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**BEFORE THE ADMINISTRATIVE LAW JUDGE
FOR THE METRO TOWNSHIP OF MAGNA**

JOE H JR RAMIREZ, an individual,

Appellant

v.

METRO TOWNSHIP OF MAGNA, a
municipal corporation of the State of Utah,

Appellee.

ANSWER TO APPEAL

Case No. CEZ21-0272

Administrative Law Judge Craig Hall

Appellee Metro Township of Magna (“**Magna**” or “**Township**”), by and through counsel,

hereby responds to the appeal of Joe H JR Ramirez (“**Mr. Ramirez**”) as follows:

INTRODUCTION

More than ten years ago a single-family dwelling located at 3697 S Buckeroo Cir., Magna, Utah 84044 (“**Property**”) caught fire. The fire caused significant damages and since the fire, the building has only consisted of a foundation and a subfloor without any major repairs to restore it. The subfloor of the Property has been exposed to the elements and thus has suffered additional

structural damage since the fire. The fire damaged the Property to the extent that it does not meet Magna's code requirements and is in violation of the Uniform Code for the Abatement of Dangerous Buildings adopted by Magna and so it is a "Dangerous Property."

Mr. Ramirez, the title owner of the Property, has not and does not provide any evidence to counter either of the two independent bases for determining that the Property is a "Dangerous Building." Specifically, Mr. Ramirez cannot dispute that the Property is "manifestly unsafe for the purposes for which it is being used" and that the Property is "(i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts." Accordingly, Magna respectfully requests that the appeal be denied.

GOVERNING LAW

The Appeal is subject to the following code provisions and regulations:

Magna Municipal Code Chapter 1.16 – Administrative Hearing. (**Exhibit 1**)

Magna Municipal Code § 15.08.015 – Violations (**Exhibit 2**)

Magna Municipal Code § 15.16.010 – Codes Adopted by Reference. (**Exhibit 3**)

Magna Municipal Code Chapter 19.94 – Enforcement. (**Exhibit 4**)

Uniform Code for the Abatement of Dangerous Buildings ("UCADB"). (**Exhibit 5**)

FACTUAL BACKGROUND

1. The Property and Interested Parties

On November 27, 1995, John C. Erickson and Gayla J. Erickson conveyed the Property, more particularly described as Salt Lake County Parcel No. 14-33-151-023, via a Warranty Deed

to Mr. Ramirez (“**Warranty Deed for the Property**”). (A true and accurate copy of the Warranty Deed for the Property is attached as **Exhibit 6**.) On December 19, 1997, Mr. Ramirez conveyed the Property to himself “as a married man as his sole and separate property” via quit-claim deed (“**Quit-Claim Deed for the Property**”). (A true and accurate copy of the Quit-Claim Deed for the Property is attached as **Exhibit 7**.) The Property lies within the boundaries of the Metro Township of Magna.¹ At the time of its purchase, the Property was a single-family dwelling. The Property now only consists of a foundation and a subfloor.

2. Dangerous Conditions on the Property

More than ten years ago the Property caught fire. The fire caused significant damages to the Property and since the fire, the building has only consisted of a foundation and a subfloor. The subfloor of the Property has been exposed to the elements and since the time of the fire, the Property has suffered additional structural damage. The damage by the fire damaged the Property to the extent that it does not meet the minimum requirements Magna’s municipal code.

3. Notices Sent to Mr. Ramirez and the Order to Abate the Property

On February 25, 2021, Magna provided Mr. Ramirez with a Notice of Violation, explaining the various violations of the Property (“**Notice of Violation**”). (A true and correct copy of the Notice of Violation is attached as **Exhibit 8**.) The Notice of Violation stated that:

¹ Magna incorporated as a metro township on December 15, 2015. As a metro township, Magna receives all of its municipal-type services and administrative support from the Greater Salt Lake Municipal Services District (“**MSD**”) pursuant to Utah Code Annotated § 10-3c-203 and other local districts. The MSD and Magna have contracted with Salt Lake County to provide code violation enforcement services in Magna. Pursuant to Utah Code Annotated § 10-2a-414(3), each Salt Lake County ordinance is in effect on the day in which Magna incorporated remains as a Township ordinance until Magna amends or repeals the ordinance.

The Director (of the Planning & Development Services of the MSD) has determined that the Dwelling, or portions thereof, as the weakened subfloor is prone to collapse posing a threat to life, health and safety of public and/or the occupants. Additionally, the Dwelling, or portions thereof, have been damaged by fire and the elements to such an extent that the structural strength or stability is materially less than the minimum requirements of Magna² building code for a similar structure. Additionally, due to the damage, the subfloor and foundations are likely to fail or collapse and thereby injure persons. Portions of the Dwelling are racked, warped, buckled, and settled to an extent that the other structural portions have materially less resistance to earthquakes than is required by the Code for similar new construction. Due to dilapidation, deterioration and/or decay the subfloor is likely to partially or completely collapse. The damage to the Dwelling has rendered it manifestly unsafe as a dwelling and incapable of occupancy. Finally, portions of the Dwelling remain on site after the demolition and destruction of the Dwelling and has been abandoned for a period in excess of six months so as to constitute the Dwelling an attractive nuisance and hazard to the public.

(See Ex. 8). The Notice of Violation gave Mr. Ramirez until March 31, 2021 to correct the described violations. Mr. Ramirez did not cure any of the listed violations.

On March 31, 2021, Magna provided Mr. Ramirez with a Final Notice of Violation, once again explaining the various violations on the Property (“**Final Notice of Violation**”). (A true and correct copy of the Final Notice of Violation is attached as **Exhibit 9**.) The Final Notice of Violation gave Mr. Ramirez until April 20, 2021, to correct the described violations within. (See Ex. 9). Mr. Ramirez did not correct any of the listed violations.

On May 11, 2020,² Steve Szemerey, Code Enforcement Supervisor for the Magna Metro Township, provided Mr. Ramirez with a Dangerous Building Abatement Notice & Order to Vacate and Demolish or Repair (“**Dangerous Building Abatement Notice & Order**”). (A true and correct copy of Dangerous Building Abatement Notice & Order is attached as **Exhibit 10**). The

² While the date on the top of the first page of the Dangerous Building Abatement Notice & Order states May 12, 2021

Dangerous Building Abatement Notice & Order was recorded on the Property and mailed to Mr. Ramirez in accordance with UCADB 401.4.

The Dangerous Building Abatement Notice & Order determined that the Property met the definition of a dangerous building as set forth by UCADB 302 and determined that the Property must be vacated immediately and demolished or repaired within 30 days. (*See* Ex. 10.) The Dangerous Building Abatement Notice gave Mr. Ramirez a deadline of June 13, 2021 to demolish or repair the Property. (*See* Ex. 10.) The Dangerous Building Abatement Notice & Order also stated that Mr. Ramirez had 30 days from the service of the Dangerous Building Abatement Notice & Order to appeal it.

4. Mr. Ramirez's Appeal

On June 11, 2021, pursuant to the appeal process detailed in the Dangerous Building Abatement Notice & Order, Mr. Ramirez hand delivered a one-page handwritten appeal to the Dangerous Building Abatement Notice (“**Appeal**”). (A true and correct copy of the Appeal Notice is attached as **Exhibit 11**). The Appeal only states the following:

I (Mr. Ramirez) am trying to have my subcontractor do a concrete foundation inspection. Right now, they’re each six weeks out. Marty 801-230-661 is one of my subcontractors which will not be able to approach my property for six weeks.

(*See* Ex. 11.) The Appeal does not state anything else in opposition to the Notice of Violation, the Dangerous Building Abatement Notice & Order, or anything else in response to Magna’s allegations that it is in violation of Magna’s municipal code.

5. Current State of the Property

Currently, the Property is fenced off by a chain link fence, however, the gate of the fence is not always locked. (Photographs depicting the Property are attached to the Notice of Violation, Ex. 8, and the Final Notice of Violation, Ex. 9). As can be noted from photos attached to the Notice of Violation, the Property's subfloor has various tarps over it. Since the fire destroyed the Property over ten years ago, the Property has remained as a subfloor and foundation. As of the date of this Answer, no permit has been issued and no application has even been submitted to repair the Property.

SCOPE OF APPEAL

Under Magna Municipal Code § 15.16.010, Magna has adopted the Uniform Code for the Abatement of Dangerous Buildings (“UCADB”). Pursuant to UCADB Section 503, only those matters or issues specifically raised by the appellant shall be considered on appeal. Thus, only those matters raised in the appeal may be considered at the hearing.

ARGUMENTS

1. The Property is a Dangerous Building Which Poses a Threat to Public Safety.

A “Dangerous Building” is any building or structure which meets any of the 18 conditions set forth in UCADB Section 302, including:

9. Whenever, for any reason, the building or structure, or any portion thereof, is ***manifestly unsafe for the purpose for which it is being used.***

...

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral

persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(Ex. 5) (emphasis added.)

After reviewing the inspection reports, photographs, and the case file, the Dangerous Building Abatement Notice & Order determined that:

1. More than 10 years ago the Structure on the Property caught fire.
2. The fire caused significant damage to the Structure, including severe structural damage.
3. Following the fire, the Structure remains in place only as a foundation and subfloor.
4. The Structure has been exposed to the elements and has continued to suffer structural damage and degradation.
5. The Structure, or portions thereof, have become weakened and/or are prone to collapse posing a threat to life, health, and safety.
6. Additionally, the Structure, or portions thereof, have been damaged by fire and the elements to such an extent that the structural strength or stability is materially less than the minimum required by the Municipal Code.
7. Due to damage to the subfloor and foundation, portions of the Structure are likely to fail or collapse and thereby injure persons.
8. Portions of the Structure are racked, warped, buckled, and settled to an extent that the other structural portions have materially less resistance to earthquakes than is required by Municipal Code for similar new construction.
9. Due to dilapidation, deterioration and/or decay the subfloor is likely to partially or completely collapse.
10. The damage to the Structure has rendered it manifestly unsafe as a dwelling and incapable of occupancy.
11. Portions of the Structure remain on site after the partial demolition or destruction of the Structure and has been abandoned for a period in excess of six months so as to constitute the Structure as an attractive nuisance and hazard to the Public.

(Ex. 10.) The Dangerous Building Abatement Notice & Order correctly points out that the Property is in violation of UCADB as well as Magna's building standards. (*See* Ex. 10.); (*See* Ex. 2).

With respect to declaring the Property a Dangerous Building, the dwelling on the Property was used as a single-family dwelling. There can be no legitimate dispute that the structure is manifestly unsafe for use as a single-family dwelling. Indeed, the damage to the Property left only a subfloor and a basement. Accordingly, the Property, even if stable, is manifestly unsafe for use as a single-family dwelling. Additionally, the Property, in its current condition, is an attractive nuisance for children and creates a space for the commission of illicit acts. The Property presents an increased hazard to children hoping to explore the subfloor and basement of the Property.

2. Appellant has Presented No Evidence Which Would Justify Granting Additional Time to Comply with the Order.

Mr. Ramirez asserts that he needs more time to get a concrete foundation inspection but does not explain his process to fully repair the structure. (*See* Ex. 11.) Although Mr. Ramirez gives the timeline of six weeks for the concrete inspection, a concrete inspection will not resolve the issues in the Dangerous Abatement Notice & Order. (*See* Ex. 10.) Mr. Ramirez offers no indication of how long it will take to resolve the issues detailed in the Dangerous Abatement Notice & Order. (*See* Ex. 11.) Meanwhile, the structure remains a dangerous building and a threat to public safety.

Moreover, it cannot be ignored that the fire on the Property was over ten years ago, while Mr. Ramirez was the owner. Since the time of the fire, the state of the Property has continued to deteriorate. At no time has an application or plan been filed to propose a remedy for the Property's structural issues. Similarly, more than ten years have passed since the fire, without any indication that Mr. Ramirez intends to apply for the necessary permits to remedy the identified violations of

the UCADB. Merely placing a fence around the Property and laying some tarps on it is insufficient to protect against the identified threats to public safety.

Lastly, Mr. Ramirez in his Appeal does not counter any of the issues of safety, but only states that he hopes to have the concrete foundation inspected. (*See* Ex. 11.) This does not address the issues identified in the Dangerous Building Abatement Notice & Order, including specifically the concern that the Property is “manifestly unsafe for the purposes for which it is being used” and that it is “(i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.” Therefore, Mr. Ramirez’s Appeal should be denied.

CONCLUSION

The Dangerous Building Abatement Notice & Order correctly identifies the Property as a Dangerous Building. Mr. Ramirez has provided no evidence to refute these determinations and the Appeal should thus be denied.

DATED this 9th day of July 2021.

Respectfully submitted,

SMITH HARTVIGSEN, PLLC

/s/ Clayton H. Preece

Clayton H. Preece

Ethan M. Smith

Attorneys for Metro Township of Magna

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of July 2021, I caused this **ANSWER TO APPEAL** to be served as follows:

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EXHIBIT 1

Magna Municipal Code Chapter 1.16 – Administrative Hearing

Chapter 1.16 ADMINISTRATIVE HEARING

- [1.16.010 Short Title](#)
- [1.16.020 Purpose](#)
- [1.16.030 Scope](#)
- [1.16.040 Other Remedies And Criminal Prosecution](#)
- [1.16.050 Definitions Applicable To Title Generally](#)
- [1.16.060 Service Of Notice Requirements](#)
- [1.16.070 Direction To Adopt Rules](#)
- [1.16.080 Subpoenas](#)
- [1.16.090 Request For Administrative Hearing](#)
- [1.16.100 Notification Of Administrative Hearing](#)
- [1.16.110 Powers Of Administrative Law Judge](#)
- [1.16.120 Rules Of Discovery And Evidence For Administrative Hearings](#)
- [1.16.130 Appeal](#)

1.16.010 Short Title

This chapter shall be known as the "Salt Lake County Administrative Procedures Ordinance."

HISTORY

Adopted by Ord. [17-01-03](#) on 1/17/2017

1.16.020 Purpose

The county council finds that the enforcement of the Salt Lake County ordinances, policies, regulations, and applicable state statutes is an important public function vital to the protection of the public's health, safety, welfare, and quality of life. The county council further finds that providing a hearing to county employees, citizens, and county agencies relating to the enforcement of ordinances, policies, regulations, and applicable state statutes through an administrative procedures process conducted by independent, law-trained administrative judges comports with basic due process, simplifies and expedites hearings benefitting the county and citizens, minimizes the impact on the judicial system, and provides flexibility in both the hearing process and in determining remedies and responsibilities.

HISTORY

Adopted by Ord. [17-01-03](#) on 1/17/2017

1.16.030 Scope

The provisions of this chapter may be applied to any violations of the Salt Lake County ordinances, policies, regulations, and applicable state statutes which occur within unincorporated Salt Lake County or relate to such activities subject to Salt Lake County operations and jurisdiction. No judicial review shall be available to any citizen or county agency if the provisions of this chapter are not followed. Failure to timely request and participate in an administrative review under this chapter shall bar any action in the state or federal courts by an aggrieved citizen, county employee, or county agency.

HISTORY

Adopted by Ord. [17-01-03](#) on 1/17/2017

1.16.040 Other Remedies And Criminal Prosecution

The county shall have sole discretion in deciding whether to pursue civil remedies or seek administrative enforcement for the violation of any of its ordinances, policies, regulations, and applicable state statutes. This chapter shall not limit the powers of the Salt Lake County district attorney in pursuing criminal charges for the violation of any county ordinances or state statutes, in addition to any civil action the county may take.

HISTORY

Adopted by Ord. [17-01-03](#) on 1/17/2017

1.16.050 Definitions Applicable To Title Generally.

In this chapter the following words and phrases are defined as follows:

- A. "County Enforcement Action" or "Action" means any action by the county seeking compliance with any ordinance, policy, regulation, applicable state statutes, and includes a notice of violation, administrative citation, departmental determination, board findings/order, stop work order, notice of non-compliance, clean-up order, abatement action, revocation/suspension of a license or permit, assessment of charges or costs, order relating to the occupancy or use of any structure, zoning violation, seizure of any animal or property, and any other action by a county agency seeking the cessation of any business or operation or the assessment of any costs or non-criminal penalty. This term shall not include any criminal prosecution.
- B. "Administrative Law Judge" means a person appointed by the mayor or his designee to preside over administrative hearings. An administrative law judge must be an attorney licensed to practice law in the State of Utah and must not be an employee of the county.
- C. "Administrative Hearing" means a hearing held pursuant to the procedures established by this chapter.
- D. "County" means the County of Salt Lake, Utah.
- E. "County Council" means the County Council of Salt Lake County.
- F. "Director" means the mayor or his designee and includes the division administrator, assistant division administrator, or director of an agency.
- G. "Enforcement Official" means any person authorized by the county to enforce violations of the Salt Lake County Code of Ordinances, policies, regulations, or applicable state codes including, but not limited to, zoning officers, police officers, building inspection officials, animal control officers, and health department officials.
- H. "Mayor" means the Mayor of Salt Lake County or the Mayor's designee.
- I. "Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties, or who represents or is the agent of such person.
- J. "Property Owner" means the record owner of real property as shown on the records of the Salt Lake County Recorder.

K. "Responsible Person" or "Responsible Party" means the person(s) determined by the county who is responsible for causing or maintaining a violation of the Salt Lake County Code of Ordinances, policies, regulations, or applicable state codes. The term "responsible person" shall include, but is not limited to, a property owner, agent, tenant, lessee, occupant, business owner, business manager or employee, architect, builder, contractor, or other person who individually or together with another person is responsible for the violation of any provision of the Salt Lake County Code of Ordinances, policies, regulations, or applicable state codes.

HISTORY
Adopted by Ord. [17-01-03](#) on 1/17/2017

1.16.060 Service Of Notice Requirements

- A. Whenever a notice is required to be given under this chapter it shall be in the form of a notice approved by the director and the notice shall be served by one of the following methods:
 - 1. Personal service;
 - 2. Regular mail, postage prepaid, to the last known address of a responsible person;
 - 3. Posting the notice conspicuously on or in front of the property that is the subject of the action.
 - 4. Publication in a newspaper of general circulation if service has not been accomplished after reasonable efforts to comply Subsections 1 through 3; or
 - 5. As directed by the administrative judge.
- B. Failure of a responsible person to actually receive notice shall not affect the validity of any action taken hereunder if notice has been served in the manner set forth above.
- C. Service by regular mail in the manner set forth above shall be deemed served on the fourth day after the date of mailing.
- D. The failure of a person, other than a responsible person, to be served notice in accordance with this section shall not affect the validity of any proceeding taken hereunder.

HISTORY
Adopted by Ord. [17-01-03](#) on 1/17/2017

1.16.070 Direction To Adopt Rules

The mayor shall establish rules for administrative hearings; appoint the hearing officer from the pool of approved administrative law judges, or, in the case of a conflict, appoint an outside hearing officer; provide for the notification of the involved parties; and establish guidelines and operating procedures for administrative hearings, including the type of pre-hearing discovery that may be allowed.

HISTORY
Adopted by Ord. [17-01-03](#) on 1/17/2017

1.16.080 Subpoenas

The administrative law judge is empowered to issue subpoenas for the production of documents and things and to compel the appearance of witnesses in the pending action. It shall be unlawful for any person to willfully refuse or fail to obey a subpoena issued for an administrative hearing. A violation of this section shall be a class B misdemeanor.

HISTORY
Adopted by Ord. [17-01-03](#) on 1/17/2017

1.16.090 Request For Administrative Hearing

- A. A responsible person served with a "county enforcement action" and any county agency shall have the right to request an administrative hearing.
- B. A party who has been adversely affected by an action by a county agency may also request an administrative hearing. Adverse effect may arise from:
 - 1. Any decision affecting the employment status, compensation, or treatment of an employee of the county;
 - 2. Denial, revocation, or termination of any license issued by the county;
 - 3. Any decision relating to the zoning or permitted use of real property located within the unincorporated limits of the county;
 - 4. Any decision relating to the award or failure to award a bid or proposal but which action must be brought within the time limitations and grounds set forth in the county ordinances and policies governing procurement;
 - 5. Any notice of violation, animal seizure, assessment of costs, or other action taken by animal services; or
 - 6. Such other violation, assessment, or action as designated by county ordinance, policy, regulation, or state law.
- C. The request for an administrative hearing shall be made in writing and delivered to the Salt Lake County mayor's office.
- D. The written request for hearing must be received by the mayor within fifteen calendar days of the date the "county enforcement action" is served upon the responsible party. Failure to request an administrative hearing within fifteen calendar days from the date of service shall constitute a waiver of the right to an administrative hearing and of the right to an appeal of the "county enforcement action" to any state or federal court or agency.
- E. Within fifteen days of the issuance of a "county enforcement action," the county may request an administrative hearing for the purpose of compelling a responsible person to comply with the action.
- F. If a responsible person fails to request a hearing after being issued a "county enforcement action" the corrective action detailed within the action shall be considered the final administrative order and the person shall be deemed to have waived any appeal of that order.

HISTORY

Adopted by Ord. [17-01-03](#) on 1/17/2017

1.16.100 Notification Of Administrative Hearing

- A. As soon as practicable after receiving the written notice of the request for an administrative hearing, the mayor shall appoint an administrative law judge who shall schedule a date, time, and place for the administrative hearing.
- B. Written notice of the date, time, and place of the administrative hearing shall be served on the responsible person as soon as practicable prior to its date.
- C. The notice shall be served by any of the methods of service set forth in Section 1.16.060 of this chapter.

HISTORY

Adopted by Ord. [17-01-03](#) on 1/17/2017

1.16.110 Powers Of Administrative Law Judge

- A. An administrative law judge shall have authority to set the date, time, and place for holding an administrative hearing.
- B. An administrative law judge may issue a scheduling order to guide the conduct of the case, to set the limits of any pre-hearing discovery, to provide for the identification of witnesses and their expected testimony, to list and exchange proposed exhibits, to approve stipulations regarding facts, applicable law, foundation to exhibits, and to govern such other matters related to hearing of the matter as deemed appropriate.
- C. The administrative law judge holding a hearing shall arrange for the recording of any hearing.

HISTORY

Adopted by Ord. [17-01-03](#) on 1/17/2017

1.16.120 Rules Of Discovery And Evidence For Administrative Hearings

- A. The administrative law judge shall determine the scope of any pre-hearing discovery.
- B. The formal rules of evidence and of civil procedure adopted by the courts shall not be applied in any administrative hearings; however, the administrative law judge shall determine the admissibility and weight to be accorded any evidence.
- C. The administrative law judge shall issue a written ruling within forty-five days after the conclusion of the hearing.

HISTORY

Adopted by Ord. [17-01-03](#) on 1/17/2017

1.16.130 Appeal

- A. Any responsible person or county agency adversely affected by a final administrative order issued pursuant to a hearing may file a petition for review in the Third Judicial District Court of the State of Utah in accordance with the Utah Rules of Civil Procedure.
- B. A petition for review shall be barred unless it is filed within thirty days after the administrative order is final, unless a statute provides otherwise.
- C. The record of the administrative hearing including minutes, findings, orders and, if available, a true and correct transcript of the proceeding shall be transmitted to the reviewing court by the party filing the appeal and the costs of producing the record, including any transcripts, shall be borne by the party filing the appeal. If the proceeding was tape recorded, a transcript of such tape recording shall be deemed a true and correct transcript for purposes of this subsection.
- D. The filing of a petition does not stay execution of an administrative order. Before filing a petition, a responsible person may request the administrative law judge to stay an administrative order. Upon receipt of a request to stay, the administrative law judge may order the administrative order to be stayed pending district court review if the administrative law judge finds such stay to be in the best interest of the county.

HISTORY

Adopted by Ord. [17-01-03](#) on 1/17/2017

EXHIBIT 2

Magna Municipal Code § 15.08.015 – Violations

15.08.015 Violations

It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, improve, move, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of the International Building Code or the International Residential Code or to violate an order of the building official of Salt Lake County issued pursuant to this chapter.

HISTORY

Adopted by Ord. [17-01-03](#) on 1/17/2017

EXHIBIT 3

Magna Municipal Code § 15.16.010 – Codes Adopted by Reference

15.16.010 Codes Adopted By Reference

The International mechanical code, International plumbing code, National electrical code, International fuel gas code, International fire code and International energy conservation code along with any amendments as adopted by the state of Utah as the construction standards to be adhered to by political subdivisions of the state (Utah Code § 58-56-4), as well as the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials, is adopted and incorporated herein by reference into this code.

HISTORY

Adopted by Ord. [17-01-03](#) on 1/17/2017

EXHIBIT 4

Magna Municipal Code Chapter 19.94 – Enforcement

Chapter 19.94 ENFORCEMENT

- [19.94.010 Enforcement Authority](#)
- [19.94.020 Powers And Duties](#)
- [19.94.030 Unlawful Use Prohibited](#)
- [19.94.040 Violation--Penalties And Remedies](#)
- [19.94.050 Violation--Persons Liable](#)
- [19.94.060 Violation--Notice And Order](#)
- [19.94.070 Civil Penalties](#)

19.94.010 Enforcement Authority

The director of development services or his authorized agent is designated as the officer charged with the enforcement of this title. The director of animal services is designated as the enforcement official for Section 19.04.305 of the Salt Lake County Code of Ordinances which shall be enforced pursuant to Section 8.10.010 of this code.

HISTORY

Adopted by Ord. [17-01-03](#) on 1/17/2017

19.94.020 Powers And Duties

- A. The director of development services is authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair and to inspect land uses to determine compliance with the provisions of this title; provided, however that no such inspection shall be required as a condition precedent to commencement or continuation of any construction, modification or repair of building or structure.
- B. The director shall enforce all of the provisions of this title, employing all legal means available to do so. In the enforcement of this title, the director or any employee of the division authorized to represent the director shall have the right to enter any building for the purpose of determining the use thereof or to enter the premises for the purpose of determining compliance with the provisions of this title, provided that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

HISTORY

Adopted by Ord. [17-01-03](#) on 1/17/2017

19.94.030 Unlawful Use Prohibited

- A. No land, building or structure shall be used for any purpose or use not allowed in the zone in which such land, building or structure is located.
- B. Violation of any of the provisions contained in this title is prohibited. Any person who violates that provisions of this title shall be subject to the criminal and civil penalties set forth in this chapter.

HISTORY

Adopted by Ord. [17-01-03](#) on 1/17/2017

19.94.040 Violation--Penalties And Remedies

- A. Violation of any of the provisions of this title is punishable as a Class C misdemeanor upon conviction. In addition, the provisions of this title may also be enforced by injunctions, mandamus, abatement, civil penalties, or any other remedies provided by law.
- B. Any one, all, or any combination of the penalties and remedies set forth in subsection A of this section may be used to enforce the provisions of this title.
- C. Each day that any violation continues after notification by the director of development services or his agent that such violation exists shall be considered a separate offense for purposes of penalties and remedies set forth in this title.
- D. Accumulation of penalties for continuing violations, but not the obligation for payment of penalties already accrued, shall stop upon correction of the violation.

HISTORY

Adopted by Ord. [17-01-03](#) on 1/17/2017

19.94.050 Violation--Persons Liable

Any person, corporation or other entity, whether as owner, occupant, agent or employee, who causes, permits or otherwise participates in any violation of the provisions of this title may be held responsible for the violation, suffer the penalties, and be subject to the remedies provided by law.

HISTORY

Adopted by Ord. [17-01-03](#) on 1/17/2017

19.94.060 Violation--Notice And Order

- A. Upon inspection and discovery that any provision of this title is being violated, the director shall provide a written notice of violation and order to the property owner and to any other party who may be responsible for the violation.
- B. The written notice and order shall: (1) indicate the nature of the violation; (2) order the action necessary to correct the violation; (3) give information regarding the established warning period for the violation; and (4) state the action the director intends to take if the violation is not corrected within the warning period.
- C. The written notice shall be delivered personally or mailed to the property owner, as shown on the records of the county recorder, and to any other person who may be responsible for the violation. Receipt of notice shall mean three days after the date written notice is delivered or mailed as provided herein.
- D. The written notice shall serve to start any warning periods provided in this chapter, commencing upon receipt of notice. If the violation remains uncured within five days after the expiration of the warning period, a second notice of violation and order shall be delivered in the same manner

as the first notice. The second notice shall serve to start the civil penalties.

- E. In cases where the director determines that a delay of enforcement would pose a danger to the public health, safety or welfare, or would otherwise compromise the effective enforcement of this title, the director may seek immediate enforcement without prior written notice by instituting any of the remedies, other than civil penalties, authorized by Section 19.94.040 of this chapter.

HISTORY

Adopted by Ord. [17-01-03](#) on 1/17/2017

19.94.070 Civil Penalties

- A. Civil Penalties. Violations of the provisions of this title shall result in civil penalties pursuant to the following schedule:

CIVIL PENALTIES FOR VIOLATION OF ZONING REGULATIONS

WARNING PERIOD: 28 DAYS FOR ALL VIOLATIONS

Type of Zone	Classification of Violation	Fine Per Day (after warning period)
Residential Zones R-1's R-2's R-4-8.5 FR's F-1 RMH	Conditional use without a permit Other violations	\$25
	Nonpermitted use Violation of permit or approval	\$50
Mixed Zones R-M MD's FM's S-1-G	Conditional use without a permit Other violations	\$50
	Nonpermitted use Violation of permit or approval	\$100
Commercial/Manufacturing Zones C's M's O-R-D	Conditional use without a permit Other violations	\$100
	Nonpermitted use Violation of permit or approval	\$200
Agricultural Zones A's FA's	Conditional use without a permit Other violations	\$25
	Nonpermitted use Violation of permit or approval	\$50
Overlay Zones AOZ HPZ	Violation of provisions	\$100

- B. Daily Violations. Each day a violation is continued or maintained after receipt of notice shall give rise to a separate civil penalty for each day of violation.

C. Violation Appeal Procedures.

1. The mayor shall appoint such hearing officers as he/she deems appropriate to consider matters relating to the violation of this title.
2. Any person having received notice of such violation, or the owner of any affected property, may appear before a hearing officer and present and contest such alleged violation of this title.
3. The burden to prove any defense specified in subsection (C)(4) of this section shall be upon the person raising such defense.
4. If the hearing officer finds that no violation occurred and/or a violation occurred but one or more of the defenses set forth in this section is applicable, the hearing officer may dismiss the notice of violation. Such defenses are:
 - a. At the time of the receipt of the notice of violation, compliance would have violated the criminal laws of the state;
 - b. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property.
5. If the hearing officer finds that a violation of this title occurred and no applicable defense exists, the hearing officer may, in the interest of justice and on behalf of the county, enter into an agreement for the timely or periodic payment of the applicable penalty by the violator.
6. No action by a hearing officer shall relieve the violator from complying with any of the provisions of this title.

D. Abatement for Correction and Payment.

1. Civil penalties shall be partially abated after the violation is cured and in the discretion of a hearing officer considering the following guidelines and factors:
 - a. Prompt Cure. Reductions are generally appropriate for promptly curing the violation pursuant to the following schedule, but the hearing officer may grant greater or lesser abatements depending on the facts of the case:
 - (1) Cured within fourteen days after second notice—seventy-five percent reduction,
 - (2) Cured within twenty-eight days after second notice—fifty percent reduction, or
 - (3) Cured within fifty-six days after second notice—twenty-five percent reduction;
 - b. If strict compliance with the notice and order would have caused an imminent and irreparable injury to persons or property;

- c. If the violation and inability to cure were both caused by a force majeure event such as war, act of nature, strike or civil disturbance;
 - d. Such other mitigating circumstances as may be approved by the attorney or designee;
 - e. If a change in the actual ownership of the property was recorded in the recorder's officer after the first or second notice was issued and the new owner is not related by blood, marriage or common ownership to the prior owner.
2. If the hearing officer finds that the noticed violation occurred and no applicable defense applies, the hearing officer may, in the interest of justice and on behalf of the county, enter into an agreement for the delayed or periodic payment of the applicable penalty.

E. Collection of Civil Penalties.

- 1. If the penalty imposed pursuant to this chapter remains unsatisfied after forty days or when the penalty amounts to five thousand dollars from the receipt of notice, or ten days from such date as may have been agreed to by the hearing officer, the county may use such lawful means as are available to collect such penalty, including costs and attorney's fees.
- 2. Commencement of any action to remove penalties shall not relieve the responsibility of any penalty to cure the violation or make payment of subsequently accrued civil penalties nor shall it require the county to reissue any of the notices required by this chapter.

HISTORY

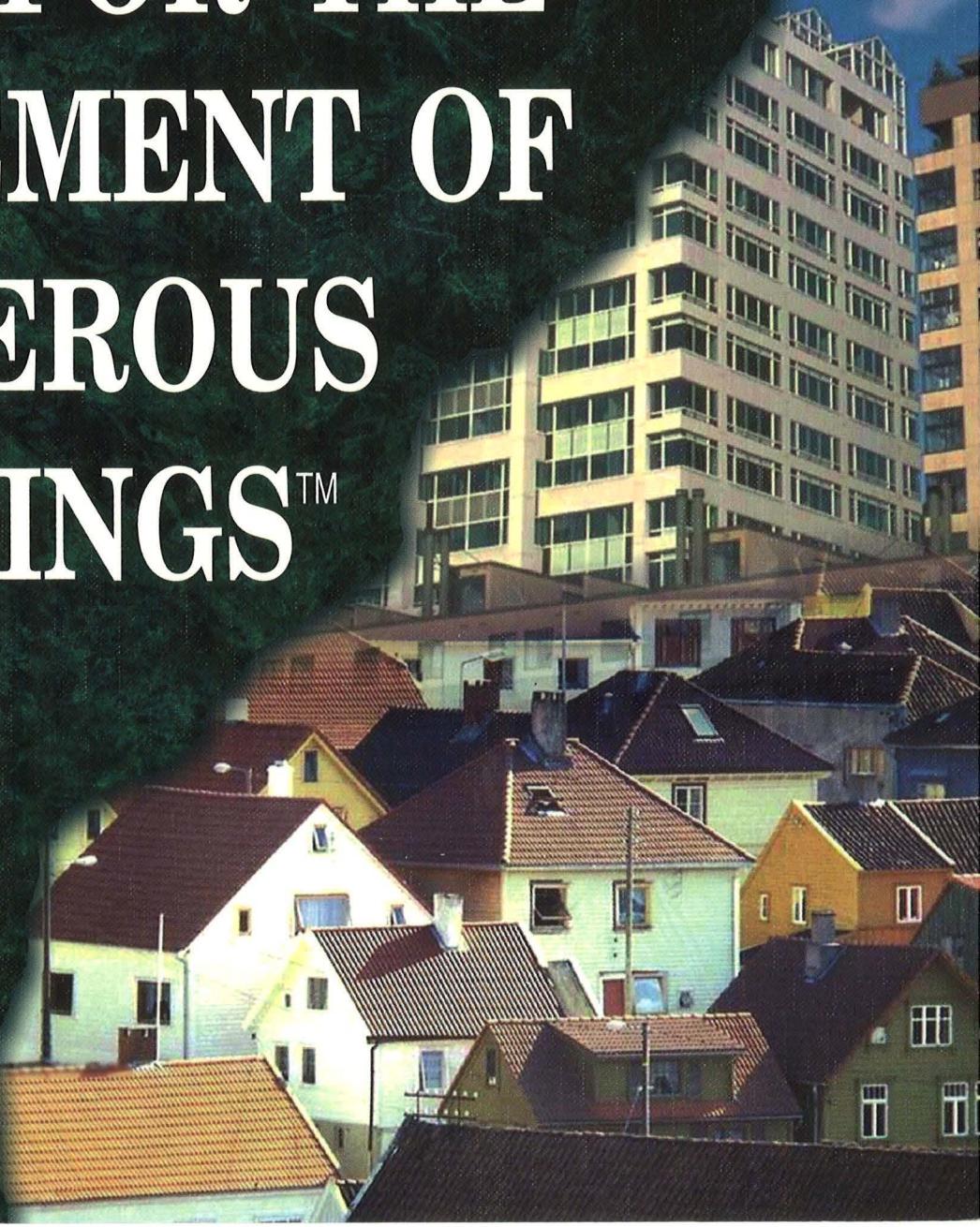
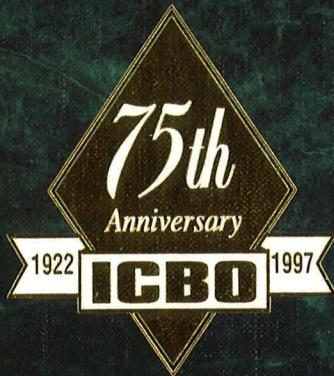
Adopted by Ord. [17-01-03](#) on 1/17/2017

EXHIBIT 5

Uniform Code for the Abatement of Dangerous Buildings

1997

UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS™



1997

UNIFORM CODE
FOR THE ABATEMENT
OF DANGEROUS
BUILDINGS™



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Preface

The provisions of this code were developed to afford jurisdictions reasonable procedures for the classification and abatement of dangerous buildings.

This code is designed to be compatible with the *Uniform Building Code™* and the *Uniform Housing Code™*. While the Housing Code is applicable only to residential buildings, the *Uniform Code for the Abatement of Dangerous Buildings™* is designed to apply to all types of buildings and structures. The notices, orders and appeals procedures specified have been found to be workable and are referenced by the *Uniform Building Code*.

If properly followed, the provisions of this code will provide the building official with the proper legal steps in abating dilapidated, defective buildings which endanger life, health, property and public safety within concepts of fair play and justice.

CODES AND RELATED PUBLICATIONS

The International Conference of Building Officials (ICBO) publishes a family of codes, each correlated with the *Uniform Building Code*™ to provide jurisdictions with a complete set of building-related regulations for adoption. Some of these codes are published in affiliation with other organizations such as the International Fire Code Institute (IFCI) and the International Code Council (ICC). Reference materials and related codes also are available to improve knowledge of code enforcement and administration of building inspection programs. Publications and products are continually being added, so inquiries should be directed to Conference headquarters for a listing of available products. Many codes and references are also available on CD-ROM or floppy disk. These are denoted by (*). The following publications and products are available from ICBO:

CODES

***Uniform Building Code**, Volumes 1, 2 and 3. The most widely adopted model building code in the United States, the performance-based *Uniform Building Code* is a proven document, meeting the needs of government units charged with the enforcement of building regulations. Volume 1 contains administrative, fire- and life-safety and field inspection provisions; Volume 2 contains structural engineering design provisions; and Volume 3 contains material, testing and installation standards.

***Uniform Mechanical Code**™. Provides a complete set of requirements for the design, construction, installation and maintenance of heating, ventilating, cooling and refrigeration systems; incinerators and other heat-producing appliances.

International Plumbing Code™. Provides consistent and technically advanced requirements that can be used across the country to provide comprehensive regulations of modern plumbing systems. Setting minimum regulations for plumbing facilities in terms of performance objectives, the IPC provides for the acceptance of new and innovative products, materials and systems.

International Private Sewage Disposal Code™. Provides flexibility in the development of safety and sanitary individual sewage disposal systems and includes detailed provisions for all aspects of design, installation and inspection of private sewage disposal systems.

International Mechanical Code™. Establishes minimum regulations for mechanical systems using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new mechanical designs.

Uniform Zoning Code™. This code is dedicated to intelligent community development and to the benefit of the public welfare by providing a means of promoting uniformity in zoning laws and enforcement.

***Uniform Fire Code**™, Volumes 1 and 2. The premier model fire code in the United States, the *Uniform Fire Code* sets forth provisions necessary for fire prevention and fire protection. Published by the International Fire Code Institute, the *Uniform Fire Code* is endorsed by the Western Fire Chiefs Association, the International Association of Fire Chiefs and ICBO. Volume 1 contains code provisions compatible with the *Uniform Building Code*, and Volume 2 contains standards referenced from the code provisions.

***Urban-Wildland Interface Code**™. Promulgated by IFCI, this code regulates both land use and the built environment in designated urban-wildland interface areas. This newly developed code is the only model code that bases construction requirements on the fire-hazard severity exposed to the structure. Developed under a grant from the Federal Emergency Management Agency, this code is the direct result of hazard mitigation meetings held after devastating wildfires.

Uniform Housing Code™. Provides complete requirements affecting conservation and rehabilitation of housing. Its regulations are compatible with the *Uniform Building Code*.

Uniform Code for the Abatement of Dangerous Buildings™. A code compatible with the *Uniform Building Code* and the *Uniform Housing Code* which provides equitable remedies consistent with other laws for the repair, vacation or demolition of dangerous buildings.

Uniform Sign Code™. Dedicated to the development of better sign regulation, its requirements pertain to all signs and sign construction attached to buildings.

Uniform Administrative Code™. This code covers administrative areas in connection with adoption of the *Uniform Building Code*,

Uniform Mechanical Code and related codes. It contains provisions which relate to site preparation, construction, alteration, moving, repair and use and occupancies of buildings or structures and building service equipment, including plumbing, electrical and mechanical regulations. The code is compatible with the administrative provisions of all codes published by the Conference.

Uniform Building Security Code™. This code establishes minimum standards to make dwelling units resistant to unlawful entry. It regulates swinging doors, sliding doors, windows and hardware in connection with dwelling units of apartment houses or one- and two-family dwellings. The code gives consideration to the concerns of police, fire and building officials in establishing requirements for resistance to burglary which are compatible with fire and life safety.

Uniform Code for Building Conservation™. A building conservation guideline presented in code format which will provide a community with the means to preserve its existing buildings while achieving appropriate levels of safety. It is formatted in the same manner as the *Uniform Building Code*, is compatible with other Uniform Codes, and may be adopted as a code or used as a guideline.

Dwelling Construction under the Uniform Building Code™. Designed primarily for use in home building and apprentice training, this book contains requirements applicable to the construction of one- and two-story dwellings based on the requirements of the *Uniform Building Code*. Available in English or Spanish.

Dwelling Construction under the Uniform Mechanical Code™. This publication is for the convenience of the homeowner or contractor interested in installing mechanical equipment in a one- or two-family dwelling in conformance with the *Uniform Mechanical Code*.

Supplements to UBC and related codes. Published in the years between editions, the Supplements contain all approved changes, plus an analysis of those changes.

Uniform Building Code—1927 Edition. A special 60th anniversary printing of the first published *Uniform Building Code*.

One and Two Family Dwelling Code. Promulgated by ICC, this code eliminates conflicts and duplications among the model codes to achieve national uniformity. Covers mechanical and plumbing requirements as well as construction and occupancy.

Application and Commentary on the One and Two Family Dwelling Code. An interpretative commentary on the *One and Two Family Dwelling Code* intended to enhance uniformity of interpretation and application of the code nationwide. Developed by the three model code organizations, this document includes numerous illustrations of code requirements and the rationale for individual provisions.

Model Energy Code. This code includes minimum requirements for effective use of energy in the design of new buildings and structures and additions to existing buildings. It is based on American Society of Heating, Refrigeration and Air-conditioning Engineers Standard 90A-1980 and was originally developed jointly by ICBO, BOCA, SBCCI and the National Conference of States on Building Codes and Standards under a contract funded by the United States Department of Energy. The code is now maintained by ICC and is adopted by reference in the *Uniform Building Code*.

National Electrical Code®. The electrical code used throughout the United States. Published by the National Fire Protection Association, it is an indispensable aid to every electrician, contractor, architect, builder, inspector and anyone who must specify or certify electrical installations.

TECHNICAL REFERENCES AND EDUCATIONAL MATERIALS

Analysis of Revisions to the Uniform Codes™. An analysis of changes between the previous and new editions of the Uniform Codes is provided. Changes between code editions are noted either at the beginning of chapters or in the margins of the code text.

***Handbook to the Uniform Building Code.** The handbook is a completely detailed and illustrated commentary on the *Uniform Building Code*, tracing historical background and rationale of the codes through the current edition. Also included are numerous drawings and figures clarifying the application and intent of the code provisions. Also available in electronic format.

***Handbook to the Uniform Mechanical Code.** An indispensable tool for understanding the provisions of the current UMC, the handbook traces the historical background and rationale behind the UMC provisions, includes 160 figures which clarify the intent and application of the code, and provides a chapter-by-chapter analysis of the UMC.

***Uniform Building Code Application Manual.** This manual discusses sections of the *Uniform Building Code* with a question-and-answer format, providing a comprehensive analysis of the intent of the code sections. Most sections include illustrative examples. The manual is in loose-leaf format so that code applications published in *Building Standards* magazine may be inserted. Also available in electronic format.

***Uniform Mechanical Code Application Manual.** As a companion document to the *Uniform Mechanical Code*, this manual provides a comprehensive analysis of the intent of a number of code sections in an easy-to-use question-and-answer format. The manual is available in a loose-leaf format and includes illustrative examples for many code sections.

***Uniform Fire Code Applications Manual.** This newly developed manual provides questions and answers regarding UFC provisions. A comprehensive analysis of the intent of numerous code sections, the manual is in a loose-leaf format for easy insertion of code applications published in IFCCI's *Fire Code Journal*.

Quick-Reference Guide to the Occupancy Requirements of the 1997 UBC. Code requirements are compiled in this publication by occupancy groups for quick access. These tabulations assemble requirements for each occupancy classification in the code. Provisions, such as fire-resistive ratings for occupancy separations in Table 3-B, exterior wall and opening protection requirements in Table 5-A-1, and fire-resistive ratings for types of construction in Table 6-A, are tabulated for quick reference and comparison.

Plan Review Manual. A practical text that will assist and guide both the field inspector and plan reviewer in applying the code requirements. This manual covers the nonstructural and basic structural aspects of plan review.

Field Inspection Manual. An important fundamental text for courses of study at the community college and trade or technical school level. It is an effective text for those studying building construction or architecture and includes sample forms and checklists for use in the field.

Building Department Administration. An excellent guide for improvement of skills in departmental management and in the enforcement and application of the Building Code and other regulations administered by a building inspection department. This textbook will also be a valuable aid to instructors, students and those in related professional fields.

Building Department Guide to Disaster Mitigation. This new, expanded guide is designed to assist building departments in developing or updating disaster mitigation plans. Subjects covered include guidelines for damage mitigation, disaster-response management, immediate response, mutual aid and inspections, working with the media, repair and recovery policies, and public information bulletins. This publication is a must for those involved in preparing for and responding to disaster.

Building Official Management Manual. This manual addresses the unique nature of code administration and the managerial duties of the building official. A supplementary insert addresses the budgetary

and financial aspects of a building department. It is also an ideal resource for those preparing for the management module of the CABO Building Official Certification Examination.

Legal Aspects of Code Administration. A manual developed by the three model code organizations to inform the building official on the legal aspects of the profession. The text is written in a logical sequence with explanation of legal terminology. It is designed to serve as a refresher for those preparing to take the legal module of the CABO Building Official Certification Examination.

Illustrated Guide to Conventional Construction Provisions of the UBC. This comprehensive guide and commentary provides detailed explanations of the conventional construction provisions in the UBC, including descriptive discussions and illustrated drawings to convey the prescriptive provisions related to wood-frame construction.

Introduction to the Uniform Building Code. A workbook that provides an overview of the basics of the UBC.

Uniform Building Code Update Workbook. This manual addresses many of the changes to the administrative, fire- and life-safety, and inspection provisions appearing in the UBC.

UMC Workbook. Designed for independent study or use with instructor-led programs based on the *Uniform Mechanical Code*, this comprehensive study guide consists of 16 learning sessions, with the first two sessions reviewing the purpose, scope, definitions and administrative provisions and the remaining 14 sessions progressively exploring the requirements for installing, inspecting and maintaining heating, ventilating, cooling and refrigeration systems.

UBC Field Inspection Workbook. A comprehensive workbook for studying the provisions of the UBC. Divided into 12 sessions, this workbook focuses on the UBC combustible construction requirements for the inspection of wood-framed construction.

Concrete Manual. A publication for individuals seeking an understanding of the fundamentals of concrete field technology and inspection practices. Of particular interest to concrete construction inspectors, it will also benefit employees of concrete producers, contractors, testing and inspection laboratories and material suppliers.

Reinforced Concrete Masonry Construction Inspector's Handbook. A comprehensive information source written especially for masonry inspection covering terminology, technology, materials, quality control, inspection and standards. Published jointly by ICBO and the Masonry Institute of America.

You Can Build It! Sponsored by ICBO in cooperation with CABO, this booklet contains information and advice to aid "do-it-yourselfers" with building projects. Provides guidance in necessary procedures such as permit requirements, codes, plans, cost estimation, etc.

Guidelines for Manufactured Housing Installations. A guideline in code form implementing the *Uniform Building Code* and its companion code documents to regulate the permanent installation of a manufactured home on a privately owned, nonrental site. A commentary is included to explain specific provisions, and codes applying to each component part are defined.

Accessibility Reference Guide. This guide is a valuable resource for architects, interior designers, plan reviewers and others who design and enforce accessibility provisions. Features include accessibility requirements, along with detailed commentary and graphics to clarify the provisions; cross-references to other applicable sections of the UBC and the Americans with Disabilities Act Accessibility Guidelines; a checklist of UBC provisions on access and usability requirements; and many other useful references.

Educational and Technical Reference Materials. The Conference has been a leader in the development of texts and course material to assist in the educational process. These materials include vital information necessary for the building official and subordinates in carrying out their responsibilities and have proven to be excellent references in connection with community college curricula and higher-level courses in the field of building construction technology and inspection and in the administration of building departments. Included are plan review checklists for structural, nonstructural, mechanical and fire-safety provisions and a full line of videotapes and automated products.

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Chapter 1

TITLE AND SCOPE

SECTION 101 — TITLE

These regulations shall be known as the *Uniform Code for the Abatement of Dangerous Buildings*, may be cited as such, and will be referred to herein as "this code."

SECTION 102 — PURPOSE AND SCOPE

102.1 Purpose. It is the purpose of this code to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Building Code, Housing Code or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

102.2 Scope. The provisions of this code shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

SECTION 103 — ALTERATIONS, ADDITIONS AND REPAIRS

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of Section 3403 of the Building Code.

Chapter 2

ENFORCEMENT

SECTION 201 — GENERAL

201.1 Administration. The building official is hereby authorized to enforce the provisions of this code.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

201.2 Inspections. The health officer, the fire marshal and the building official are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

201.3 Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the building official or the building official's authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official 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 shall have recourse to the remedies provided by law to secure entry.

“Authorized representative” shall include the officers named in Section 201.2 and their authorized inspection personnel.

SECTION 202 — ABATEMENT OF DANGEROUS BUILDINGS

All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 401 of this code.

SECTION 203 — VIOLATIONS

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

SECTION 204 — INSPECTION OF WORK

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this code and Sections 108 and 1701 of the Building Code.

SECTION 205 — BOARD OF APPEALS

205.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in Section 501 of this code. Copies of all rules or regulations adopted by the board shall be delivered to the building official, who shall make them freely accessible to the public.

205.2 Limitations of Authority. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

Chapter 3

DEFINITIONS

SECTION 301 — GENERAL

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

BUILDING CODE is the *Uniform Building Code* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 302 of this code.

HOUSING CODE is the *Uniform Housing Code* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

SECTION 302 — DANGEROUS BUILDING

For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall 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.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

4. 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.

5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

13. 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 Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

16. 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.

17. 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.

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Chapter 4

NOTICES AND ORDERS OF BUILDING OFFICIAL

SECTION 401 — GENERAL

401.1 Commencement of Proceedings. 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, the building official shall commence proceedings to cause the repair, vacation or demolition of the building.

401.2 Notice and Order. The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.
3. A statement of the action required to be taken as determined by the building official.

3.1 If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.

3.2 If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.

3.3 If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the board of appeals, provided the appeal is made in writing as provided in this code and filed with the building official within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

401.3 Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the

building official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

401.4 Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

401.5 Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.

SECTION 402 — RECORDATION OF NOTICE AND ORDER

If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

SECTION 403 — REPAIR, VACATION AND DEMOLITION

The following standards shall be followed by the building official (and by the board of appeals if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

1. Any building declared a dangerous building under this code shall be made to comply with one of the following:
 - 1.1 The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or
 - 1.2 The building shall be demolished at the option of the building owner; or

- 1.3 If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.
2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

SECTION 404 — NOTICE TO VACATE

404.1 Posting. Every notice to vacate shall, in addition to being served as provided in Section 401.3, be posted at or upon each exit of the building and shall be in substantially the following form:

**DO NOT ENTER
UNSAFE TO OCCUPY**

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official
..... of

404.2 Compliance. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under Section 401.2, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

Chapter 5

APPEAL

SECTION 501 — GENERAL

501.1 Form of Appeal. Any person entitled to service under Section 401.3 may appeal from any notice and order or any action of the building official under this code by filing at the office of the building official a written appeal containing:

1. A heading in the words: "Before the board of appeals of the of"
2. A caption reading: "Appeal of, giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the building official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of the service of the notice and order of the building official.

501.2 Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the building official shall present it at the next regular or special meeting of the board of appeals.

501.3 Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the board of appeals shall fix a date, time and place for the hearing of the appeal by the board. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

SECTION 502 — EFFECT OF FAILURE TO APPEAL

Failure of any person to file an appeal in accordance with the provisions of Section 501 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

SECTION 503 — SCOPE OF HEARING ON APPEAL

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

SECTION 504 — STAYING OF ORDER UNDER APPEAL

Except for vacation orders made pursuant to Section 404, enforcement of any notice and order of the building official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

Chapter 6

PROCEDURES FOR CONDUCT OF HEARING APPEALS

SECTION 601 — GENERAL

601.1 Hearing Examiners. The board may appoint one or more hearing examiners or designate one or more of its members to serve as hearing examiners to conduct the hearings. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted to the board for decision.

601.2 Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the board.

601.3 Reporting. The proceedings at the hearing shall also be reported by a phonographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the board, but shall in no event be greater than the cost involved.

601.4 Continuances. The board may grant continuances for good cause shown; however, when a hearing examiner has been assigned to such hearing, no continuances may be granted except by the examiner for good cause shown so long as the matter remains before the examiner.

601.5 Oaths—Certification. In any proceedings under this chapter, the board, any board member, or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

601.6 Reasonable Dispatch. The board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

SECTION 602 — FORM OF NOTICE OF HEARING

The notice to appellant shall be substantially in the following form, but may include other information:

“You are hereby notified that a hearing will be held before (the board of appeals or name of hearing examiner) at on the day of , 19 , at the hour , upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with (board of appeals or name of hearing examiner).”

SECTION 603 — SUBPOENAS

603.1 Filing of Affidavit. The board or examiner may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired

things in possession or under control. A subpoena need not be issued when the affidavit is defective in any particular.

603.2 Cases Referred to Examiner. In cases where a hearing is referred to an examiner, all subpoenas shall be obtained through the examiner.

603.3 Penalties. Any person who refuses without lawful excuse to attend any hearing or to produce material evidence which the person possesses or controls as required by any subpoena served upon such person as provided for herein shall be guilty of a misdemeanor.

SECTION 604 — CONDUCT OF HEARING

604.1 Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

604.2 Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

604.3 Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

604.4 Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

604.5 Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

604.6 Rights of Parties. Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut the evidence; and
6. To be represented by anyone who is lawfully permitted to do so.

604.7 Official Notice.

604.7.1 What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the board or departments and ordinances of the city or rules and regulations of the board.

604.7.2 Parties to be notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

604.7.3 Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the board or hearing examiner.

604.7.4 Inspection of the premises. The board or the hearing examiner may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the board or the hearing examiner shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the board or hearing examiner.

SECTION 605 — METHOD AND FORM OF DECISION

605.1 Hearing before Board Itself. When a contested case is heard before the board itself, a member thereof who did not hear the evidence or has not read the entire record of the proceedings shall not vote on or take part in the decision.

605.2 Hearing before Examiner. If a contested case is heard by a hearing examiner alone, the examiner shall within a reasonable time (not to exceed 90 days from the date the hearing is closed) submit a written report to the board. Such report shall contain a brief summary of the evidence considered and state the examiner's findings, conclusions and recommendations. The report also shall contain a proposed decision in such form that it may be adopted by the board as its decision in the case. All examiner's reports filed with the board shall be matters of public record. A copy of each such report and proposed decision shall be mailed to each party on the date they are filed with the board.

605.3 Consideration of Report by Board—Notice. The board shall fix the time, date and place to consider the examiner's report and proposed decision. Notice thereof shall be mailed to each interested party not less than five days prior to the date fixed, unless it is otherwise stipulated by all of the parties.

605.4 Exceptions to Report. Not later than two days before the date set to consider the report, any party may file written exceptions to any part or all of the examiner's report and may attach thereto a proposed decision together with written argument in support of such decision. By leave of the board, any party may present oral argument to the board.

605.5 Disposition by the Board. The board may adopt or reject the proposed decision in its entirety, or may modify the proposed decision.

605.6 Proposed Decision Not Adopted. If the proposed decision is not adopted as provided in Section 605.5, the board may decide the case upon the entire record before it, with or without taking additional evidence, or may refer the case to the same or another hearing examiner to take additional evidence. If the case is reassigned to a hearing examiner, the examiner shall prepare a report and proposed decision as provided in Section 605.2 hereof after any additional evidence is submitted. Consideration of such proposed decision by the board shall comply with the provisions of this section.

605.7 Form of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent by certified mail, postage prepaid, return receipt requested.

605.8 Effective Date of Decision. The effective date of the decision shall be as stated therein.

Chapter 7

ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

SECTION 701 — COMPLIANCE

701.1 General. After any order of the building official or the board of appeals made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

701.2 Failure to Obey Order. If, after any order of the building official or board of appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may (i) cause such person to be prosecuted under Section 701.1 or (ii) institute any appropriate action to abate such building as a public nuisance.

701.3 Failure to Commence Work. Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:

1. The building official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

DANGEROUS BUILDING DO NOT OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official
..... of

2. No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the building official have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

3. The building official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and or-

der required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

SECTION 702 — EXTENSION OF TIME TO PERFORM WORK

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the building official may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

SECTION 703 — INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

Chapter 8

PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

SECTION 801 — GENERAL

801.1 Procedure. When any work of repair or demolition is to be done pursuant to Section 701.3, Item 3, of this code, the building official shall issue an order therefor to the director of public works and the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of said director. Plans and specifications therefor may be prepared by said 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 public works contractual procedures shall be followed.

801.2 Costs. The cost of such work shall be paid from the repair and demolition fund, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.

SECTION 802 — REPAIR AND DEMOLITION FUND

802.1 General. 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 of public works 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.

802.2 Maintenance of Fund. The legislative body may at any time transfer to the repair and demolition fund, out of any money in the general fund of this jurisdiction, such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, and any sum so transferred shall be deemed a loan to the repair and demolition fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the treasurer of this jurisdiction who shall credit the same to the repair and demolition fund.

Chapter 9

RECOVERY OF COST OF REPAIR OR DEMOLITION

SECTION 901 — ACCOUNT OF EXPENSE, FILING OF REPORT

The director of public works 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 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 902 — NOTICE OF HEARING

Upon receipt of said report, the clerk of this jurisdiction shall present it 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 clerk of this jurisdiction shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appears on the last equalized assessment roll of the county, if such so appears, or as known to the clerk. Such notice shall be given at least 10 days 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's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

SECTION 903 — PROTESTS AND OBJECTIONS

Any person interested in or affected by the proposed charge may file written protests or objections with the clerk of this jurisdiction at any time prior to the time set for the hearing on the report of the director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The clerk of this jurisdiction shall endorse on every such protest or objection the date of receipt. The clerk shall present such protests or objections to the legislative body of this jurisdiction at the time set for the hearing, and no other protests or objections shall be considered.

SECTION 904 — HEARING OF PROTESTS

Upon the day and hour fixed for the hearing, the legislative body of this jurisdiction shall hear and pass upon the report of the director together with any such objections or protests. The legislative body may make such revision, correction or modification in the report or the charge as it may deem just; and when the legislative body is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the legislative body of this jurisdiction on the report and the charge, and on all protests or objections, shall be final and conclusive.

SECTION 905 — PERSONAL OBLIGATION OR SPECIAL ASSESSMENT

905.1 General. The legislative body of this jurisdiction may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.

905.2 Personal Obligation. If the legislative body of this jurisdiction orders that the charge shall be a personal obligation of the property owner, it shall direct the attorney for this jurisdiction to collect the same on behalf of this jurisdiction by use of all appropriate legal remedies.

905.3 Special Assessment. If the legislative body of this jurisdiction orders that the charge shall be assessed against the property, it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

SECTION 906 — CONTEST

The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within 30 days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within 30 days after the entry of such judgment.

SECTION 907 — AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST

The legislative body of this jurisdiction, in its discretion, may determine that assessments in amounts of \$500.00 or more shall be payable in not to exceed five equal annual installments. The legislative body's determination to allow payment of such assessments in installments, the number of installments, whether they shall bear interest, and the rate thereof shall be by a resolution adopted prior to the confirmation of the assessment.

SECTION 908 — LIEN OF ASSESSMENT

908.1 Priority. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and property taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

908.2 Interest. 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 7 percent per annum from and after said date.

SECTION 909 — REPORT TO ASSESSOR AND TAX COLLECTOR: ADDITION OF ASSESSMENT TO TAX BILL

After confirmation of the report, certified copies of the assessment shall be given to the assessor and the tax collector for this

jurisdiction, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

SECTION 910 — FILING COPY OF REPORT WITH COUNTY AUDITOR

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 10th. 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 911 — COLLECTION OF ASSESSMENT: PENALTIES FOR FORECLOSURE

The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected

and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.

If the legislative body of this jurisdiction has determined that the assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as ordinary property taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for sale as provided for ordinary property taxes.

SECTION 912 — REPAYMENT OF REPAIR AND DEMOLITION FUND

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.

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INTERNATIONAL CODE COUNCIL®

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EXHIBIT 6

Warranty Deed for the Property

6222828

WHEN RECORDED, MAIL TO:

JOE H. RAMIREZ, JR.
3697 SOUTH BUCKEROO CIRCLE
MAGNA , UT 84044

Space Above for Recorder's Use

Warranty Deed

JOHN C. ERICKSON AND GAYLA J. ERICKSON,
HUSBAND AND WIFE, AS JOINT TENANTS

of MAGNA , County of SALT LAKE
Utah hereby CONVEY and WARRANT to
JOE H. RAMIREZ, JR.

, grantor,
, State of

of MAGNA , County of SALT LAKE , grantee,
Utah for the sum of "Ten and Other Good and Valuable
Considerations" DOLLARS, , State of

the following described tract of land in SALT LAKE County, State of Utah

LOT 25, CHAPARRAL WEST PLAT "A" SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT
THEREOF.

TAX SERIAL NO. 14-33-151-023.

WITNESS the hand of said grantor, this 27th day of November , 1995.
Signed in the presence of

John C. Erickson
GAYLA J. ERICKSON

STATE OF Utah
COUNTY OF Salt Lake] ss.

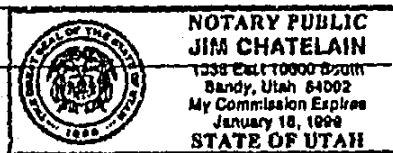
On the 27th day of November
JOHN C. ERICKSON and
GAYLA J. ERICKSON

, 1995 , personally appeared before me
who duly acknowledged to me that he executed the same.

Notary Public

My commission Expires:

Residing at:



8K7278PG2129

6222828

11/28/95 3:50 PM 10.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
CLAY HARRISON
5090 CARRIBEAN WAY SLC, 84107
REC BY:E FROGGET ,DEPUTY - WI

8K7278 PG 2 1:30

EXHIBIT 7

Quit-Claim Deed for the Property

When Recorded, Mail To:

JOE H. RAMIREZ, JR.
3697 SOUTH BUCKEROO CIRCLE
MAGNA, UT 84044

The space above provided for recorder's use.

Order No. 97073833

QUIT-CLAIM DEED

6822713
12/24/97 12:18 PM 10.00

NANCY WORKMAN
RECODER: SALT LAKE COUNTY, UTAH
BACKMAN-STEWART TITLE SERVICES
REC BY VIV ASHBY ,DEPUTY - WI

JOE H. RAMIREZ, JR.

6822713

of MAGNA , County of SALT LAKE , State of Utah, hereby
QUIT-CLAIM to JOE H. RAMIREZ, JR., a married man as his sole and separate property

of MAGNA

TEN & NO/100 AND OTHER GOOD AND VALUABLE CONSIDERATIONS
the following described tract of land in SALT LAKE County, State of Utah:

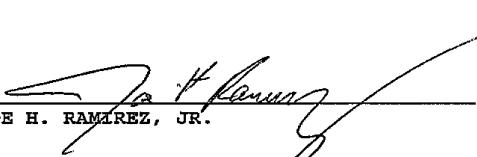
grantor
for the sum of
DOLLARS,

Lot 25, CHAPARRAL WEST PLAT "A" SUBDIVISION, according to the official plat
thereof recorded in the office of the County Recorder of said County.

For Information Purposes: 14-33-151-023

WITNESS, the hand of said grantor, this XX/XX/97 19th day of, XX/XX/97 DECEMBER A.D. 1997.

Signed in the Presence of

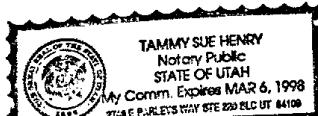

JOE H. RAMIREZ, JR.

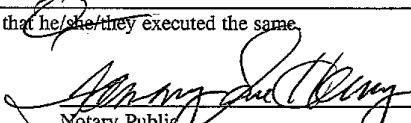
STATE OF UTAH

}
} ss.
COUNTY OF SALT LAKE

On the XX/XX/97 19th day of XX/XX/97 December, A.D. 1997.
Personally appeared before me JOE H. RAMIREZ, JR.

the signer(s) of the within instrument, who duly acknowledged to me that he/she/they executed the same




Tammy Sue Henry
Notary Public

My commission expires: March 06, 1998

Residing at: SALT LAKE CITY, UTAH

BK7839PG0598

EXHIBIT 8

Notice of Violation



GREATER SALT LAKE
Municipal Services
District

Notice of Violation

Thursday, February 25, 2021

JOE H JR RAMIREZ
3697 S BUCKEROO CIR
MAGNA UT, 84044

Case Number: CEZ21-0272

Metro Township of Magna

Violating Property Address: 3697 S BUCKEROO CIR, MAGNA, 84044

Owner(s) of Record: Joe H Jr Ramirez

Date and time violation(s) was observed: February 25, 2021 at 8:37 am

Deadline to Correct: March 31, 2021

Dear Joe H Jr Ramirez:

Pursuant to Municipal Code Section 12.2.020, notice is hereby given that the property at the above listed address (the "Property") is in violation of the code sections described below.

Summary of Violation(s)

Applicable Code Section(s): Other Public Nuisance

Description of Violation(s): On the Date of Violation, the following conditions were observed during an inspection of the property:

12.2.310 Authority*

Whenever the Director determines that a property or building requires demolition, he or she may demolish or remove the offending structure, or exercise any or all of the powers listed in Section 12.2.210 once appropriate notice has been given to a responsible person pursuant to the Uniform Abatement of Dangerous Buildings Code or Uniform Fire Codes as required under state law, provided that the notice shall include a written description of the Director's findings explaining the need for the demolition and citations to the applicable ordinances or laws authorizing the demolition. The responsible person shall be liable for all costs associated with the demolition. Costs may be recovered pursuant to this Title.

Continued on next page

Section 302 DANGEROUS BUILDING

For the purpose of this code, any building or structures which has any or all of the conditions or defects hereinafter described shall 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.

5. whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
7. whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. whenever the building or structure or any portion thereof, because of (i)dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
12. whenever any building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals, or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
18. whenever any portion of a building or structure remains on site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Corrective Action(s) Required: In order to correct the above listed violations, the following corrective actions must be taken by : March 31, 2021

More than ten years ago, the single-family dwelling (the "Dwelling") at the Property caught fire. The fire caused significant damage to the structure, including severe structural damage. For many years, the Dwelling has consisted of only a foundation and a subfloor. The subfloor has been exposed to the elements and has also suffered structural damage. The Director has determined that the Dwelling, or portions thereof, as the weakened subfloor is prone to collapse posing a threat to life, health and safety of public and/or the occupants. Additionally, the Dwelling, or portions thereof, have been damaged by fire and the elements to such an extent that the structural strength or stability is materially less than the minimum requirements of Magna ' building code for a similar structure. Additionally, due to the damage, the subfloor and foundations are likely to fail or collapse and thereby injure persons. Portions of the Dwelling are racked, warped, buckled, and settled to an extent that the other structural portions have materially less resistance to earthquakes than is required by the Code for similar new construction. Due to dilapidation, deterioration and/or decay the subfloor is likely to partially or completely collapse. The damage to the Dwelling has rendered it manifestly unsafe as a dwelling and incapable of occupancy. Finally, portions of the Dwelling remain on site after the demolition and destruction of the Dwelling and has been abandoned for a period in excess of six months so as to constitute the Dwelling an attractive nuisance and hazard to the public. Photographs of the Dwelling are enclosed with this Notice.

THE MUNICIPAL SERVICE DISTRIC BUILDING OFFICIAL HAS DETERMINED THAT THE STUCTURE LEFT ON THE PROPERTY IS UNSAFE AND A PUBLIC NUISANCE AND MUST BE REMOVED ALONG WITH ALL THE ITEMS OPENLY STORED ON PROPERTY. YOU HAVE 30 DAYS TO REMOVE STRUCTURE AND ALL ITEMS OPENLY STORED. FAILURE TO COMPLY WITH THIS NOTICE BY COMPLIANCE DATE WILL RESULT WITH A LIEN BEING PLACED ON PROPERTY, \$50.00 PER DAY CIVIL PENALTY AND THE REMOVAL OF ALL ITEMS ON PROPERTY ALONG WITH THE REMAINING STRUCTURE. THIS WILL ALL BE AT YOUR EXPENSE AND IF NOT PAID WILL BE APPLIED TO YOUR YEARLY PROPERTY TAXES.

Continued on next page

Once you have completed the above corrective actions, please notify Steve Szemerey at 801-381-2663 so the code enforcement officer may inspect your property to verify completion of the corrective actions.

Failure to Correct Violations

If you do not correct the violation(s) and contact the code enforcement officer to arrange an inspection before the deadline, civil penalties of \$50.00 will begin to accrue immediately on expiration of the date to correct violations on a daily basis in the following amount(s):

Civil penalties shall continue to accrue until the violation(s) has/have been brought into compliance with the Municipal Code or applicable state codes. Only one notice of violation is required for any 12-month period, and civil penalties will begin to accrue immediately upon any subsequent violations of this Notice. **The failure to pay civil penalties may result in the Director taking legal action to collect the civil penalties as provided in the law.** The civil penalties shall be paid directly to the Metro Municipal Treasurer's Office.

Failure to complete the corrective actions listed above and correct the violations by the above deadline may include, but are not limited to, criminal prosecution, civil penalties, revocation of permits, recordation of the notice of violation; withholding of future municipal permits; abatement or removal of the violation by the Municipality, and re-payment to the Municipality the costs of the abatement, other costs incurred by the Municipality, including administrative and attorneys' fees, and any other remedies in law or equity.

How to Appeal This Notice

If you believe this notice is in error, you may appeal it by requesting a hearing with the Municipality's Administrative Law Judge (Municipal Code Section 12.2.530). You must file your request for a hearing within **30 calendars days** of the date of this notice. Your request should:

- (1) describe the reason for your appeal and include any supporting documentation;
 - (2) include the above case number;
 - (3) include the address of the violating property;
 - (4) be signed by a person who is: (i) the owner of the violating property; (ii) an authorized agent of the owner; (iii) leasing the property; or (iv) the executor, administrator, trustee, or guardian of the estate of the owner of the property (Municipal Code Section 12.1.110(29)); and
- (5) be mailed or delivered to Magna the Administrative Law Judge, c/o Lupita McClenning, 2001 South State Street, Salt Lake City, Utah 84190.

Failure to timely request a hearing may result in a default hearing and an order being entered against you. The order may award civil penalties, fees and other costs to the Municipality.

Sincerely,

Steve Szemerey
sszemerey@msd.utah.gov
Code Enforcement Official
Magna



02/26/2021 10:30



02/26/2021 10:30



02/26/2021 10:31



02/26/2021 10:31

EXHIBIT 9

Final Notice of Violation



GREATER SALT LAKE
**Municipal Services
District**

Final Notice of Violation

JOE H JR RAMIREZ
3697 S BUCKEROO CIR
MAGNA UT, 84044

Case Number: CEZ21-0272
Metro Township of Magna
Violating Property Address: 3697 S BUCKEROO CIR, MAGNA, 84044
Owner(s) of Record: Joe H Jr Ramirez
Date Inspection Requested: March 31, 2021
Date of Compliance Inspection: April 20, 2021

Dear Joe H Jr Ramirez:

You were previously given notice on February 25, 2021 of the provisions of the Municipal Code. You were given a warning period to correct the notice before penalties would accrue. You did not correct the violation. As a result, you received a second notice on February 25, 2021, which informed you that a penalty of \$50.00 per day would be levied against you until the violations are corrected pursuant to Section 19.94.070.

The purpose of this third and final notice is to inform you that your property was inspected on March 31, 2021, and is still in violation of the Municipal Code, as discussed below. *If you do not correct the violations as instructed below by April 20, 2021 the Municipality will remove the violations itself at your cost.*

SUMMARY OF VIOLATIONS

Pursuant to Municipal Code Section 12.2.020, you are hereby notified for a final time that the Property is in violation.

Applicable Code Section(s): Other Public Nuisance

Description of Violation(s): On the Date of Violation, the following conditions were observed during an inspection of the property:

12.2.310 Authority*

Whenever the Director determines that a property or building requires demolition, he or she may demolish or remove the offending structure, or exercise any or all of the powers listed in Section 12.2.210 once appropriate notice has been given to a responsible person pursuant to the Uniform Abatement of Dangerous Buildings Code or Uniform Fire Codes as required under state law, provided that the notice shall include a written description of the Director's findings explaining the need for the demolition and citations to the applicable ordinances or laws authorizing the demolition. The responsible person shall be liable for all costs associated with the demolition. Costs may be recovered pursuant to this Title.

Section 302 DANGEROUS BUILDING

For the purpose of this code, any building or structures which has any or all of the conditions or defects hereinafter described shall 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.

5. whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
7. whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. whenever the building or structure or any portion thereof, because of (i)dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
12. whenever any building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals, or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
18. whenever any portion of a building or structure remains on site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Corrective Action(s) Required: In order to correct the above listed violations, the following corrective actions must be taken by : March 31, 2021

More than ten years ago, the single-family dwelling (the "Dwelling") at the Property caught fire. The fire caused significant damage to the structure, including severe structural damage. For many years, the Dwelling has consisted of only a foundation and a subfloor. The subfloor has been exposed to the elements and has also suffered structural damage. The Director has determined that the Dwelling, or portions thereof, as the weakened subfloor is prone to collapse posing a threat to life, health and safety of public and/or the occupants. Additionally, the Dwelling, or portions thereof, have been damaged by fire and the elements to such an extent that the structural strength or stability is materially less than the minimum requirements of Magna' building code for a similar structure. Additionally, due to the damage, the subfloor and foundations are likely to fail or collapse and thereby injure persons. Portions of the Dwelling are racked, warped, buckled, and settled to an extent that the other structural portions have materially less resistance to earthquakes than is required by the Code for similar new construction. Due to dilapidation, deterioration and/or decay the subfloor is likely to partially or completely collapse. The damage to the Dwelling has rendered it manifestly unsafe as a dwelling and incapable of occupancy. Finally, portions of the Dwelling remain on site after the demolition and destruction of the Dwelling and has been abandoned for a period in excess of six months so as to constitute the Dwelling an attractive nuisance and hazard to the public. Photographs of the Dwelling are enclosed with this Notice.

THE MUNICIPAL SERVICE DISTRICT BUILDING OFFICIAL HAS DETERMINED THAT THE STRUCTURE LEFT ON THE PROPERTY IS UNSAFE AND A PUBLIC NUISANCE AND MUST BE REMOVED ALONG WITH ALL THE ITEMS OPENLY STORED ON PROPERTY. YOU HAVE 30 DAYS TO REMOVE STRUCTURE AND ALL ITEMS OPENLY STORED. FAILURE TO COMPLY WITH THIS NOTICE BY COMPLIANCE DATE WILL RESULT WITH A LIEN BEING PLACED ON PROPERTY, \$50.00 PER DAY CIVIL PENALTY AND THE REMOVAL OF ALL ITEMS ON PROPERTY ALONG WITH THE REMAINING STRUCTURE. THIS WILL ALL BE AT YOUR EXPENSE AND IF NOT PAID WILL BE APPLIED TO YOUR YEARLY PROPERTY TAXES.

Continued on next page

Once you have completed the above corrective actions, please notify Steve Szemerey at 801-381-2663 so the code enforcement officer may inspect your property to verify completion of the corrective actions.

Failure to Correct Violations

If you do not correct the violation(s) and contact the code enforcement officer to arrange an inspection before the deadline, civil penalties of \$60.00 will begin to accrue immediately on expiration of the date to correct violations on a daily basis in the following amount(s):

Civil penalties shall continue to accrue until the violation(s) has/have been brought into compliance with the Municipal Code or applicable state codes. Only one notice of violation is required for any 12-month period, and civil penalties will begin to accrue immediately upon any subsequent violations of this Notice. The failure to pay civil penalties may result in the Director taking legal action to collect the civil penalties as provided in the law. The civil penalties shall be paid directly to the Metro Municipal Treasurer's Office.

Failure to complete the corrective actions listed above and correct the violations by the above deadline may include, but are not limited to, criminal prosecution, civil penalties, revocation of permits, recordation of the notice of violation; withholding of future municipal permits; abatement or removal of the violation by the Municipality, and re-payment to the Municipality the costs of the abatement, other costs incurred by the Municipality, including administrative and attorneys' fees, and any other remedies in law or equity.

How to Appeal This Notice

If you believe this notice is in error, you may appeal it by requesting a hearing with the Municipality's Administrative Law Judge (Municipal Code Section 12.2530). You must file your request for a hearing within 20 calendars days of the date of this notice. Your request should:

- (1) describe the reason for your appeal and include any supporting documentation;
 - (2) include the above case number;
 - (3) include the address of the violating property;
 - (4) be signed by a person who is: (i) the owner of the violating property; (ii) an authorized agent of the owner; (iii) leasing the property; or (iv) the executor, administrator, trustee, or guardian of the estate of the owner of the property (Municipal Code Section 12.1.110(29)); and
- (5) be mailed or delivered to Magna the Administrative Law Judge, c/o Lupita McClenning, 2001 South State Street, Salt Lake City, Utah 84190.

Failure to timely request a hearing may result in a default hearing and an order being entered against you. The order may award civil penalties, fees and other costs to the Municipality.

Sincerely,

Steve Szemerey
sszemerey@msd.utah.gov
Code Enforcement Official
Magna

801-381-2663



03/31/2021 10:47



03/31/2021 10:47



03/31/2021 1



04/13/2021 1



04/13/2021 11:45



04/22/2021 10:52



04/22/2021 10:51

EXHIBIT 10

Dangerous Building Abatement Notice & Order

When recorded return to:
 Magna Metro Township
 Steve Szemerey
 Code Enforcement Supervisor
 2001 South State Street
 Room #N3-600
 Salt Lake City, UT 84114

1167124-34
 05/11/2021 02:52 PM 3401-010
 Book - 11172 Pg - 5841-5865
RASHHELLE HOBBS
 READER, SALT LAKE COUNTY, UTAH
 GREATER SALT LAKE MSD
 N3-600 ATTN: PATRICIA RIST
 BY: ARA, DEPUTY - W/ 25 P.

NOTICE OF NONCOMPLIANCE
AND
ORDER TO VACATE AND DEMOLISH OR REPAIR

Parcel No: 14-33-151-023-0000

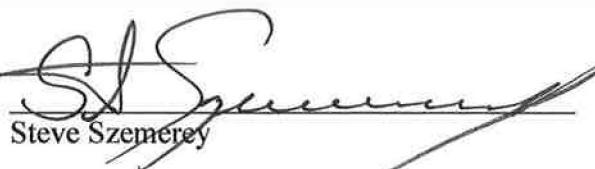
STATE OF UTAH)
 COUNTY OF SALT LAKE)

Steve Szemerey, Code enforcement Supervisor for the Metro Township of Magna (the "Municipality"), being first duly sworn, affirms, certifies, and verifies that:

On or about May 11, 2021 , the Municipality issued a Notice and Order to Vacate and Demolish or Repair (the "Notice and Order") regarding certain violations of Municipal Code and a dangerous structure located on certain real property located at 3697 South Buckeroo Cir., Magna UT 84044 (the "Property"), more particularly described in **Exhibit A**. A copy of the Notice and Order is Attached as **Exhibit B**.

The Municipality hereby provides notice that the Property is not in compliance with Municipal Code as set forth in the Notice and Oder.

DATED this _____ day of _____, 202_____.



Steve Szemerey

STATE OF UTAH)
 COUNTY OF SALT LAKE)

Subscribed and sworn to before me on this 11 day of May, 2020 by Shawna K. Winter




NOTARY PUBLIC

EXHIBIT A
Property Description

Address: 3697 South Buckeroo Cir., Magna UT, 84044

Legal Description:

LOT 25, CHAPARRAL WEST PLAT A. 5291-1398, 1399 5310-1512 7278-2129

EXHIBITB

Notice and Order to Vacate and Demolish or Repair

Dangerous Building Abatement

NOTICE & ORDER

TO VACATE AND DEMOLISH OR REPAIR

May 12, 2021

Joe H. JR Ramirez
3697 South Buckeroo Cir.
Magna UT, 84044

Case Number: CEZ21-0272

Metro Township of Magna (the “**Municipality**”).

Violating Property Address: 3697 South Buckeroo Cir., Magna UT, 84044, Salt Lake County
Parcel No. 14-33-151-023-0000 (the “**Property**”).

Owner(s) of Record: Joe H JR Ramirez

Date and time violation(s) was observed: February 25, 2021 at 8:37 am (the “**Date of
Violation**”).

Deadline to Demolish or Repair: June 13, 2021

Dear Mr. Ramirez:

Notice is hereby given that the Property contains dangerous structures which must be vacated and demolished pursuant to the Uniform Code for the Abatement of Dangerous Buildings (1997 Edition) as adopted by Municipal Code§ 15.16.010.

SUBJECT PROPERTY DESCRIPTION

This Dangerous Building Abatement Notice & Order to Vacate and Demolish (“**Notice and Order**”), relates to the Property described above. Improvements on the Property consist of a single-family dwelling (the “**Structure**”). The Property lies within the jurisdiction of the Municipality.

In accordance with Sections 401.3 and 401.4 of the Uniform Code for the Abatement of Dangerous Buildings, this Notice and Order is served upon you, as the individual listed on the records of Salt Lake County as the owner of the Property, by certified mail, postage prepaid, return receipt request and by posting on the Property.

NOTHING IN THIS NOTICE AND ORDER CONCEDES, ADJUDICATES, OR ESTABLISHES OWNERSHIP INTEREST IN THE PROPERTY AND ANY STRUCTURES THEREON.

DISASTER: FIRE DAMAGE

On or about February 25, 2021, the Municipality issued a Notice of Violation, attached as **Exhibit A**, describing numerous violations and dangerous conditions on the Property. The Notice of Violation, and all violations therein are incorporated by reference into this Notice and Order.

DETERMINATION

Pursuant to Sections 302 and 401.2 paragraph 2, of the Uniform Code for the Abatement of Dangerous Buildings the Director of Development Services for the Municipality has found the following conditions which render the Structures dangerous:

1. More than 10 years ago the Structure on the Property caught fire.
2. The fire caused significant damage to the Structure, including sever structural damage.
3. Following the fire, the Structure remains in place only as a foundation and subfloor.
4. The Structure has been exposed to the elements and has continued to suffer structural damage and degradation.
5. The Structure, or portions thereof, have become weakened and/or are prone to collapse posing a threat to life, health, and safety.
6. Additionally, the Structure, or portions thereof, have been damaged by fire and the elements to such an extent that the structural strength or stability is materially less than the minimum required by the Municipal Code.
7. Due to damage to the subfloor and foundation, portions of the Structure are likely to fail or collapse and thereby injure persons.
8. Portions of the Structure are racked, warped, buckled, and settled to an extent that the other structural portions have materially less resistance to earthquakes than is required by Municipal Code for similar new construction.
9. Due to dilapidation, deterioration and/or decay the subfloor is likely to partially or completely collapse.
10. The damage to the Structure, has rendered it manifestly unsafe as a dwelling and incapable of occupancy.
11. Portions of the Structure remain on site after the partial demolition or destruction of the Structure and has been abandoned for a period in excess of six months so as to constitute the Structure as an attractive nuisance and hazard to the Public.

NOTICE TO VACATE

Pursuant to Section 404.2 of the Uniform Code for the Abatement of Dangerous Buildings, the Director has found that the conditions detailed in the foregoing determinations create an emergency by presenting an ongoing and imminent threat to public health, safety, and welfare and the health and safety of any individual who enters or remains in the Structures.

ORDER

Based on the determinations, as authorized, by the Director of Planning and Development Services for the Municipality, it is hereby **ORDERED** that the Structure be **VACATED IMMEDIATELY** and **DEMOLISHED OR REPAIRED WITHIN 30 DAYS** of the service of this Order pursuant to Uniform Code for the Abatement of Dangerous Buildings Section 401.3.3. Pursuant to the Uniform Code for the Abatement of Dangerous Buildings Section 401.3.3, the Director has determined that under the circumstances, demolition of the Structures, including securing all required permits, **WITHIN 30 DAYS** of the service of this Order is reasonable and necessary because the Structures are immediately dangerous to the life, limb, property or safety of the public and/or adjacent properties, and notice has been duly posted on the Subject Property.

PURSUANT TO THIS ORDER, no person shall remain in or enter the Dwelling. A PERMIT IS REQUIRED PRIOR TO ANY ENTRY TO REPAIR OR DEMOLISH.

FAILURE TO DEMOLISH OR REPAIR

If the property owner(s) fail to timely commence demolition or repair, including securing all required permits, **WITHIN 30 DAYS** of the date of this Notice and Order, the **MUNICIPALITY WILL CAUSE THE DEMOLITION WORK TO COMMENCE AND CHARGE THE COSTS THEREOF AGAINST THE PROPERTY AND/OR ITS OWNER(S)** pursuant to Section 401.2, paragraph 4, and Section 701.2 of the Uniform Code for the Abatement of Dangerous Buildings.

DEADLINE TO APPEAL AND WAIVER OF RIGHT TO APPEAL

Pursuant to the Uniform Code for the Abatement of Dangerous Buildings Section 501.1 paragraph 7, because the Structures are immediately dangerous to the life, limb, property or safety of the public and/or adjacent properties, and notice has been duly posted on the property, **APPEAL MUST BE MADE WITHIN 30 DAYS OF THE SERVICE OF THIS NOTICE AND ORDER.** With the exception of the deadline to file the appeal, the appeal shall proceed pursuant to Municipal Code Section 1.16.010, *et seq.*

FAILURE TO TIMELY APPEAL IS A WAIVER OF YOUR RIGHT TO AN ADMINISTRATIVE HEARING REGARDING THE NOTICE AND ORDER OR ANY PORTION THEREOF AND WILL RESULT IN DEMOLITION OF THE STRUCTURE AT YOUR EXPENSE.

FORM OF APPEAL

Appeal may be made by filing a written appeal pursuant to Chapter 5 of the Uniform Code for the Abatement of Dangerous Buildings at following address:

Magna Metro Township
c/o Lupita McClenning
2001 South State Street
Room #N3-600
Salt Lake City, UT 84114

Pursuant to Chapter 5 of the Uniform Code for the Abatement of Dangerous Buildings, the Appeal must contain the following:

1. A heading in the words "Before the Administrative Law Judge of the Magna Metro Township."
2. A caption reading "Appeal of Dangerous Building Abatement Notice & Order to Vacate and Demolish."
3. A brief statement setting forth the legal interests of each of the appellants in the building or land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

If you have any questions regarding this Notice IMMEDIATELY contact Steve Szemerey, Magna Metro Township Planning and Development (385) 468-6700.

Regards,

Steve Szemerey
Code Enforcement Supervisor
Planning & Development Services
Magna Metro Township

cc: Magna Metro Township

EXHIBIT A

To

NOTICE AND ORDER TO VACATE AND DEMOLISH OR REPAIR



GREATER SALT LAKE
**Municipal Services
District**

Notice of Violation

Thursday, February 25, 2021

JOE H JR RAMIREZ
3697 S BUCKEROO CIR
MAGNA UT, 84044

Case Number: CEZ21-0272
Metro Township of Magna
Violating Property Address: 3697 S BUCKEROO CIR, MAGNA, 84044
Owner(s) of Record: Joe H Jr Ramirez
Date and time violation(s) was observed: February 25, 2021 at 8:37 am
Deadline to Correct: March 31, 2021

Dear Joe H Jr Ramirez:

Pursuant to Municipal Code Section 12.2.020, notice is hereby given that the property at the above listed address (the "Property") is in violation of the code sections described below.

Summary of Violation(s)

Applicable Code Section(s): Other Public Nuisance

Description of Violation(s): On the Date of Violation, the following conditions were observed during an inspection of the property:

12.2.310 Authority*

Whenever the Director determines that a property or building requires demolition, he or she may demolish or remove the offending structure, or exercise any or all of the powers listed in Section 12.2.210 once appropriate notice has been given to a responsible person pursuant to the Uniform Abatement of Dangerous Buildings Code or Uniform Fire Codes as required under state law, provided that the notice shall include a written description of the Director's findings explaining the need for the demolition and citations to the applicable ordinances or laws authorizing the demolition. The responsible person shall be liable for all costs associated with the demolition. Costs may be recovered pursuant to this Title.

Continued on next page

Section 302 DANGEROUS BUILDING

For the purpose of this code, any building or structures which has any or all of the conditions or defects hereinafter described shall 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.

5. whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
7. whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. whenever the building or structure or any portion thereof, because of (i)dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
12. whenever any building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals, or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
18. whenever any portion of a building or structure remains on site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Corrective Action(s) Required: In order to correct the above listed violations, the following corrective actions must be taken b y: March 31, 2021

More than ten years ago, the single-family dwelling (the "Dwelling") at the Property caught fire. The fire caused significant damage to the structure, including severe structural damage. For many years, the Dwelling has consisted of only a foundation and a subfloor. The subfloor has been exposed to the elements and has also suffered structural damage. The Director has determined that the Dwelling, or portions thereof, as the weakened subfloor is prone to collapse posing a threat to life, health and safety of public and/or the occupants. Additionally, the Dwelling, or portions thereof, have been damaged by fire and the elements to such an extent that the structural strength or stability is materially less than the minimum requirements of Magna ' building code for a similar structure. Additionally, due to the damage, the subfloor and foundations are likely to fail or collapse and thereby injure persons. Portions of the Dwelling are racked, warped, buckled, and settled to an extent that the other structural portions have materially less resistance to earthquakes than is required by the Code for similar new construction. Due to dilapidation, deterioration and/or decay the subfloor is likely to partially or completely collapse. The damage to the Dwelling has rendered it manifestly unsafe as a dwelling and incapable of occupancy. Finally, portions of the Dwelling remain on site after the demolition and destruction of the Dwelling and has been abandoned for a period in excess of six months so as to constitute the Dwelling an attractive nuisance and hazard to the public. Photographs of the Dwelling are enclosed with this Notice.

THE MUNICIPAL SERVICE DISTRIC BUILDING OFFICIAL HAS DETERMINED THAT THE STUCTURE LEFT ON THE PROPERTY IS UNSAFE AND A PUBLIC NUISANCE AND MUST BE REMOVED ALONG WITH ALL THE ITEMS OPENLY STORED ON PROPERTY. YOU HAVE 30 DAYS TO REMOVE STRUCTURE AND ALL ITEMS OPENLY STORED.FAILURE TO COMPLY WITH THIS NOTICE BY COMPLIANCE DATE WILL RESULT WITH A LIEN BEING PLACED ON PROPERTY, \$50.00 PER DAY CIVIL PENALTY AND THE REMOVAL OF ALL ITEMS ON PROPERTY ALONG WITH THE REMAINING STRUCTURE. THIS WILL ALL BE AT YOUR EXPENSE AND IF NOT PAID WILL BE APPLIED TO YOUR YEARLY PROPERTY TAXES.

Continued on next page

Once you have completed the above corrective actions, please notify Steve Szemerey at 801-381-2663 so the code enforcement officer may inspect your property to verify completion of the corrective actions.

Failure to Correct Violations

If you do not correct the violation(s) and contact the code enforcement officer to arrange an inspection before the deadline, civil penalties of \$50.00 will begin to accrue immediately on expiration of the date to correct violations on a daily basis in the following amount(s):

Civil penalties shall continue to accrue until the violation(s) has/have been brought into compliance with the Municipal Code or applicable state codes. Only one notice of violation is required for any 12-month period, and civil penalties will begin to accrue immediately upon any subsequent violations of this Notice. **The failure to pay civil penalties may result in the Director taking legal action to collect the civil penalties as provided in the law.** The civil penalties shall be paid directly to the Metro Municipal Treasurer's Office.

Failure to complete the corrective actions listed above and correct the violations by the above deadline may include, but are not limited to, criminal prosecution, civil penalties, revocation of permits, recordation of the notice of violation; withholding of future municipal permits; abatement or removal of the violation by the Municipality, and re-payment to the Municipality the costs of the abatement, other costs incurred by the Municipality, including administrative and attorneys' fees, and any other remedies in law or equity.

How to Appeal This Notice

If you believe this notice is in error, you may appeal it by requesting a hearing with the Municipality's Administrative Law Judge (Municipal Code Section 12.2.530). You must file your request for a hearing within **30 calendars days** of the date of this notice. Your request should:

- (1) describe the reason for your appeal and include any supporting documentation;
 - (2) include the above case number;
 - (3) include the address of the violating property;
 - (4) be signed by a person who is: (i) the owner of the violating property; (ii) an authorized agent of the owner; (iii) leasing the property; or (iv) the executor, administrator, trustee, or guardian of the estate of the owner of the property (Municipal Code Section 12.1.110(29)); and
- (5) be mailed or delivered to Magna the Administrative Law Judge, c/o Lupita McClenning, 2001 South State Street, Salt Lake City, Utah 84190.

Failure to timely request a hearing may result in a default hearing and an order being entered against you. The order may award civil penalties, fees and other costs to the Municipality.

Sincerely,

Steve Szemerey
sszemerey@msd.utah.gov
Code Enforcement Official
Magna



02/26/2021 10:30



02/26/2021 10:30



02/26/2021 10:31



EXHIBIT 11

Appeal Notice

Received 6/11/21 PER*

June 11, 2021

To: Salt Lake County
case #. CE221-0272

This is Joe Ramirez
3697 So BUCKEROO CIR.
MAYFIELD VT 84044.

Name
Address

A1) I am trying to have my subcontractor do a concrete foundation inspection. Right now they're each six weeks out

Marty 801 230 6661 is one of my sub-contractors which will not be able to approach my property for six weeks

I thank you

Joe Ramirez
801 792 8732

✓ JUN 11 2021
Joe Ramirez
5700, S. WILDERLAND Lane
TAYLORSVILLE, VT. 84129