

ORDINANCE NO. 2017-2

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 2015-4, AND PROHIBITING MAINTAINING A SUBSTANDARD, DANGEROUS OR BLIGHTED BUILDING OR STRUCTURE AND PROVIDING FOR ABATEMENT OF SAME.

BE IT ORDAINED, by the City Council of the City of Cooperstown, North Dakota, as follows:

SECTION 1: REPEAL AND ENACTMENT:

Ordinance 2015-4 of the City of Cooperstown, North Dakota is hereby repealed, replaced and re-enacted to read as follow:

SECTION 2: SUBSTANDARD, AND/OR DANGEROUS BUILDINGS OR STRUCTURES DEFINED:

- A. Any building or structure which creates a fire hazard, is dangerous to the safety or health of the occupants or persons frequenting such premises, or to the public or is permitted by the owner to remain in a dilapidated condition.
- B. Such substandard or dangerous buildings shall include but not be limited to the following:
 - 1. Whenever such conditions of the building or structure exist to the extent that the life, health, property or safety of the public or its occupants are endangered.
 - 2. Whenever any portion thereof has been damaged by fire, earthquake, wind, and flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe.
 - 3. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
 - 4. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unsafe or unfit for human habitation

or is such a condition that is likely to cause sickness or disease.

5. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
6. Whenever any portion of a building or structure remains on a site after the demolition of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof a hazard to the public.
7. Whenever any dwelling or other building is in a state of disrepair as to be a fire hazard; or in such a state of disrepair as to be dangerous to those who might enter such a building; or in such a state of disrepair as to furnish a harbouring place for varmints.

SECTION 3: BLIGHTED BUILDING OR STRUCTURE DEFINED:

The term "blighted structure" shall include, without any limitation, any dwelling, garage, or outbuilding, or any factory, shop, store, warehouse, or any other structure or part of a structure which, because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.

SECTION 4: UNLAWFUL TO MAINTAIN A SUBSTANDARD, DANGEROUS OR BLIGHTED STRUCTURE:

It shall be unlawful for any person to keep or maintain any substandard, dangerous, blighted or vacant building or structure, dwelling, garage, outbuilding, factory, shop, store, or warehouse unless it is kept securely locked, the windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons or unless such structure is in the course of construction in accordance with a valid building permit issued by the City of Cooperstown, and unless such construction is completed within a reasonable time or unless such structure shall constitute a danger or hazard to the health or safety of any persons.

SECTION 5. DUTY OF FIRE CHIEF, PUBLIC HEALTH OFFICER OR LAW ENFORCEMENT OFFICER AS INSPECTOR:

- A. It shall be the duty of the Fire Chief, Public Health Officer or Law Enforcement Officer to inspect any building or structure alleged to be substandard, dangerous or blighted in violation of this Ordinance.
- B. Following such inspection the fire chief, public health officer or law enforcement officer as appropriate shall file a notice and report with the City Council detailing the legal description of the property and the specific conditions which make the property a hazard to the public, a fire hazard, or dangerous to health or safety of the occupants or persons frequenting such premises or is permitted by the owner to remain in a dilapidated condition.
- C. Following receipt of such notice and report the city shall notify in writing the owner, occupant, lessee, mortgagee and all other persons having an interest in said building, as shown by the records in the office of the County Recorder of the County of Griggs, of the building or structure found by the inspector to be a substandard, dangerous or blighted building or structure as defined in this Ordinance. Such notice shall include a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a substandard, dangerous or blighted building. The city shall further notify such person(s) that the city may cause said building or structure to be demolished, repaired or removed.
- D. Written notice shall be given to the owner of the time and place of a hearing before the City Council at which time the owner may appear and present evidence regarding said issue. Said notice shall be served personally upon the owner, occupant, mortgagee, lessee and all other persons having an interest in said property residing within the City; or if such person is absent from the City all notices provided for herein shall be sent by registered or certified mail to the last known address of said person(s) and a copy of such notice shall be posted in a conspicuous place on the dangerous or blighted structure or building. Such personal service, mailing or posting shall be deemed adequate service.
- E. A decision by a majority of the City Council shall be the decision of the Council.

- F. Following the final decision and order of the council, the owner shall have thirty (30) days in which an appeal may be taken to a court of competent jurisdiction.
- G. The cost of any demolition, repair or removal of such a structure or building shall constitute a lien against said real property. If said lien is not adequate to cover the cost of demolition, repair or removal of said structure or building the city shall have a lien for the amount of additional costs on all real property owned, or later acquired by the owner in the city.

SECTION 6. ABATEMENT WITHOUT PRIOR NOTICE:


In the event the condition of a structure or building shall constitute an immediate and serious danger to the health or safety of any person, or shall constitute an immediate and serious danger to private or public property, the city may without prior notice to the owner of the premises immediately enter upon the premises and take whatever steps are required to abate said condition. If such actions are reasonable in nature and undertaken in good faith such actions shall not constitute trespass or conversion. Any attempt by the city to give the owner prior notice shall not constitute a waiver of the right under this section to act without prior notice.

SECTION 7. CONFLICTS:

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed insofar as the conflicting portions thereof are concerned.

SECTION 8. EFFECTIVE DATE:

This Ordinance shall be in full force and effect from and after its final adoption.



 PAUL PAINTNER, Mayor

ATTEST:



 NANCY LUNDE, City Auditor

First Reading 3-6-17
 Second Reading 4-3-17
 Final Passage and Adoption 4-3-17
 Publication none