

Code Enforcement - Minimum Housing Procedure

Step 1. Preliminary Findings

Whenever a petition is filed with the Code Enforcement Officer (CEO), by a public authority or by at least (5) residents of the city, charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the CEO that any dwelling or dwelling unit is unfit for human habitation, the CEO shall conduct an investigation to confirm or deny the complaint.

Step 2. Code Enforcement Officer Issues Notice of Violation/Hearing

If the CEO confirms there are violations of the town ordinance present, the officer shall give notice (NOV- Notice of Violation) to the owner, lessee or other person in possession of the premises in writing (By either Regular Mail, Certified Mail, or In-Person Delivery) setting forth his findings and describing the appropriate corrective action. Complaint will state the charges and contain a notice that a hearing will be held before the CEO not less than 10 days and no more than 30 days from mailing the complaint.

Step 3. Code Enforcement Officer Holds Hearing

The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one (1) of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. If after such notice and hearing the official determines that the dwelling under consideration is unfit for human habitation, the Code Enforcement Officer shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owners an Order as follows:

Step 4. Decision

If the repairs estimated cost is less than 50% of building value, CEO orders Repairs.

If the repairs estimated cost is more than 50% of building value, CEO orders building demolished.

Owner Options for Injunction/Appeal

Step 5. Owner Action/Inaction

Building Repaired by Owner

Building Owner does not comply with Order within Reasonable time allotted

Building Demolished by Owner

Building Owner does not comply with Order within Reasonable time

Owner Petition

Any person aggrieved by an order issued by the official may petition the superior court for an injunction restraining the official from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the official pending a final disposition of the case. The petition shall be filed within thirty (30) days after issuance of the order or rendering of the decision. **If denied, time-period is resumed.**

Owner Appeal

An appeal from any decision or order of the code enforcement officer may be taken by any person who is the subject of the decision or order. Any appeal from the official shall be taken within ten days from the rendering of the decision or notice of the order, and shall be taken by filing a Notice of Appeal with the planning department, which shall specify the grounds upon which the appeal is based. The Board of Adjustment shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the official, but the concurring vote of four members of the board shall be necessary to reverse or modify any decision or order of the official.

Step 6. Town Action

City Council Adopts an Ordinance that States the Building will be Repaired or Demolished within 90 Days.

Council Adopts an Ordinance to Order Code Enforcement Officer to Demolish the Building.

Building is repaired or demolished by the Town and a Lien placed against the Real Property.