

Sec. 8-1037. - Powers and duties of the building, code and fire officials.

- (a) *General.* The building, code, and fire officials are hereby authorized and directed to enforce the provisions of the minimum codes and are further authorized to render interpretations of the minimum codes, which are consistent with their intent and purpose. The building, code, and fire officials are hereby authorized and directed to enforce the provisions of their respective technical and permissive codes.
- (b) *Right of entry.*
 - (1) Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the building, code, or fire official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building, code, or fire official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building, code, or fire official by these minimum codes, provided that if such building or premises is occupied, they shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, they shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building, code, or fire official shall have recourse to every remedy provided by law to secure entry.
 - (2) When the building, code, or fire official has obtained a proper warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as provided in this subsection, to promptly permit entry therein by the building, code, or fire official for the purpose of inspection and examination pursuant to this Code.
- (c) *Stop work orders.* Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the minimum codes or in a dangerous or unsafe manner shall immediately cease. Upon notice from the fire official, work under any permit issued by said office that is being done contrary to the provisions of the fire codes or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property or to his agent or to the person doing the work and shall state the conditions under which work may be resumed. Where an emergency exists, the building or fire official shall not be required to give a written notice prior to stopping the work.
- (d) *Occupancy violations.* Whenever any building or structure or equipment therein regulated by this Code is being used contrary to the applicable provisions of this Code, the building or fire official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the building or fire official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this Code.
- (e) *Unsafe buildings or systems.* All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life or which, in relation to existing use or condition, constitute a hazard to safety or health are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by the owner by repair and rehabilitation or by demolition in accordance with the provisions of the technical and permissive codes.

Exceptions:

- (1) *Closing of vacant structures.* Whenever the building or code official finds a building or structure or portion thereof to be unsafe, vacant and unfit for human habitation, and is not in danger of structural collapse, the building or code official shall give the owner, agent or person in control of such building or structure written notice listing the defects, in accordance with established procedures for legal notices. The building or code official shall also post a notice on the building

or structure. This notice shall require the owner to close the premises within the time specified in the notice. Upon failure of the owner to comply, the building or code official shall cause the premises to be closed through any available public agency or by contract with a private entity. The cost thereof shall be charged against the real property upon which the structure is located and a lien filed against such real property.

- (2) *Buildings and structures ordered to be closed to be secured.* All buildings and structures ordered to be closed shall be secured to comply with the "Minimum Specifications for Cleaning and Securing Property" as provided by the building or code official (see exhibit "A" to the ordinance from which this section is derived).
- (3) *Imminent danger.* When, in the opinion of the building or fire official, there is imminent danger of failure or collapse of a building or structure which endangers life or when any structure or part of a structure has collapsed and life is endangered by occupancy of the structure or when there is actual or potential danger to the occupants or those in close proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the building or fire official may order and require the occupants to vacate the premises forthwith. The building or fire official shall give the owner or its agent written notice listing the dangerous condition, in accordance with established procedures for legal notice, and shall place at each entrance to such structure a notice which states: "This building is unsafe and its use or occupancy has been prohibited by the building or fire official." Such notice shall remain posted until the structure is secure, the required repairs are made, or the hazardous condition removed. It shall be unlawful for any person to remove such notice without written permission of the building or fire official or for any person to enter the building or structure except for the purpose of securing the structure, making the required repairs or removing the hazardous condition.
- (4) *Emergency safeguards.* Whenever the building, code, or fire official determine there is imminent danger to human life, health or safety due to an unsafe condition, the building, code, or fire official may require the necessary work to render the structure safe without notification to the owner or agent as specified in this subsection.
- (5) *Cost of emergency repairs.* Costs incurred in the performance of emergency work shall be charged to the owner and shall be collected in the manner provided by law.
- ~~(6) *Appeals.* The owner, agent or person in control of the building or structure shall have the right to appeal the decision of the building, code, or fire official, as provided in this article, and to appear before the code enforcement appeals board at a specified time and place to show cause why the owner, agent or person in control of the building or structure should not comply with said notice, except in cases of emergency which involve imminent danger to human life, health or safety.~~
- (f) *Requirements not covered by code.* Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system or for the public safety, health and general welfare, not specifically covered by this or the other minimum codes, shall be determined by the building official.
- (g) *Alternate materials and methods.* The provisions of the minimum codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the building official. The building official shall approve any such alternate, provided the building official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the minimum codes in quality, strength, effectiveness, fire resistance, durability and safety. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.
- (h) *Modifications.* Wherever there are demonstrable significant practical difficulties involved in complying with the provisions of this Code, the building official shall have the authority to grant modifications, upon application of the owner or owner's representative, provided the building official shall first find that strict adherence to the applicable Code section(s) renders compliance substantially impractical and, further provided, the modification is in compliance with the intent and

purpose of this Code and that such modification does not materially compromise health, accessibility, life and fire safety, or structural requirements. The owner's application and findings of the building official on a modification request shall be recorded and entered in the files of the department of building safety.

(Ord. of 3-12-1998(2), § 1; [Ord. of 7-21-2016\(3\)](#))