

Sec. 14-48. - Minimum standards.

All structures must meet the minimum standards set forth in this code and in the building code for the continued use and occupancy of all buildings regardless of the date of construction. Buildings, structures or dwellings that do not meet one or more of the minimum standards, set forth in the building code, as defined herein, and as adopted by city council and as amended, such that conditions or defects exist that endanger the life, health, property or safety of its occupants or the general public, constitute uninhabitable, dangerous and substandard buildings, structures or dwellings. Such structures or buildings may be declared as unfit for human occupation, in violation of this code and subject to the procedures set forth herein.

- (1) *Deemed substandard.* A structure may be deemed substandard whenever 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 city's building regulations or as specified in the building code, or of any law or ordinance of the state or the city relating to the condition, location or structure of buildings, such that the structure meets the definition of dangerous building as defined under the adopted building code.
- (2) *Minimum standards.* A structure deemed substandard must be repaired to the minimum standards enumerated in the current building code, or other code applicable to the substandard condition, as adopted and as amended.
- (3) *Accessory structures.* If the primary structure is substandard such that it requires demolition, and accessory structures are not in substandard condition, the commission may allow the accessory structures to remain in the absence of a primary use, for a fixed period of time provided that plans to construct a primary structure are submitted and attendant building permit application is issued within 90 days of the demolition.
- (4) *Variance.*
  - a. If the owner, lienholder or mortgagee requests a variance from the current building code requirements, the commission may grant such a variance, if:
    1. Evidence or information is submitted by the owner, lienholder or mortgagee generated by a certified inspector or registered structural engineer that such a variance will have no adverse impact on the integrity of the structure or facilities, to the satisfaction of the code official.
    2. This evidence must be presented at the public hearing and fall within the owner's burden of proof that the structure can be repaired.
    3. In no event shall the variance permitted be less than the minimum standard required at the time of original construction.
  - b. The commission shall make specific findings of hardship and financial hardship, in and of itself, is not sufficient basis for granting a variance.

(Ord. No. 2003-11-11, § 3(4), 11-11-2003)