

Chapter 8.28 – Unoccupied Buildings 1

Sections:

- 8.28.010 Definitions.
- 8.28.020 Unoccupied Buildings Must Be Secured.
- 8.28.030 Violation–Penalty.

8.28.010 Definitions.

- A. "Building" shall mean any structure having a roof supported by columns or walls, and designed or intended for the shelter, support, enclosure or protection of persons, animals or chattels.
- B. "Owner" shall mean:
 - 1. any person, company, corporation, business, trust, partnership, association, club, or organization or
 - 2. the manager, lessee, agent, servant, officer of or employee of any person, company, corporation, business, trust, partnership, association, club, or organization, and
 - 3. that has a legal interest in a building, no matter what size or degree that interest is.
- C. "Secured building" shall mean a building with all of the following:
 - 1. all doors are completely closed and have some type of locking system or device which prevents any unauthorized person from entering the building through said doors; and
 - 2. all windows:
 - i. have panes of glass that are unbroken, and
 - ii. are completely closed, and
 - iii. have some type of locking system or device which prevents any person or animal from entering the building; or,
 - iv. have some type of covering, such as plywood, which completely covers the window opening and reasonably prevents any person or animal from entering the building through said window opening; and
 - 3. all exterior columns and walls are free from any holes or openings which would allow any person or animal from entering the building; and
 - 4. (4) a roof which is free from any holes or openings which would allow any person or animal from entering the build.
- D. "Unoccupied building" shall mean either:
 - 1. a building in which a person has not entered for more than thirty (30) consecutive days; or
 - 2. a building which has not been used for its designed purpose or purposes for more than thirty (30) consecutive days; or

TITLE 8 - HEALTH AND SAFETY
CHAPTER 8.28 – UNOCCUPIED BUILDINGS

3. a building which has not been maintained for more than thirty (30) consecutive days to meet or exceed the building code provisions applicable for the designed purpose or purposes of the building.

8.28.020 Unoccupied Buildings Must Be Secured.

Must Be Secured. An owner of any unoccupied building must secure, or cause to be secured, the unoccupied building.

8.28.030 Violation–Penalty.

Any owner violating any of the provisions of this chapter shall be guilty of a misdemeanor. Upon entering a guilty plea, or upon conviction, an owner shall be punishable by a maximum of six (6) months in a local jail, a one thousand dollar (\$1,000.00) fine, or both such local jail time and fine. Each day that an unoccupied building is not secured is a separate violation of this ordinance. Also, any owner violating any of the provisions of this chapter may be responsible for any injuries or damages sustained by a person as a result of the owner's violation of this ordinance.

----- **NOTES** -----

(1) Ordinance 2005-G, 2005