

ARTICLE II. - DIVISION 5. DILAPIDATED, DANGEROUS, DECAYED STRUCTURES AND APPURTENANCES

Sec. 6-9. 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:

Abandoned improvements or structures means any work which has been commenced or completed on a site with a permit which has been expired for more than 180 days.

Approved means approved by the City Manager or other authority having jurisdiction.

Building means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall be construed as if followed by the words "or part thereof."

Building official means the officer or other designated authority charged with the administration and enforcement of building construction regulations within the city or their duly authorized representatives.

Condemned structure means one or more of the following:

- (1) Any structure which has been declared an unsafe structure by the building official and proper notice has been served by the city as required by law, and the owner has failed to file such appeal within the time provided for by law.
- (2) Any structure which has been declared an unsafe structure by the building official and proper notice has been served by the city as required by law, and an owner has filed appeal within the time provided for by law, and the appeal was denied.
- (3) Any structure which has been declared an unsafe structure by the building official, and proper notice has been served by the city as required by law, and an owner has prevailed in a duly filed appeal, and the owner has failed to take the action(s) required to abate the conditions as set forth by the board or entity who affirmed the appeal.

Owner means any person having a legal or equitable interest in the property.

Structure means that which is built or constructed and shall be construed to include the term "building."

Violation, major, means any violation which, if not corrected, would cause the structure to be condemned.

Violation, minor, means any violation of this Code, the adopted standard codes, or any state or federal law or regulation, specifically including, but not limited to, no water, no electric, or minor fire damage, which is not classed as a major violation.

Sec. 6-10. Enforcement; records.

The provisions of this article shall be enforced by the City Manager. The City Manager shall cause to be kept a record of the enforcement of this article. These records shall be public records.

Sec. 6-11. Standard code adopted.

There is adopted by the city for the purposes of establishing rules and regulations pertaining to or in any related to any and all buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or unsafe service systems the Standard Unsafe Building Abatement Code as published by SBCCI, and as such may be amended, modified or updated by SBCCI (the "abatement code"). The abatement code is adopted and fully incorporated herein as if fully set out at length in this section, save and except such portions as are deleted, added, modified or amended in this article. One copy of the abatement code is on file in the office of the building

official. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the abatement code, or other provisions of the building and property maintenance regulations of the city. All repairs shall be performed in accordance with the Florida Building Code.

An unsafe structure or premises, or abandoned improvement or structure, shall mean and include any building, structure or property that has any of the following conditions, such that the life, health, property or safety of the general public or the occupants are endangered, specifically including any electrical, mechanical, plumbing, or gas system, in whole or in part, that has not been maintained in a safe and sanitary condition or violates a city code or ordinance or any state or federal law or regulation:

- (1) Any means of egress or portion thereof that is not of adequate size, or is insufficient in quantity or remoteness, or is not arranged or maintained to provide a safe path of travel to a public way or other safe area in case of fire or other emergency as determined by any authority having jurisdiction.
- (2) Any means of egress or portion thereof, such as but not limited to fire doors, closing devices, or fire resistive ratings, that are in disrepair or in a dilapidated, nonworking or compromised condition.
- (3) The stress in any material or member, or portion thereof, that is incapable of sustaining the loads to be imposed upon it.
- (4) A building or structure, or portion thereof, that has been damaged to the extent that the structural integrity of the building or structure is less than it was prior to the damage.
- (5) Any exterior appendage or portion of a building or structure that is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads.
- (6) Any building or structure, or portion thereof, that is manifestly unsafe for any reason or is unsanitary for the purpose for which it is, was, or will be intended to be used.
- (7) Any building or structure, or portion thereof, that, as a result of decay, deterioration, dilapidation, or other reason, is likely to fully or partially collapse.
- (8) Any building, structure or property, or portion thereof, that has been constructed or maintained in violation of a specific requirement of the standard code(s).
- (9) Any building, structure or property, or portion thereof, that is in such a condition as to constitute a public nuisance.
- (10) Any building, structure or property, or portion thereof, that is unsafe, unsanitary, or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life.
- (11) Any building, structure or improvement, or portion thereof, that commenced or was constructed under a permit which has been expired for more than 180 days.

Sec. 6-12. Condemnation—Authority.

The city shall have the authority and power to condemn and remove or cause to be removed all decayed, unsightly, dangerous and unlawful buildings, ruins, awnings, porches or structures within the corporate limits of the city.

Sec. 6-13. Same—Notice.

- (a) When there exists any unsightly, dangerous and unlawful building, structure, appurtenances of a building or when such may be constructed in violation of city ordinances, the building official or such other officer or employee who may be authorized by the city manager shall condemn the building, structure, appurtenances of a building.

- (b) Such officer shall file with the building official notice of such condemnation, which notice shall contain the following:
 - (1) The description of the building or structure condemned, together with the description by metes and bounds or by lot number of the property upon which such building or structure is located.
 - (2) The names of the occupants of the property and the names, places of residence, legal disabilities, if any, and interest of owners, if known, or if any of these facts are unknown it shall be so stated.
 - (3) The reason for condemning the building or structure.

Sec. 6-14. Same—Service of notice.

- (a) A copy of the notice shall be served upon the occupant of any unsightly and unlawful building or other structure and on the owner thereof, if known and residing in the city, together with a summons to appear before the city commission in not less than five or more than 30 days. The notice shall be served by the chief of police or any city police officer or by any other officer or employee who may be authorized by the city manager. However, if such persons reside in the state and beyond the limits of the city, such notice and summons shall be served by the sheriff of the county in which the person resides, in accordance with the rules governing service of process in the circuit court.
- (b) If the owners reside beyond the limits of the state, upon application by the city attorney, the building official shall make an order of publication of notice to all persons having any interest or right, whether as owners, lienholders, or otherwise, in such real estate, which notice shall be addressed to all whom it may concern, requiring them on a day certain, to be fixed in such order, not less than 30 or more than 50 days from the date of the first publication, to appear before the city commission to show cause, if any, why the order of condemnation made by the city building inspector should not be confirmed in all respects. Such notice shall be published for four consecutive weeks prior to the date fixed for such hearing, and a copy of the notice shall likewise be posted in a conspicuous place on the premises during the time of the advertisement of notice. If such order of publication shall be made and no appearance entered or protest is made to the confirmation of the order of condemnation, the owners of the property shall be forever foreclosed and barred of claiming any damage because of the destruction of the property described in the condemnation order.

Sec. 6-15. Conditions constituting hazards—Notice.

When there may be found to exist any condition of any building, land or premises or any condition in, upon or about any building, land or premises which constitutes or is likely to constitute a fire hazard or a hazard to the health, safety or welfare of the occupants or the public, (i.e., a public nuisance) the building official or such other authorized city officer or employee authorized and empowered shall file with the building official a notice which shall contain:

- (1) A description of the land, building, structure or premises in connection with which any such condition has been found to exist, which shall include, to the extent practicable, a description by metes and bounds or by lot number of such land.
- (2) The names of the occupants of the property, if any, and the names, places of residence, legal disabilities, if any, and interest of owners, if known, or if any of such facts are unknown it shall be so stated.
- (3) The condition found to exist, which constitutes a fire hazard or a hazard to the health, safety or welfare of the occupants or the public.

- (4) The matters and things required to be done to effect the removal or correction of such condition or structure; the removal of any weeds, debris, waste, rubbish, or flammable material; or the accomplishment of other corrective procedures.

Sec. 6-16. Same—Service of notice.

- (a) A copy of the notice in section 6-15 shall be served upon the occupant of such land, building or premises and upon the owner thereof, if known and residing in the city, together with a summons to appear before the city commission at any regular or special meeting thereof not less than five or more than 30 days from the date of service of the notice. The notice and summons shall be served by the chief of police or any city police officer or by any other officer or employee who may be authorized by the city manager. However, if such person resides in the state and beyond the limits of the city, such notice and summons shall be served by the sheriff of the county in which the person resides, in accordance with the rules governing service of process in the circuit court. If the occupant of such building cannot be found in the city, it shall be sufficient service upon such occupant to post a copy of such notice and summons in some conspicuous place upon such building or other structure.
- (b) If the place of residence of the owner of such property cannot be determined or is found to be beyond the limits of the state, the city clerk shall make an order of publication of notice to all persons having any interest or right, whether as owners, lienholders, or otherwise, in such real estate. The notice shall be addressed to the owner by name, if known, and to all whom it may concern, requiring them on a day certain, to be fixed in such order, not less than 30 or more than 50 days from the date of the first publication of such notice, to appear before the city commission to show cause, if any, why the notice made and filed with the city clerk by the officer or employee making and filing the notice with respect to a hazardous condition found to exist and the matters and things set forth in the notice as being required to be done to remove or remedy such condition should not be confirmed in all respects. The notice shall be published once a week for four consecutive weeks prior to the date fixed for such hearing. A copy of the notice shall be likewise posted in a conspicuous place on the premises during the time of the publication of the notice.
- (c) If such order or publication shall be made and no appearance is entered or protest made to the confirmation of the notice filed with the city clerk with respect to such hazardous condition, the owner of the property and all persons having any interest or right therein, whether as lienholders or otherwise, shall be forever foreclosed and barred from claiming any damage because of the destruction or other disposition of the property described in the notice.

Sec. 6-17. Hearing; decision.

At the time fixed for the hearing required under this division, either in the summons or the order of publication, as the case may be, the city commission shall hear the cause and may sustain, reject or modify the action and recommendations of the officer or employee making and filing the notice with respect to the hazardous condition and shall order the removal, destruction, other disposition or repair of any such building or shall order such other matters or things to be done as may be necessary to remove or correct such hazardous condition, and shall order that such be done within such time as the city commission may determine.

Sec. 6-18. Enforcement of decision; costs.

Under this division, if any building or other structure is not removed or repaired as required in the order of the city commission or in the other matters and things required in the order for the removal or correction of such hazardous condition, the work may be done and performed by the city, and the costs and expenses thereof shall be a lien upon the property, which lien may be enforced by suit at law or proceeding in chancery.

Sec. 6-19. Public nuisances.

Public nuisances are defined in section 6-15. When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings, or other buildings regulated by this Code, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the building official or his designee is authorized to order the property owner or city agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined in the abatement code or as otherwise provided for in the Code. These powers are hereby declared to be remedial and essential for the public interest, and it is intended that such powers be liberally construed to effectuate the purposes stated herein.

Sec. 6-20. Vacant buildings.

No vacant building may be boarded up for a period of time exceeding 60 days unless granted a waiver by the building official. "Exterior walls", and all boards used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the rest of the building.

Sec. 18-161. Requirements not covered by code.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the building official.