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24.16.010 Findings

Vacant structures constitute blight that effects the quality of life of the citizens of the town as well as being public health and safety hazards.

(UDC 2002, § 425)

24.16.020 Definitions - Vacant, Deteriorated Structures

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Blighted property" means a structure is deemed blighted if it has been permitted to degrade to a point that is detrimental to the safety, health, welfare or general aesthetics of the surrounding neighborhood.

"Emergency situation" means a property or structure is in such condition as to cause an immediate danger to the public health and safety of the community.

"Vacant" means no one resides in it for a period of 45 days. A commercial or industrial structure is deemed vacant if it is not used for the commercial or industrial use to which was previously utilized or for any other permissible use for a period of 45 days.

(UDC 2002, § 425A)

24.16.030 Authorization

- A. The town is authorized to initiate the making of improvements to the exteriors of vacant buildings or structures in accordance with this section. Furthermore, the town also has the authority to order the demolition of a vacant building in the event that the structure is not salvageable and poses a risk to safety. The town may also authorize work on a vacant structure if the appearance has a substantial impact on the property values of other buildings or structures within the vicinity of such vacant building or structure.
- B. Exterior improvements, authorized herein, may include, but are not limited to: Repairs to or replacement of any of the structural components of such building or structure, sidewalks in the right-of-way or on the lot which this building or structure is located, steps, porches, railing, columns, windows, doors, exterior painting, brick pointing and roofing, and any other repairs or replacements deemed appropriate to protect and secure the structural integrity of the building or structure and to prevent further damage that would render the building or structure unsafe. In the event that the building is not salvageable and/or poses a safety risk, the town has the authority to order the demolition of the building. The costs incurred by the town shall be recorded by lien in accordance with these provisions.
- C. When exterior improvements have been authorized by the town council, the town shall provide

notice to the record owner of the subject building or structure and to any record lienholder that such exterior improvements will be undertaken and the date of commencement of the same. For purposes of this paragraph, the mailing of a certified letter, return receipt requested, at least 30 days prior to the commencement of the exterior improvements, to the last known address of the record owner or lienholders and notifying same of the address of the property to be improved, the tax parcel number, the condition of the property and the legal right of the town to obtain a judgment against the owner and a lien against the property after completion of the exterior improvements, shall be deemed to be sufficient notice. In the event that the owner makes no attempt to remedy the situation in 30 days after sending the notice, the town then has the right to exercise its authority to perform exterior improvements and/or demolition to said building. After 30 days has expired all costs generated by the town, including legal fees, engineering fees, and construction costs by the town's contractor for the exterior work on the vacant house shall be recorded by lien in accordance with these provisions and will be the direct responsibility of the owner.

- D. The town has the option of filing an action in a justice of the peace court to compel the owner to make the necessary improvements to the property or to demolish the structure. This action can be brought 30 days after notice as set forth in paragraph B. All costs of such a proceeding including court costs, legal fees, engineering fees and expert witness fees shall be the responsibility of the owner and shall be entered as a lien on the property.
- E. Liens are recorded in a lien book maintained by the town. Liens may be transferred to the superior court of the state.

(UDC 2002, § 425B)

24.16.040 Emergency Situation

If there exists an emergency situation the town has the authority to initiate the necessary improvements to eliminate the emergency or to demolish the property without prior notification to the owner before commencing improvements or demolition. The town shall make reasonable efforts to notify the owner as soon as possible. The town shall advise the owner of the nature of the work performed and its costs within a reasonable period of time.

(UDC 2002, § 425C)

24.16.050 Costs Of Improvements Or Demolition To Be Lien And A Debt

- A. Whatever expenses are incurred in relation to authorized exterior improvements and/or demolition pursuant to this paragraph shall be paid by the town out of funds in the treasury, and the owner shall be jointly and severally liable to the town for the full amount so expended. Whenever exterior improvements costs have been incurred as aforesaid, the expenditure of public funds for exterior improvements or demolition to any building or structure deemed to be unsafe, following notice to the owners, the costs so incurred, with interest to be levied at a rate of 18 percent accrued annually from the date of expenditure, shall be reimbursed to the town, on demand, by the person who were the owner of such building or structure at the time such work of exterior improvement or demolition commenced.
- B. The town may maintain an action of law in debt against the owner to recover the sums of money so expended, plus interest at a rate of 18 percent accrued annually, costs and legal fees.

(UDC 2002, § 425D)

24.16.060 Expenditure Of Public Funds

- A. When the town expends public funds for the purpose of exterior improvements and/or demolition to any vacant building or structure deemed unsafe and after such notice has been given, the town may enter a lien for the amount so expended in a lien book maintained by the town. The lien may be transferred to the superior court of the state.
- B. The amount of the lien shall include the total cost of the improvements, all court costs, all legal fees, and engineering fees, and all interest accrued thereon, on the lands and premises on which such work of exterior improvements and/or demolition was performed.

(UDC 2002, § 425E)

24.16.070 Securing Open Areas Of Buildings And Structures

- A. *Violations.* It shall be unlawful for any owner, agent, or person in control of any building or structure which is vacant and open or otherwise unsafe to fail to secure and board up the open areas of any such building. If, after a reasonable time, the building or structure is not secured, but rather it remains vacant and open otherwise, unsafe, an authorized agent or employee of the town may enter upon the premises, building or structure and secure or board up the open areas of such building or structure, or cause the same to be done. If the authorized agent or employee of the town is denied entrance to the premises, building or structure for purposes of securing and boarding up the open areas of such building or structure, he may, upon a showing of probable cause, obtain a warrant from a justice of the peace for purposes of entering and securing and boarding up the subject building or structure.
- B. *Cost Incurred.* The owner of the subject building or structure shall be jointly and severally liable to the town for the full amount so expended in securing and boarding it up. The owner, agent or person in control of such building or structure shall reimburse the town for all costs incurred by the town in so securing or boarding up such building or structure. The town may maintain an action of law in debt or assumpsit's against such owner to recover the amount of money so expended, plus lawful interest, costs and legal fees.
- C. *Reimbursement Of Town At Time Of Sentencing Of The Violator.* When any persons are found guilty, whether by trial or by admission, of violating provisions of this section, in instances in which such person, at the time of sentencing for such violation, also has not reimbursed the town for costs incurred by the town in securing and boarding up the open areas of any building or structure regarding which such person shall be found guilty, the justice of the peace shall order such person to make full restitution to the town for such costs in addition to and not in lieu of any fine which the court may impose.

(UDC 2002, § 425F)

24.16.080 Unlawful Actions

- A. It shall be unlawful to permit a building or structure to be vacant and boarded up for a period exceeding 45 days.
 - 1. A first offense shall be punishable by a fine not less than \$200.00 nor more than \$500.00 or by a term of imprisonment of not more than 30 days or both.
 - 2. A subsequent like offense shall be punishable by a fine of not less than \$500.00 nor more than \$1,000.00 or by a term of imprisonment of not more than 60 days or both.
 - 3. Each day a building or structure is vacant and boarded up for a period in excess of 45 days constitutes a separate offense.
- B. It shall be within the discretion of the town to grant an extension of time to permit a vacant

building to remain boarded up in excess of 45 days, but no more than six months, if active rehabilitation of the structure is on going and the following requirements are met:

1. The owner of the property must submit a written letter to the town stating specific work taking place or to take place, including a time table of each aspect of the rehabilitation.
2. All necessary building permits must be acquired, or if previously acquired, must be active.
3. The work being performed must be continual throughout the entire period the building remains boarded.

(UDC 2002, § 425G)