

Chapter 41 -- Dangerous Buildings

41.010. Definitions. The term "dangerous structure(s)" as used in this Ordinance is hereby defined to mean and include:

1. Any building, shed, fence or other man-made structure which is dangerous to the public health because of its condition and which may contribute to the spread of disease or cause injury to the health of the occupants or others.
2. Any building, shed, fence or other man-made structure which, because of faulty construction, lack of proper maintenance or repair, or any other cause, is especially liable to fire and constitutes or creates a fire hazard.
3. Any building, shed, fence, or other man-made structure which, by reason of faulty construction, lack or proper maintenance or repair, or other cause, may cause injury or damage due to collapse.
4. Any building, shed, fence, or other man-made structure which, because of its condition, is frequented by persons who are not lawful occupants of such structure.
5. Any building, shed, fence, or other man-made structure which remains unoccupied for 90 days or more and which has fallen into such disrepair so as to be detrimental to the health, safety, or welfare of the residents of the City.

41.020. Prohibition. Any dangerous structure as defined in Section 41.010 located in the City is hereby declared to be a nuisance. It shall be unlawful to maintain or permit the existence of such a nuisance within the City. It shall be unlawful for the owner, occupant, or person in charge of any dangerous structure to permit same to remain in a dangerous condition, or to occupy such structure, or to permit it to be occupied.

41.030. Abatement of Nuisance. Whenever the police department receives a verified complaint of a dangerous structure, they shall notify the City Clerk within five (5) business days. The City Clerk shall thereupon cause written notice to be served upon the owner thereof and upon the occupant thereof, if any, lessee, mortgagee, agent, and all other persons having an interest in the dangerous structure as shown by the land records of the Recorder of Deeds of the County wherein the land is located by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication in the legal newspaper and a local newspaper both of general circulation. Such notice shall state that the structure has been declared to be in a dangerous condition and shall specify that the property is to be vacated, repaired, or removed within a reasonable time. Such notice may be in the following terms:

"To _____ (owner, occupant, or other person having an interest in the dangerous structure shown by the land records of the Recorder of

Deeds) of the premises known and described as _____.

You are hereby notified that the City has received a complaint of _____(describe dangerous structure) on the premises above-mentioned.

You must vacate the premises, repair the condition, and/or commence demolition of the building within _____ days or the City of Moscow Mills will proceed to do so.

A hearing regarding this matter will be held on _____ at _____. You will be given an opportunity to be heard. You may be represented by Counsel at the hearing."

The Board of Aldermen shall call and have a full and adequate hearing upon the matter, giving the affected parties at least ten (10) days written notice of the hearing. Any party may be represented by counsel and all parties shall have the opportunity to be heard. After the hearing, if the evidence supports a finding that the dangerous structure is detrimental to the health, safety, or welfare of the residents of the City, the Board of Aldermen shall issue an order, making specific findings of fact based upon competent and substantial evidence which shows the dangerous structure to be detrimental to the health, safety or welfare of the residents of the City, and ordering the dangerous structure to be demolished. If the evidence does not support a finding that the dangerous structure is detrimental to the health, safety or welfare of the residents of the City, no order shall be issued. If the Board of Aldermen shall issue an order whereby the dangerous structure is demolished, the costs of performance shall be certified to the City Clerk, who shall file notice of lien on the property and said lien shall remain on the property until paid.

41.040. Emergencies. In cases where it reasonably appears there is an immediate danger to the health, safety, or welfare of any person, the Mayor may take emergency measures to vacate, repair or demolish a dangerous structure.

41.050. Penalty for violation. Violation of Section 41.020 shall be punishable in the Municipal Court by a fine of not more than \$500.00 or by imprisonment in the County Jail not exceeding 90 days or by both such fine and imprisonment. Each day shall be considered a separate offense.

Adopted by Ordinance 6/14/93. Amended by: Ordinance #623, 5/14/12. Ordinance #745, 7/11/16.