



## Rogers Fire Department Standard Operating Procedures

<b>Policy Title:</b>	Nuisance Structures		
<b>Policy Number:</b>	750	<b>Volume:</b>	Risk Reduction
<b>Approved By:</b>	Tom Jenkins	<b>Last Updated:</b>	12/2015
<b>CFAI Reference:</b>	N/A	<b>CAAS Reference:</b>	N/A
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### PURPOSE

The purpose of this policy is to ensure uniformity in the way nuisance structures are abated.

### POLICY

1. The Rogers Code Enforcement shall provide the following information prior to starting the abatement process:
  - a. Pictures of the property in question.
  - b. Documentation of the following:
    - i. Ownership
    - ii. Lienholder(s)
    - iii. Mortgage holder(s) Information
    - iv. Mortgage Records
    - v. Lien Records
    - vi. Assessor's Information
    - vii. Tax Collector Information
    - viii. Any Information Deemed Necessary by The Inspector Conducting the Assessment
2. The Building Inspector assigned to the property shall do an initial inspection to determine if the structure in question constitutes a nuisance structure, and if so, the exact nature of the violations. The results of the inspection shall be provided to the Chief of Risk Reduction.
3. The Chief of Risk Reduction (RRD) shall provide a copy of the report to the City of Rogers Legal Department.
4. If a nuisance is found to exist, the following procedure shall be followed:
  - a. The Inspector conducting the assessment shall draft a notice of non-compliance based on the findings.
    - i. *Notice of Non-Compliance shall contain the exact nature of the violation/violations and the date of the scheduled Compliance Inspection, allowing for fourteen (14) calendar days from the date of the posting of the Notice to abate or correct said violation/violations.*

- b. The Administrative Assistant assigned to the RRD or their designee shall send a notice of non-compliance via certified mail and regular mail to the owner of record, lienholders, and mortgage holders with an interest in the subject property (a copy of this letter shall be provided to the Legal Department).
- c. The Inspector conducting the assessment shall post a copy of the notice shall on the entrance or other conspicuous place on the property.
- d. Upon the fifteenth (15th) calendar day following the posting of the notice, a Compliance Inspection to determine whether the proper corrections have been made shall be conducted.
- e. If the structure or portion thereof, remains non-compliant, the Chief of RRD shall request the senior staff attorney to prepare a Condemnation Ordinance to be presented at the next appropriate city council meeting.
- f. At least fourteen (14) calendar days prior to the city council meeting at which the Hearing shall be held, the Administrative Assistant assigned to the RRD or their designee shall provide notice via certified mail and regular mail to the property owner of record, any lien holders, and mortgage holders, which shall contain the date, time, and location of the Hearing, and shall set forth the reasons the structure, or portion thereof, is being, or has been considered for condemnation as a nuisance. Said notice shall also advise the property owner of record, lien holders, and mortgage holders of their opportunity to present evidence for consideration at the hearing.
- g. The Building Inspector who conducted the assessment shall post a Hearing Notification sign in a conspicuous location on the property and shall contain the following information:
  - i. The hearing date
  - ii. The hearing time
  - iii. The hearing location at which the city council will consider the condemnation of the subject property
- h. On the date of the aforementioned hearing, the Building Inspector who conducted the initial assessment shall perform a Compliance Inspection, and the results shall be presented at the hearing.
- i. If the structure, or portion thereof, is declared a nuisance structure and condemned by an ordinance of the city council, the Administrative Assistant assigned to the RRD shall promptly provide a true copy of said ordinance to the owner of record, lien holders, and mortgage holders via certified mail and regular mail, and shall erect a Notification of Condemnation sign in a conspicuous location on the subject property.
- j. Thirty (30) calendar days after the passage of the ordinance condemning any structure, or portion thereof, which constitutes a nuisance, the Building Inspector who conducted the initial assessment shall conduct a Final Compliance Inspection to determine if the proper corrections have been made to bring the

structure, or portion thereof, into compliance with this code. Such inspection shall include verification of any permits that may have been applied for and/or granted for repairs.

- k. If the subject property has been found to be in compliance, the Chief of RRD may stay the razing and removal of the subject structure, or portion thereof, by requesting the Senior Staff Attorney to prepare an ordinance to be presented at the next council meeting to amend or repeal the ordinance in which the house, mobile home, trailer, building and/or structure, or portion thereof, was declared a nuisance. If the city council declines to repeal the Condemnation Ordinance as requested by the RRD, they shall set a new date for razing the subject structure, or portion thereof, no sooner than thirty-one (31) calendar days after the decision to deny the repeal request.
  - l. If the structure, or portion thereof, constituting a nuisance is found not to be in compliance, and has not been torn down and removed, or the nuisance otherwise abated as so to be in compliance with this code, upon thirty-one (31) calendar days after the passage of the ordinance of condemnation as aforesaid, the structure, so condemned, shall be torn down and/or removed by the Chief of Risk Reduction, or their designee.
- 5. Only one representative from the RRD shall communicate with any person with interest in the property. If they property owner request to talk to the to the representative's supervisor regarding the property, the original RRD representative shall attend said meeting.
  - 6. Any correspondence between the RRD and any representative for structures in question shall be documented. Examples of items that shall be documented include, but are not limited to the following:
    - a. Person that was spoken to
    - b. The person's interest in the property (property owner, attorney, etc.)
    - c. How did the communication occur
      - i. If communication was via email, print and attach to file.
  - 7. When process is made on a structure, it shall be logged on the worksheet located in the City's shared file.