

**TOWN OF HARRIS
ORDINANCE NO. _____**

AN ORDINANCE ADOPTING SECTION _____ TO TITLE/CHAPTER _____ OF THE TOWN OF HARRIS ORDINANCES, PROVIDING FOR ASSESSMENT AND ENFORCEMENT OF LIENS FOR ABATEMENT OF DANGEROUS BUILDINGS UNDER THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDING, 1997 EDITION, AS PUBLISHED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Harris has adopted the Uniform Code for the Abatement of Dangerous Building, 1997 Edition, as published by the International Conference of Building Officials; and

WHEREAS, the Code as adopted provides a process for abating dangerous buildings by the Town and provides a process for assessing the costs of any such abatement; and

WHEREAS, the abatement of dangerous buildings is a cost born by the general fund of the Town and requires allocation and appropriation of general fund revenues, often or almost exclusively at times when the owner or other lienholder will not or cannot abate a dangerous condition; and

WHEREAS, the abatement of dangerous buildings is a provision of very basic municipal services that affects the health, safety and general welfare of the public and stabilizes property values; and

WHEREAS, the abatement of dangerous buildings is also directly tied to fire and environment protections which affect the health, safety and general welfare of the public; and

WHEREAS, Wyo. Stat. 15-1-103(a) provides that cities and towns have the power to:

(xix) Declare and abate nuisances and impose fines upon parties who create, continue or permit nuisances to exist;

(xxvi) Provide for the repair, removal or destruction of any dangerous building or enclosure;

WHEREAS, the Town Council of the Town of Harris has determined that the abatement of dangerous buildings is a critical and important function of the Town, is necessary to protect and promote the health, safety and general welfare of the public and to so in such a manner as to assess the property owner with the costs of said abatement and not the Town's general fund or other property owners,

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF HARRIS, WYOMING;

Section 1: Section _____ of Title/Chapter _____ of the Ordinances of the Town of Harris is hereby adopted which shall read as follows:

§ _____ Assessment of Lien for Abatement of Dangerous Buildings.

A. For any dangerous building abated by the Town and for which the Town claims recovery of cost of repair or demolition pursuant to the Uniform Code for the Abatement of Dangerous Buildings, the costs of repair or demolition, as determined by the Town as provided in the Code, shall constitute a lien against the property repaired or demolished by the filing with the county clerk a lien statement verifying the accuracy of the lien and the allegations set forth in the lien statement, sworn to and acknowledged by the town or its authorized representative before a notarial officer. The county clerk shall record and index the lien statement by date, names of claimant and property owner, and legal description of the property. The lien statement shall contain as appropriate the following information:

- (i) The name and address of the town;
- (ii) The amount claimed to be due and owing;
- (iii) The name and address of the record owner against whose property the lien is filed;
- (iv) The name and address of the holder of any prior lien, security interest or mortgage on or against the property the lien is filed;
- (v) The legal description of the property to which the lien applies; and
- (vi) An itemized list setting forth the charges claimed to be assessed.

E. Notice shall be sent by the town to the last record owner or his agent and any prior lienholder, security interest holder or mortgagee within thirty (30) days after the lien statement is filed. Failure to send the notice required under this subsection shall not affect the validity of the lien.

F. As a fee for recording a lien statement, the county clerk shall collect from the city or town the same fee as provided by W.S. 18-3-402(a)(xvi)(P). An irregularity in the lien statement may provide a valid defense for a party defending against the lien. The county clerk shall nevertheless file a lien statement at the date and time received by the county clerk, regardless of any irregularity, illegible language or other reason.

G. The recording fee under this section may be assessed as costs in any action to foreclose or enforce the lien.

H. Any lien perfected in compliance with this section attaches to the real property and improvements made in preference to any subsequent lien, security interest or mortgage under any other provision of law which has

been perfected upon real or personal property, including a leasehold interest, against which the lien is claimed.

Any lien, security interest or mortgage which has been perfected upon real property or upon a leasehold interest prior to the commencement of any abatement work or repair of the property shall have priority.

Section 2: This ordinance shall become effective immediately upon passage on third and final reading.

PASSED AND APPROVED on First Reading this _____ day of _____, _____.

PASSED AND APPROVED on Second Reading this this _____ day of _____, _____.

PASSED AND APPROVED on Third and Final Reading this this _____ day of _____, _____.

TOWN OF HARRIS, WYOMING

+++++, Mayor

ATTEST:

+++++, Town Clerk

SAMPLE