially reasonable method of bonding.~~
- 1533 2. ~~The building official may require adjustment of bond amount if the scope of work~~  
1534 ~~changes after demolition work has begun.~~
- 1535 3. ~~If the applicant fails to comply with provisions of the demolition permit and the city~~  
1536 ~~has any unreimbursed cost resulting from such failure, the building official or~~  
1537 ~~designee may call on the bond for reimbursement. After such cost has been finally~~  
1538 ~~determined, if the amount of the bond exceeds such cost, the remainder shall be~~  
1539 ~~released to the applicant. If the amount of the bond is less than the cost incurred by~~  
1540 ~~the city, the applicant shall be liable to the city for the difference in cost.~~
- 1541 4. ~~The bond shall remain in place until all required work is complete, final inspection~~  
1542 ~~has been approved, and a building permit for new construction on the subject property~~  
1543 ~~has been approved by the city.~~

1544  
1545 **18.64.040: ISSUANCE OF DEMOLITION PERMIT:**

- 1546 A. ~~Except as otherwise provided in subsection D of this section, a~~ A demolition permit shall  
1547 may be issued only upon compliance with subsection B of this section, if applicable, and  
1548 if:
- 1549 1. ~~A complete building permit completion of an application for a use replacing the~~  
1550 ~~demolished building or structure has been submitted to the building services and~~  
1551 ~~licensing division; or~~
- 1552 2. ~~The~~ in accordance with Section 18.64.020 herein; or the chief building official or fire  
1553 marshal orders immediate demolition:

**LEGISLATIVE DRAFT**

- 1554           1. Due to an emergency as provided in ~~chapter 18.48~~ of Chapter 18.64, Article II of this  
1555           title; or
- 1556           2. Because the premises have been damaged beyond repair because of a natural disaster,  
1557           fire, or other similar event; or
- 1558           3. The chief building official or fire marshal authorizes immediate demolition because  
1559           clearing of land is necessary to remove a nuisance as defined in ~~section~~ this code or  
1560           Section 76-10-801 et seq., Utah Code Annotated or its successor.
- 1561           4. ~~a.~~ B. The chief building official or ~~F~~M fire ~~M~~marshal may request that an administrative  
1562           committee, appointed by the Mmayor, render an opinion regarding whether a particular  
1563           building or structure should be demolished pursuant to the provisions of ~~s~~Subsection  
1564           A2B1 or A3B2 of this section.
- 1565           ~~b.~~ 1. If a committee demolition opinion is requested, information regarding the factual  
1566           and legal basis for determining the propriety of the request shall be provided to the  
1567           committee. The property owner shall be notified of the opinion request and may  
1568           submit any information to the committee deemed relevant by the owner.
- 1569           ~~e.~~ 2. If after considering the factual and legal information provided, the committee  
1570           recommends the building or structure should be demolished, the chief building  
1571           official or ~~F~~M fire ~~M~~marshal, as the case may be, shall consider such information in  
1572           determining whether to authorize demolition.
- 1573           ~~B.~~ ~~Except as provided in subsection B1 of this section, unless a building permit has been~~  
1574           ~~issued for one or more new buildings or structures located on the same site as the~~  
1575           ~~demolished building or structure, within thirty (30) days after demolition is completed,~~  
1576           ~~landscaping shall be installed on the property according to the standards set forth in~~  
1577           ~~subsection 21A.48.100D2 of this Code.~~
- 1578           ~~1.~~ ~~A bond for landscaping shall not be required when a single family dwelling is~~  
1579           ~~demolished and will be replaced by a new single family dwelling.~~
- 1580           ~~2.~~ ~~This subsection B shall apply regardless of the zoning district in which the subject~~  
1581           ~~property is located and any contrary provision in title 21A of this Code.~~
- 1582           ~~3.~~ ~~Timely and proper installation and maintenance of landscaping shall be assured by a~~  
1583           ~~bond filed with the City as provided in section 18.64.030D of this chapter.~~
- 1584           ~~4.~~ ~~Required landscaping shall remain in place and shall be maintained until new~~  
1585           ~~construction is commenced on the subject property and may be removed to facilitate~~  
1586           ~~such construction. Thereafter, replacement landscaping shall be installed as may be~~  
1587           ~~required by this Code.~~

**LEGISLATIVE DRAFT**

- 1588           5. ~~A park strip abutting the subject property shall be maintained as provided in~~  
1589           ~~section 21A.48.060 of this Code or its successor.~~
- 1590           6. ~~Notwithstanding the thirty (30) day requirement in this subsection B, installation of~~  
1591           ~~landscaping may be delayed due to weather conditions so long as landscaping is~~  
1592           ~~completed within six (6) months after demolition and the property owner escrows~~  
1593           ~~funds sufficient to assure installation of landscaping as determined by the Building~~  
1594           ~~Services and Licensing Division.~~
- 1595           C. 1. ~~Except as otherwise provided in section 18.64.050 of this chapter, if one or more~~  
1596           ~~dwelling units located in a residential zone, whether or not occupied, will be removed~~  
1597           ~~under a demolition permit, a housing mitigation plan shall be prepared as required in~~  
1598           ~~chapter 18.97 of this title prior to issuance of the permit.~~
- 1599           2. ~~If proposed demolition involves a landmark site, a contributing principal building;~~  
1600           ~~structure, or a structure located in a the H Historic Ppreservation Ooverlay Ddistrict, as~~  
1601           ~~provided in Section 21A.34.020 of this code, or its successor, a demolition permit shall~~  
1602           ~~be issued only upon compliance with applicable provisions of that section or its~~  
1603           ~~successor.~~
- 1604           D. 1. ~~Notwithstanding contrary provisions of this section, a demolition permit for a building~~  
1605           ~~or structure may be issued if the Community Development Director certifies that the land~~  
1606           ~~on which the building or structure is located:~~
- 1607                   a. ~~Is subject to a Master Plan that envisions redevelopment of the land unless~~  
1608                   ~~removal of the building or structure is inconsistent with the Master Plan;~~
- 1609                   b. ~~Is being assembled for redevelopment purposes; and~~
- 1610                   c. ~~Is part of a larger area being joined to create one or more larger parcels of~~  
1611                   ~~developable land in order to implement the Master Plan.~~
- 1612           2. ~~If a building permit for new construction is not issued within eighteen (18) months~~  
1613           ~~after demolition occurs pursuant to subsection D1 of this section, landscaping shall be~~  
1614           ~~installed as provided in subsection B of this section.~~

1615  
1616           **18.64.045: DEMOLITION BY NEGLIGENCE:**

- 1617           A. ~~Except as otherwise provided in subsection B of this section, a property owner shall not~~  
1618           ~~neglect a building or structure to the point that the building or structure fails to~~  
1619           ~~substantially conform to applicable standards of the state construction code and~~  
1620           ~~sections 18.50.140 to 18.50.230 of this title.~~
- 1621           B. 1. The owner of a boarded building shall maintain the exterior of the building as  
1622           provided in sSection 18.48.2505, "Exterior Maintenance", of this title or its successor.

1623           2. ~~The interior of a boarded building shall not be subject to the provisions of subsection~~  
1624           ~~A of this section but shall be maintained as provided in section 18.48.250 of this title.~~

1625  
1626           **18.64.050: RESIDENTIAL DEMOLITION PROVISIONS:**

1627  
1628           A. Except as provided in sSubsection B of this section, if the structure for which a  
1629           demolition permit is sought contains one or more dwelling units, whether or not  
1630           occupied, the building official shall consider the impact of the requested demolition on  
1631           the housing stock of Salt Lake City pursuant to the provisions of this section.

1632  
1633           B. This section shall not apply to any housing which:

1634  
1635           1. Is a nonconforming use as provided by relevant provisions of ~~¶~~Title 21A, “Zoning”,  
1636           of this code; or

1637  
1638           2. Is located on property for which an applicable master plan or the current zoning  
1639           envisions exclusive nonresidential use; or

1640  
1641           3.  
1642           a. Is proposed to be demolished for health or safety reasons as provided in this  
1643           ~~section 18.64.045 of this chapter or chapter 18.48 of this title or their its~~  
1644           successors.

1645           b. Notwithstanding sSubsection B3a of this section, housing which is demolished for  
1646           health or safety reasons, which is the result of neglect pursuant to sSection  
1647           18.64.045 of this chapter, shall be subject to the provisions of this section.

1648  
1649  
1650           C. The building official, within ten (10) days after receipt of a demolition permit  
1651           application, shall determine whether the requested demolition will result in:

1652  
1653           1. Construction of one or more residential units with a net loss of one or more dwelling  
1654           units; or

1655  
1656           2. No net loss of dwelling units will occur due to the anticipated construction of new  
1657           dwelling units pursuant to an approved and issued building permit for the premises  
1658           where the demolition will occur.

1659  
1660           D.  
1661           1. If sSubsection C2 of this section applies, the building official shall issue a finding of  
1662           no residential impact and the demolition permit may be issued.

1663  
1664           2. If sSubsection C1 of this section applies, the building official shall issue a finding of  
1665           residential impact.

1666

LEGISLATIVE DRAFT

1667 E. Upon making a finding of residential impact, the building official shall ~~mail written~~  
1668 ~~notice to follow the owners and residents of property located within six hundred feet~~  
1669 ~~(600') from procedures outlined in Chapter 18.97. Once the property line of fee is paid,~~  
1670 ~~the lot where the proposed demolition work will take place as shown on the last equalized~~  
1671 ~~property tax assessment roll. Notice shall also permit may be mailed to any affected~~  
1672 ~~community organization recognized pursuant to section 2.60.040 of this code. The notice~~  
1673 ~~shall specify: issued immediately upon completion of the application process in Section~~  
1674 ~~18.64.020.~~

- 1675
- 1676 1. ~~The property proposed for demolition;~~
  - 1677 2. ~~The proposed replacement use;~~
  - 1678 3. ~~The proposed housing mitigation plan;~~
  - 1679 4. ~~The basis for the finding of residential impact, and~~
  - 1680 5. ~~The date and time of a hearing before the housing advisory and appeals board.~~

1681

1682 F.

- 1683 1. ~~To allow time for effective consideration by the notified parties, the hearing before~~  
1684 ~~the HAAB shall take place not less than thirty (30) days after the finding of~~  
1685 ~~residential impact issued by the building official and not more than sixty (60) days~~  
1686 ~~after the finding.~~

- 1687
- 1688 2. ~~The HAAB shall take evidence from the applicant and all interested parties regarding:~~
- 1689
- 1690 a. ~~The effect of the proposed demolition and replacement use plan on:~~
- 1691
- 1692 (1) ~~The city's housing stock,~~
- 1693 (2) ~~The city's employment and economic base,~~
- 1694 (3) ~~The character of the neighborhood where the subject property is located,~~
- 1695 (4) ~~The city's master plans for the area,~~
- 1696 (5) ~~The city's adopted housing policy, and~~
- 1697 (6) ~~Any other policy adopted by the city which applies to the subject property;~~
- 1698 b. ~~The cost and economic practicality of repairing or remodeling the structure~~  
1699 ~~proposed for demolition to comply with zoning requirements and with building~~  
1700 ~~and housing codes; and~~
- 1701 c. ~~The proposed method of housing mitigation, including the factual basis upon~~  
1702 ~~which the housing mitigation plan is premised and justified.~~

1703

- 1704 3. ~~The HAAB may encourage an applicant to work with the city and interested parties to~~  
1705 ~~repair, remodel, preserve, or increase the city's housing stock.~~

- 1706
- 1707 4. ~~The HAAB shall issue its decision not more than ten (10) days after the hearing.~~

1708

1709 G.

- 1710 1. ~~Notwithstanding the acceptability of a housing mitigation plan, the HAAB may order~~  
1711 ~~that a demolition permit not be issued for an additional period not to exceed six (6)~~

**LEGISLATIVE DRAFT**

1712 months to allow the city and interested parties time to make further attempts to  
1713 preserve the housing stock if the HAAB finds:

1714  
1715 a. ~~The proposed demolition and replacement use plan are likely to:~~

- 1716  
1717 (1) ~~Adversely impact the city's housing stock and character of the neighborhood;~~  
1718 ~~and~~  
1719 (2) ~~Such impact is not outweighed by any positive effects on the city's economic~~  
1720 ~~and employment base; and~~

1721  
1722 b. ~~The structure proposed for demolition is economically practical to repair or~~  
1723 ~~remodel to comply with zoning requirements and building and housing codes.~~

1724  
1725 2. ~~After any additional time period ordered by the HAAB has expired, the requested~~  
1726 ~~permit shall be immediately issued subject to compliance with the housing mitigation~~  
1727 ~~plan.~~

1728  
1729 3. ~~If the HAAB does not make the findings required by this subsection G, the~~  
1730 ~~demolition permit shall be issued ten (10) days after the HAAB decision.~~

1731  
1732 H.

1733 1. ~~The applicant or any person or entity required to be notified of the demolition~~  
1734 ~~pursuant to subsection E of this section, if aggrieved by the HAAB decision, may~~  
1735 ~~appeal to the mayor by filing a written notice specifying the grounds for such an~~  
1736 ~~appeal within ten (10) days of the HAAB decision.~~

1737  
1738 2. ~~Any other party identified in subsection H1 of this section may respond to the appeal~~  
1739 ~~in writing within ten (10) days of the appeal.~~

1740  
1741 3. ~~The mayor or the mayor's designee shall consider the appeal on the written record and~~  
1742 ~~shall issue a decision within ten (10) days of the close of any written submissions.~~  
1743 ~~Such decision shall be based on the criteria set forth in subsection F of this section~~  
1744 ~~and may be appealed within ten (10) days to a court of competent jurisdiction.~~

1745  
1746 **18.64.070: PREDEMOLITION SALVAGE PERMITS:**

1747  
1748 A. A predemolition salvage permit shall be required for removal of doors, windows, special  
1749 glass, fixtures, fittings, pipes, railings, posts, panels, boards, lumber, stones, bricks,  
1750 marble, or similar materials on the exterior or interior of any building prior to demolition  
1751 of the structure. A predemolition salvage permit may be issued only contemporaneously  
1752 with, or after, city approval of:

- 1753  
1754 1. A building permit for new construction on the premises following demolition, or  
1755  
1756 2. A demolition permit.  
1757

- 1758 B. A predemolition salvage permit fee shall be as shown on the Salt Lake City consolidated  
1759 fee schedule.  
1760

1761 **18.64.080: EXPIRATION; DILIGENCE:**  
1762

- 1763 A.—A demolition permit shall expire forty five (45) calendar days from the date of issuance,  
1764 unless a completion date allowing more time is requested and approved by the building  
1765 official at the time of application. A demolition permit may be renewed upon request  
1766 prior to expiration with approval of the building official for one-half (1/2) of the original  
1767 permit fee, provided continuous progress is being made. If a permit is allowed to expire  
1768 without prior renewal, any subsequent request for reinstatement shall be accompanied by  
1769 a reinstatement fee equal to the original demolition permit fee.

- 1770 ~~B.—Once demolition has begun pursuant to a demolition permit, the permit holder shall~~  
1771 ~~diligently pursue completion of the work authorized thereunder. If such work is not~~  
1772 ~~diligently pursued the city may declare the bond required under subsection 18.64.030D of~~  
1773 ~~this chapter to be forfeited and may use the proceeds to finish demolition as provided in~~  
1774 ~~such section.~~

1775  
1776 **18.64.090: QUALIFICATIONS TO DO WORK:**  
1777

- 1778 A. It shall be unlawful for demolition work permitted under this chapter to be performed  
1779 except by a wrecking and demolition contractor having a license in good standing issued  
1780 by the ~~d~~Division of ~~e~~Occupational and ~~p~~Professional ~~I~~Licensing in the Utah ~~d~~Department  
1781 of ~~e~~Commerce.  
1782
- 1783 B. Salvage work under a predemolition salvage permit may be done without a contractor's  
1784 license provided all other applicable conditions of this chapter are met.  
1785

1786 **18.64.100: DEMOLITION REQUIREMENTS:**  
1787

- 1788 A. Prior to the commencement of any demolition or moving, the permittee shall plug all  
1789 sewer laterals at or near sidewalk lines as staked out by the department of public utilities.  
1790 No excavation shall be covered until such plugging is approved by the department or by  
1791 the building official. The permittee shall further ensure all utility services to the structure  
1792 and/or premises have been shut off and meters removed prior to commencement of  
1793 demolition work.  
1794
- 1795 B. When the applicant indicates the demolition will require more than thirty (30) days to  
1796 complete, and where required by the building official for the safety of the public, the  
1797 applicant shall also provide plans to fence the demolition site so that it is inaccessible to  
1798 unauthorized persons in a manner acceptable to the building official. The building official  
1799 may waive the fencing requirement if it is determined that fencing would be  
1800 inappropriate or unnecessary to protect safety or health.  
1801



- 1802 C. A permit for demolition shall require that all materials comprising part of the existing  
1803 structure(s), including the foundation and footings, be removed from the site. Unless  
1804 otherwise approved under a building permit for redevelopment of the site, the depression  
1805 caused by the removal of such debris shall be filled back and compacted to the original  
1806 grade, as approved by the building official, with fill material excluding detrimental  
1807 amounts of organic material or large dimension nonorganic material.  
1808
- 1809 D. Permitted demolition work, including filling and leveling back to grade and removal of  
1810 required pedestrian walkways and fences, shall be completed within the permit period  
1811 unless the building official finds that any part of the foundation of building or site will  
1812 form an integral part of a new structure to be erected on the same site for which plans  
1813 have already been approved by the building services and licensing division. In such  
1814 event, the building official may approve plans for appropriate adjustments to the  
1815 completion time and may impose reasonable conditions including the posting of a bond,  
1816 erection of fences, securing, or similar preventions to ensure the site does not create a  
1817 hazard after the demolition is completed.  
1818

1819 **18.64.110: RELATIONSHIP TO OTHER ORDINANCE:**

1820  
1821 Provisions of this chapter shall be subordinate to any contrary specific provisions of ~~¶~~Title  
1822 21A, ~~¶~~Chapter 21A.34 of this code, dealing with demolition in historic districts, or its  
1823 successor.

1824 **18.64.120: VIOLATIONS:**

- 1825  
1826 A. It is unlawful for the owner of a building or structure to violate the provisions of this  
1827 chapter. Each day a violation occurs shall be a separate offense.  
1828
- 1829 B. Violation of the provisions of this chapter is punishable as a class B misdemeanor or by  
1830 imposing a civil penalty as provided in ~~§~~Section 21A.20.010 et seq., of this code.  
1831  
1832

1833 SECTION 6. Enacting the Text of Salt Lake City Code Section Chapter 18.64, Article

1834 II. That Section 18.64, Article II, of the *Salt Lake City Code* is enacted to read as follows:

1835 **Article II. Emergency Demolition**

1836  
1837 **18.64.130: PURPOSE:**

1838 **18.64.140: EMERGENCY DEMOLITIONS APPLICABILITY:**

1839 **18.64.150: IMMEDIATE CITY DEMOLITION:**

1840 **18.64.160: EMERGENCY DEMOLITION:**

1841 **18.64.170: BILL FOR COSTS; COLLECTION:**

1842  
1843 **18.64.130: PURPOSE:**

**LEGISLATIVE DRAFT**

1845 Notwithstanding the other provisions of this chapter, the process for demolishing buildings in  
1846 an emergency situation shall be as provided by this article.

1847  
1848 **18.64.140: EMERGENCY DEMOLITIONS APPLICABILITY:**

1849  
1850 If the building official determines that the walls or roof of a building or structure are  
1851 collapsing, either in whole or in part, or in imminent danger of collapsing in such a way as to  
1852 fall on other structures, property, or public rights of way, or create a danger to persons who  
1853 may enter the property, or create a danger of fire, the building official may issue an order that  
1854 the building should be demolished pursuant to this article.

1855  
1856 **18.64.150: IMMEDIATE CITY DEMOLITION:**

1857 A. If the building official determines that demolition should begin immediately, the building  
1858 official shall schedule an emergency meeting of the Housing Advisory and Appeals  
1859 Board (HAAB) as soon as practical.

1860 B. The director of housing and neighborhood development shall make reasonable efforts to  
1861 notify the recorded property owner, all HAAB members, the historic landmark  
1862 commission staff person, the city council member and the community organization  
1863 recognized pursuant to Title 2, Chapter 2.60 of this code in which the property is located.

1864 C. At least three (3) HAAB members, and any others available, shall attend the emergency  
1865 meeting to consider the immediate demolition.

1866 D. The emergency HAAB meeting shall hear any evidence or testimony regarding the  
1867 immediate demolition and shall determine whether immediate demolition is appropriate  
1868 under the standards of or its successor.

1869 E. If the emergency HAAB meeting authorizes immediate demolition, and the property  
1870 owner was present or represented at the emergency HAAB meeting, the property owner  
1871 shall have twenty four (24) hours in which to have a licensed contractor obtain a permit  
1872 for the demolition. Work under any such permit shall be commenced within twenty four  
1873 (24) hours of the permit's issuance. Within twenty four (24) hours of the start of the  
1874 work, the property shall be secured to prevent entry and the structure demolished so that  
1875 no part of the structure is in imminent danger of collapsing in such a way as to fall on  
1876 other structures, property or public rights of way, or create a danger of fire. Work under  
1877 the demolition permit shall be completed within seven (7) days of the permit's issuance.

1878 F. If the property owner was notified but unrepresented at the emergency HAAB meeting,  
1879 or the property owner fails to proceed with the demolition pursuant to the requirements of  
1880 Subsection E of this section or its successor, the city may contract with a licensed  
1881 demolition contractor to demolish the building.

1882 G. If HAAB does not authorize the immediate demolition, the building official may appeal  
1883 such a denial on an expedited basis to the mayor.

LEGISLATIVE DRAFT

1884  
1885 1. All parties specified in Subsection B of this section, or its successor, shall be notified  
1886 of the appeal hearing before the mayor or the mayor’s designee.

1887  
1888 2. The mayor, or the mayor’s designee, shall hear evidence regarding the immediate  
1889 demolition.

1890  
1891 H. If the mayor or the mayor’s designee authorizes immediate demolition under the  
1892 standards of Section 18.64.160 of this chapter, or its successor, the provisions of  
1893 Subsections E and F of this section, or their successors, shall apply.

1894  
1895 **18.64.160: EMERGENCY DEMOLITION:**

1896  
1897 If the chief building official declares an emergency, the notification and hearing provisions of  
1898 section this chapter, or its successor, shall be waived and the building official may authorize  
1899 immediate demolition of any structure that meets the standards of Section 18.64.140 of this  
1900 chapter or its successor. The chief building official must make an emergency declaration in  
1901 writing.

1902  
1903 **18.64.170: BILL FOR COSTS; COLLECTION:**

1904  
1905 A. Upon the completion of any city demolition pursuant to this article, the city shall mail a  
1906 bill to the property owner for the city’s costs of demolition which shall include the cost of  
1907 the demolition contractor and a reasonable amount to pay the costs of city personnel  
1908 involved in the demolition.

1909  
1910 B. If the bill is not paid within thirty (30) days, the city may take legal action to collect the  
1911 bill.

1912  
1913 SECTION 7. Effective Date. This ordinance shall become effective on the date of its

1914 first publication.

1915 Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

1916  
1917  
1918  
1919 \_\_\_\_\_  
CHAIRPERSON

1920  
1921 ATTEST:

1922  
1923 \_\_\_\_\_  
1924 CHIEF DEPUTY CITY RECORDER

1925  
1926  
1927 Transmitted to the Mayor on \_\_\_\_\_.

**LEGISLATIVE DRAFT**

1928  
1929  
1930  
1931  
1932  
1933  
1934  
1935  
1936  
1937  
1938  
1939  
1940  
1941  
1942  
1943  
1944  
1945  
1946  
1947  
1948  
1949  
1950  
1951  
1952  
  
1953

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 201\_\_.

Published: \_\_\_\_\_.

**APPROVED AS TO FORM**  
Salt Lake City Attorney's Office  
  
Date: \_\_\_\_\_  
  
By: \_\_\_\_\_  
*Allison Parks, Assistant City Attorney*

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 201\_\_

(Amending Section 2.21.030; Repealing Chapter 18.48 and Enacting Chapter 18.48, Articles I and II; Amending Chapter 18.64, Article I and Enacting Chapter 18.64, Article II)

An ordinance amending Section 2.21.030, repealing Chapter 18.48 and enacting Chapter 18.48, Articles I & II, and amending Chapter 18.64, Article I and enacting Chapter 18.64, Article II of the *Salt Lake City Code*; and

WHEREAS, it is proposed that Section 2.21.030 of the *Salt Lake City Code* relating to appeals, be amended to clarify the appeals authority of the Housing Advisory and Appeals Board;

WHEREAS, it is proposed that Chapters 18.48 and 18.64 of the *Salt Lake City Code* relating to dangerous buildings and demolition be amended to modify the requirements for boarding, abatement, and demolition of dangerous buildings and structures, adequately describe what constitutes a dangerous and/or boarded building, and what constitutes emergency demolition;

WHEREAS, the Salt Lake City Planning Commission held a public hearing on March 28, 2018 at which the planning commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council on said application; and

WHEREAS, after a public hearing on this matter, the city council has determined that adopting this ordinance is in the city's best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Text of Salt Lake City Code Section 2.21.030. That Section 2.21.030, of the *Salt Lake City Code* (Administration and Personnel; Housing Advisory Appeals Board; Powers and Authority) shall be amended to read as follows:

**2.21.030: POWERS AND AUTHORITY:**

HAAB shall have the power and authority to:

- A. Apply the provisions of Title 5, Chapter 5.14 and Title 18, Chapter 18.50 of this code;
- B. Hear and decide appeals as specified in Title 5, Chapter 5.14 and Title 18, Chapter 18.50 of this code;
- C. Modify the impact of specific provisions of Title 5, Chapter 5.14 and Title 18, Chapter 18.50 of this code, where strict compliance with the provisions is economically or structurally impracticable and any approved alternative substantially accomplishes the purpose and intent of the requirement deviated from;
- D. Conduct housing impact hearings pursuant to Title 18, Chapter 18.64 of this code;
- E. Recommend new procedures to the building official and new ordinances regarding housing to the city council; and
- F. Hear and decide appeals as specified in Title 18, Chapter 18.48 of this code.

SECTION 2. Repealing and Replacing the Text of Salt Lake City Code Chapter 18.48,

Article I. That Chapter 18.48, Article I, of the *Salt Lake City Code* (Buildings and Construction; Dangerous Buildings; Code Adoption and Administration) shall be and hereby is repealed in its entirety and replaced as follows:

**Article I. Repair, Vacation, or Boarding of Dangerous Buildings**

**18.48.010: Title:**

**18.48.020: Purpose and Scope:**

**18.48.030: Definitions:**

**18.48.040: Authority to Enforce:**

**18.48.050: Procedure Upon Determination of a Violation:**

**18.48.060: Notice to Vacate:**

**18.48.070: Extension of Time to Perform Work:**

**18.48.080: Appeals:**

- 18.48.090: City’s Abatement of Property:**
- 18.48.100: Recovery of Costs:**
- 18.48.110: Applicability of Building Code:**
- 18.48.120: Public Nuisances:**

**18.48.010: TITLE:**

This chapter and the provisions included herein constitute Salt Lake City’s Dangerous Building Code, and will be referred to hereinafter as “the Dangerous Building Code” or “this Code.” This Code is modeled after the Uniform Code for the Abatement of Dangerous Buildings, 1997 edition, and has only been adopted as stated herein.

**18.48.020: PURPOSE AND SCOPE:**

It is the purpose of the Dangerous Building Code to provide just, equitable, and practicable methods to require the repair, vacation, or temporary boarding of buildings or structures that endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants. The provisions of this Dangerous Building Code are cumulative and in addition to any other remedy provided by law.

**18.48.030: DEFINITIONS:**

- A. **BUILDING CODE:** The International Building Code, or its successor, promulgated by the International Code Council, as adopted by the state.
- B. **BOARDED BUILDING:** A building in which accessible openings, such as windows and doors, are secured by a secondary means against entry. Examples of securing a building by a secondary means includes, but is not limited to, boarding and fencing.
- C. **DANGEROUS BUILDINGS:** For the purpose of this Dangerous Building Code, any building or structure that has any or all of the conditions or defects hereinafter described may be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered.
  - 1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
  - 2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose, or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
7. Whenever any portion of a building or structure has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
10. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become an attractive



nuisance to children or as to enable persons to resort thereto for the purpose of committing unlawful acts.

13. Whenever 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 building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location, or structure of buildings.
  14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
  15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
  16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
  17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
  18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
- E. DIVISION: Salt Lake City's Division of Building Services, or the successor Salt Lake City division authorized to perform the repair, vacation, or boarding of a building under this chapter.
- F. HOUSING CODE: The Salt Lake City Existing Residential Housing Ordinance as promulgated in Chapter 18.50 of the City Code.
- G. VACANT/SECURE BUILDING: An unoccupied building having all openings, such as windows and doors, secured against entry, where windows are fully glazed and the doors are secured by means of a lock.

**18.48.040: AUTHORITY TO ENFORCE:**

- A. Authority to Enforce: The building official or designee is hereby authorized to enforce the provisions of this Dangerous Building Code. The building official shall have the power to render interpretations of this Dangerous Building Code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Dangerous Building Code.
- B. Authority to Inspect: The building official or their designee is hereby authorized to make inspections and take such actions as may be required to enforce the provisions of this Dangerous Building Code.
- C. Buildings or Structures Subject to Inspection: Any building or structure, where there is reasonable cause to believe a condition exists that renders the building or structure in violation of the provisions of this code, is subject to inspection by the building official or their designee in the manner provided by this Dangerous Building Code.
- D. Inspection when Permit Required: All construction or work for which a permit is required is subject to inspection by the building official or their designee in accordance with and in the manner provided by this Dangerous Building Code.
- E. Inspections: The building official or their designee may enter a building or structure at reasonable times to inspect or to perform the duties imposed by this Dangerous Building Code.
  - 1. If the building or structure is occupied, the building official or designee shall present credentials to the occupant and request entry;
  - 2. If the building or structure is unoccupied, the building official or their designee shall make reasonable efforts to locate the owner or other persons having charge or control of the building or premises and request entry;
  - 3. If entry is refused, the building official or their designee shall have recourse to the remedies provided by law to secure entry.

**18.48.050: PROCEDURE UPON DETERMINATION OF A VIOLATION:**

- A. Initiation of Action: When the building official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the building official shall commence proceedings to cause the repair, vacation, or boarding of the building.
- B. Form of Notice and Order: The building official shall issue a written notice and order directed to the record owner of the building.

1. The notice and order shall:
  - a. Identify the property owner of record according to the records of the Salt Lake County Recorder.
  - b. Describe the property and contain a statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of this code.
  - c. Require the property owner to take action as determined by the building official.
    - i. If the building official has determined that the building or structure must be repaired or boarded, the order shall require that all required permits be secured and the work physically commenced within such time as the building official shall determine is reasonable under all of the circumstances, which time shall not be less than 10 days from the date after the day the notice is delivered in person or postmarked.
    - ii. If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable, which time shall not be less than 10 days from the date after the day the notice is delivered in person or postmarked.
  - d. A statement that, if any required repair work not also requiring the vacation of property is not commenced within the time specified in Section 18.48.050.B.1.c.i, the building official will order the building vacated and posted to prevent further occupancy until the work is completed and may proceed to cause the work to be done and recover the costs as set forth in Section 18.48.100.
  - e. A statement that (i) any person having any record title or legal interest in the building may appeal from the notice and order of the building official, except for an objection from an itemized statement of costs, to the Housing Advisory and Appeals Board as established in this chapter, provided the appeal is made in writing as provided in this code and filed with the building official within 30 days from the date of service of such notice and order; and (ii) failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.
- C. Service: The written notice and order, and any amended or supplemental notice and order, shall be served on the property owner of record according to the records of the county recorder. Service shall be made in person or by mail, postage prepaid, return receipt requested. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date the notice and order are postmarked.

- D. Proof of Service: Proof of service of the notice and order shall be certified at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.
- E. Recording of Certificate: If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. If the actions ordered are completed after filing of this certificate or the building is demolished so that it no longer exists as a dangerous building on the property, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

**18.48.060: NOTICE TO VACATE:**

- A. Form of Notice: Every notice to vacate shall, in addition to being served as provided in Section 18.48.050, be posted on the exterior of the building and shall be in substantially the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official

.....of.....

- B. Compliance with Notice to Vacate: No person shall remain or enter any building which has been so posted, except that entry may be made to repair or board. No person shall remove or deface any such notice after it is posted.

**18.48.070: EXTENSION OF TIME TO PERFORM WORK:**

Upon a timely written request by the owner setting forth the requested reasons for an extension of time, the building official or designee may grant an extension of time, not to exceed 120 days from the deadline set forth in the original notice and order, within which to complete said repair, vacation, or boarding, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair,

vacation, or boarding of the premises and will not in any way affect the time to appeal the notice and order.

**18.48.080: APPEALS:**

- A. Hearing Appeals: Timely written appeals of notice and orders or any action of the building official, except for an objection from an itemized statement of costs, shall be heard and decided by the Housing Advisory and Appeals Board.
- B. Form of Notice: Any person entitled to service under Section 18.48.050 may appeal from any notice and order or any action of the building official under this code by filing at the office of the building official a written appeal containing:
  - 1. A heading containing the words: "Before the housing advisory and appeals board \_\_\_\_\_"
  - 2. A caption reading: "Appeal of \_\_\_\_\_," giving the names of all appellants participating in the appeal.
  - 3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
  - 4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
  - 5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
  - 6. The signatures of all parties named as appellants and their official mailing addresses.
  - 7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- C. Time to File an Appeal: The appeal must be filed within 30 days from the date of the issuance of the notice and order described herein, except as provided in Subsection D.
- D. Time to File an Appeal for an Imminently Dangerous Building: If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 18.48.060, such appeal shall be filed as soon as reasonably practical from the date of the issuance of the notice and order of the building official.

- E. Transmittal of Appeal: Upon receipt of any appeal filed pursuant to this section, the building official shall transmit the appeal to the members of the Housing Advisory and Appeals Board for scheduling of a meeting within 30 days of receipt of a timely appeal.
- F. Scheduling Hearing: As soon as practicable after receiving the written appeal, the Housing Advisory and Appeals Board shall fix a date, time and place for the hearing of the appeal by the board. Such date shall not be less than 10 days nor more than 30 days from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.
- G. Failure to Timely Appeal: Failure of any person to file a timely appeal in accordance with the provisions of this code shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.
- H. Issues Considered on Appeal: Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
- I. Stays Pending Appeal: Except for vacation or boarding orders made pursuant to Section 18.48.050, enforcement of any notice and order of the building official issued under this Dangerous Building Code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.
- J. Authority to Hear and Evaluate Appeal: The Housing Advisory and Appeals Board shall have the authority to hear and evaluate evidence related to the building official's decision and determine whether the decision was arbitrary and capricious or illegal. The Housing Advisory and Appeals Board has no authority relative to interpretation of the administrative provisions of this code nor is the board empowered to waive requirements of this code. After the Housing Advisory and Appeals Board makes a final determination, they shall issue a written determination.
- K. Appeal to Utah District Court: After issuance of a final written determination by the Housing Advisory and Appeals Board, the decision may be appealed to the Utah District Court, Third Judicial District within 30 days from the issuance of the decision.

**18.48.090: CITY'S ABATEMENT OF PROPERTY:**

If compliance is not had with the order within the time specified in the notice and order and no appeal has been properly and timely filed, the building official or designees may cause the building to be repaired, vacated, or boarded to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order. Any such repair, vacation, or boarding shall be accomplished and the cost thereof paid and recovered as set forth in this code.

**18.48.100: RECOVERY OF COSTS:**

- A. Permitted Recovery of Costs: If the building official or designee causes the repair, vacation, or boarding of a building pursuant to a notice issued under Section 18.48.050, the division may collect the cost of that abatement, by filing a property tax lien, as set forth in this section.
- B. Itemized Statement of Costs: Upon completion of the repair, vacation, or boarding work, the building official or designee shall prepare an itemized statement of costs and mail it to the property owner by certified mail, demanding payment within thirty (30) days of the date the statement is post marked.
- C. Form of Itemized Statement of Costs: The itemized statement of costs shall:
  - 1. Include:
    - a. the address of the property at issue;
    - b. an itemized list of all expenses incurred by the division, including administrative costs;
    - c. a demand for payment; and
    - d. the address where payment is to be made;
  - 2. Notify the property owner:
    - a. that failure to timely pay the expenses described in the itemized statement may result in a lien on the property in accordance with this chapter and Utah Code Section 10-11-4 or its successor;
    - b. that the property owner may file a written objection to all or part of the statement within twenty (20) days of the date the statement is postmarked; and
    - c. where the property owner may file the objection, including the name of the office and the mailing address.
- D. Delivery of Statement of Costs: The itemized statement of costs described in Subsection C shall be deemed delivered when mailed by certified mail addressed to the last known address of the property owner, according to the records of the county recorder.
- E. Objection to Statement of Costs: If the property owner files a timely written objection, the division will schedule a hearing and will mail or deliver to the property owner prior to the hearing a notice stating the date, time, and location of the hearing.

- F. Objection Hearing: At the hearing described in Subsection E, after the property owner presents the objection to the hearing officer, the fines hearing officer shall review and determine the cost of abatement incurred by the division in abating the property, including administrative costs. The property owner must pay any amount the fines hearing officer determines is due and owing to the Salt Lake City Treasurer at the address provided in the statement of costs within thirty (30) days of the date of the hearing.
- G. Failure to Object or Pay: If the property owner fails to make payment of the amount set forth in the itemized statement within thirty (30) days of the date of the mailing of that statement, or to file a timely objection, then the division may certify the past due costs and expenses to the Salt Lake County Treasurer.
- H. Failure to Pay After Objection Hearing: If the property owner files a timely objection but fails to make payment of any amount found due and owing under Subsection F within thirty (30) days of the date of the hearing, the inspector may certify the past due costs and expense to the Salt Lake County Treasurer.
- I. Lien on Property: After entry by the treasurer of the county, as set forth in Subsections G and H, the amount entered shall have the force and effect of a valid judgment of the district court, is a lien on the property, and shall be collected by the treasurer of the county in which the property is located at the time of the payment of general taxes.
- J. Release of Lien: Upon payment of the amount set forth in the itemized statement of costs or otherwise determined due and owing by the hearing officer in Subsections E and F, the judgment is satisfied, the lien is released from the property, and receipt shall be acknowledged upon the general tax receipt issued by the treasurer.

**18.48.110: APPLICABILITY OF BUILDING CODE:**

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of the International Building Code, or its successor section.

**18.48.120: PUBLIC NUISANCES:**

- A. Declaration and Abatement of Public Nuisances: All buildings or structures or portions thereof which are determined after inspection by the building official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, vacation, or boarding in accordance with the procedures specified herein.
- B. Boarded Building as Public Nuisance: Any structure which has been boarded for over two (2) years may be declared to be a public nuisance as detrimental to the safety and public welfare of the residents and property values of this city.



SECTION 3. Repealing and Replacing the Text of Salt Lake City Code Chapter 18.48.

Article II. That Chapter 18.48, Article II, of the *Salt Lake City Code* (Buildings and Construction; Dangerous Buildings; Temporary Securing of Buildings) shall be and hereby is repealed in its entirety and replaced as follows:

**Article II. BOARDING OR TEMPORARILY SECURING BUILDINGS**

**18.48.200: SCOPE AND APPLICABILITY:**

**18.48.205: BOARDING PERMIT:**

**18.48.210: INITIAL FEES:**

**18.48.215: YEARLY FEES:**

**18.48.220: POSTING OF BOARDED OR CLOSED TO OCCUPANCY BUILDINGS:**

**18.48.225: METHOD OF SECURING BUILDINGS:**

**18.48.230: LANDSCAPE MAINTENANCE:**

**18.48.235: EXTERIOR MAINTENANCE:**

**18.48.240: SNOW AND ICE REMOVAL:**

**18.48.245: CITY MAINTENANCE OF PROPERTY:**

**18.48.250: CITY MAINTENANCE OF LANDSCAPING:**

**18.48.255: LEGAL ACTION AUTHORIZED:**

**18.48.260: BUILDING INSPECTIONS REQUIRED:**

**18.48.200: SCOPE AND APPLICABILITY:**

The provisions of this article apply to any person that is ordered to board a building under Article I and any person who voluntarily boards a building.

**18.48.205: BOARDING PERMIT:**

- A. Permit Required: A permit is required to board a building.
- B. Form of Permit: Permits for boarding a building must be applied for on a form provided by the building official or designee. The form shall specify the following:
  - 1. The address of the structure to be boarded or temporarily secured;
  - 2. The type of building;
  - 3. For residential structures, the number of dwelling units;
  - 4. For nonresidential buildings, the number of square feet of all building faces at ground level;

5. The name, address, and telephone number of a person authorized to act as an agent for the owner for performing the owner's obligations under this article, who lives within forty (40) miles of Salt Lake City; and
6. Whether the property has the required external water source for landscaping, if landscaping is required.

**18.48.210: INITIAL FEES:**

For the first year of any boarding, at the time of filing the application, the applicant shall pay the fees shown on the Salt Lake City consolidated fee schedule for each structure.

**18.48.215: YEARLY FEES:**

- A. Annual Fee: On or before each yearly anniversary of the issuance of a boarding permit, a property owner desiring to maintain a boarded building shall pay the annual boarding fee shown on the Salt Lake City consolidated fee schedule.
- B. Late Fee: A late fee of twenty five dollars (\$25.00) shall be assessed by the city for each thirty (30) days, or any portion thereof, in which the annual fees have not been paid up to amounts allowed by state law.
- C. Failure to Obtain Permit: Boarding a building before obtaining a permit pursuant to this article shall result in a fine of up to twenty five percent (25%) of the boarding application fee specified in the Salt Lake City consolidated fee schedule.
- D. Collection of Fees: If the property owner fails to pay either the initial boarding fees or the annual boarding fees, the city may take legal action to collect any amounts owed.

**18.48.220: POSTING OF BOARDED OR CLOSED TO OCCUPANCY BUILDINGS:**

Whenever a building is boarded or closed to occupancy, the city shall be authorized to install a sign to be mounted on the exterior of the building. The sign shall state that the building is closed to occupancy and that it is unlawful for any unauthorized person to enter the building. The sign shall also provide phone numbers to call if people are seen on the property or if doors or windows are unsecured.

**18.48.225: METHOD OF SECURING BUILDINGS:**

All buildings shall be boarded in the following manner:

- A. Securing Opening: All openings in the structure on the first floor, other openings easily accessible from the ground, and openings with broken glass, shall be secured either by erecting a single one-half inch (1/2") thick layer of plywood sheathing or similar material, not to include chipboard/OSB, covering over all exterior openings, overlapping

the opening on every edge by three inches (3"), affixed along the edges by nails or screws spaced every six inches (6").

- B. Alternatives to Securing Openings: 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 (2" x 4") (nominal dimension) placed not more than twenty four inches (24") apart on center. The frame stud shall have the four inch (4") sides or the wide dimension perpendicular to the face of the wall. Each side of the frame shall be covered with plywood sheathing or similar material of at least one-half inch (1/2") thickness or equivalent lumber nailed over the opening by using nails or screws spaced every six inches (6") on the outside edges and every twelve inches (12") along intermediate stud supports; and
- C. Exterior Doors: 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 Subsection A or B of this section or successor sections.

**18.48.230: LANDSCAPE MAINTENANCE:**

Existing landscaping and lawn on the property shall be maintained in the manner otherwise required by Chapters 9.16 and 21A.48.

**18.48.235: EXTERIOR MAINTENANCE:**

- A. Exterior of Building: The exterior of a boarded building shall be maintained as required by relevant requirements set forth in Section 18.50.140 of this title. In particular, exterior walls and surfaces shall be properly maintained and severely weathered, peeling, or unpainted wood and damaged siding and roofing shall be replaced or repaired with similar materials and colors.
- B. Salvage Permit Required: Doors, windows, special glass, fixtures, fittings, pipes, railings, posts, panels, boards, lumber, stones, bricks, marble, or similar materials within the interior of a boarded building shall not be salvaged except upon the issuance of a permit as provided in Section 18.64.070 of this title.
- C. Enforcement of Exterior Maintenance Requirements: If the owner of a boarded building fails to maintain the building and its premises as required by this section and section 18.64.045 of this title, the city may take appropriate legal action to enforce such requirements.

**18.48.240: SNOW AND ICE REMOVAL:**

Snow and ice must be removed from public sidewalk areas surrounding the boarded property in the manner indicated in Section 14.20.070 of this code.

**18.48.245: CITY MAINTENANCE OF PROPERTY:**

- A. Notice: If the building official or the building official’s designee determines that a boarded building and/or property is not being maintained, the building official or the building official’s designee shall send a notice to the property owner and/or the property owner’s agent requiring compliance with the building maintenance standards as required in city code.
- B. Failure to Comply with Notice: If the building official or designee determines that the property owner has failed to comply with the notice, the city may cause the work to be done by a contractor hired by the city.
- C. City’s Recovery of Costs: The city shall bill the property owner:
  - 1. The administrative fee shown on the Salt Lake City consolidated fee schedule to cover the city’s administrative expenses in contracting for the building maintenance; and
  - 2. The actual cost of building maintenance billed to the city by the city’s contractor.

**18.48.250: CITY MAINTENANCE OF LANDSCAPING:**

If the building official or the building official’s designee determines that the landscaping on the property surrounding a boarded building is not being maintained as required by city code, the building official or the building official’s designee shall follow the notice of violation and corrective measures procedures as detailed in Sections 9.16.050 and 9.16.060.

**18.48.255: LEGAL ACTION AUTHORIZED:**

The city may recover any costs it incurs in for enforcing the provisions of this title, as set forth in city code.

**18.48.260: BUILDING INSPECTIONS REQUIRED:**

Whenever a property owner, manager, or tenant intends to clean, repair, renovate, reopen or reoccupy a building that has been boarded, the building is to be inspected by the building official or designee and a permit must be issued by building services or its successor prior to the building owner, manager, or tenant initiating any of the above actions. Any person conducting any work on a building that has been boarded or closed to occupancy must have a valid building permit at all times.

SECTION 4. Repealing and Moving the Text of *Salt Lake City Code* Chapter 18.48,

Article III. That Chapter 18.48, Article III, of the *Salt Lake City Code* (Buildings and

Construction; Dangerous Buildings; Emergency Demolition) shall be and hereby is repealed in its entirety and moved to Chapter 18.64.

SECTION 5. Amending the Text of Salt Lake City Code Section 18.64. That Section 18.64, of the *Salt Lake City Code* (Buildings and Construction; Demolition) shall be amended to read as follows:

**Article I. Demolition**

**18.64.005: PURPOSE AND INTENT:**

**18.64.010: PERMIT REQUIRED:**

**18.64.020: APPLICATION AND PERMIT:**

**18.64.030: FEES AND SIGNATURE:**

**18.64.040: ISSUANCE OF DEMOLITION PERMIT:**

**18.64.045: DEMOLITION BY NEGLIGENCE:**

**18.64.050: RESIDENTIAL DEMOLITION PROVISIONS:**

**18.64.070: PREDEMOLITION SALVAGE PERMITS:**

**18.64.080: EXPIRATION; DILIGENCE:**

**18.64.090: QUALIFICATIONS TO DO WORK:**

**18.64.100: DEMOLITION REQUIREMENTS:**

**18.64.110: RELATIONSHIP TO OTHER ORDINANCE:**

**18.64.120: VIOLATIONS:**

**18.64.005: PURPOSE AND INTENT:**

A. The purpose of the provisions in this chapter is to:

1. Promote the public welfare by maintaining the integrity and continuity of the urban fabric and economic vitality;
2. Provide an orderly and predictable process for demolition of buildings and structures when appropriate;
3. Ensure demolition occurs safely;
4. Protect utilities and other infrastructure from damage during demolition;

5. Provide for enforcement of timely completion of demolition and for improvement of property following demolition to ensure the site is not detrimental to the use and enjoyment of surrounding property;
  6. Provide for enforcement and maintenance of property to avoid purposeful demolition by neglect; and
  7. Encourage preservation of the city's housing stock where appropriate.
- B. A primary intent of the city council with respect to this chapter is to promote responsible re-use of existing housing stock where practical and provide an orderly process for demolition where it is not practical or cost efficient to rebuild/reuse. Accordingly, the council finds that it is in the public interest to require existing buildings to be maintained in a manner that does not constitute a public nuisance until replaced by new construction, except as otherwise permitted by this code.

**18.64.010: PERMIT REQUIRED:**

It is unlawful to demolish any building or structure in the city, or cause the same to be demolished, without first obtaining a permit for demolition of each such building or structure from the city building official as provided in this chapter.

**18.64.020: APPLICATION FOR PERMIT:**

To obtain a permit for demolition, an applicant shall submit an application in writing on a form furnished by the building official for that purpose. Each application shall:

- A. Identify and describe the type of work to be performed under the permit;
- B. State the address of the structure or building to be demolished;
- C. Describe the building or structure to be demolished including the type of use, type of building construction, size and square footage, number of stories, and number of residential dwelling units (if any);
- D. Indicate the method and location of demolished material disposal;
- E. Identify the approximate date of commencement and completion of demolition;
- F. Indicate if fences, barricades, scaffolds or other protections are required by any city code for the demolition and, if so, their proposed location and compliance;
- G. State whether fill material will be required to restore the site to level grade after demolition and, if required, the approximate amount of fill material;

- H. If the building or structure to be demolished contains any dwelling units, state whether any of the dwelling units are presently occupied; and
- I. State the proposed use of the premises following demolition. If new construction is proposed following demolition, state the anticipated start date and whether any development applications have been submitted to and/or approved by the city.

**18.64.030: FEES AND SIGNATURE:**

- A. The permit application shall be signed by the party or the party's authorized agent requesting the permit. A signature on the permit application constitutes a certification by the signee that the information contained in the application is true and correct.
- B. The fee for a demolition permit application shall be as shown on the Salt Lake City consolidated fee schedule.
- C. An additional fee for the cost of inspecting the property to determine compliance with the requirements of this chapter and to assure the property is kept free of weeds and junk materials shall be collected in the amount shown on the Salt Lake City consolidated fee schedule.

**18.64.040: ISSUANCE OF DEMOLITION PERMIT:**

- A. A demolition permit may be issued upon completion of an application in accordance with Section 18.64.020 herein; or the chief building official or fire marshal orders immediate demolition:
  - 1. Due to an emergency as provided in Chapter 18.64, Article II of this title; or
  - 2. Because the premises have been damaged beyond repair because of a natural disaster, fire, or other similar event; or
  - 3. The chief building official or fire marshal authorizes immediate demolition because clearing of land is necessary to remove a nuisance as defined in this code or Section 76-10-801 et seq., Utah Code or its successor.
- B. The chief building official or fire marshal may request that an administrative committee, appointed by the mayor, render an opinion regarding whether a particular building or structure should be demolished pursuant to the provisions of subsection B1 or B2 of this section.
  - 1. If a committee demolition opinion is requested, information regarding the factual and legal basis for determining the propriety of the request shall be provided to the committee. The property owner shall be notified of the opinion request and may submit any information to the committee deemed relevant by the owner.

2. If after considering the factual and legal information provided, the committee recommends the building or structure should be demolished, the chief building official or fire marshal, as the case may be, shall consider such information in determining whether to authorize demolition.
- C. If proposed demolition involves a landmark site, a contributing structure, or a structure located in the H Historic Preservation Overlay District, as provided in Section 21A.34.020 of this code, or its successor, a demolition permit shall be issued only upon compliance with applicable provisions of that section or its successor.

**18.64.045: DEMOLITION BY NEGLECT:**

The owner of a boarded building shall maintain the exterior of the building as provided in Section 18.48.235, “Exterior Maintenance”, of this title or its successor.

**18.64.050: RESIDENTIAL DEMOLITION PROVISIONS:**

- A. Except as provided in Subsection B of this section, if the structure for which a demolition permit is sought contains one or more dwelling units, whether or not occupied, the building official shall consider the impact of the requested demolition on the housing stock of Salt Lake City pursuant to the provisions of this section.
- B. This section shall not apply to any housing which:
1. Is a nonconforming use as provided by relevant provisions of Title 21A, “Zoning”, of this code; or
  2. Is located on property for which an applicable master plan or the current zoning envisions exclusive nonresidential use; or
  3.
    - a. Is proposed to be demolished for health or safety reasons as provided in this section or its successors.
    - b. Notwithstanding Subsection B3a of this section, housing which is demolished for health or safety reasons, which is the result of neglect pursuant to Section 18.64.045 of this chapter, shall be subject to the provisions of this section.
- C. The building official, within ten (10) days after receipt of a demolition permit application, shall determine whether the requested demolition will result in:
1. Construction of one or more residential units with a net loss of one or more dwelling units; or



2. No net loss of dwelling units will occur due to the anticipated construction of new dwelling units pursuant to an approved and issued building permit for the premises where the demolition will occur.

D.

1. If Subsection C2 of this section applies, the building official shall issue a finding of no residential impact and the demolition permit may be issued.
2. If Subsection C1 of this section applies, the building official shall issue a finding of residential impact.

- E. Upon making a finding of residential impact, the building official shall follow the procedures outlined in Chapter 18.97. Once the fee is paid, the demolition permit may be issued immediately upon completion of the application process in Section 18.64.020.

**18.64.070: PREDEMOLITION SALVAGE PERMITS:**

- A. A predemolition salvage permit shall be required for removal of doors, windows, special glass, fixtures, fittings, pipes, railings, posts, panels, boards, lumber, stones, bricks, marble, or similar materials on the exterior or interior of any building prior to demolition of the structure. A predemolition salvage permit may be issued only contemporaneously with, or after, city approval of:
1. A building permit for new construction on the premises following demolition, or
  2. A demolition permit.
- B. A predemolition salvage permit fee shall be as shown on the Salt Lake City consolidated fee schedule.

**18.64.080: EXPIRATION; DILIGENCE:**

A demolition permit shall expire forty five (45) calendar days from the date of issuance, unless a completion date allowing more time is requested and approved by the building official at the time of application. A demolition permit may be renewed upon request prior to expiration with approval of the building official for one-half (1/2) of the original permit fee, provided continuous progress is being made. If a permit is allowed to expire without prior renewal, any subsequent request for reinstatement shall be accompanied by a reinstatement fee equal to the original demolition permit fee.

**18.64.090: QUALIFICATIONS TO DO WORK:**

- A. It shall be unlawful for demolition work permitted under this chapter to be performed except by a wrecking and demolition contractor having a license in good standing issued by the Division of Occupational and Professional Licensing in the Utah Department of Commerce.

- B. Salvage work under a predemolition salvage permit may be done without a contractor's license provided all other applicable conditions of this chapter are met.

**18.64.100: DEMOLITION REQUIREMENTS:**

- A. Prior to the commencement of any demolition or moving, the permittee shall plug all sewer laterals at or near sidewalk lines as staked out by the department of public utilities. No excavation shall be covered until such plugging is approved by the department or by the building official. The permittee shall further ensure all utility services to the structure and/or premises have been shut off and meters removed prior to commencement of demolition work.
- B. When the applicant indicates the demolition will require more than thirty (30) days to complete, and where required by the building official for the safety of the public, the applicant shall also provide plans to fence the demolition site so that it is inaccessible to unauthorized persons in a manner acceptable to the building official. The building official may waive the fencing requirement if it is determined that fencing would be inappropriate or unnecessary to protect safety or health.
- C. A permit for demolition shall require that all materials comprising part of the existing structure(s), including the foundation and footings, be removed from the site. Unless otherwise approved under a building permit for redevelopment of the site, the depression caused by the removal of such debris shall be filled back and compacted to the original grade, as approved by the building official, with fill material excluding detrimental amounts of organic material or large dimension nonorganic material.
- D. Permitted demolition work, including filling and leveling back to grade and removal of required pedestrian walkways and fences, shall be completed within the permit period unless the building official finds that any part of the foundation of building or site will form an integral part of a new structure to be erected on the same site for which plans have already been approved by the building services and licensing division. In such event, the building official may approve plans for appropriate adjustments to the completion time and may impose reasonable conditions including the posting of a bond, erection of fences, securing, or similar preventions to ensure the site does not create a hazard after the demolition is completed.

**18.64.110: RELATIONSHIP TO OTHER ORDINANCE:**

Provisions of this chapter shall be subordinate to any contrary specific provisions of Title 21A, Chapter 21A.34 of this code, dealing with demolition in historic districts, or its successor.

**18.64.120: VIOLATIONS:**

- A. It is unlawful for the owner of a building or structure to violate the provisions of this chapter. Each day a violation occurs shall be a separate offense.
- B. Violation of the provisions of this chapter is punishable as a class B misdemeanor or by imposing a civil penalty as provided in Section 21A.20.010 et seq., of this code.

SECTION 6. Enacting the Text of Salt Lake City Code Section Chapter 18.64, Article

II. That Section 18.64, Article II, of the *Salt Lake City Code* is enacted to read as follows:

**Article II. Emergency Demolition**

**18.64.130: PURPOSE:**

**18.64.140: EMERGENCY DEMOLITIONS APPLICABILITY:**

**18.64.150: IMMEDIATE CITY DEMOLITION:**

**18.64.160: EMERGENCY DEMOLITION:**

**18.64.170: BILL FOR COSTS; COLLECTION:**

**18.64.130: PURPOSE:**

Notwithstanding the other provisions of this chapter, the process for demolishing buildings in an emergency situation shall be as provided by this article.

**18.64.140: EMERGENCY DEMOLITIONS APPLICABILITY:**

If the building official determines that the walls or roof of a building or structure are collapsing, either in whole or in part, or in imminent danger of collapsing in such a way as to fall on other structures, property or public rights of way, or create a danger to persons who may enter the property, or create a danger of fire, the building official may issue an order that the building should be demolished pursuant to this article.

**18.64.150: IMMEDIATE CITY DEMOLITION:**

- A. If the building official determines that demolition should begin immediately, the building official shall schedule an emergency meeting of the Housing Advisory and Appeals Board (HAAB) as soon as practical.
- B. The director of housing and neighborhood development shall make reasonable efforts to notify the recorded property owner, all HAAB members, the historic landmark commission staff person, the city council member and the community organization recognized pursuant to Title 2, Chapter 2.60 of this code in which the property is located.
- C. At least three (3) HAAB members, and any others available, shall attend the emergency meeting to consider the immediate demolition.

- D. The emergency HAAB meeting shall hear any evidence or testimony regarding the immediate demolition and shall determine whether immediate demolition is appropriate under the standards of or its successor.
- E. If the emergency HAAB meeting authorizes immediate demolition, and the property owner was present or represented at the emergency HAAB meeting, the property owner shall have twenty four (24) hours in which to have a licensed contractor obtain a permit for the demolition. Work under any such permit shall be commenced within twenty four (24) hours of the permit's issuance. Within twenty four (24) hours of the start of the work, the property shall be secured to prevent entry and the structure demolished so that no part of the structure is in imminent danger of collapsing in such a way as to fall on other structures, property or public rights of way, or create a danger of fire. Work under the demolition permit shall be completed within seven (7) days of the permit's issuance.
- F. If the property owner was notified but unrepresented at the emergency HAAB meeting, or the property owner fails to proceed with the demolition pursuant to the requirements of Subsection E of this section or its successor, the city may contract with a licensed demolition contractor to demolish the building.
- G. If HAAB does not authorize the immediate demolition, the building official may appeal such a denial on an expedited basis to the mayor.
  - 1. All parties specified in Subsection B of this section, or its successor, shall be notified of the appeal hearing before the mayor or the mayor's designee.
  - 2. The mayor, or the mayor's designee, shall hear evidence regarding the immediate demolition.
- H. If the mayor or the mayor's designee authorizes immediate demolition under the standards of Section 18.64.160 of this chapter, or its successor, the provisions of Subsections E and F of this section, or their successors, shall apply.

**18.64.160: EMERGENCY DEMOLITION:**

If the chief building official declares an emergency, the notification and hearing provisions of section this chapter, or its successor, shall be waived and the building official may authorize immediate demolition of any structure that meets the standards of Section 18.64.140 of this chapter or its successor. The chief building official must make an emergency declaration in writing.

**18.64.170: BILL FOR COSTS; COLLECTION:**

- A. Upon the completion of any city demolition pursuant to this article, the city shall mail a bill to the property owner for the city's costs of demolition which shall include the cost of the demolition contractor and a reasonable amount to pay the costs of city personnel involved in the demolition.

B. If the bill is not paid within thirty (30) days, the city may take legal action to collect the bill.

SECTION 7. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to the Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

**APPROVED AS TO FORM**  
Salt Lake City Attorney's Office  
Date: Sep. 19, 2018  
By: [Signature]  
Allison Parks, Assistant City Attorney

(SEAL)

Bill No. \_\_\_\_\_ of 201\_\_.  
Published: \_\_\_\_\_.