

§ 56.69 REPAIRING, CLOSING OR DEMOLISHING UNFIT DWELLINGS; UNLAWFUL TO MAINTAIN, USE OR OCCUPY DANGEROUS STRUCTURE OR NUISANCE.

(A) The County Council finds that there exist in the county dwellings which are unfit for human habitation due to:

- (1) Dilapidation;
- (2) Defects increasing the hazards of fire, accidents or other calamities;
- (3) Lack of ventilation, light or sanitary facilities; or
- (4) Other conditions rendering such dwellings unsafe or insanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the county.

(B) It shall be unlawful for any owner, agent or occupant to maintain, use or occupy any building, structure, manufactured housing unit, modular home, mobile home; abandoned swimming pool, water garden or ornamental pond, which is dangerous to life or limb, is likely to cause a fire, or which, because of its condition, use or maintenance constitutes a nuisance or which, because of the condition of the walls, overloaded floors, defective construction, decay or other cause shall be unsafe or defective, or which may become a breeding ground for or infested with vermin, mosquitoes, insects, noxious diseases or present physical dangers to the safety and well being of the public.

(Ord. 3302, passed 9-3-02)

§ 56.70 PROVISIONS RELATING TO UNFIT DWELLINGS.

(A) A public officer shall be designated or appointed to exercise the powers prescribed by this subchapter.

(B) Whenever a petition is filed with the public officer by at least five residents of the county charging that any dwelling is unfit for human habitation or whenever it appears to the public officer (on his own motion) that any dwelling is unfit for human habitation, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and all parties of interest in such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer or his designated agent at a place therein fixed not less than ten days nor more than 30 days after the serving of such complaint. The owner and parties of interest shall be given 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. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

(C) If, after such notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, such reasonable cost being less than 50% of the value of the dwelling, requiring the owner, within the time specified in the order, to repair, alter or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or

(2) If the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish such dwelling.

(D) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the public officer may cause such dwelling to be repaired, altered or improved or to be vacated and closed. The public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

(E) If the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished.

(F) The amount of the cost of such repairs, alterations or improvements, vacating and closing or removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred and shall be collectible in the same manner as county taxes.

(G) If the county or the public officer in demolishing unfit dwellings as permitted by this section contracts with a third party not employed by the county to do the work, it shall bid the work in conformity with the Procurement Code applicable to the county.

(Ord. 3302, passed 9-3-02)

§ 56.71 POWER OF COUNTY TO DECLARE NUISANCES NOT IMPAIRED.

Nothing in § 56.70 shall be construed to impair or limit in any way the power of a county to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Ord. 3302, passed 9-3-02)