

## ARTICLE VI. - SLUM CLEARANCE

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- Sec. 14-201. - Definitions.
- The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means any building or structure or part thereof used and occupied by humans as a dwelling, store, factory or warehouse, requiring the presence of humans therein, or intended to be so used, and includes any yard, garden, parking or storage area, outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Owner means the holder of the title in fee, or a mortgagee or trustee, whose interest is shown of record, or who is in possession of a building, or any person in control of a building, or the agent of any such person.

Parties in interest means individuals, associations or corporations that have an interest of record in or who are in possession of a building.

Public authority means any housing authority, or any officer who is in charge of any department or branch of the government of the city or state relating to health, fire, building regulations or to other activities concerning buildings in the city.

Unfit for human habitation, use or occupancy means that conditions exist in buildings which are dangerous or injurious to the health, safety or morals of the persons using such buildings for human habitation, use or occupancy, or to the public. Such conditions may include the following, without limiting the generality of the foregoing: Defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness.

(Code 1967, § 7-231)

**Cross reference**— Definitions generally, [§ 1-2](#).

- Sec. 14-202. - Responsibility of city manager or his designee.
- The city manager or his designee shall be in charge of carrying out the provisions of this article.

(Code 1967, § 7-232)

- Sec. 14-203. - Powers of city manager or his designee.
- The city manager is vested with such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers, in addition to others granted in this article, to:

(1)

Investigate the building conditions in the city in order to determine which buildings therein are unfit for human habitation, use or occupation;

(2)

Hold hearings, administer oaths, affirmations, examine witnesses and receive evidence; and

(3)

Enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.

(Code 1967, § 7-233)

- Sec. 14-204. - Issuance of complaint; notice of hearing.
- Whenever a petition is filed with the city manager by a public authority or by at least five residents of the city charging that any building is unfit for human habitation, use or occupancy, or when it appears to the city manager, on his own motion, that any building is unfit for human habitation, use or occupancy, the city manager shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such premises a complaint, stating the charges in that respect and containing a notice that a hearing will be held before the city manager at a place therein stated and fixed not less than ten days nor more than 30 days after the serving of such complaint; and that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint.

(Code 1967, § 7-234)

- Sec. 14-205. - Service of complaints or orders.
- Complaints or orders issued by the city manager shall be served upon persons either personally or by registered mail; but if the whereabouts of such persons is unknown, and same cannot be ascertained by the city manager in the exercise of reasonable diligence, and the city manager shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper printed and published in the city. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed in the proper office for the filing of lis pendens notices in the county courthouse.

(Code 1967, § 7-235)

- Sec. 14-206. - Order to repair or vacate buildings unfit for human habitation; power of city manager to close such buildings; penalty for renting such buildings.

- (a)

If, after notice and hearing, the city manager determines that the building under consideration is unfit for human habitation, use or occupancy, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order requiring him, to the extent and within the time specified in the order, to repair, alter or improve the building to render it fit for human habitation, use or occupancy or, at the option of the owner, to vacate and close the building as a human habitation, or for human use or occupancy.

- (b)

If the owner fails to comply with such order within the time prescribed, the city manager may cause the building to be vacated and closed. The city manager may cause to be posted on the main entrance of any building so closed a placard with the following words:

"This building is unfit for human habitation, use or occupancy; the use or occupation of this building by humans is prohibited and unlawful."

- (c)

Any person who shall rent, lease or occupy, or who shall permit any person to rent, lease or occupy, such building for human habitation, use or occupancy shall be liable for such fine as is prescribed by [section 1-8](#).

(Code 1967, § 7-236)

- Sec. 14-207. - Demolition of buildings.

- (a)

Determination by city manager. If, after notice and hearing, the city manager determines that a building is in such condition, because of dilapidation, disrepair, structural defects or otherwise, that it is dangerous or injurious to the health or safety of the public or the occupants of neighboring buildings, the city manager shall issue and cause to be served upon the owner an order requiring him to repair, alter or improve such building to the extent and within the time specified in such order, or, at the option of the owner, to remove or demolish such building; if the owner fails to comply with such order within the time prescribed, the city manager may cause such building to be repaired, altered or improved in accordance with the order. If such repairs, alterations or improvements cannot be made at a reasonable cost in relation to the value of the building, the city manager may cause the building to be removed or demolished.

- (b)

Lien; hearing of objections; recovery of lien; payment of costs. The cost of the repairs, alterations, improvements or removal, or demolition, shall be a lien against the land, and assessed and collected as a special tax. The city council shall fix a day for the hearing of objections to such assessment, and shall cause the city clerk to give to the property owner ten days written notice, by mail, if the post office address of the owner is known, but if the post office address of the owner is unknown, notice shall be given by posting notice for at least ten days in five public places in the city of the time and place for the hearing of objections to such assessment; provided, however, that one of such public places for posting notice shall be on the land which is the subject matter of the assessment. If the amount of the special tax is not paid in full within six months from and after the date the assessment becomes final, the tax collector of the city shall proceed to advertise and sell the land, or a sufficient amount thereof to recover the special tax and all costs of the sale, after having given notice of the time and place of the sale as is required by law for the sale of land for delinquent ad valorem taxes. From the proceeds of such sale, the tax collector shall first pay the cost of the sale, after which he shall pay the cost of such repairs, alterations, improvements, removal or demolition, and any amount remaining shall be deposited by him with the clerk of the circuit court as hereinafter provided in subsection (d) of this section.

(c)

Sale of materials. If the building is removed or demolished by the city manager, he may sell the materials of such building, and shall credit the proceeds of such sale against the cost of the removal or demolition; and any balance remaining shall be deposited in the circuit court by the city manager or his designee.

(d)

Disbursement of balances. The balances so deposited with the clerk of the circuit court under subsections (b) and (c) of this section shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by the final award or judgment of such court; provided, however, that nothing in this subsection shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Code 1967, § 7-237)

- Sec. 14-208. - Abrogation and impairment of city powers.
  - Nothing in this article shall be construed to abrogate or impair the power of the city to enforce any provisions of its other ordinances or regulations, nor to prevent or punish for violations thereof; and the powers conferred by this article shall be in addition and supplemental to the powers now or hereafter held by the city.

(Code 1967, § 7-238)

[Sec. 10-93. - Minimum area. Chapter 18 - BUSINESSES](#)

