

A. RULES AND REGULATIONS: The Chief Building Inspector is authorized to adopt such written rules and regulations as may be necessary for the proper interpretation and enforcement of this Ordinance. Such rules and regulations shall not conflict with or waive any provisions of this Ordinance or any other Ordinance of the City of Moorland. Such rules and regulations shall be submitted to the Commission for approval and no such rule or regulation shall be effective without such approval. Such rules and regulations, upon approval of the Commission, shall be kept on file with the Chief Building Inspector for public examination. Such rules and regulations shall have the force and effect of this Ordinance and shall continue in effect until revoked by the Chief Building Inspector with the approval of the Commissioners.

B. INSPECTION AND RIGHT OF ENTRY: The Chief Building Inspector may make regular inspections to determine the condition of all residences located within the City for the purpose of safe-guarding the health and safety of all occupants and of the general public. The Chief Building Inspector may make such inspections whenever he shall deem such an inspection necessary; provided, however, that such inspections must be made at reasonable times and upon reasonable notice to, and with the consent of, the owner or operator and the occupant, except when an existing emergency requires immediate action.

C. LEGAL PROCESS NOT REQUIRED: Except where the owner or operator or occupant refuses entry, an order of the court, subpoena or other legal process shall not be necessary to any entry, examination or survey in connection with the inspection authorized by this Ordinance.

D. INSPECTION UPON WARRANT: Whenever the Chief Building Inspector or his delegate, after presentation of proper credentials and request for entry to inspect, is refused access to any residence, the Chief Building Inspector is authorized to petition any judge for the issuance of a search warrant authorizing the inspection of such residence for the purpose of making such inspection as shall be necessary to the enforcement of the provisions of this Ordinance.

E. OWNER'S RIGHT OF ENTRY: Every occupant of a residence shall give the owner thereof, or his agent or employee, access to any part of such residence, or its premises, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Ordinance or with any lawful rules or regulation adopted or any lawful order issued pursuant to the provisions of this Ordinance. Entry pursuant to this subsection shall be made only at reasonable times and after reasonable notice to this occupant unless an existing emergency requires immediate action.

#### F. NOTICE OF VIOLATIONS.

1. NOTICE REQUIRED: Whenever in the opinion of the Chief Building Inspector any violation of the provisions of this Ordinance is found to exist, he shall within ten days after discovery thereof, serve written notice of such alleged violation upon the owner, operator or occupant responsible therefor.

2. METHOD OF SERVICE: Notice shall be given either by personal service or by mailing a copy thereof to the alleged violator by certified mail, return receipt requested, at his last known address or, in the event neither of these is effective to actually notify the alleged violator, by posting a copy thereof in a conspicuous place in or about the building containing the alleged violation.

3. REQUIRED CONTENTS: Such notice may include more than one alleged violation; shall demand compliance with this Ordinance; and shall specify a period of time for compliance which shall be such time as, in the opinion of the Chief Building Inspector, is reasonably required to effect changes necessary for compliance.

4. PERMISSIBLE CONTENTS: Such notice may contain an outline of remedial action which if taken will effect compliance with the provisions of this Ordinance and with any rules and regulations adopted pursuant thereto.

G. EFFECT OF NON-COMPLIANCE: If any alleged violation, of which notice has been given in conformity with this Ordinance, is not corrected or eliminated within the time specified in such notice, then:

1. VIOLATOR SUBJECT TO PENALTY: The responsible owner, operator, or occupant shall be subject to a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) and to imprisonment for not more than thirty (30) days for each such uncorrected violation and for each day each such violation exists after expiration of the time specified for correction in the notice given pursuant to this Ordinance and its provisions; and

2. DESIGNATION OF RESIDENCE AS UNFIT FOR HUMAN HABITATION: The residence shall be designated as unfit for human habitation in accordance with the procedures established by this Ordinance and its provisions; or

3. DESIGNATION OF RESIDENCE AS DANGEROUS AND A PUBLIC NUISANCE: Where the alleged violations are of such a

nature or extent that, in the opinion of the Chief Building Inspector, they render the residence, or any part thereof, unsafe and dangerous to the life, safety, morals, or the general health and welfare of the occupants or the residents of the City, or where the residence or any part thereof, is uncompleted or has been abandoned, the Chief Building Inspector shall declare and designate the residence, or any part thereof, as dangerous and a public nuisance in accordance with the procedures of this Ordinance and its provisions.

4. **LIEN:** The Chief Building Inspector may provide for the removal of garbage and debris from private property when the owner, operator or agent of owner of such property, after notice pursuant to this Ordinance, refuses or neglects to remove such garbage and debris, and may collect from such owner the reasonable cost thereof. This cost is a lien upon the real estate affected, superior to all subsequent liens and encumbrances, except tax liens, if within 60 days after such cost and expense is incurred by Clerk of the City, in the name of the City, files notice of lien in the office of the County Court Clerk of Jefferson County. The notice of lien shall consist of a sworn statement setting out (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date or dates when such cost and expense was incurred by the municipality. However, the lien shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to removal of the garbage and debris and prior to the filing of such notice, and the lien shall not be valid to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the City of Moorland and the release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics' liens. Suit to foreclose this lien shall be commenced within two (2) years after the date of filing notice of lien.

**SECTION IV. DESIGNATION OF RESIDENCE AS UNFIT FOR HUMAN HABITATION — PROCEDURES.** Whenever any residence is subject to designation as unfit for human habitation under the provisions of this Ordinance, the Chief Building Inspector shall carry out such designation in compliance with the following procedures:

A. **NOTICE AND PLACARDING:** The Chief Building Inspector shall serve notice of the designation of the residence as unfit for human

habitation upon the owner, operator, agent of owner and occupant thereof. Service shall be by certified mail, return receipt requested, and by posting of a placard at each entrance of the affected residence.

B. **CONTENTS:** The notices and placards required by subsection (A) hereof shall state that the affected residence is by such notice or placard declared to be unfit for human habitation in accordance with the provisions of this Ordinance; shall state the specific uncorrected violations of this Ordinance leading to such designation and the person or persons responsible for the correction thereof; and shall order the affected residence to be vacated within a specific reasonable period of time as determined by the Chief Building Inspector, which may be immediately where conditions exist presenting immediate hazards to human life, health or safety. Such notices and placards shall further state the right of any aggrieved person to file an appeal pursuant to this Ordinance within thirty (30) days of the date of this receipt of such notice.

C. **DEFACING OR REMOVING PLACARD:** No person shall deface or remove the placard required by subsection (A) hereof from any residence which has been designated as unfit for human habitation and placarded as such, except as provided in Section V(B) of this Ordinance.

#### **SECTION V. EFFECT OF DESIGNATION OF DWELLING AS UNFIT FOR HUMAN HABITATION.**

A. **VACATION REQUIRED:** Any residence designated as unfit for human habitation shall be vacated within the time specified by the Chief Building Inspector pursuant to the provisions of Section IV above of this Ordinance.

B. **CONDITIONS FOR RESUMPTION OF HUMAN HABITATION:** No residence which has been designated as unfit for human habitation in accordance with Section IV of this Ordinance shall again be used for human habitation until written approval is secured from, and the placard so designating it is removed by, the Chief Building Inspector, who shall remove such placard only when the defects upon the designation was based have been eliminated, and after the residence has been inspected and found to comply in all respects with the requirements of this Ordinance.

**SECTION VI. DESIGNATION OF A RESIDENCE AS DANGEROUS AND A PUBLIC NUISANCE — PROCEDURES.** Whenever any residence, or any part thereof, is subject to designation as dangerous and a public nuisance under the provisions of this Ordinance, the Chief Building Inspector shall carry out such designation in compliance with the following procedures:

A. NOTICE AND PLACARDING: The Chief Building Inspector shall serve notice of the designation of the dwelling, or part thereof, as dangerous and a public nuisance, upon the owner, agent of owner, operator, occupant and lien holders of record. Service shall be by certified mail, return receipt requested, and by posting a placard at each entrance of the affecting residence. Where the identity of whereabouts of the owner or lien holders cannot be ascertained, notice mailed to the person or persons in whose name the premises were last assessed shall be sufficient notice.

B. CONTENTS: The notices and placards required by subsection (A) hereof shall state that the affected residence, or part thereof, is by such notice or placard declared to be dangerous and a public nuisance in accordance with the provisions of this Ordinance; shall state the specific alleged uncorrected violations of this Ordinance deemed sufficient to justify such designation; and shall further state that such designation may result in an order for demolition. Such notice shall require the party to appear before the Chief Building Inspector at a hearing to be held at a specified place and time, not less than ten (10) days following the date of the notice, to show cause why the designated residence should not be vacated and repaired or demolished in accordance with the provisions of this Ordinance.

C. DEFACING OR REMOVING PLACARD: No person shall deface or remove the placard required by subsection (A) hereof from any residence or part thereof, which has been designated as dangerous and a public nuisance.

D. HEARING AND FINDINGS: At the appointed time and place, the Chief Building Inspector shall hear such testimony as the interested parties shall offer relative to the designated residence, or part thereof, and shall, based on such testimony and his investigation, make written findings of fact as to whether the residence is properly designated as dangerous and a public nuisance.

#### SECTION VII. EFFECT OF DESIGNATION OF RESIDENCE AS DANGEROUS AND A PUBLIC NUISANCE

A. ORDER: Upon a finding pursuant to Section VI above that the residence, or part thereof, has been properly designated as dangerous and a public nuisance, the Chief Building Inspector shall issue an order to the owner, agent of owner, operator, occupant and lien holders of record, commanding the owner to vacate and repair or demolish the residence, or part thereof; authorizing any lien holder of record to demolish such residence, or part thereof, at his own risk to prevent the attachment of a city lien, as provided in subsection (B) hereof; and shall authorize any person so notified to vacate or repair such residence, or part thereof.

B. LIEN FOR REPAIRS OR DEMOLITION: The costs of any vacation, repair or demolition undertaken pursuant to this chapter by the City, or any lien holder of record, shall be recoverable from the owner of the premises and shall be a lien upon such premises.

C. CONDITIONS FOR RESUMPTION OF USE: No residence, or part thereof, which has been designated as dangerous and a public nuisance in accordance with this Ordinance, shall again be used for any purpose until and unless written approval is secured from, and the placard so designating it is removed by, the Chief Building Inspector, who shall remove such placard only when the defects upon which the designation was based have been eliminated, and after the residence, or part thereof, has been inspected and found to comply in all respects with the requirements of this Ordinance.

SECTION VIII. ASSISTANCE OF CITY ATTORNEY. Whenever any person fails, refuses or neglects to obey an order issued pursuant to this Ordinance or in any other manner does not comply with the duties imposed upon him by this Ordinance, the Mayor may notify the City Attorney of the circumstances and request the City Attorney to institute such legal action as may be required to effect compliance.

SECTION IX. IMPOSITION OF PENALTY NO BAR TO LEGAL ACTION. The imposition of any penalty pursuant to this Ordinance shall not preclude the City from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; to restrain, correct or abate a violation; to prevent the occupancy of a residence; to require compliance with the provisions of this Ordinance or other applicable laws, ordinances, rules or regulations, or the order and determinations of the Chief Building Inspector or the Board of Appeals.

SECTION X. BOARD OF APPEALS. Appeal may be taken from any decision of the Chief Building Inspector to the Board of Appeals created by the City Council of the City of Moorland pursuant to this section.

A. CREATION AND MEMBERSHIP: The Board of Appeals shall consist of three (3) members appointed by the Mayor and approved by the Commissioners, one (1) member to be appointed for three (3) years, one for two (2) years, and one to serve one (1) year; and thereafter, each new member to serve for three (3) years or until his successor has been appointed and approved pursuant to this section.

B. AUTHORITY TO PROMULGATE RULES GOVERNING THE OPERATION OF THE BOARD OF APPEALS: The Board of Appeals is hereby given authority to promulgate rules governing its activity and the procedure to be followed when taking an appeal to the Board. Such rules and procedures shall not conflict with or waive any provisions of this Ordinance or any other Ordinance of the City of



Moorland. Such rules and procedures shall be submitted to the Commissioners for approval and no such rule or procedure shall be effective without such approval. Such rules and procedures shall be kept on file with the Clerk of this City for public examination. Such rules and procedures shall have the force and effect of this Ordinance and shall continue to be in effect until revoked by the Board of Appeals with the approval of the Commissioners.

C. ABSENCE OF MEMBERS: During the absence of a member, the Mayor shall designate a substitute.

D. CHAIRMAN OF THE BOARD: The Board shall select one (1) of its members to serve as Chairman, and the Chairman shall designate one (1) of the members as Secretary to the Board, who shall keep a record of all proceedings on file and available for public inspection.

E. EXEMPTION OF MEMBERS: A member of the Board of Appeals shall not pass on any question in which he has any type of interest.

**SECTION XI. APPEALS.** Appeals may be taken to the Board of Appeals by the following persons at the following times, in the following manner, and with the following effects:

A. SCOPE OF APPEAL: An appeal may be taken from any decision of the Chief Building Inspector, made pursuant to the authority conferred by this Ordinance, which finds a violation of any provision of this Ordinance; designates any residence unfit for human habitation or dangerous and a public nuisance; orders the vacation, repair or demolition of any residence; refuses to authorize the resumption of human habitation in any residence; interprets this Ordinance; or which in any other manner adversely affects an owner, operator, or occupant of a residence subject to the provisions of this Ordinance.

B. PERSONS ENTITLED TO APPEAL: Any person aggrieved by a decision within the scope of the Ordinance may appeal from such decision.

C. TIME FOR APPEAL: An appeal shall be commenced within thirty-five (35) days of the date of the receipt of notice of the decision appealed from. Appeals not commenced within such time shall be deemed waived.

D. COMMENCEMENT OF APPEAL: An appeal under this Section shall be commenced by filing with the Chief Building Inspector a notice of appeal, specifying the grounds thereof, and by filing said appeal and a copy of said notice of appeal with the Secretary of the Board. The Chief Building Inspector shall forthwith transmit to the Secretary of the Board of all the papers constituting the records upon

which the decision from which appeal has been taken was made. The notice of appeal and the appeal itself shall be filed in such number of copies, be in such form, and contain such information as the Board may provide from time to time by general rule.

E. STAY PENDING APPEAL: An appeal may stay all proceedings in furtherance of the decision appeals from and all duties imposed thereby, unless the Chief Building Inspector certifies to the Board of Appeals, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate hazards to human life, health or safety; in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction upon application following notice to the Chief Building Inspector and upon due cause shown. Any stay in effect pursuant to this subsection (E) shall continue until a decision on the appeal is rendered pursuant to subsection (F) hereof.

F. ACTION ON APPEAL: The Board shall select a reasonable time and place for a public hearing on the appeal, shall give due notice thereof to the parties having a known interest therein and shall render a written decision without unreasonable delay. Upon the concurring vote of a majority of its members then holding office, the Board may reverse or affirm, in whole or in part, or may modify the decision from which the appeal was taken, and to that end the Board shall have all the powers of the Chief Building Inspector with respect to such decision.

**SECTION XII. OWNERS, AGENTS OF OWNERS AND OPERATORS OF RESIDENCES THAT ARE RENTED, LEASED OR LET TO FILE INFORMATIONAL STATEMENT.** Any person, owner, agent of owner, or operator of a residence shall fully comply with the provisions hereinafter set out in this Ordinance.

A. FILING REQUIREMENTS: Any person, owner, agent of owner or operator who leases, rents or lets a residence within the City of Moorland shall file an informational return with the Clerk of the City.

B. DATE OF FILING: The informational statement must be filed within thirty (30) days after passage and approval of this Ordinance and by the fifteenth (15th) day of January each year thereafter. If the residence is sold or otherwise conveyed after the official filing deadline then the new owner must file an additional informational statement within thirty (30) days after the closing of the sale or conveyance.

C. FORM: The form of the informational statement shall be prepared by the Chief Building Inspector of the City and approved by the Commission.

D. CONTENTS OF INFORMATIONAL STATEMENT: At a minimum, the informational statement must contain the name, address, and telephone number of the present record owner or owners. If the residence is being managed by an agent or operator of the owner, it must also include the full names, addresses and telephone numbers of all agents or operators or other persons responsible to the owner or owners for the management or control of the renting, leasing or letting of the subject premises.

1. ADDITIONAL CONTENTS: The name, telephone number(s), ages, relationship of all persons who occupy the premises. Each time there is a change in the occupancy of any residence the owner, agent of owner, operator or any person responsible to the owner or owners must file an additional informational statement with the Clerk of the City within fifteen (15) days after any change in occupancy.

E. FEE: There shall be a Fifteen Dollar (\$15.00) fee that must accompany each such filing of an informational statement with the Clerk of the City.

F. FAILURE TO FILE INFORMATIONAL STATEMENT: Any failure to file any informational statement as required by this section shall make the owner, agent of owner, operator or any persons responsible to the owner or owners for the management or control of the renting, leasing or letting of a residence liable to a fine of not less than Twenty Dollars (\$20.00) nor more than One Hundred Dollars (\$100.00) and/or imprisonment not to exceed fifty (50) days.

G. ADDITIONAL REQUIREMENTS: The Chief Building Inspector may, from time to time, require additional information concerning the renting, leasing and letting of any residence. Any such request by the Chief Building Inspector shall not be unreasonably withheld. Upon request by the Chief Building Inspector, the owner, agent of owner, operator or occupant of any residence shall be required to deliver up a copy of the lease or rental agreement concerning the subject premises. If there is no written lease or rental agreement then the party subject to the request of the Chief Building Inspector shall state in writing all the terms and conditions surrounding the renting, leasing or letting of the subject residence. All such information shall not be unreasonably withheld by any party.

**SECTION XIII.** This Ordinance is effective immediately upon its passage and approval.

PASSED AND APPROVED: May 1, 1984

James W. Guy  
JAMES W. GUY, MAYOR

Barbara Taylor  
BARBARA TAYLOR, TREASURER