

## CHAPTER 2

# ABATEMENT OF DANGEROUS BUILDINGS

### SECTION:

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7-2-1:               PURPOSE: The purpose of this Chapter is to provide a just, equitable and practicable method, cumulative with and in addition to any other remedy provided by the Uniform Building Code, Uniform Fire Code or otherwise available at law, for requiring buildings or structures that endanger the life, limb, health, property, safety or welfare of the general public to be repaired, vacated or demolished.

7-2-2:               CODE ADOPTED: The Uniform Code for the Abatement of Dangerous Buildings, Chapters 4 through 7 of such Code, of the 1979 Edition and such later supplements and editions as may hereafter be published as prepared and published by the International Conference of Building Officials, are adopted as an official code of the City.

7-2-3:               AMENDMENTS TO THE ABATEMENT OF DANGEROUS BUILDINGS CODE: The City Council does hereby reserve the power to amend, modify or delete any of the provisions of such Code or supplements and additions thereto as shall be deemed appropriate by the City Council by duly enacted resolution or ordinance.

7-2-4:               CODE ON FILE: Three (3) copies of the Uniform Code for the Abatement of Dangerous Buildings, Chapters 4 through 7 of such Code, of the 1979 Edition, duly certified by the Clerk, and any such later supplements and editions as may hereafter be published and prepared by the International Conference of Building Officials shall be retained by the City for the use and examination by the public. One (1) copy shall

be filed in the office of the City Clerk. Two (2) copies shall be filed in the office of the Division of Planning and Building.

7-2-5: DEFINITIONS: As used in this Chapter, certain words and terms are defined as follows:

**AUTHORIZED**

**REPRESENTATIVE:** The Fire Marshal, the Building Official and their designated representatives, or such person as designated and appointed by the Mayor with the consent of the City Council.

**BOARD OF APPEALS:** The regularly and duly constituted City Council of the City.

**BUILDING OFFICIAL:** The Director of the Planning and Building Division of the City of Shelley, and his or her designated representative, or such person as designated and appointed by the Mayor with the consent of the City Council.

**DANGEROUS**

**BUILDING:** Any building or structure which is structurally unsafe or lacks adequate egress, or which constitutes a fire hazard or is otherwise dangerous to human life, or which in relation to existing use constitutes a hazard to public safety, health or welfare by reason of defective construction, inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment as provided in the Uniform Building Code or the Uniform Fire Code or any other effective ordinance. The term has the same meaning as "unsafe building."

**JURISDICTION:** The City of Shelley, Idaho.

**LEGISLATIVE BODY:** The Mayor and City Council of the City.

**SECRETARY:** The City Clerk.

**UNIFORM BUILDING  
CODE:**

The Uniform Building Code of the City as adopted and amended or modified by ordinance.

**UNIFORM FIRE CODE:** The Uniform Fire Code of the City as adopted and amended or modified by ordinance.

7-2-6: ENFORCEMENT:

- (A) Administration: The Building Official and Fire Marshal are authorized to enforce the provisions of this Chapter.
- (B) Inspection: The Fire Marshal and the Building Official and their designated representative may make inspections and take actions necessary to enforce the provisions of this Chapter.
- (C) Right of Entry: Whenever necessary to make an inspection to enforce any provision of this Code, or whenever the Building Official, Fire Marshal or their designated representatives have reasonable cause to believe that there exists in any building or upon any premises any condition or Code violation which makes the building or premises unsafe, dangerous or hazardous, the Building Official, Fire Marshal or their designated representatives may enter the building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official or Fire Marshal by this Code; provided that if such building or premises are occupied, they shall first present proper credentials and request entry; and if such building or premises are unoccupied, they shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the Building Official, Fire Marshal or their designated representatives may use any remedy provided by law to secure entry.
- (D) Refusal to Permit Entry: When the Building Official, Fire Marshal or their designated representatives have obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request made as provided in this Section, to promptly permit entry therein by the Building Official, Fire Marshal or their designated representatives for the purpose of inspection and examination pursuant to this Code.

7-2-7: AMENDMENTS TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS: The Uniform Code for the Abatement of Dangerous Buildings, 1979 Edition, is amended and modified as follows:

- (A) Section 401(b)(2) shall read: "A statement that the Building Official or Fire Marshal has found the building to be dangerous with a brief and concise description of the condition found to render the building dangerous or unsafe under the provisions of the Uniform Building Code or the Uniform Fire Code."

- (B) Section 601(b) is deleted.
- (C) Section 601(c) read: "Upon written request of a party in interest, a record of the entire proceedings shall be made by tape recording, stenographic reporter or by any other means of permanent recording determined appropriate by the Board. A transcript of the proceedings shall be made available to any party upon written request and upon payment of the fees prescribed therefor. Such fees may be established by the Board, but shall in no event be greater than the cost involved."
- (D) Section 605(a) shall read: "Hearing before Board Itself. No decision may be rendered without a majority of the City Council present, and all appeals hereunder shall be decided by a majority of the members of the Council present; provided that if the vote of the City Council is equally divided, the Mayor shall have a vote. Where a contested case is heard before the Board itself, no member of the Board who did not hear the evidence shall vote on or take part in the decision."
- (E) Section 701(c)(3) shall read: "The Building Official or Fire Marshal may, in addition to any other remedy in this Chapter, cause the building to be demolished and the materials, rubble and debris therefrom removed and the lot cleaned."