

TITLE 7
BUILDING REGULATIONS

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CHAPTER 1

ELECTRICAL INSTALLATIONS

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7-1-1: **COMPLIANCE WITH ELECTRICAL CODE:** All electrical installations in the town shall be in accordance with the rules and requirements contained in the latest edition of the national electrical code. (Ord. 29, 2-13-1922; amd. 1992 Code)

7-1-2: **DEFINITIONS:** The terms "electrical installations" and "installations", as used in this chapter, shall include all electric wiring and wiring construction and the installation of all electrical appliances and equipment. (Ord. 29, 2-13-1922)

7-1-3: **AUTHORITY TO DISCONNECT:** The state inspector is authorized to have service disconnected from such installations as may, in his judgment, be hazardous to property or life, such installation not to be again connected to service until brought into accordance with the requirements of this chapter and a certificate of approval be issued by the state inspector. (Ord. 29, 2-13-1922; amd. 1992 Code)

7-1-4: **PERMIT REQUIRED:** Except as provided in section 7-1-3 of this chapter, no existing installation shall be added to or altered until a permit therefor shall have been obtained from the state inspector, and current shall not be thereafter turned on until the issuance of

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a certificate of approval as provided in this chapter. (Ord. 29, 2-13-1922; amd. 1992 Code)

7-1-5: **LIABILITY:** This chapter shall not be construed to relieve from responsibility any person owning, operating or installing electrical installations for damages to persons or property by any defect in such installations, nor shall the town, or any agent thereof, be held as assuming any such liability by reason of the inspections and issuance of certificates as herein authorized. (Ord. 29, 2-13-1922)

7-1-6: **VIOLATION AND PENALTY:** Any person refusing, neglecting or failing to install electrical appliances in accordance with this chapter or who shall add to or alter any existing installation without a permit therefor shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 29, 2-13-1922; amd. 1992 Code)

CHAPTER 2

ABATEMENT OF DANGEROUS BUILDINGS

SECTION:

- 7-2-1: Purpose And Scope
- 7-2-2: Dangerous Building Defined
- 7-2-3: Nuisance Declared; Prohibited
- 7-2-4: Enforcement; Inspection; Determination
- 7-2-5: Abatement; Proceedings
- 7-2-6: Violation; Penalty

7-2-1: **PURPOSE AND SCOPE:**

- A. It is the purpose of this chapter to provide a just, equitable, and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated, or demolished.
- B. The provisions of this chapter shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous within the town. (Ord. 139, 1-11-1999)

7-2-2: **DANGEROUS BUILDING DEFINED:** A "dangerous building" is any building or structure deemed to be dangerous under any of the following provisions:

- A. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- B. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or, otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

- C. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half ($1\frac{1}{2}$) times the working stress or stresses allowed by the uniform building code for new buildings of similar structure, purpose or location.
- D. Whenever any portion thereof has been damaged by fire, earthquake, wind, 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 and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
- E. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- F. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half ($\frac{1}{2}$) of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.
- G. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- H. Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction; removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse.
- I. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- J. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third ($\frac{1}{3}$) of the base.

- K. Whenever the building or structure, exclusive of the foundation, shows thirty three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
- L. 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 an attractive nuisance to children; a harbor for vagrants, criminals or immoral persons; or as to enable persons to resort thereof for the purpose of committing unlawful or immoral acts.
- M. 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 a town, county, or state health officer, or caseworker to be unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease.
- N. 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 town fire marshal, or appropriate county or state officials, to be a fire hazard.
- O. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or by state statute.
- P. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public. (Ord. 139, 1-11-1999)

7-2-3: **NUISANCE DECLARED; PROHIBITED¹:** All buildings or portions thereof which are determined after inspection by the

1. See subsection 3-2-1A of this code.

building official to be dangerous as defined in this chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in this chapter. (Ord. 139, 1-11-1999; amd. 2004 Code)

7-2-4: ENFORCEMENT; INSPECTION; DETERMINATION:

- A. The town board shall appoint a building official to enforce the provisions of this chapter. Such building official shall have at least the minimum training or education necessary to interpret and enforce the provisions of this chapter.
- B. The building official and fire marshal are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.
- C. When it is necessary to make an inspection to enforce the provisions of this chapter, or when the building official or the building official's authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this chapter which makes the building or premises unsafe, dangerous or hazardous the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such building or premises is occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. (Ord. 139, 1-11-1999; amd. 2004 Code)

7-2-5: ABATEMENT; PROCEEDINGS:

- A. When the building official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the building official shall commence proceedings to cause the repair, vacation or demolition of the building.
- B. The building official shall issue a notice and order directed to the record owner of the building.

1. The notice and order shall contain the following:

a. The street address and a legal description sufficient for identification of the premises upon which the building is located.

b. A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of this chapter. (Ord. 139, 1-11-1999)

c. A statement of the action required to be taken as determined by the building official. Such statement of action may be one of the following: (Ord. 139, 1-11-1999; amd. 2004 Code)

(1) If the building official has determined that the building or structure must be repaired, the order shall require that the owner obtain all necessary permits, if any, and that all repairs commence within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.

(2) If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.

(3) If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within sixty (60) days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.

d. Statements advising that if any required repair or demolition work is not commenced within the time specified, the building official will order the building vacated and posted to prevent further occupancy until the work is completed and may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

e. Statements advising that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the town board, provided the appeal is made in writing and filed with the town clerk within thirty (30) days from the date of service of such notice and order; and that failure to appeal in a timely manner will constitute a waiver of all right to an appeal hearing. Any appeal shall state with specificity the reasons for the appeal.

f. Statements advising that the order may be enforced by the municipal court for the town of Flagler.

2. Service of the notice and order may be made upon the owner of the property by either mailing a copy of the notice and order to the owner by certified mail, delivering a copy of the notice and order to the owner at his address or wherever he or she may be found, and/or by posting such notice and order to the front door or other visible portion of the subject property. (Ord. 139, 1-11-1999)

7-2-6: **VIOLATION; PENALTY:** It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of the terms of this chapter. Those persons or entities in violation of the provisions of this chapter may be subject to a fine not to exceed five hundred dollars (\$500.00) for each violation of this chapter, for each day that the property is not in compliance with the provisions of this chapter. (Ord. 139, 1-11-1999; amd. 2004 Code)