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**Sec. 22-34. Amendments to certain provisions of the Florida Building Code relating to administration. (FOR CLARITY, ONLY THE APPLICABLE EXCERPT FROM THIS SECTION HAS BEEN PROVIDED BY STAFF)**

*103.5 Unfit or Unsafe Structures.*

All structures that are unsafe or unfit are nuisances and are hereby declared unlawful. They shall be abated by repair, rehabilitation, or demolition and removal in accordance with the procedures set forth in this section. This prohibition may be enforced by any other legal, equitable, or administrative means available to Sarasota County, including code enforcement proceedings under Chapter 162, Florida Statutes.

*103.5.1 Definitions.* The following definitions apply for purposes of this section:

"*Interested Parties*" is any individual or organization that has submitted to the Building Official within the past year a written request to be notified with respect to the procedures set forth in this section, identifying a specific property by tax parcel identification number or street address.

"*Rehabilitation*" means the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use.

"*Repair*" means the replacement of existing work with the same kind of material used in the existing work.

"*Structure*" means that which is built or constructed. The term "structure" shall be construed as if followed by the words "or part thereof."

"*Unfit*" means unsanitary, unsuitable or improper for the use or occupancy for which it is intended. Unfit structures include those structures to be used as habitable space that does not meet the minimum requirements for existing buildings as outlined in Chapter 12 and Chapter 34 of the Florida Building Code.

"*Unsafe*" means structurally unsafe, unstable, inadequately provided with exit facilities, constituting a fire hazard, constituting a hazard to health or safety because of inadequate maintenance, exposure to weather, moisture intrusion, structural decay, dilapidation, obsolescence, abandonment, or otherwise dangerous to the health, safety, or welfare of the occupants thereof or any members of the public.

*103.5.2 Authority to Order Vacation, Repair, or Demolition.*

- (a) The Building Official is hereby authorized to order the vacation, demolition, and removal of any unfit or unsafe structure, or to order the repair and/or replacement of any part or parts of any structure in the County when such part or parts, by reason of fire, age, decay, moisture intrusion, deterioration, structural defects, improper design, unstable foundation, or termite infestation are dangerous to the occupants thereof, or a menace to public health, or a fire hazard, or is so unsafe as to endanger life or property or to render the use of public streets dangerous.
- (b) In the event the owner of record or other interested parties fail to comply with any condemnation order or compliance agreement within the time therein fixed, the Building Official is authorized to demolish, remove, repair, and/or rehabilitate the unfit or unsafe structure utilizing independent contractors licensed in the State of Florida. The Building Official is also authorized to utilize the services of independent architects, engineers and contractors licensed in the State of Florida to determine the condition of the structure in question, and such costs shall be assessed in the same manner as provided in Section 103.5.9.

*103.5.3 Notice of Unfit or Unsafe Structure(s) and Manner of Service.*

- (a) When the Building Official verifies the existence of a structure that is unfit or unsafe, the Building Official or his designee shall determine the owner of record of the property upon which the structure is located and shall send a notice to the owner of record as evidenced by the most recent deed recorded

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in the public property records, and to all parties whose names appear on the County tax rolls for the parcel of property that the structure is in violation with this section.

- (b) The notice shall describe the unfit or unsafe conditions, and shall indicate that these conditions must be corrected within a reasonable time frame as specified in the notice or else the structure shall be subject to abatement as provided in this section. The notice shall also indicate that a building or demolition permit must be secured prior to the commencement of any corrective work including repair and/or replacement, rehabilitation, or demolition and removal. The reasonable time frame specified in the notice shall supercede the time frames established in Section 104.6.1 of the Sarasota County Building Code.

#### *103.5.4 Placarding Unfit or Unsafe Structures against Human Habitation.*

- (a) In addition to sending the Notice to the owner of record and to interested parties, the Building Official shall cause to be posted a notice stating "*This Structure is Unsafe and/or Unfit for Human Habitation*" as defined by Section 103.5.1 at the entrance to the structure. The placard shall remain posted until the required repairs and/or rehabilitation are made or until the structure is demolished.
- (b) Once the structure is posted, it shall be unlawful for any person to enter such a structure except for the purposes of making the required repairs or demolishing it. However, if the structure is occupied at the time of posting, it shall be vacated within fourteen (14) calendar days. Otherwise, no person shall occupy or let to another for occupancy such a placarded structure. The owner shall immediately begin action to vacate the structure and bring it into compliance within the time prescribed. It shall be unlawful for any person to remove or deface the placard that has been posted on an unsafe or unfit building. The placard shall remain until such time as the Building Official orders the placard to be removed.

#### *103.5.5 Extension of Time to Comply with Notice of Unfit or Unsafe Structure(s).*

If the owner of record or interested parties are unable to complete the work by the date ordered or to fully comply with the violation notice, they may file a written request to the Building Official stating their reasons, and if justifiable cause is demonstrated as merited by special hardship, unusual difficulty or unique problems such as preserving significant portions and features of a structure of historic or architectural value, the Building Official may grant written reasonable extensions of time.

#### *103.5.6 Condemnation Order and Notice of Intent to Demolish.*

- (a) If the unfit or unsafe conditions are not corrected within the specified time indicated on the Notice of Unfit or Unsafe Structure(s), the Building Official shall condemn the unfit or unsafe structure and send a Condemnation Order to the owner of record and other interested parties.
- (b) In addition to sending a Condemnation Order to the owner of record and to interested parties, a copy of the order shall be posted in a conspicuous place upon the unfit or unsafe structure and a Notice of Intent to Demolish shall be recorded with the public records of Sarasota County.
- (c) Ten (10) days prior to authorizing the demolition of any unfit or unsafe structure by County contract, a Notice of Intent to Demolish shall be published in a newspaper of general circulation within Sarasota County. Such notice shall be substantially in the following form:

#### **Notice of Intent to Demolish**

Pursuant to Section 22-34(3) of the Sarasota County Code, the owner or other interested parties having failed to either repair or demolish the structure at (address) as ordered by Sarasota County and are hereby notified that Sarasota County will proceed to have the structure demolished on (date), and a lien placed against the property to recover all costs.

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To appeal this notice, interested parties must file an appeal with (contact official, address and telephone number) prior to ten (10) calendar days from the date of the Notice of Intent to Demolish.

*103.5.7 Authority to Order Rodent Control.*

When the County Health Officer verifies the existence of rodent infestation in a structure that is to be demolished or removed, the Building Official may require that a licensed pest control operator exterminate the rodents using ectoparasite control measures to preclude the migration of rodents.

*103.5.8 Condition of Lot after Demolition.*

A lot from which a structure is demolished shall be sodded, seeded with grass, or otherwise covered with vegetative landscaping within (5) days of the completion of demolition.

*103.5.9 Assessment of Cost of Demolition and Lien on Property.*

- (a) The Building Official shall assess the entire cost of demolition and removal including asbestos abatement, the sodding or seeding of the lot, and rodent extermination against the real property in the form of a lien. This lien upon such property shall be superior to all others except property taxes, and shall include all administrative costs including postal expenses, the cost of newspaper publications, and the like.
- (b) When the owner of record or other interested parties have abated the unfit or unsafe structure as a result of having received a violation notice, all costs incurred by the County described in subsection (a) shall be assessed against the property in the form of a lien.
- (c) A lien shall be filed in the County's official record book showing the nature of such lien, the amount thereof and an accurate legal description of the property, including the street address and the date of filing, and shall recite the names of all interested parties notified. Such lien shall bear interest from such date as the rate of ten percent (10%) per annum and may be enforceable if unsatisfied after the expiration of one (1) year from the date of filing as other liens may be enforced by the County.

*103.5.10 Authority to Enter into a Compliance Agreement.*

- (a) The Building Official is hereby authorized to enter into a compliance agreement with the owner, in a form approved by the County Attorney, for the abatement of the unfit or unsafe structure. Such agreement shall be controlling and will govern the subsequent course of action to abate the unsafe or unfit conditions through repair and/or rehabilitation work. All repair and/or rehabilitation work shall conform to the minimum requirements of the Sarasota County Building Code.
- (b) The compliance agreement shall establish completion dates for the submittal of permit documents and for the completion of the repair and/or rehabilitation work. The compliance agreement shall provide for the demolition and removal of the unfit or unsafe structure by Sarasota County if the completion dates are not met. The cost of demolition and removal shall be assessed on the property in the form of a lien.

*103.5.11 Appeal Procedure and Appearance before the Board.*

- (a) Appeals may be taken for a Condemnation Order or Notice of Intent to Demolish issued pursuant to this division by any interested party who has been aggrieved, except in emergency cases as set forth in Section 103.5.12. Such party is afforded the right of hearing upon payment of a filing fee established by resolution and a written request for such hearing to the Sarasota County Building Code Board of Adjustments and Appeals (the Board) within ten (10) days of receipt of the Condemnation Order or the Notice of Intent to Demolish.
- (b) A Notice of Appeal hearing by the Board shall be published once in a newspaper of general circulation in the County at least ten (10) days prior to the time and place of hearing. After all present and interested parties are heard concerning the structure, the Board may hear testimony from the public

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concerning the status of the structure. The Board may authorize the Building Official to proceed with the demolition and removal of the structure, or the Board may authorize the Building Official to enter into a compliance agreement with the owner of record or with a prospective buyer as provided for in Section 103.5.10.

- (c) Any interested party appearing before the Board may appear in person, by counsel or by an agent.
- (d) The Building Official shall advise the owner of record and interested parties in writing of the Board's action by regular mail.

*103.5.12 Authority to Act in Emergencies.*

- (a) In cases where there is imminent peril to the public health, safety or welfare, or immediate danger to the life or safety of any person, or where the public is endangered by wind, storm, fire or other natural disasters, or where the structure is in imminent danger of collapse from structural decay, the Building Official shall promptly cause such structure to be made safe or cause its removal. For this purpose, the Building Official and the Fire Marshal may at once enter such a structure or the land on which it stands or abutting land or structures, to perform an inspection with such assistance and at such cost as may be deemed necessary.
- (b) Upon inspection, the Building Official and the Fire Marshal shall jointly determine whether or not the structure requires immediate emergency demolition to maintain the public's health, safety and welfare. A written report will document the results of these inspections.
- (c) The Building Official may order the vacation of adjacent structures and may require the protection of the public by appropriate fencing or such other means as may be necessary, and for this purpose may close a public or private way.
- (d) Upon determination by the Building Official and the Fire Marshal to proceed with demolition, exterior and interior photographs of the structure will be taken when feasible. Written notification of intent to demolish the structure will be sent by certified mail to the owner of record and interested parties. This written notification shall document the cause for demolition. However, failure to effect personal notice upon the owner of record or interested parties shall not prevent the County from demolishing the structure and placing a lien on the property for the County's costs.

*103.5.13 Authority to Secure Open and Vacant Structures.*

- (a) The Building Official is hereby authorized to secure all open and vacant structures. Before securing any such structure, the Building Official shall notify the current owner of record by certified mail at least five (5) days prior to proceeding. Upon receipt of the notification, the owner of record may secure the structure, or may appeal the determination that a structure is open and vacant by filing with the Building Official a Notice of Appeal to the Building Code Board of Adjustments and Appeals.
- (b) All openings including open windows and doors shall be secured with exterior plywood and suitably coated with an appropriate neutral paint color blending with or harmonizing with the exterior colors of the building so as to be as inconspicuous as possible.
- (c) Where an open and vacant structure is secured by Sarasota County after written notice to the owner of record, the Building Official shall assess the entire cost of securing, including all administrative costs against the property in the form of a lien recorded in the public records of Sarasota County.
- (d) All open and vacant structures that have been secured also shall be subject to inspection and the owner of record shall be assessed a fee for each inspection. For the purpose of ensuring that the structure is locked and secured, inspections will be conducted at thirty (30) day intervals and a fee of \$50.00 for each inspection will be assessed against the property in the form of a lien.

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*103.5.14 Private Residential Swimming Pool Barriers.* In addition to the residential swimming pool barrier requirements in the Florida Building Code, private residential swimming pools shall be completely surrounded by an effective barrier or fence that complies with the requirements of the building code and Chapter 515, Florida Statutes. Enclosures, fences and barriers required for private residential swimming pools shall be maintained in compliance with the applicable building code and Chapter 515, Florida Statutes. No existing enclosure or fence shall be replaced or changed in a manner that reduces its effectiveness as a safety barrier. This provision, including the requirements of Chapter 515, Florida Statutes, shall apply to existing private residential swimming pools.