

CHAPTER 8.30 - PROPERTY MAINTENANCE

Sections:

- 8.30.010 Purpose---Scope.
- 8.30.020 Definitions.
- 8.30.030 Building exteriors.
- 8.30.040 Exterior premises.
- 8.30.050 Authority---Inspections.
- 8.30.060 Warning Letter---Notice of violation---Right to appeal.
- 8.30.070 Violations and penalties---Serving of notices---Independent enforcement.
- 8.30.080 Civil remedies---Other abatement---Regarding a violation.

8.30.010 Purpose---Scope:

The purpose of this Chapter is to promote the health, safety, and welfare of the citizens by protecting neighborhoods against blighting and deteriorating influences by establishing requirements for maintenance of all buildings, premises, and vacant land.

This Chapter shall apply to all buildings, structures and lands within the City without regard to the use, date of construction, or date of alteration.

8.30.020 Definitions.

- A. "Blighted" means characterized by unsightly conditions including accumulated debris, broken, rotted, crumbling, cracking, peeling, or rusting fences; dead or damaged landscaping, improperly maintained or located compost material; and any other similar conditions of disrepair and deterioration that contribute to the down-grading or decline in the appearance of a neighborhood.
- B. "Debris" means substance of little or no apparent economic value, present in a state of apparently unpremeditated disarray; the remains of broken or damaged items.
- C. "Deterioration" means a lowering in quality of the condition or appearance of a building or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay or neglect or lack of maintenance.
- D. "Imminent hazard" means presenting an immediate likelihood for causing serious personal harm due to a condition of in-completion, deterioration, improper building construction, breakage, leakage, or exposure.
- E. "Exterior Opening" means an open or open-able window or passage between interior and exterior spaces.
- F. "Fire Hazard" means anything or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing, or extinguishing fire; or anything or act which may obstruct, delay, hinder, or interfere with the operations of the Fire Department or the egress of occupants in the event of fire.

TITLE 8 - HEALTH AND SAFETY
CHAPTER 8.30 – PROPERTY MAINTENANCE

- G. "Infestation" means the apparent presence of unpleasant, damaging, or un-healthful numbers of insects and/or the presence of rodents.
- H. "Property Manager" means an individual, partnership, corporation, or other entity with the authority and ability to make emergency repairs and with the responsibility to oversee the maintenance and protection of the property and represent the owner's interests.
- I. "Screened area-exterior" means an area separated by a 6' high sight-obscuring, permanent fence (consistent with this city code).
- J. "Sign" means any structure, or natural object, such as a tree, rock, bush and the ground itself, or a part thereof or device attached thereto or painted or represented thereon, which shall be used to attract attention to any product or business, or which shall display or include any letter, painting, word, model, banner, flag, pennant, insignia, device or representation used as, or which is the nature of an announcement, direction or advertisement for any product or business.
- K. "Sound Condition" means able to support itself under reasonable loading or weather conditions, free from decay.
- L. "Vehicle Inoperative" means any vehicle which is visibly missing any part essential for movement, or on which such parts are broken or defective, including flat tires.
- M. "Vehicle Unregistered" means any vehicle which does not bear current annual Idaho license plates or decals or is not currently registered in Idaho as provided in Idaho Code or is not currently registered in any other state.

8.30.030 Building Exteriors: The following shall apply to all structures and buildings in the city:

Exterior surfaces:

All exterior surfaces must be finished with exterior siding materials appropriate to the surface such as wood, drywall, or brick for walls, and shingles, metal roofing material for roofs. (Plastic sheeting, insulation materials and the like are specifically prohibited.) All exposed exterior surfaces shall be maintained so as to be free of deterioration that is a threat to health and safety and shall not otherwise present a deteriorated or blighted appearance. All window openings must be filled with unbroken glass. All door openings must contain doors with working hinges and closing mechanism. Examples of prohibited conditions include, but are not limited to the following:

- A. Improperly anchored canopies, metal awnings, stairways, exhaust ducts and overhead extensions.
- B. Structurally unsafe chimneys.
- C. Exterior windows and doors that are not fitted securely in their frames, are not weather-tight, or do not latch as intended.
- D. Paint that is deteriorated, indicated by peeling, flaking, cracking, blistering or mildew, resulting in exposed, bare or unprotected surfaces.

Foundations, walls, and roofs:

TITLE 8 - HEALTH AND SAFETY
CHAPTER 8.30 – PROPERTY MAINTENANCE

Every foundation, exterior wall, roof and all other exterior surfaces shall be protected from the weather and shall adequately support and protect the building at all points and shall also be free from deterioration.

Foundation:

The building foundation shall be maintained in a safe condition and be capable of supporting the load which normal use may place thereon.

Exterior Walls:

The exterior walls shall be weather-resistant, free from dry rot and mildew, and shall be maintained in sound condition and good repair. All exterior surfaces, other than decay-resistant materials, shall be protected from the elements by painting or other protective covering according to manufacturer's specifications. No lead-based paint shall be used on any surface of any structure.

Roofs:

Roofs shall be maintained in a safe condition and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

Outdoor Stairs, Porches, Railings:

All outdoor stairs, porches and hand railings shall be maintained so as to be safe and in structurally sound condition. Examples of prohibited conditions include spalled concrete on stair treads, broken stair treads, broken/missing handrails, and collapsing porches.

Signs.

All signs of whatever nature must be removed within 90 days of the cessation of the business to which the sign pertains.

8.30.040 Exterior Premises:

The following shall apply to all land; vacant, improved or unimproved.

General:

All land shall be maintained free from any accumulation of garbage or blighting influence including graffiti, accumulations of litter, rubbish, refuse, waste material, discarded appliances, discarded furniture, broken glass, piles of mixed material, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, packing straw, packing hay, or other packing material, lumber not neatly piled, scrap iron, tin and other metal not neatly piled, or anything whatsoever in which insects may breed or which provides harborage for rodents, snakes or other harmful pests or which may otherwise create a fire hazard. The premises shall be kept free from visual blight. Front and/or side-street yards visible from streets, alleyways, and highways may not be utilized for storage, temporary or otherwise, of any of the aforementioned materials, including neatly piled lumber/metal.

Weeds, Bushes, Trees and Other Vegetation:

All exterior property areas shall be kept free from dry vegetation, weeds, bushes and tall grass and trees which present a visual blight upon the area, which may harbor insect or rodent infestations, or otherwise threaten the health and safety or the welfare of adjacent property owners/occupants or the

community as a whole. The premises shall be free from visual blight, potential fire hazards, dead trees and branches. Lawn grass higher than six inches (6") and weeds higher than twelve inches (12") tall are prohibited.

Fences, Screen Walls and Retaining Walls:

All fences, screen walls and retaining walls on the premises shall be safe and structurally sound, and shall be maintained so as not to constitute a blighting influence. Blighting influences include leaning fences, missing slats or blocks, graffiti, deterioration and rotting.

Exterior Insect rodent and Animal Control:

All premises shall be kept free from insect and rodent infestation and other noxious pests.

Drainage:

All premises shall be maintained so as to prevent the accumulation of stagnant water which causes hazardous or unhealthy conditions, breeding areas for insects, or erosion of foundation walls.

Landscaping:

All front yards shall be completed with landscaping excluding noxious weeds.

Vehicles:

With the exception of vehicles at commercial repair shops and wrecking yards in areas where such operations are authorized under the Zoning Ordinance (Title 17) of the city, junked, inoperative, or partially dismantled vehicles (whether registered or unregistered) may not be kept outside of a completely enclosed building.

8.30.050 Authority---Inspections:

The Building Inspector, his designated representative, police officer, or any authorized representative thereof upon visual identification, or upon receipt of a complaint from any person, is authorized and directed to make inspections of property to determine compliance with this Chapter.

Un-screened exterior areas may be inspected at any time from a public right-of-way with or without the involvement of the owner or occupant in accordance with legal requirements governing administrative inspections of private property.

Screened exterior areas shall be inspected only during the normal business hours of the city unless otherwise arranged, and only upon invitation or with the concurrence of the owner or occupant or when authorized/ordered by a court.

Except in cases of alleged imminent hazards, if the occupant is not the owner of the premises or dwelling unit to be inspected, the Building Inspector, his designated representative, police officer, or any authorized representative thereof shall provide notice in writing or by telephone to the owner or designated agent as to the time and place of inspection. The owner or designated agent may be present for the inspection. The convenience of the owner or designated agent shall not require the rescheduling of the inspection.

8.30.060 Warning Letter---Notice of violation---Right to appeal:

Warning letter:

If, after an inspection, the city finds one or more violations of this chapter based on a complaint, or visual identification, the Building Inspector, or other designated city official, at his option, may issue a warning letter, first class postage affixed, to the owner or designated agent providing ten (10) days to correct the violation before a notice of violation is issued. In the case of an imminent hazard the officer shall proceed immediately with the notice of violation.

The warning letter shall contain the following information:

Identification of property in violation.

Statement of violations in sufficient detail to allow a responsible party to identify and correct the problem.

Re-inspection date and time.

Name, address and phone number of a city representative to contact.

The issuance of a warning letter is at the option of the city which may be sent as a courtesy to property owners and shall not be construed as a legal requirement.

Notice of Violation:

If, after an inspection, and a warning letter, if provided, the city official finds one or more violations of this Chapter based on a complaint or visual identification, the official shall, in writing, notify the owner or the designated agent. If the property in violation is not owner-occupied and it contains imminent hazards, the official shall also notify occupants of the imminent hazard.

The notice of violation shall include the same information as required in the warning letter and further giving the owner, designated agent and/or occupants not less than ten (10) days to remove, abate or destroy the condition causing the violation. A copy of said notice shall be posted in a readily visible place upon the premises at or near the location where the nuisance exists.

Right to appeal:

Such notice shall further state that any one of the responsible parties may, within (10) days following receipt of notice, have the matter reviewed by submitting a written request to the City Building Inspector for review by an appeal board designated the Planning and Zoning Commission. The Planning and Zoning Commission shall hear the appeal and make an official decision regarding the appeal. Any such decision must be in writing and rendered no later than five (5) business days after the date of closing of the appeal hearing. Appeal hearing must be held within thirty (30) days of receipt of the request for appeal.

If aggrieved by the decision of the Appeal Board, the owner/occupant may then appeal in writing directly to the City Council within three (3) business days. If such a request is submitted, the City Council shall conduct a hearing upon the matter at its next regularly scheduled meeting, and consider whether the requirements stated in the notice of violation should be modified, withdrawn, or enforced as written.

8.30.090 Violations and Penalties---Serving of notices---Independent enforcement:

Violations and penalties:

TITLE 8 - HEALTH AND SAFETY
CHAPTER 8.30 – PROPERTY MAINTENANCE

Any owner, occupant, lessor, lessee, manager, or other person having lawful control over a structure or parcel of land who causes, allows, facilitates, aids or abets any violation of any provision of this Chapter or who fails to perform any act or duty required by this Chapter or who allows a lessee or a tenant to violate this Chapter shall be guilty of a misdemeanor. Each day any violation of any provision of this Chapter or the failure to perform any act or duty required by this Chapter exists, shall constitute a separate violation.

The owner of record, as recorded in the records of Butte County, of the property upon which a violation of this Chapter exists shall be presumed to be the person having lawful control over a structure or parcel of land. If more than one person shall be recorded as the owner of the property, said persons shall be jointly and severally presumed to be persons having lawful control over a structure or parcel of land. This presumption shall not prevent enforcement of the provisions of this Chapter against any person specified elsewhere in this Title.

It shall not be a defense for an owner of record to plead that any act or omission made punishable by this Chapter was at the time the violation occurred within the control of a lessee owner or his designated agent. Nothing herein shall preclude the city from giving additional oral or written notice at its discretion. If the city does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situations.

Independent enforcement:

The authority of the City to enforce the provisions of this Title is independent of and in addition to the authority of other City officials to enforce the provisions of any other title of the City code.

8.30.110 Civil remedies---Other abatement---Regarding a violation:

Civil remedies:

The City may commence injunctive proceedings against any persons, corporations, firms, associations or other entities engaging in activities prohibited by this Chapter. In such proceedings the City shall request and the court may award the City its costs, as determined by court ruling, together with reasonable attorneys fees and such other or further relief, including judgment for site-cleaning expenses, as the court may deem just.

Other Abatement:

If the property owner or other person served a notice or order by the City pursuant to this Chapter fails to comply with such notice of order, the Council may adopt a resolution finding that a violation of this Chapter exists, that there has been a failure of compliance with a notice to remove, abate, or destroy the problem and the action by the City is required to protect the public health, safety, and welfare in the area affected. Following adoption of such a resolution, the Mayor may direct that employees of the City, or the City's contractors or agents, go upon the premises in question and remove, abate, or destroy the problem. The City shall be entitled to recover its expense by civil action filed in a court of competent jurisdiction, together with costs and a reasonable attorneys fee. The expense may also be certified to the City Clerk and transmitted to the County Treasurer, and be collected by special assessment upon the property to the extent provided by law. If the certificate is recorded at the office of the County Recorder, it shall become a lien against the property to the extent provided by law.

Regarding a Violation:

TITLE 8 - HEALTH AND SAFETY
CHAPTER 8.30 – PROPERTY MAINTENANCE

The notice of violation described in this Chapter shall run with the land. If a violation remains uncorrected, the City, at its sole option, may record a notice of violation with Butte County Recorder and thereby cause compliance by an entity thereafter acquiring such property. The non-filing of any notice of violation shall in no way affect the validity of such notice as to the entities so notified. When the property is brought into compliance by the owner, occupant or lessee, a satisfaction of notice of violation shall be filed.

Penalty:

Any person who violates any provision of this chapter shall, upon conviction, be guilty of a misdemeanor and punishable as set forth in Section 1.28.010 of this code.