

## CHAPTER 4 -11

### DANGEROUS BUILDINGS

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#### **Section 4-11-01 PURPOSE**

The purpose of this Ordinance is to provide a just, equitable and practical method, to be cumulative with and in addition to, any other remedy provided by Boise City Code, or otherwise available at law, whereby buildings or structures which from any cause endanger the life, limb, health, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated or demolished.

#### **Section 4-11-02 ADOPTION OF CODE**

All the rules, regulations and ordinances of a general and permanent character relating and applying to the repair, vacation or demolition of buildings endangering life, limb, health, property, safety or welfare of the general public or their occupants shall be governed by the "Uniform Code for the Abatement of Dangerous Buildings", the 1997 edition printed and published under the authority of the International Conference of Building Officials. Copies of the Uniform Code for the Abatement of Dangerous Buildings duly certified by the City Clerk are on file in the offices of said City Clerk for use and inspection.

(Ord, 5890; Amended, 01/19/1999, Ord, 5442; 03/30/1993)

#### **Section 4-11-02.01 PRECEDENCE**

Certain provisions of the Uniform Code for the Abatement of Dangerous Buildings hereinafter referred to as "ADB," have been amended by the City and shall take precedence over the ADB.

### **Section 4-11-03 VIOLATIONS**

Section 203 of the ADB is amended to read as follows:  
(Ord. 6565 Amended, 05/15/2007, Ord. 5442; 03/30/1993)

#### **4-11-03.01 VIOLATIONS AND PENALTIES**

No person, firm or corporation whether as owner, lessee, sub lessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Uniform Code for the Abatement of Dangerous Buildings and Boise City Code.

#### **4-11-03.02 CRIMINAL PENALTIES**

Any person, firm or corporation violating the provisions of this Code shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000.00), by imprisonment for not more than one hundred eighty (180) days or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this Code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

#### **4-11-03.03 CIVIL PENALTIES**

Any person, firm or corporation violating any provision of this Code may have civil penalties assessed against them. A new violation may be filed for each day the violation continues. The violation will have a date when the violation shall be paid by, if it is not paid by that date, the City shall pursue collections through court and will ask the court to reimburse for all costs and fees associated with collecting the penalty. Any person who violates any provision of this Code shall be subject to a civil penalty of not more than two hundred dollars (\$200.00) for the first offense and a civil penalty of not more than one thousand (\$1,000.00) for each offense thereafter.

### **Section 4-11-04 BOARD OF APPEALS**

Section 205.1 and 205.2 of the ADB are amended to read as follows:

#### **Section 4-11-04.01 APPEAL SECTION 205.1**

Any person, firm or corporation aggrieved by the determination of a dangerous building in accordance with the definitions contained in Section 302 or by any action or decision of the Planning & Development Services Department arising out of the enforcement of this Chapter may appeal the same to the Boise City Council. Such appeal shall be made in writing and must be filed with the City Clerk within ten (10) calendar days after the action or decision which is the subject of the appeal. An appeal shall not prevent the City from taking emergency action to protect life and safety if necessary.

#### **Section 4-11-04.02 CIVIL PENALTIES AND PROCEDURE, SECTION 205.2**

- a. Upon receipt of written notice of a civil penalty, the violator shall within ten (10) days pay the penalty or file a written request for a hearing with the Boise City Council. Such written notice shall be accompanied by a check for One hundred fifty dollars (\$150.00) made payable to Boise City. If the civil penalty imposed against the applicant is overturned by Boise City Council, the review fee shall be returned. Notice of the public hearing for the review hearing shall be given by the Department mailing the notice to the last know address provided by the applicant. Upon issuance of the decision, Applicant shall have fourteen (14) calendar days within which to pay the civil penalty.

b. When determining if a civil penalty is warranted, Boise City Council shall consider the following:

- (1) If the violation does not create a serious life safety hazard, did the City warn the person or his agent violating the code prior to issuing a civil penalty;
- (2) Did the violation continue or was a subsequent violation discovered, that warranted the City to issue a civil penalty;
- (3) Did the violation create a serious life safety hazard, so that the City was warranted in issuing a civil penalty even though a prior warning was not given;
- (4) Did the person or his agent regularly take out permits, and thus should have had knowledge of what the code required;
- (5) Did the person or his agent receive adequate warning notice of the code violation or a similar code violation;
- (6) Does the person or his agent regularly violate the code.

**Section 4-11-05 APPEAL**

Chapter 5, Appeal, of the ADB is deleted and repealed in entirety.

**Section 4-11-06 PROCEDURES FOR CONDUCT OF HEARING APPEALS**

Chapter 6, Procedures for Conduct of Hearing Appeals, of the ADB, is deleted and repealed in entirety.

**Section 4-11-07 PERFORMANCE OF WORK OF REPAIR OR DEMOLITION**

Chapter 8 of the ADB is amended to read as follows:

**Section 4-11-07.01 PROJECT COSTS, SECTION 801.1**

The Director of Planning and Development Services shall prepare an itemized report of the expenses that will be incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of Section 701.3, Item 3, of this code and BCC 4-11-08.

**Section 4-11-07.02 NOTICE OF HEARING, SECTION 801.2**

Upon receipt of said report, the City Clerk shall within ten (10) days or sooner if deemed necessary by PDS, present the itemized report of expenses to the legislative body of this jurisdiction for consideration. The legislative body of this jurisdiction shall fix a time, date and place for hearing said report and any protests or objections thereto. The city clerk shall cause notice of said hearing to be published once in a newspaper of general circulation in this jurisdiction.

**Section 4-11-07.03 NOTICE SECTION 801.2.2**

The Director of Planning and Development Services shall cause notice of said hearing to be posted upon the property involved, and served by certified mail, to the owner of the property as the owner's name and address appears on the last equalized assessment roll of the county. Such notice shall be given at least ten (10) days or as reasonably possible prior to the date set for the hearing and shall specify the day, hour and place when the legislative body will hear and pass upon the Director of Planning and Development Services or designee's report, together with any

objections or protests which have been filed by any person, firm or corporation aggrieved by the proposed charge.

**Section 4-11-07.04 PROCEDURE, SECTION 801.3**

If City Council directs any work of repair or demolition to be done pursuant to Section 701.3, Item 3, of this code, the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of the Director of Planning and Development Services. Plans and specifications therefore may be prepared by the director, or the director may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard Boise City contractual procedures shall be followed.

**Section 4-11-07.05 REPAIR AND DEMOLITION FUND, SECTION 802.1**

The legislative body of this jurisdiction shall establish a special revolving fund to be designated as the repair and demolition fund. Payments shall be made out of said fund upon the demand of the director to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.

**Section 4-11-08 RECOVERY OF COST OF REPAIR OR DEMOLITION**

The following sections of Chapter 9 of the ADB are amended to read as follows:

**Section 902 Notice of Hearing 903 Protests and Objections and 904 Hearing of Protests of the ADB** are deleted and repealed.

(Ord. 5890; Amended, 01/19/1999)

**Section 4-11-08.01 ACCOUNT EXPENSE, FILING OF REPORT, SECTION 901**

The building official shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of Section 701.3, Item 3, of this code. Upon the completion of the work of repair or demolition, said building director shall prepare and file with the clerk of this jurisdiction a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 401.3.

**Section 4-11-08.02 INTEREST SECTION 908.2**

All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 10 percent per annum from and after said date.

**Section 4-11-08.03 FILING COPY OF REPORT WITH COUNTY AUDITOR, SECTION 910**

If the county assessor and the county tax collector assess property and collect taxes for this jurisdiction, a certified copy of the assessment shall be filed with the county auditor on or before August 1st. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year.

**Section 4-11-08.04 REPAYMENT OF REPAIR AND DEMOLITION FUND, SECTION 912**

All money recovered by payment of the charge or assessment or from the sale of the property at Foreclosure sale shall be paid to the treasurer of this jurisdiction, who shall credit the same to the Repair and demolition fund.

(Ord. 6687; Repealed and Reenacted 10/07/2008) (Ord. 5442, 03/30/1993, Added, Ord. 5890, Amended, 01/19/1999)