

M E M O R A N D U M

Date: May 16, 2014

TO: Town Commission
THROUGH: Dave Bullock, Town Manager
FROM: Anne Ross, Assistant Town Manager
SUBJECT: 1620 Gulf of Mexico Drive Public Nuisance Hearing

At the December 11, 2013 Town Commission Special Meeting, the Town Building Official gave his report in regard to the condition of the buildings and structures at 1620 Gulf of Mexico Drive (GMD), more commonly referred to as the Colony Beach and Tennis Resort. Based on this report, the Town Commission adopted Resolution 2013-40 scheduling a quasi-judicial public hearing to determine whether the individual structures and buildings at 1620 GMD are a public nuisance pursuant to the provisions provided for in sec. 150.22 of the Town Code. The public hearing began on March 4, 2014 and was continued to May 28, 2014. Reports on building conditions from Staff and experts were published in the record prior to the beginning of the public hearing and are included herein.

As the Town Commission deliberates on whether the conditions of each structure and building on the site constitutes a public nuisance under sec. 150.22 of the Town Code, the Town Building Official has compiled a building by building list of recommended minimum corrective work the Building Official would require of the individual structures if the Building Official were taking actions to address unsafe or dangerous conditions under the provisions of section 150.21 of the Town Code. The types of minimum recommendations include, but are not limited to, removal of damaged and unsecured window shutters, removal of detached or damaged decks, covering or sealing of holes, securing of loose items, and disconnection and capping of the wastewater service. Should the Town Commission choose to not pursue the public nuisance hearings, it is Staff's intention to require these minimum corrective recommendations be performed immediately, per Town Code 150.21(E) 2, 3, 5, 6, 9, and 10.

The following memo attachments are provided for your information based on Town Code section 150.21:

1. Building Official Minimum Corrective Recommendations
2. Town Code section 150.21

The following agenda material attachments are provided to you in preparation for the public nuisance proceeding under Town Code section 150.22 and will be placed into record at the public hearing:

1. General Overview Presentation
2. Decision Matrix

3. Town Code section 150.22
4. Colony Map Including Construction Control Line
5. Structural Engineering Expert Presentation
6. Windborne Hazard Expert Presentation
7. Building by Building Presentations and Inspection Pictures (30 total)
8. Building Official Report, February 26, 2014
9. Structural Engineering Inspection Report, February 26, 2014
10. Windborne Hazard Inspection Report, March 3, 2014
11. Building Official Report, November 30, 2013
12. Expert Witness Resumes
13. Draft Resolution 1 – Public Nuisance Does Not Exist
14. Draft Resolution 2 – Conditions Do Not Constitute Public Nuisance
15. Draft Resolution 3 – Conditions Have Been Remedied
16. Draft Resolution 4 – Conditions Exist Condemn and Demolish
17. Draft Resolution 5 – Conditions Exist Condemn and Repair
18. Building Official petition to Florida Building Commission for Declaratory Statement dated March 7, 2014
19. Florida Building Commission Legal Report dated April 17, 2014
20. Karins Engineering Group, Inc letter dated February 21, 2013 requesting Building Official code review on foundations
21. Building Official letter dated March 13, 2013 responding to Karins Engineering Group, Inc. code review request

The agenda materials provided for the public hearing on March 4, 2014 have not substantively changed. Changes/Additions of note are as follows:

- Building Official petition for a Declaratory Statement from the Florida Building Commission regarding determination of what constitutes repair of foundations and related documents (Agenda Item 18); and
- Additional information was added to the PowerPoint slides covering the 30 individual buildings to include a summary of the windborne hazard inspection results, budgetary cost estimates for fencing and demolition, inspection photographs, and the Building Official's minimum corrective recommendations (Agenda Item 7).

Please don't hesitate to contact me if you have any questions.

Cc: Maggie Mooney-Portale, Town Attorney
Don Hemke, Carlton Fields Jordan Burt, P.A.

Colony Building Official Minimum Recommendations

Villa 1 Building

1. Remove decks from Units 205 and 206
2. Remove all wood and aluminum shutters
3. Cover or seal holes in siding on west and east elevations
4. Remove patio furniture from all decks
5. Maintain existing building entrance and perimeter security fencing
6. Disconnect and cap off sewer connection
7. Evacuate refrigerant for A/C unit on south side
8. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Villa 2 Building

1. Remove deck from Unit 210
2. Secure loose batten boards on west elevation
3. Remove all wood and aluminum shutters
4. Remove furniture from all decks
5. Seal /cover holes in siding north elevation
6. Maintain existing building entrance and perimeter security fencing
7. Disconnect and cap off sewer connection
8. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Villa 3 Building

1. Maintain existing building entrance and perimeter security fencing
2. Disconnect and cap off sewer connection
3. Seal/cover holes in siding on north and west elevations
4. Remove or fasten loose battens on west elevations
5. Remove all wood and aluminum shutters
6. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Villa 4 Building

1. **Maintain existing building entrance and perimeter security fencing**
2. **Disconnect and cap off sewer connection**
3. **Provide additional support to upper walkway at post at south entrance**
4. **Seal holes in siding on north and west elevations**
5. **Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations**

Villa 5 Building

1. **Maintain existing building entrance and perimeter security fencing**
2. **Disconnect and cap off sewer connection**
3. **Building entrance fencing incomplete on south end, secure and complete**
4. **Remove all wood and aluminum shutters**
5. **Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations**

Villa 6 Building

1. **Seal/cover holes made from bee hive remediation on east elevation**
2. **Evacuate refrigerant from two AC unit on east side of building**
3. **Remove patio furniture from all decks**
4. **Seal/cover holes in siding at middle entry**
5. **Remove or secure loose siding on south elevation and north entry**
6. **Remove deck to Unit 232**
7. **Remove all wood and aluminum shutters**
8. **Maintain existing building entrance and perimeter security fencing**
9. **Disconnect and cap off sewer connection**
10. **Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations**

Villa 7 Building

1. Remove all wood and aluminum shutters
2. Secure or remove loose battens on south elevation
3. Secure loose siding on north elevation
4. Seal/cover holes west elevation
5. Maintain existing building entrance and perimeter security fencing
6. Disconnect and cap off sewer connection
7. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Villa 8 Building

1. Maintain existing building entrance and perimeter security fencing
2. Disconnect and cap off sewer connection
3. Remove all wood and aluminum shutters
4. Remove furniture from all decks
5. Seal/cover holes in siding on north, south, and east elevations
6. Secure post and support to upper walkway at east entry
7. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Villa 9 Building

1. Remove all wood and aluminum shutters
2. Seal/cover holes in siding on west elevation
3. Remove all patio furniture from the decks
4. Disconnect and cap off sewer connection
5. Secure or remove loose batten boards on north elevation
6. Maintain existing building entrance and perimeter security fencing
7. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Villa 10 Building

1. Remove all wood and aluminum shutters
2. Seal/cover holes in siding on east, west, and south elevations
3. Secure or remove loose batten boards on south elevation
4. Maintain existing building entrance and perimeter security fencing
5. Disconnect and cap off sewer connection
6. Secure loose siding on west elevation
7. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Villa 11 Building

1. Remove all wood and aluminum shutters
2. Seal/cover holes in siding on east, west, and north elevations
3. Remove patio furniture from decks on south side
4. Secure loose siding on north elevation
5. Maintain existing building entrance and perimeter security fencing
6. Disconnect and cap off sewer connection
7. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Villa 12 Building

1. Remove all wood and aluminum shutters
2. Seal/cover holes in siding on east and west elevations
3. Secure or remove loose batten boards on south elevation
4. Secure or remove loose balusters on upper walkway at south entry and from decks on north side
5. Remove refrigerant for AC units one east side, one south side
6. Maintain existing building entrance and perimeter security fencing
7. Disconnect and cap off sewer connection
8. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Villa 13 Building

1. Seal/cover holes in siding on north elevation
2. Maintain existing building entrance and perimeter security fencing
3. Disconnect and cap off sewer connection
4. Remove all wood and aluminum shutters
5. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Villa 14 Building

1. Remove all wood and aluminum shutters
2. Remove refrigerant from AC units on north and east ends of building
3. Seal/cover holes on east and west elevations
4. Remove or secure loose batten boards on south elevation
5. Maintain existing building entrance and perimeter security fencing
6. Disconnect and cap off sewer connection
7. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Villa 15 Building

1. Cover/seal holes in siding on north elevation
2. Remove or secure loose batten boards on east and south elevations
3. Remove all wood and aluminum shutters
4. Maintain existing building entrance and perimeter security fencing
5. Disconnect and cap off sewer connection
6. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Villa 16 Building

1. Maintain existing building entrance and perimeter security fencing
2. Disconnect and cap off sewer connection
3. Remove all wood and aluminum shutters
4. Seal/cover holes on north and south elevations
5. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Villa 17 Building

1. Remove all wood and aluminum shutters
2. Seal/cover holes in siding on north, south, and east elevations
3. Complete fencing at east entry
4. Disconnect and cap off sewer connection
5. Remove or secure loose batten boards on north elevation
6. Maintain existing building entrance and perimeter security fencing
7. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Villa 18 Building

1. Seal/cover holes in siding on north and east elevations
2. Block off all stair entries to patios on north elevation
3. Remove or secure all loose balusters on decks and walkway
4. Maintain existing building entrance and perimeter security fencing
5. Disconnect and cap off sewer connection
6. Remove all wood and aluminum shutters
7. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Hi-rise/Mid-rise Building

1. Remove all furniture and small items from patios
2. Remove fabric from all canopies
3. Cover and secure hole in ceiling at landing of rear stairs
4. Bring fire sprinkler system into compliance
5. Maintain perimeter security fencing
6. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Maintenance Building

1. Remove roof framing to green house
2. Board up/seal door with opening at the bottom on west side
3. Board up all windows and openings on west and north elevations
4. Remove bee hive and seal off on east elevation
5. Maintain perimeter security fencing
6. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Beach Units

1. Remove or provide support of the failing connection of the trellis system
2. Remove or replace loose soffits on north and south elevations
3. Remove or secure in place the loose lattice panel between Units 2 and 3
4. Maintain perimeter security fencing
5. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Beachcomber

1. Disconnect and cap off sewer connection
2. Block front and rear deck entries from access
3. Remove all loose items on roof
4. Maintain perimeter security fencing
5. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Castaways

1. Disconnect and cap off sewer connection
2. Block off front deck entry to prevent access
3. Remove all unsecured items on roof
4. Seal off air handler on rear of building
5. All window and door openings outside of perimeter security fencing shall be boarded and painted in a color to match building
6. Maintain perimeter security fencing

7. **Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations**

Conference Center

1. **Remove broken and damaged wood fence at rear patio**
2. **Remove fabric from canopy at the front**
3. **Remove all furniture from rear patio**
4. **All window and door openings outside of perimeter security fencing shall be boarded and painted in a color to match building**
5. **Maintain perimeter security fencing**
6. **Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations**

Housekeeping / Accounting

1. **Disconnect and cap off sewer connection**
2. **Cover/ seal off all holes into building at west and east elevations**
3. **Remove the carport roof on the east side**
4. **Seal off damaged openings in roof**
5. **Remove all unsecured items on roof**
6. **Remove fabric for all canopies/awnings**
7. **Board up all unprotected openings into building**
8. **Maintain perimeter security fencing**
9. **Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations**

Lanais Building

1. **Remove adjacent playground**
2. **Disconnect and cap off sewer connection**
3. **Block off all stair and ramp entries**
4. **Seal off air handler cover on south and west elevations**
5. **Maintain perimeter security fencing**
6. **Board up access door to Unit 4**
7. **Remove all patio furniture**
8. **Remove all unsecured items from roof**
9. **Evacuate refrigerant from 2 AC units on south side**
10. **Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations**

Marketing / Sales Building

1. Remove fabric from all canopies
2. Remove thatch from tiki structure at rear
3. All window and door openings outside of perimeter security fencing shall be boarded and painted in a color to match building
4. Maintain perimeter security fencing
5. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Vagabond / Beachview Building

1. Remove all unsecured items on roof
2. Secure access panel on east elevation at removed AC unit.
3. Remove fabric from awning and canopy structures
4. Remove loose and damaged boards from the balcony on west side of building
5. Remove furniture, toys, and debris from patios
6. Maintain existing building entrance and perimeter security fencing
7. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

Restaurant / Bar Complex

1. Block all stairway accesses to upper level and roof
2. Remove all unsecured items on roofs
3. Secure all access panels to HVAC equipment on roof
4. Remove leaning Tiki hut at north end of pool
5. Secure hole in siding at rear of realtors office
6. Secure access to all storage area
7. Remove or secure all damaged and loose railings and balusters
8. Remove fabric from small canopies and awnings
9. Maintain existing building and perimeter security fencing
10. Remove thatch from Tiki hut on south side of pool
11. Remove balance of roof at entry to Monkhe/she entry point
12. To prevent accumulation of water in the pool, punch through a hole in the deep end to allow for draining
13. Secure and maintain the structure and property in compliance with Longboat Key Code of Ordinances, State, and Federal Regulations

150.21 Procedure for unsafe structures and equipment.

General. When a structure or equipment is found by the building official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code.

- (A) *Unsafe structures.* An unsafe structure is one that is found to be dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (B) *Unsafe equipment.* Unsafe equipment includes any boiler, heating/cooling equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property, or safety of the public or occupants of the premises or structure.
- (C) *Structure unfit for human occupancy.* A structure is unfit for human occupancy whenever the building official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary, or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- (D) *Unlawful structure.* An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered, or occupied contrary to law.
- (E) *Dangerous structure or premises.* For the purpose of this chapter, any structure or a premises that has any or all of the conditions or defects described below shall be considered dangerous:
 - (1) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the town as related to the requirements for existing buildings.
 - (2) The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
 - (3) Any portion of a building, structure or appurtenance that has been damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
 - (4) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place so as to be capable of resisting natural or artificial loads of 1½ the original designed value.
 - (5) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement

- of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- (6) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
 - (7) The building or structure is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
 - (8) Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse, or any other threat to life and safety.
 - (9) A building or structure, used or intended to be used for dwelling purposes that because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
 - (10) Any building or structure, because of a lack of sufficient or proper fire resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
 - (11) Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
- (F) *Closing of vacant structures.* If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the building official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.
- (1) *Authority to disconnect service utilities.* The building official shall have the authority to authorize disconnection of utility service to the building, structure, or system regulated by this Code in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The building official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant

- of the building, structure, or service system shall be notified in writing as soon as practical thereafter.
- (2) *Notice.* Whenever the building official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place on or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with [section 150.20](#)
 - (3) *Placarding.* Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the building official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment, or removing the placard.
 - (4) *Placard removal.* The building official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this Code.
- (G) *Prohibited occupancy.* Any occupied structure condemned and placarded by the building official shall be vacated as ordered by the building official. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code.
- (H) *Abatement methods.* The owner, operator, or occupant of a building, premises, or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other approved corrective action. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.
- (I) *Emergency measures.*
- (1) *Imminent danger.* When, in the opinion of the building 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 fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the 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 official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The building official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the building official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.
 - (2) *Temporary safeguards.* Notwithstanding other provisions of this Code, whenever, in the opinion of the building official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure

temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

- (3) *Closing streets.* When necessary for public safety, the building official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.
- (4) *Emergency repairs.* For the purposes of this section, the building official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- (5) *Costs of emergency repairs.* Costs incurred by the town in the performance of emergency work shall be paid by the property owner. The town attorney shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.
- (6) *Hearing.* Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the town commission, be afforded a hearing as described in [section 150.22](#)
- (7) *Demolition.*
 - (a) The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the building official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.
 - (b) *Notices and orders.* All notices and orders shall comply with [section 150.20](#)
 - (c) *Failure to comply.* If the owner of a premises fails to comply with a demolition order within the time prescribed, the building official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
 - (d) *Salvage materials.* When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement afore said shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or

transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

(71 Code, § 6-12; Ord. 157, passed 10-1-69; Amd. Ord. 98-24, passed 7-16-98; Amd. Ord. 04-12, passed 7-12-04; Ord. No. 2012-26, § 6, 7-1-13)

Cross reference— *Dangerous buildings deemed nuisances, procedures for abatement, § 150.23.*