

TOQUERVILLE CITY
ORDINANCE 2026.04

AN ORDINANCE ADOPTING TITLE 9, BUILDING REGULATIONS, CHAPTER 5, ABATEMENT OF DANGEROUS STRUCTURES

RECITALS

WHEREAS, Utah municipalities are authorized under Title 10 of the Utah Code to enact and enforce ordinances to protect the public health, safety, and welfare of residents and visitors; and

WHEREAS, buildings or structures that are structurally unsafe, dilapidated, abandoned, damaged, or otherwise hazardous may pose risks to life, limb, property, and the general welfare if not properly addressed; and

WHEREAS, the City Council finds that it is in the best interest of the City to have clear, fair, and legally defensible procedures in place to address dangerous structures should such conditions arise in the future; and

WHEREAS, the adoption of standardized procedures for inspection, notice, repair, vacation, boarding, and abatement of dangerous structures promotes consistency, transparency, and due process for property owners; and

WHEREAS, the City desires to ensure that any abatement actions undertaken by the City are conducted only when necessary, are proportional to the conditions present, and include appropriate notice, opportunity to correct, and appeal rights; and

WHEREAS, the City Council further finds that establishing procedures for recovery of abatement costs, when incurred, is necessary to protect public resources while preserving property owner rights; and

WHEREAS, the City Council intends this ordinance to be preventative in nature and to provide authority and guidance for future circumstances, and not as a response to any specific property or enforcement action currently pending within the City.

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOQUERVILLE, UTAH, that Title 9, *Building Regulations*, of the Toquerville City Code is hereby amended by the addition of a new Chapter 5, entitled *Abatement of Dangerous Structures*, to read as set forth below:

9-5-1: PURPOSE AND SCOPE:

- A. There is hereby adopted by the City, for the purpose of establishing procedures and authority for the inspection, repair, vacation, boarding, and abatement of buildings or structures that endanger the life, limb, health, property, safety or welfare of the general public or their occupants.
- B. Statutory Authority. This Chapter is adopted pursuant to the authority granted to municipalities under Utah Code Annotated 10-8-84 and 10-11-1 authorizing cities to declare and abate nuisances and to remove, repair, or demolish buildings or

structures that are unsafe, unlawful, or dangerous to life, health, safety, or property.

- C. The City Council hereby finds that any building or structure determined to be a dangerous building under this Chapter constitutes a public nuisance and an unlawful or unsafe structure within the meaning of Utah Code Annotated 10-11-1.

9-5-2: DEFINITIONS

BUILDING CODE: The international building code, or its successor, promulgated by the international code council, as adopted by the State of Utah.

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.

DANGEROUS BUILDINGS: 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.

- A. 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.
- B. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- C. 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 of any law or ordinance of this state or jurisdiction relating to the condition, location, or structure of buildings.
- D. 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.
- E. 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.

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.

9-5-3: AUTHORITY TO ENFORCE

- A. Authority To Enforce: The building official or designee is hereby authorized to enforce the provisions of this chapter.
- 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 chapter.
- 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 endangering the life, limb, health, morals, property, safety, or welfare of the general public or the structure's occupants, is subject to inspection by the building official or their designee.

- D. Administrative Approval Prior to Enforcement Action: Before issuing a notice and declaring a building to be a dangerous building, and before initiating City-performed abatement under this chapter, the building official shall submit the findings and recommended enforcement action to the City Manager for review and approval. The City Manager may approve, modify, or deny the recommended enforcement action.
- E. Procedures Upon Determination Of A Violation: 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, and after completion of the administrative review required in subsection D, the building official shall follow the enforcement procedures set forth herein.
- F. City's Abatement Of Property: If the property owner does not comply with the notice and order issued pursuant to this chapter within the time specified, and after approval by the City Manager, the building official or designees may cause the building to be repaired, vacated, or temporarily 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 chapter.

9-5-4: ADDITIONAL REVIEW FOR HISTORIC STRUCTURES

- A. Applicability. The provisions of this section apply to any building or structure:
 - a. Listed on the State or National Register of Historic Places; or
 - b. Located within the City's Historic Overlay Zone; or
 - c. Designated as a historic resource under City ordinance.
- B. Additional Review Required. Prior to approval of abatement action of any historic structure, the matter shall be referred to the Planning Commission for review and recommendation regarding the historic significance of the structure and the feasibility of rehabilitation or stabilization.
- C. Recommendation. The Planning Commission shall review the proposed action and provide a written recommendation within 60 days.

9-5-5: RECOVERY OF COSTS

- A. If the building official or designee causes the repair, vacation, or boarding of a building pursuant to a notice issued under this chapter, and after the property owner received at least ten (10) days' notice in which to complete the repair, vacation or boarding and failed to do so, Toquerville City 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 or reputable mail tracking service that is capable of confirming delivery, demanding payment within thirty (30) days of the date the statement is post marked. The itemized statement of costs may include an administrative fee to cover the city's administrative expenses in contracting for the repair, boarding, or to cover other abatement costs that are not otherwise included in the statement of costs.
- C. Form Of Itemized Statement Of Costs: The itemized statement of costs shall

include:

- a. The address of the property at issue;
 - b. An itemized list of all expenses incurred by Toquerville City, including administrative and other abatement costs;
 - c. A demand for payment;
 - d. The address where payment is to be made;
 - e. Notification 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;
 - f. Notification 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
 - g. 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 3 shall be deemed delivered when delivered via email to an previously used email address that has been used by city employees to correspond with the owner, or when mailed by certified mail or reputable mail tracking service that is capable of confirming delivery addressed to the last known address of the property owner, according to the records of the County Recorder.
- E. Objection To Statement Of Costs: A property owner may appeal the statement of costs to the appeal authority, only as to the issue of whether the costs were actually incurred, pursuant to the process set forth in 10-3-2 of Toquerville City Code.
- F. 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 city may certify the past due costs and expenses to the Washington County Treasurer.
- G. Failure To Pay After Objection Hearing: If the property owner files a timely objection but fails to make payment of any amount ordered by the building official within thirty (30) days of the date of the hearing, the city treasurer may certify the past due costs and expense to the Washington County Treasurer.
- H. Lien on Property: After entry by the Washington County Treasurer, 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 Washington County Treasurer at the time of the payment of general taxes.
- I. Release of Lien: Upon payment of the amount set forth in the itemized statement of costs or otherwise determined due and owing by the fines appeal authority, 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.
- J. Applicability Of Building Code: All buildings or structures which are required to be repaired under the provisions of this chapter shall be subject to the provisions of the applicable building and construction codes adopted pursuant to Title 9 Chapter 2 of Toquerville City Code.

9-5-6: 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 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 Or Vacant Building As Public Nuisance: Any structure that is vacant and which has met the criteria under dangerous building or which has been boarded may be declared a public nuisance upon a determination that the structure is detrimental to the safety or public welfare of the residents and property values of this city.

9-5-7: BOARDING OR TEMPORARILY SECURING BUILDINGS

- A. Boarding Or Temporarily Securing Buildings: The provisions of this chapter apply to any person or entity who is ordered to board a building under this Chapter or any person or entity who voluntarily boards a building.
- B. Registration Required: Registration is required to board a building. In the case where the city causes the boarding work to be done, the city will register the property on which the building is located and will bill the record owner the yearly registration fee. In the case where the building official causes temporary boarding work to be done and the building is boarded for more than forty-five (45) days, the provisions of this Title and Chapter shall apply.
- C. Registration Process: Registration of a property on which a boarded structure shall be located must be done on a form provided by the building official or designee. The form shall specify the following:
 - a. The address of the structure to be boarded or temporarily secured;
 - b. The type of building;
 - c. For residential structures, the number of dwelling units;
 - d. For nonresidential buildings, the number of square feet of all building faces at ground level;
 - e. 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 Toquerville City; and
 - f. Whether the property has the required external water source for landscaping, if landscaping is required.
- D. Notice Of Registration: Upon registration the city may record with the Washington County Recorder's Office a notice of registration. The recordation of a notice of registration shall not be deemed an encumbrance on the property but shall merely place interested parties on notice that the cost of Toquerville City abatement activities may be outstanding and recoverable as a lien on the property. Once the building official determines that the property is no longer subject to registration then a notice of deregistration shall be recorded. Recordation of the notice of deregistration shall have the effect of canceling the recorded notice of registration.
- E. Yearly Registration Fees: Upon registration and on each yearly anniversary of the date the property was registered pursuant to this article, a property owner desiring to maintain a boarded building shall pay the annual boarding registration fee shown on the Toquerville City Uniform Fee Schedule. A change in ownership shall not restart the yearly amount of registration fees, but such fees shall increase as set forth in the Toquerville City Uniform Fee Schedule in accordance with the amount of time that the property has been registered.
 - a. Late Penalty And Interest: If annual registration fees are not timely paid, an accounts receivable fee and interest shall accrue.
 - b. Failure to Register: Boarding a building before registering pursuant to this article shall result in a fine of up to twenty-five percent (25%) of the boarding registration fee specified in the Toquerville City Uniform Fee

Schedule.

- c. Collection Of Fees: If the property owner fails to pay the boarding registration fees, the city may take legal action to collect any amounts owed.
- F. 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.
- G. 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 (½) inch 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 (3) inches, affixed along the edges by nails or screws spaced every six (6) inches.
 - 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 (2) inches by four (4) inches (nominal dimension) placed not more than twenty-four (24) inches apart on center. The frame stud shall have the four (4) inch 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 (½) inch thickness or equivalent lumber nailed over the opening by using nails or screws spaced every six (6) inches on the outside edges and every twelve (12) inches along intermediate stud supports.
 - 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 1 or 2 of this section or successor sections.
 - d. Landscape Maintenance: Existing landscaping and lawn on the property shall be maintained while building is boarded or temporarily secured.
 - e. Exterior Maintenance: The exterior of a boarded building shall be maintained by the owner. 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.

9-5-8: 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 issue a notice 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 and order, the city may cause the work to be done by a contractor hired by the city and the city may recover its abatement costs.

- C. 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 herein.
- D. Violations:
- a. It is unlawful for the building owner to fail to maintain the boarded building or ensure the building remains vacated after the property has been abated by either the city or the building owner. Each day a violation occurs shall be a separate offense.
 - b. Violations of the provisions of this chapter are punishable in accordance with 4-1-6 of the Toquerville City Code.
 - c. 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.

9-5-9: APPEALS

Appeals: Appeals of a notice and order issued pursuant to this chapter shall be taken in accordance with 10-3-2 of Toquerville City Code. An appeal of the determination that the structure is dangerous must include an inspection by a licensed contractor in the State of Utah.

9-5-10: VIOLATIONS

Every dangerous building or structure determined to be a public nuisance under this chapter shall be repaired, vacated, secured, or abated as provided herein. Unless otherwise provided, any person who is the owner, operator, or otherwise responsible for a building or structure subject to this chapter and who violates or fails to comply with any provision of this chapter, or with any notice or order issued pursuant thereto, shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in 1-4-1 of Toquerville City Code. Each day a violation continues shall constitute a separate offense.

1. **REPEALER.** All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period of time this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

2. **SEVERABILITY.** Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

3. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this 18th day of February 2026, based upon the following vote:

Councilmember:

Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Valerie Preslar	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Jenny Chamberlain	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Dan Catlin, Toquerville City Mayor

Emily Teaters, Toquerville City Recorder