

Erin Mendenhall  
Mayor



DEPARTMENT of COMMUNITY  
and NEIGHBORHOODS

Jennifer McGrath  
Interim Director

**CITY COUNCIL TRANSMITTAL**

  
Lisa Shaffer, Chief Administrative Officer

**Date Received:** July 21, 2020

**Date sent to Council:** July 22, 2020

**To:** Salt Lake City Council

**Date:** 07/21/2020

Chris Wharton, Chair

**From:** Jennifer McGrath, Interim Director; Department of Community & Neighborhoods

  
Jennifer McGrath (Jul 21, 2020 12:10 MDT)

**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@slc.gov](mailto:Orion.goff@slc.gov)

**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 landscaping for commercial construction. Both of these requirements were new to the ordinance and created additional complications for property owners interested in the 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;
    - notification requirements;
    - 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
  - 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

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2020

(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.
- D. 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.
- E. HOUSING CODE: The Salt Lake City Existing Residential Housing Ordinance as promulgated in Chapter 18.50 of the City Code.
- F. 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; and
  - 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 Subsection 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 certified or registered mail. 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 or proof of registered 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.....

Salt Lake City

- 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; and
  - 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, unless extraordinary circumstances are present. 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 the property owner does not comply 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 completed 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. A fines hearing

officer, appointed pursuant to Section 21A.06.090, shall preside at the hearing and consider the property owner's objection as set forth in Subsection F.

- 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 or entity who is ordered to board a building under Article I and any person or entity who voluntarily boards a building.

**18.48.205: BOARDING PERMIT:**

- A. Permit Required: A permit is required to board a building. In the case where the city causes the boarding work to be done pursuant to Section 18.48.245, the city is not required to obtain a boarding permit.
- 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 as provided in Section 5 herein.

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, ~~BOND~~:**

**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 only 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. 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 NEGLIGENCE:**

The owner of a boarded building shall maintain the exterior of the building as provided in Section 18.48.255, "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 its successors.
    - b. Notwithstanding Subsection B.3.a 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 C.2 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 C.1 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: 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.

**18.64.160: 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. Amending the Text of Salt Lake City Code Section 21A.06.090. That

Section 21A.06.090 of the *Salt Lake City Code* (Zoning: Decision Making Bodies and Officials:

Fines Hearing Officer) shall be amended to read as follows:

**21A.06.090: FINES HEARING OFFICER:**

- A. Creation: The position of fines hearing officer is created pursuant to the enabling authority granted by the Municipal Land Use, Development, and Management Act, Section 10-9a-701 of the Utah Code.
- B. Jurisdiction and Authority: The fines hearing officer shall have the powers and duties set forth in Chapter 21A.20 of this title and Subsections 18.48.100.E and 18.48.100.F.
- C. Qualifications: The fines hearing officer shall be appointed by the mayor with the advice and consent of the city council. The mayor may appoint more than one fines hearing officer, but only one fines hearing officer shall consider and decide upon any matter properly presented for fines hearing officer review pursuant to Chapter 21A.20 of this title or Subsections 18.48.100.E and 18.48.100.F as the case may be. The fines hearing officer may serve terms of four (4) years each, which may be renewed at the mayor's discretion. The fines hearing officer shall either be law trained or have significant experience with the requirements and operations of administrative hearing processes.
- D. Conflict of Interest: The fines hearing officer shall not participate in any appeal in which the fines hearing officer has a conflict of interest prohibited by Title 2, Chapter 2.44 of this code.
- E. Removal of The Fines Hearing Officer: The fines hearing officer may be removed by the mayor for violation of this title, any relevant policies and procedures or any relevant provision of state law following receipt by the mayor of a written complaint filed against the fines hearing officer. If requested by the fines hearing officer, the mayor shall provide the fines hearing officer with a public hearing conducted by a hearing officer appointed by the mayor.

SECTION 8. 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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

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

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

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

\_\_\_\_\_  
MAYOR

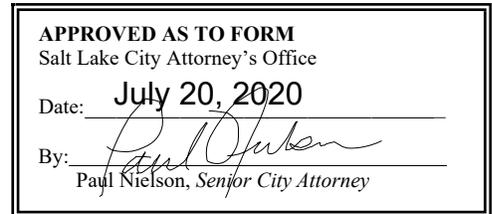
ATTEST:

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

(SEAL)

Bill No. \_\_\_\_\_ of 2020.

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



# Demolition Dangerous Boarded Buildings Transmittal

Final Audit Report

2020-07-22

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