



CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2017

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
3:30 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. PUBLIC HEARING MINUTES
 - A. Approval of March 23, 2017 Code Enforcement Board Meeting Minutes
- IV. PUBLIC HEARING
 - A. Old Business
 - 1. CEB160123 4160 Old Milton Parkway – Officer Sturgess
 - B. New Business
 - 1. CEB170036 151 Wills Lane – Officer Smith
 - 2. CEB160072 3325 Kimball Bridge Road – Officer Sturgess
- V. ADJOURNMENT



CODE ENFORCEMENT BOARD MEETING SUMMARY MEETING OF MARCH 23, 2017

PUBLISHED: MONDAY, APRIL 10, 2017

PUBLISHED BY: DAWN CROWLEY

OFFICE OF COMMUNITY DEVELOPMENT

WWW.ALPHARETTA.GA.US

678.297.6079

The public is advised the following minutes are not a verbatim transcription of business presented at the Code Enforcement Board meeting of the date shown, but are a synopsis of pertinent information. The public is further advised that the recording of said meeting is a matter of public record and is available to be heard at the City of Alpharetta Community Development Department during normal business hours.

The purpose of this Board is to hear testimony and review evidence related to alleged violations of the City Codes and ordinances. It is the responsibility of the Board to judicially consider such evidence and make findings of fact related to the enforcement of the Codes and ordinances.

I. Call to Order:

Meeting was called to order by Chairman Smith at 3:39 p.m.

II. Roll Call:

Fred Smith
Phil Kingry
Wayne Rand
Richard Freeman
Mark Wingate
Jim Cregge

Staff:

Sam Thomas
Beau Smith
Robert Sturgess
Bret Schroeder
Dawn Crowley

III. Approval of September 22, 2016 Minutes:

MOTION TO ACCEPT THE MINUTES OF THE MEETING OF SEPTEMBER 22, 2016.

By: Richard Freeman

Seconded: Mark Wingate

Vote: Unanimous (6-0) (Freeman, Wingate, Smith, Kingry, Rand, Cregge)

The City Attorney, Mr. Sam Thomas, swore in all parties.

IV. Items from Staff

A. Election of Officers

Code Enforcement Manager Bret Schroeder requested that the Board elect a Chairman, Vice Chairman, and Secretary Treasurer to the Code Enforcement Board for the calendar year 2017.

I NOMINATE FRED SMITH. *(FOR CHAIRMAN)*

By: Jim Cregge

Seconded: Phil Kingry

Vote: (5-0-1) (Cregge, Kingry, Rand, Freeman, Wingate)
(Smith abstained)

I WOULD LIKE TO NOMINATE WAYNE RAND. *(FOR VICE CHAIRMAN)*

By: Fred Smith

Seconded: Jim Cregge

Vote: (5-0-1) (Smith, Cregge, Kingry, Freeman, Wingate)
(Rand abstained)

I WOULD LIKE TO NOMINATE RICHARD FREEMAN FOR SECRETARY TREASURER.

By: Mark Wingate

Seconded: Phil Kingry

Vote: (5-0-1) (Wingate, Kingry, Smith, Rand, Cregge)
(Freeman abstained)

A. New Business

Postponement Request - CEB160123

4160 Old Milton Pky

Code Enforcement Manager Bret Schroeder notified the Board that he received an email earlier in the day from Mr. Cusimano, the owner of Cuzi Fresh Café, notifying him that due to an unforeseen circumstance he would be unable to attend the hearing. He requested a postponement, unless the Board wanted to proceed hearing the case in his absence.

I'D LIKE TO MAKE A MOTION THAT WE POSTPONE THIS TO THE NEXT SCHEDULED CODE ENFORCEMENT BOARD MEETING.

By: Jim Cregge

Seconded: Richard Freeman

Vote: Unanimous (6-0) (Cregge, Freeman, Smith, Kingry, Rand, Wingate)

CEB170015

151 Wills Lane

Code Enforcement Officer Beau Smith presented the case for the City. Officer Smith went over the timeline with the Board as follows:

8/23/2016	Responding to a complaint, Officer Smith noted inoperable and unlicensed vehicles parked on the street and in the driveway at the property located at 151 Wills Lane, which is a violation of City Property Maintenance Code section 302.8. A hang tag was left at the property.
9/02/2016	A follow up visit revealed the property was not in compliance and a Notice of Violation was issued for violating City Property Maintenance Code section 302.8.
9/09/2016	Officer Smith re-inspected the property was found to be in compliance.
12/01/2016	While on routine patrol, Officer Smith again noted an inoperable vehicle at the property. A Notice of Violation was issued to Mr. David Hull and Ms. Lori Hull, for violating City Property Maintenance Code section 302.8.
12/06/2016	Officer Smith re-inspected the property was found be in compliance
2/07/2017	While on routine patrol, Officer Smith again noted an inoperable vehicle at the property. A verbal warning was issued and Mr. Hull was informed that since this exact violation occurred previously, a Summons to Appear would be the next step.
2/14/2017	The property remained out of compliance and a Summons to Appear was issued for non-compliance of the City Property Maintenance Code section 302.8. The Summons was posted at the property and sent to Mr. David Hull and Ms. Lori Hull.
3/23/2017	Officer Smith went to the property for a follow up evidence inspection and found that the property remained out of compliance.

Photographic evidence was shown throughout the testimony

MOTION THAT WE THE BOARD AS A MATTER OF FACT AND CONCLUSION OF LAW FIND THE DEFENDANT GUILTY OF VIOLATION OF THE SECTION 302.8 OF THE CPMC IN THIS CASE.

By: Phil Kingry

Seconded: Jim Cregge

Vote: Unanimous (6-0) (Kingry, Cregge, Smith, Rand, Freeman, Wingate)

HAVING FOUND THE DEFENDANT GUILTY OF VIOLATING SECTION 302.8 OF THE CPMC, I MAKE A MOTION THAT THE BOARD TAKE THE FOLLOWING ACTIONS IN THIS CASE, THAT WE ISSUE A CEASE AND DESIST ORDER TO THE DEFENDANT IN THIS MATTER AND IF THE DEFENDANT DOES NOT BRING THIS PROPERTY INTO COMPLIANCE BY MARCH 27, 2017 AT 4:00 PM THAT A FINE OF \$250.00 PER DAY BE IMPOSED UNTIL THE PROPERTY COMES INTO COMPLIANCE AND/OR IF THE PROPERTY LAPSES BACK INTO NONCOMPLIANCE THAT A FINE OF \$250.00 PER DAY BE IMPOSED UNTIL THE PROPERTY COMES INTO COMPLIANCE.

By: Phil Kingry

Seconded: Richard Freeman

After further discussion, Mr. Kingry made the following amendment to his motion.

MR CHAIRMAN, I'D LIKE TO AMEND THE DATE TO MARCH 30, 2017 AT 4:00 PM.

By: Phil Kingry

Seconded: Richard Freeman

Vote: Unanimous (6-0) (Kingry, Freeman, Smith, Rand, Wingate, Cregge)

Having no further business, the meeting adjourned at 4:10 p.m.

CE160123

4160 OLD MILTON PARKWAY



City of Alpharetta Codes Enforcement
2 Park Plaza - Alpharetta, GA 30009
Tel: 678-297-6080 Fax: 678-297-6081

SUMMONS TO APPEAR 5283

Date: 3/6/17 Time: 10:00 AM PM Case No. 5283
Name: Cuzi Fresh Cafe/Tran Ventures LLC The
Address: 4160 Old Milton Pkwy
Suite/Apt. No. _____ City/State: Alpharetta Ga Zip: 30005

YOU ARE HEREBY COMMANDED TO BE AND APPEAR before the

- ☐ Municipal Court Judge in the City Courtroom located in the Crabapple Government Center at 12824 Broadwell Road, Alpharetta, GA 30004
☒ Code Enforcement Board in the Council Chambers located in Alpharetta City Hall at 2 Park Plaza, Alpharetta, GA 30009

At: 3:30 A.M./P.M. on the 23 day of March 2017

To answer to the charge of

Violation: ☐ CPMC ☒ UDC ☐ City Code Section: 2.6

Violation Description: Non compliant signage and advertisement

Type of Delivery: ☒ Hand Delivery ☐ U.S. Mail ☐ Courier ☐ Other _____

X: [Signature]
Signature of Recipient

Notifying Officials Certification

The undersigned, being a City of Alpharetta Georgia codes enforcement official, deposes or states that he or she has reasonable grounds to believe and does believe the person(s) and property named herein are in violation as set forth herein and contrary to law.

Comments: _____

Citing Officer: Sturgess III Badge No.: 605

Signature: [Signature] Tel. No.: 678-297- 6089





Verizon LTE

3:48 PM

93%

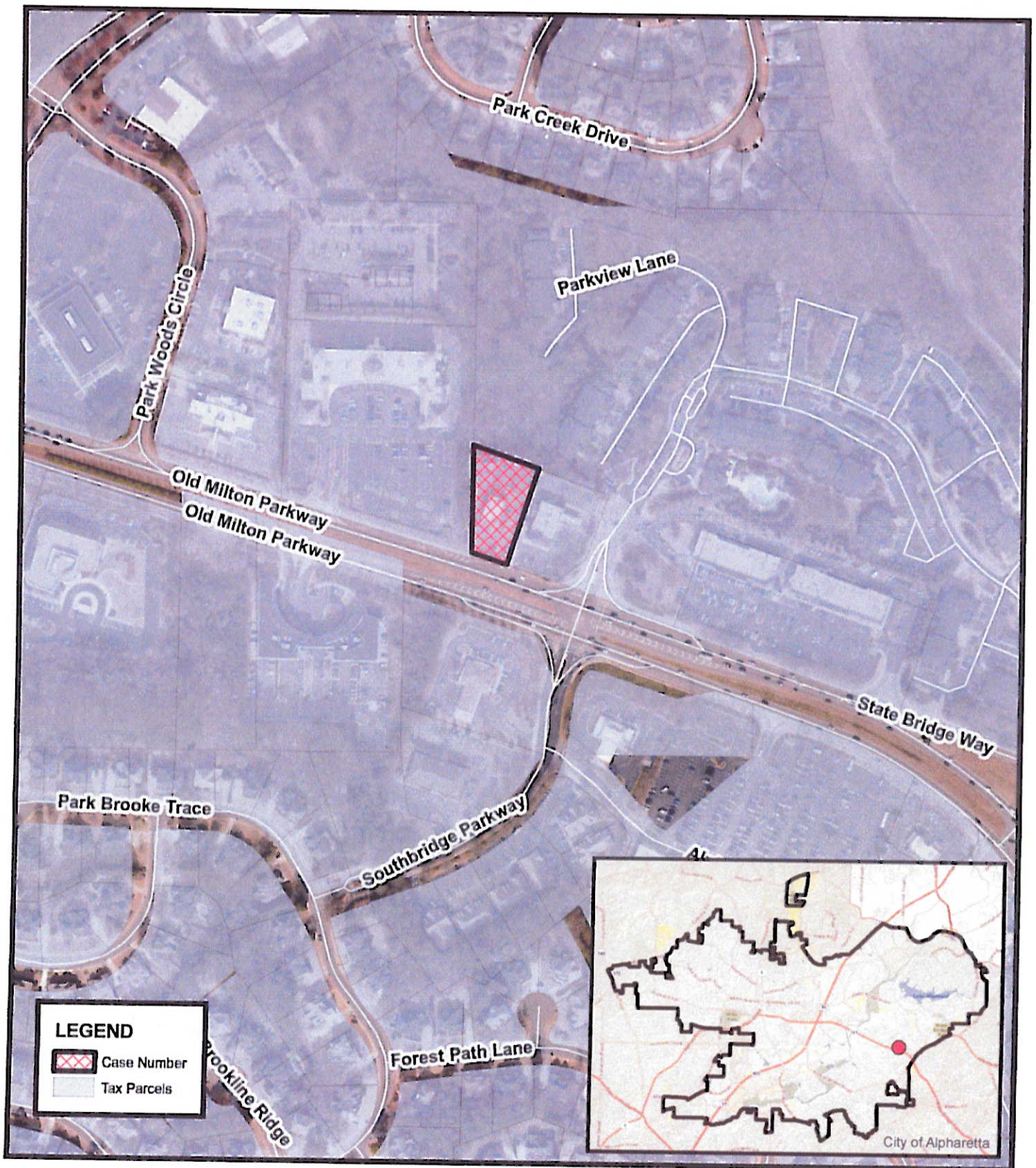


Alpharetta

March 5 4:11 PM

[Details](#)





Location Map 1460 Old Milton Parkway



Location Map Provided by:
Community Development - GIS

Tenant Frontage or Tenant Space Frontage. The horizontal distance in feet between the left side wall and the right side wall or building end wall of a tenant space fronting on a street.

Tenant panel. A physically removable panel on a sign face that may be changed for different like-sized panels and which is at least two (2) square feet in area. Tenant panels do not include electronic signs, reader boards or changeable copy.

Tenant Space. The physical location within a building designed and intended to serve as the separate and exclusive premises for the operations of a business or entity, which has its own exclusive public entrance/exit from the exterior of the building, and which is occupied by a business or entity legally operating pursuant to all Federal, State, City or other applicable laws and regulations. The use of any such physical location by more than one (1) legally operating business or entity shall only constitute a single tenant space. In the event such a physical location is used or occupied by more than one (1) business or entity, in order for such physical location to constitute a "tenant space", all businesses and/or entities operating therein must be operating pursuant to all Federal, State, City or other applicable laws and regulations.

Under-canopy Sign. A sign suspended below the ceiling or roof of a canopy or marquee and perpendicular to the face of the building. For the purposes of this Ordinance, this term includes Under-marquee Sign.

Variable Message Board. A programmable sign that provides changing information.

Wall Sign. A sign attached to or erected against the outside wall of a building, with the face parallel to the building wall and extending not more than 1 foot (1 ft.) therefrom, and which displays only one sign face.

Window Sign. A sign installed on or inside a window for purposes of viewing from outside the building. This term does not include merchandise located in window or similar window displays. (Ord. No. 720, § 2(Exh. A), 2-22-2016)

2.6.4 Permits and labels.

A. PERMIT REQUIRED. Except as specifically exempted from the provisions of this Ordinance, it shall be unlawful for any person to post, display, materially change, or erect a sign in the City without first having obtained a sign permit.

Notwithstanding the foregoing, signs which are not visible from a public right-of-way or from neighboring properties shall not be subject to the standards of this Ordinance. A change in only the copy of a sign shall not constitute a material change.

B. PERMIT APPLICATION. Applications for sign permits shall be filed by the sign owner or its agent with the Director. The application shall describe and set forth the following:

1. The street address of the property upon which the subject sign is to be located and a site plan of the property which bears the scaled and labeled proposed location of the sign.
2. The aggregate area and copy area for all signs on the parcel.
3. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.
4. Name, address, telephone number, business license number and signature of the business owner authorizing placement of the sign.
5. Name, address, telephone number, fax number, business license number and signature of the sign contractor.
6. The type of sign to be erected, the area and copy area of the sign, the height of the sign, (if free-standing) the shape of the sign, the color(s) of the sign, the material of the sign and details showing how the sign will be mounted, installed or erected.
7. For permanent free-standing, ground and monument signs only, show dimensioned sign location on site plan and include structural foundation and mounting details. In-

ARTICLE II. USE OF LAND AND STRUCTURES

of the sign face and shall not count against the allowable sign square footage provided such numbers are not more than twelve (12) inches in height.

4. Except for subdivision signs, monument signs may not be constructed before the principal building is on a lot.

E. **BANNERS.** Banners require a permit and are permitted in all zoning districts pursuant to the following standards:

1. Banners shall be permitted for either one (1) fourteen (14) day period per calendar year per lot or two (2) seven (7) day periods per calendar year per lot. An individual banner permit may be divided into two (2) non-consecutive seven (7) day periods provided the dates are stated on the permit. However, in the case of lots which contain a shopping center (or strip shopping center) with multiple tenant spaces, each tenant space shall be allowed to erect or place a banner for either one (1) fourteen (14) day period per calendar year or two (2) seven (7) day periods per calendar year.
2. In addition to the foregoing, banners shall be allowed on private property during an approved temporary use, as defined in Section 2.3.2 of the U.D.C., for the approved period of such temporary use, but not to exceed forty-five (45) days; provided, however, the placement of banners on lots during approved temporary uses shall not be permitted more than two (2) times per calendar year per lot. Any such banners shall be removed upon termination of the temporary use or within forty-five (45) days from the date it is first placed on the lot, which-

ever is first to occur. Upon removal, no banner shall be placed on the same lot for a period of sixty (60) days.

3. Banners shall not exceed 24 sq. ft. total area in size.
4. Banners must either be free-standing or mounted to the wall of a tenant space or the lot's existing monument sign. If free-standing, the height of the banner shall not exceed five (5) [feet] above grade. If mounted to the wall of a tenant space, the width of the banner shall not exceed tenant frontage and shall not extend above the horizontal plane of the roof where the building wall and roof meet. If mounted to the lot's existing monument sign, the banner shall not extend beyond the sign face of the monument sign.
5. Banners shall be erected with supports or other means so that they do not sag or become dilapidated.

F. **PLACEMENT OF SIGNS.** Except within the Central Business District, all free-standing signs must be set back at least ten (10) ft. from the public right-of-way. Within the Central Business District, all free standing signs must be set back at least five (5) feet from the public right-of-way.

G. **CHANGEABLE COPY.** Any monument sign permitted under this Ordinance may contain up to sixty-five percent (65%) changeable copy if the sign is located on a lot zoned and used (as its principal existing use) for an institutional, public or semi-public use and which includes an indoor public assembly place accommodating one hundred (100) or more persons.

(Ord. No. 720, § 2(Exh. A), 2-22-2016)

CE170036

151 WILLS LANE



City of Alpharetta Codes Enforcement

2 Park Plaza - Alpharetta, GA 30009

Tel: 678-297-6080 Fax: 678-297-6081

SUMMONS TO APPEAR

5309

Date: 4/4/17 Time: 10:00 AM - PM Case No. _____

Name: Lori Hull / David Hull

Address: 151 Wills Lane

Suite/Apt. No. _____ City/State: Alpharetta, GA Zip: 30009

YOU ARE HEREBY COMMANDED TO BE AND APPEAR before the

☐ Municipal Court Judge in the City Courtroom located in the Crabapple Government Center at 12624 Broadwell Road, Alpharetta, GA 30004

☒ Code Enforcement Board in the Council Chambers located in Alpharetta City Hall at 2 Park Plaza, Alpharetta, GA 30009

At: 3:30 A.M. PM on the 27th day of April 2017

To answer to the charge of

Violation: ☒ CPMC ☐ UDC ☐ City Code Section: 302.8

Violation Description: Inoperable vehicle stored on premises.

Type of Delivery: ☒ Hand Delivery ☐ U.S. Mail ☐ Courier ☐ Other _____

X: _____

Signature of Recipient

Notifying Officials Certification

The undersigned, being a City of Alpharetta Georgia codes enforcement official, deposes or states that he or she has reasonable grounds to believe and does believe the person(s) and property named herein are in violation as set forth herein and contrary to law.

Comments: _____

Citing Officer: B. Smith Badge No.: 604

Signature: B. Smith Tel. No.: 678-297- 6087



03.31.2017



Aerial Map 151 Wills Lane



**Location Map Provided by:
Community Development - GIS**

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment, and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit, or housekeeping unit are responsible for keeping in a clean, sanitary, and safe condition that part of the dwelling unit, rooming unit, housekeeping unit, or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Yards. All premises yards and exterior property shall be maintained free from weeds in excess of 12 inches in height. All noxious weeds shall be prohibited.

Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

All trees, shrubs, or other vegetation on the premises that block visibility of oncoming traffic from driveways or road intersections, or that are a danger to the public, or that are in advanced stages of rot, decay, or dying, as determined by the city arborist, shall be moved or removed and disposed of by the premises owner in a manner approved by the city.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a violation notice, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction.

Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction, or contractor hired by the jurisdiction, shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including garages, storage buildings, playhouses, barns, fences, and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving, or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

CE160072

3325 KIMBALL BRIDGE ROAD



City of Alpharetta Codes Enforcement

2 Park Plaza - Alpharetta, GA 30009

Tel: 678-297-6080 Fax: 678-297-6081

NOTICE OF VIOLATION 5031

Date: 10-17-16 Time: 09:30 AM - PM Case No. TBD

Location: 3325 Kimball Bridge Rd.

Suite/Apt. No.: _____ Alpharetta, Georgia Zip: 30022

Owner / Occupant: Jan Minjane

You are hereby notified the above stated property has been inspected by City of Alpharetta Codes Enforcement Officials and has been found in violation of below listed codes or ordinances. You are further notified to correct violation(s) listed below within the time limits stated herein. Failure to correct such violation(s) within the time limits granted herein may subject you to fines, liens or further prosecution as determined by the city Municipal Court or Codes Enforcement Board.

Violation Description: unsafe structure and unfit for human occupancy.

Recommended Correction: Secure and monitor structure and property for compliance or demolish structure per code

Corrections must be completed by:

10:00 A.M. / P.M. on the 5 day of November 20 16

Violation: ☒ CPMC ☐ UDC ☐ City Code Section: 108.1, 108.1.3

Type of Delivery: ☐ Hand Delivery ☒ U.S. Mail ☐ Courier ☐ Other _____

X: _____

Signature of Recipient

Notifying Officials Certification

The undersigned, being a City of Alpharetta Georgia codes enforcement official, deposes or states that he or she has reasonable grounds to believe and does believe the person(s) and property named herein are in violation as set forth herein and contrary to law.

Comments: _____

Citing Officer: Robert Stungess III Badge No.: 605

Signature: [Signature] Tel. No.: 678-297- 6089



City of Alpharetta Codes Enforcement
2 Park Plaza - Alpharetta, GA 30009
Tel: 678-297-6080 Fax: 678-297-6081

SUMMONS TO APPEAR

5028

Date: 3-31-17 Time: 10:00 AM PM Case No. 5028
Name: Minjane Jan - Hsieh Li Fon
Address: 3325 Kimbell Bridge Road
Suite/Apt. No. _____ City/State: Alpharetta, Ga Zip: 30022

YOU ARE HEREBY COMMANDED TO BE AND APPEAR before the

☐ Municipal Court Judge in the City Courtroom located in the Crabapple Government Center at 12624 Broadwell Road, Alpharetta, GA 30004

☒ Code Enforcement Board in the Council Chambers located in Alpharetta City Hall at 2 Park Plaza, Alpharetta, GA 30009

At: 3:30 A.M. PM on the 27 day of April 2017

To answer to the charge of

Violation: ☒ CPMC ☐ UDC ☐ City Code Section: 108.1.1, 108.1.3

Violation Description: unsafe unsecure structure that is vacant.

Type of Delivery: ☒ Hand Delivery ☐ U.S. Mail ☐ Courier ☐ Other _____

X: [Signature]
Signature of Recipient

Notifying Officials Certification

The undersigned, being a City of Alpharetta Georgia codes enforcement official, deposes or states that he or she has reasonable grounds to believe and does believe the person(s) and property named herein are in violation as set forth herein and contrary to law.

Comments: _____

Citing Officer: Robert Stungess III Badge No.: 605

Signature: [Signature] Tel. No.: 678-297- 6089



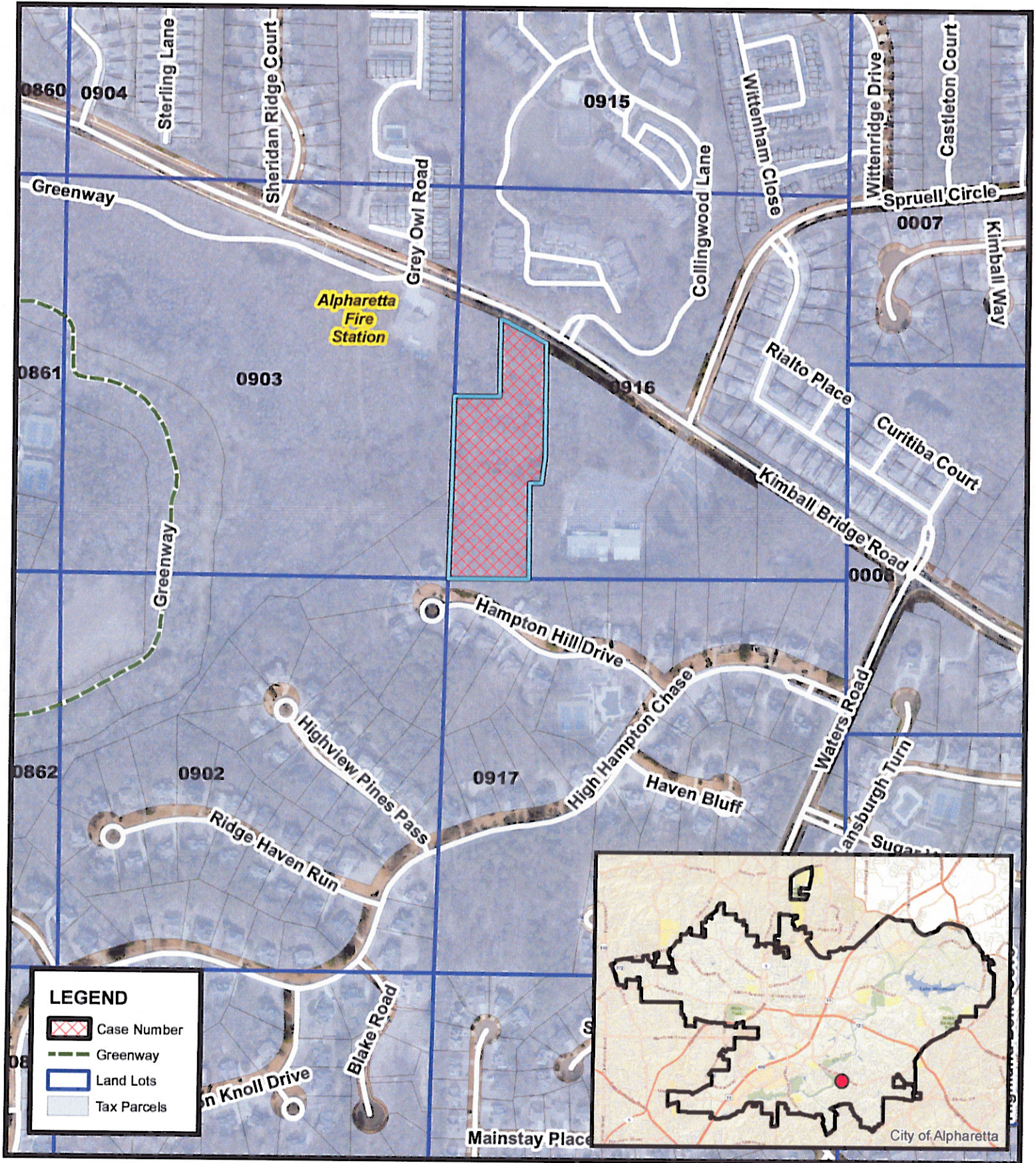
03/31/2017

03/31/2017



10/17/2016





notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. Such statement from the grantee, transferee, mortgagee, or lessee shall be delivered to the code official within 30 days of sale or transfer, under penalty of law.

107.6 Stop Work Order. A Stop Work Order (Cease and Desist Notice) shall be issued to those sites found in violation of working without required city permits or licenses or using a site in violation of city codes and ordinances. Such stop work order may be issued by any city department and shall comply with code sections 107.1 through 107.4.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

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

108.1.1 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.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating 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 unsafe condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code 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.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied or used by more persons than permitted under this code, or was erected, altered, or occupied contrary to law.

108.2 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 code 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.

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in 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 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code 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.

108.4.1 Placard removal. The code 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.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION 109 EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the code 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 occupancy 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 code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith.