

MEMORANDUM

DATE: April 28, 2009
TO: The Board of Supervisors
FROM: Adam R. Kinsman, Deputy County Attorney
SUBJECT: Ordinance to Amend Chapter 4, Building Regulations, Division 2, Permit and Inspection Fees, Adding Article VII, Unsafe Buildings and Structures, Section 4-76, Unsafe Buildings and Structures

Over the past few years, a number of buildings that may be considered unsafe have been discovered in the County. For example, two such buildings are located at 9032 Barnes Road and 2809 Durfey's Mill Road. Each of these two buildings was gutted by fire and has remained in this state of disrepair for more than a year. While staff has historically been successful in getting owners of unsafe structures to voluntarily remove the structure, recently owners have become more reluctant to do so. Consequently, staff has been forced to explore other options to abate these threats to public health and safety. One such way is to adopt an ordinance addressing unsafe buildings and structures.

The proposed ordinance establishes a process for addressing unsafe building, walls, and structures in the County (for simplicity, the term "building" will be used throughout, but the process is the same for an unsafe wall or structure). When a building is determined to be unsafe by the building official or fire official, a notice is served to the owner and lienholder of the building. This notice will require that the building be made safe within 30 days of receiving notice from the building or fire official. If the owner fails to take the required remedial action, the County may then remove, repair, or secure the building.

If the County or its agents removes, repairs, or secures the building, the costs of such an action are chargeable to the property owner and such costs constitute a lien on the property and may be collected as taxes are collected. Though the County may not get an immediate return of its expenses, a property lien is good security for its future return. Finally, property owners who fail to take the action required in the notice are subject to a civil penalty of \$1,000.00. Not only will this help the County recoup some of its expenses, but it will serve as an impetus for owners to voluntarily remove unsafe buildings.

Staff recommends adoption of the attached ordinance.



Adam R. Kinsman

CONCUR:



Leo P. Rogers

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Attachment