

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 214

Approved April 25, 1980

WHEREAS, The City of Providence suffers from a severe problem of vacant and abandoned structures, and

WHEREAS, The General Assembly is currently considering House Bill 80-H 7135 which would strengthen the powers of the Building Inspector to order the correction of such problems by demolition, repair or transfer,

NOW, THEREFORE, BE IT RESOLVED, That the City Council convey to the General Assembly and the Governor, its fervent endorsement of House Bill 80-H 7135 and urge passage of same in the current session.

IN CITY COUNCIL
APR 17 1980
READ AND PASSED

Robert Laipulis PRES.
James M. Mendenhall CLERK

Alvin...
MAYOR

Vincenta...
APR 25 1980

THE COMMITTEE ON
URBAN REDEVELOPMENT
RENEWAL & PLANNING

Approves Passage of
The Within Resolution

Rose M. Menclouca
Chairman

April 10, 1980

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1980

A N A C T

RELATING TO THE STATE
BUILDING CODE

Introduced By: Representatives Cardente, Vitullo, Fiorenzano, Lima
and Carnevale, Jr.
Date Introduced: January 17, 1980

Referred To: House Committee on Corporations

It is enacted by the General Assembly as follows:

1 Section 1. Section 23-27.3-124.0 of the general laws in
2 chapter 23-27.3 entitled "State building code - Adoption by ref-
3 erence" is hereby repealed in its entirety.

4 Section 2. Chapter 23-27.3 of the general laws entitled
5 "State building code - Adoption by reference" is hereby amended
6 by adding thereto the following:

7 "23-27.3-124.0 Unsafe Structures - General Provisions. --

8 All buildings, signs or other structures or any portion thereof
9 shall be kept and maintained in a safe and sound condition at all
10 times by the owner or his authorized agent.

11 A building, sign or structure shall be declared unsafe by
12 the building official if any one of the following conditions
13 exists upon the premises.

14 1. The building is vacant, unguarded and open at doors or
15 windows thereby permitting unauthorized entry; or

16 2. There is a hazardous accumulation of dust, debris or
17 other combustible material therein; or

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Bob Connolly

17R. De Conti
Edo Fredda
Joe DeAngelis
Mike Higgins
Matt Smith

no time to reconsider
351-4300 x148
273-8776

1 3. There is a falling away, hanging loose or loosening of
2 any siding, block, brick, or other building material; or

3 4. There is a deterioration of the structure, or structural
4 parts, or a structural weakness exists whereby the continued use
5 and occupancy would endanger the lives of the occupants or those
6 using public or private land in the immediate area; or

7 5. The building has been partially destroyed or has been
8 substantially damaged by the elements, acts of God, fire, explo-
9 sion, or otherwise and is vacant, regardless of whether or not
10 such building is secured to prevent unauthorized entry, or

11 6. The building or structure has been vacant or unused for
12 more than one hundred eighty (180) days, whether or not it has
13 been boarded, guarded and/or closed at all doors and windows and
14 has remained in a condition such that the repairs necessary to
15 make the building or structure safe and sanitary for occupancy
16 exceed fifty percent of the physical value of building or struc-
17 ture as defined in Section 106.5; or

18 7. The building, sign or structure constitutes a fire or
19 windstorm hazard or is in the opinion of the building official
20 otherwise dangerous to human life or public health, safety, and
21 welfare; or

22 8. There is an unusual sagging or leaning out of plumb of
23 the building or any parts of the building and such effect is
24 caused by deterioration or over-stressing; or

25 9. The electrical or mechanical installation or systems
26 create a hazardous condition contrary to the Standards of this
27 Code or the Code in effect at the time of construction; or

28 10. An unsanitary condition exists by reason of inadequate
29 or malfunctioning sanitary facilities or waste disposal systems;
30 or

1 11. The use or occupancy of the building is illegal or
2 improper because the building does not comply with the allowable
3 areas, height, type of construction, fire resistance, means of
4 egress, live load, or other features regulated by the Code in
5 effect at the time of construction; or

6 12. Whenever the building or structure has been so damaged
7 by fire, wind, or flood, or has become so dilapidated or deterior-
8 rated as to become an attractive nuisance to children who might
9 play therein to their danger.

10 124.2 Notice of Unsafe Condition. -- When the whole or any
11 part of any building, sign or other structure shall be declared
12 to be in an unsafe condition, the building official shall issue
13 a notice of the unsafe condition to the owner of record describ-
14 ing the building or structure deemed unsafe and an order either
15 requiring that the building, sign or structure be made safe or be
16 demolished within ^{REASONABLE,} ~~a~~ stipulated time. All notices and ^{ORDERS} ~~orders~~ shall
17 be in writing and shall be delivered to the owners of said build-
18 ing by the building official or his designated agent or shall be
19 sent by registered or certified mail to the last known address of
20 such owner or owners. ^{OR MORTGAGEE} ~~If any owner~~ cannot be located after due
21 and diligent search, the notice and order shall be posted upon a
22 conspicuous part of the building or structure, and such procedure
23 shall be deemed the equivalent of personal notice. When a build-
24 ing or structure is ordered secured for any reason by the build-
25 ing official, the owner shall board said building or structure in
26 accordance with Section 124.6 within seven (7) days or the build-
27 ing official may cause the necessary work to be done to secure
28 said building or structure. The cost of such work shall be
29 billed to the owner and be a lien against the real property as
30 provided in Section 125.7.

* ORDERS TO DEMOLISH ANY BUILDING, SIGN, OR OTHER STRUCTURE
SHALL ALSO BE ISSUED TO ALL MORTGAGEES OF RECORD.

1 124.3 Appeals. -- The owner shall either comply with said
2 order or shall appeal said order to the local board of appeals
3 within thirty (30) days of mailing or posting of said notice and
4 order. There shall be no appeal to the order to board an unse-
5 cured or vacant building or structure. The board of appeals
6 shall, if requested by the owner, hold a hearing where it will
7 either confirm, modify, or revoke the notice and order of the
8 building official in accordance with the provisions of Section
9 126.0 as may be deemed just and proper in the interest of public
10 health, safety and welfare.

11 124.4 Restoration of Unsafe Buildings. -- A building, sign
12 or structure declared unsafe by the building official shall be
13 restored to a safe and usable condition in one of the following
14 manners:

15 1. When no change in use or occupancy is contemplated or
16 compelled and the reconstruction or restoration is less than 50%
17 of the physical value of such building, sign or structure as de-
18 fined in Section 106.5, the building, sign or structure shall be
19 repaired in accordance with the applicable requirements of
20 Section 106.3 or 106.4.

21 2. When a change in use or occupancy is contemplated or
22 compelled, or reconstruction or restoration is in excess of 50%
23 of the physical value of such building, sign or structure as de-
24 fined in Section 106.5, exclusive of foundations, such building,
25 sign or structure shall be made to comply in all respects with
26 the requirements for materials and methods for new buildings,
27 signs, or structures erected under the provisions of this code.

28 124.4.1 Compliance. -- The owner of an unsafe building,
29 sign, or other structure shall obtain the necessary permits to
30 perform the restoration or reconstruction work required by the
31 building official within thirty (30) days of the receipt of the

 → NOTICE OF

1 an unsafe condition and shall proceed immediately with the work
2 as required in Section 114.2 of this code. The work shall con-
3 tinue until the unsafe condition has been abated.

4 124.5 Disregard of Unsafe Notice. -- When an owner or his
5 authorized agent has been served with a notice of an unsafe con-
6 dition and fails to comply with the order to either make the
7 building, sign or structure safe or to have it demolished within
8 a stipulated time and has not appealed the order to the local
9 board of appeals within the thirty (30) days required, the legal
10 counsel of the municipality shall be advised and shall institute
11 the appropriation action to compel compliance, ^{AS PROVIDED IN SECTION 122} If in the opinion
12 of the building official the condition poses an immediate danger
13 to the public health, safety and welfare the building official
14 shall cause all the necessary work to be done to either make the
15 building, sign or structure safe or to have it demolished. The
16 cost of such work shall be billed to the owner and shall be a
17 lien against the real property as provided in Section 125.7.

18 124.6 Boarding. -- Any building or structure which is
19 ordered secure for any reason by the building official shall be
20 boarded in accordance with the following specifications:

21 All openings (including doors and windows) from cellar to
22 second floor inclusive, and all windows above second floor lead-
23 ing to fire escapes, porches, or structural appurtenances on all
24 floors must be covered from the exterior with a minimum of one-
25 half inch (1/2") thick exterior grade plywood secured with screws
26 of minimum length 1 5/8" or ^{2"} ~~1 1/2"~~ (6d) ring shank nails placed 12
27 inches on center around the perimeter of the opening. Plywood
28 shall be fitted so it rests snugly against the exterior frame
29 butting up to the moulding or siding.

30 All other windows must be secured in a similar manner with
31 3/8" plywood from either the exterior or interior of the build-
32 ing.

1 124.6.1. All gas, electric, water, and other services to a
2 boarded building or structure except sewer lines shall be discon-
3 nected.

4 124.6.2. Prior to boarding a building or structure, all
5 decomposable debris and rubbish shall be removed from the prem-
6 ises.

7 Section 3. Section 23-27.3-125.7 in chapter 23-27.3 enti-
8 tled "State building code - Adoption by reference" is hereby
9 amended as follows:

10 Section 125.0 Emergency Measures.

11 "* * *

12 125.7. Liens. -- Whenever the owner fails to comply with an
13 order to repair, board or demolish a building, sign or structure as
14 required by the building official as required by the building

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reasonable*

15 official and the building official has made repairs, boarded or
16 demolished said building, sign or structure ^{REASONABLE} costs incurred by
17 him in such action shall be a lien against the real property and
18 such lien shall be enforced in the manner provided or authorized
19 by law for the enforcement of common law liens on personal prop-
20 erty. Such lien shall be recorded with the records of land evi-
21 dence ~~if the dwelling is demolished by order of the building~~
22 ~~official. --- The building official may sell the materials of which~~
23 ~~said building was constructed and he shall deduct the net pro-~~
24 ~~ceeds of said sale from the cost of demolition, and the owner~~
25 ~~shall be responsible for any deficit which may result. --- In the~~
26 ~~event there should be a surplus of funds after the sale of said~~
27 ~~material and after the building official has applied the proceeds~~
28 ~~of said sale to the cost of demolition, said surplus shall be~~
29 ~~paid to the owner directly.~~ of the municipality and the lien
30 shall incur legal interest from the date of recording.

EXPLANATION
OF
AN ACT
RELATING TO THE STATE
BUILDING CODE

1 This act would amend the State Building Code by redefining
2 "Unsafe Structures", requiring notification to owners thereof,
3 appeals from orders regarding unsafe structures, and would also
4 provide a lien for municipal costs involved in protecting the
5 public from unsafe structures.

6 This act would take effect on July 1, 1980.

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ES007
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→ 1 Section ~~5~~. Neither section 2 nor section 3 of this act need
2 be printed as part of the general laws in accordance with Section
3 23-27.3-100.1 of the general laws.

→ 4 SECTION ~~6~~ This act shall take effecton July 1, 1980.

XXXX
ES007
XXXX

Section 4.

122.2 delete ; or - provide a (.)

All said Court actions shall have precedence on
The calendar after court actions for trespass
and ejection under section 34-181 and shall
continue to have such precedence on the
calendar on a day to day basis until the
matter is heard.

April 18, 1980

Honorable Alfred W. Cardente
United States Representative
940 Manton Avenue
Providence, R.I. 02909

Dear Representative Cardente:

Enclosed are copies of Resolutions presented to the City Council
on April 17, 1980, read and passed by said members.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jld
Enclosure

April 18, 1980

Honorable Alexander E. Vitullo
United States Representative
85 Union Street
Warren, R.I. 02885

Dear Representative Vitullo:

Enclosed is copy of Resolution presented to the City Council
on April 17, 1980, read and passed by said members.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jld
Enclosure

April 18, 1980

Honorable Anthony Carnevale, Jr.
United States Representative
150 Barbara Street
Providence, R.I. 02909

Dear Representative Carnevale:

Enclosed is copy of Resolution presented to the City Council
on April 17, 1980, read and passed by said members.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jld
Enclosure

April 18, 1980

Representative Frank J. Fiorenzano
75 Terrace Avenue
Providence, Rhode Island 02909

Dear Representative Fiorenzano,

Enclosed is copy of Resolution presented to the City
Council on April 17, 1980, read and passed by said Members.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosure.

April 18, 1980

Representative Joseph L. Lima
63 Preston Street
Providence, Rhode Island 02906

Dear Representative Lima,

Enclosed is copy of Resolution presented to the City
Council on April 17, 1980, read and passed by said Members.

Very truly yours,

Rose M. Mendonca,
City Clerk.

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RMM/jma
Enclosure

April 18, 1980

House Committee on Corporations
Representative Arthur L. Simonini
56 Ramblewood Drive
Warwick, Rhode Island 02889

Dear Representative Simonini,

Enclosed are copies of Resolutions presented to the City Council on April 17, 1980, read and passed by said Members.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosures