

ORDINANCE NO. 2026-01

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AMENDING CERTAIN SECTIONS OF THE CITY OF PAHOKEE'S CODE OF ORDINANCES PERTAINING TO DANGEROUS BUILDINGS; DELETING OUTDATED REFERENCES PERTAINING TO THE CITY'S FORMER CODE ENFORCEMENT BOARD; SPECIFICALLY AMENDING ARTICLE III, CHAPTER 6, SECTION 6-67 ENTITLED "DUTIES OF BUILDING INSPECTOR AND CODE ENFORCEMENT OFFICER"; AMENDING SECTION 6-68 ENTITLED DUTIES OF THE SPECIAL MAGISTRATE; DELETING SECTION 6-69 ENTITLED "LIABILITY FOR DAMAGE RESULTING FROM ENFORCEMENT OF ARTICLE; SUITS; AMENDING SECTION 6-72 ENTITLED EMERGENCY REPAIR, VACATION OR DEMOLITION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Pahokee ("City Commission") recognizes the need to strengthen and modernize its procedures relating to unsafe, dangerous, dilapidated, substandard, and abandoned buildings and structures in order to better protect the public health, safety, and welfare of the residents of the City; and

WHEREAS, the City Commission finds that properties which are unsafe, unsecured, deteriorated, or otherwise maintained in violation of the City's Code of Ordinances contributes to blight, creates public nuisance, diminishes surrounding property values, attracts criminal activity, and adversely impacts the economic vitality and quality of life within the community; and

WHEREAS, the City Commission desires to expand and clarify the authority of the Special Magistrate to hear, adjudicate, enforce, and compel compliance with matters involving dangerous, unsafe, dilapidated, and substandard buildings and structures, including the authority to impose appropriate corrective measures and remedies as authorized by law; and

WHEREAS, the City Commission further finds that providing the Special Magistrate with enhanced oversight and enforcement authority will promote the timely abatement of code violations and dangerous conditions and will improve the efficiency and effectiveness of the City's code compliance process; and

WHEREAS, the City Commission desires to revise and update the City Code to eliminate outdated references to the City's former Code Enforcement Board and to ensure consistency throughout the Code by designating the Special Magistrate as the primary quasi-judicial body responsible for the enforcement and adjudication of applicable code enforcement matters; and

WHEREAS, the City Commission finds that prompt enforcement and remediation of dangerous buildings and unsafe conditions are necessary to prevent further deterioration, reduce threats to life and property, preserve neighborhoods, and encourage the rehabilitation and productive use of properties within the City; and

WHEREAS, the City Commission further finds that the implementation of updated dangerous building regulations and enhanced enforcement procedures will encourage the repair, rehabilitation, preservation, and lawful maintenance of residential and commercial properties before such structures deteriorate beyond reasonable economic repair; and

WHEREAS, the City Commission of the City of Pahokee has determined that the adoption of this Ordinance is in the best interests of the health, safety, welfare, and economic well-being of the residents, businesses, and property owners of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AS FOLLOWS:

Section 1. Adoption of Representations.

The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Ordinance.

Section 2. Amending Article III, Chapter 6, Section 6-67 entitled "Duties of Building Inspector and Code Enforcement Officer" as follows:

ARTICLE III. - DANGEROUS BUILDINGS

Sec. 6-67. - Duties of building inspector and code enforcement officer.

The building inspector and code enforcement officer shall:

- (1) Inspect or cause to be inspected annually all public buildings; schools; halls; churches; theaters; hotels; rooming houses; tourist camps; tenements; commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places dangerous buildings within the terms of this article;

- (2) Inspect any building, wall or structure about which complaints are filed by any person to the effect that such building, wall or structure is or may be existing in violation of this article;
- (3) Inspect any building, wall or structure reported by the fire or police department of the city as probably existing in violation of the terms of this article;
- (4) Inspect annually buildings in the city, to determine whether they are dangerous buildings within the terms of this article;
- (5) Notify, in writing, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such buildings as shown by the land records of the recorder of deeds of the county, of any building found by him to be a dangerous building within the standards set forth in this article that:
 - a. The owner must vacate, repair or demolish such building in accordance with the terms of the notice and this article;
 - b. The occupant or lessee must vacate such building or may have it repaired in accordance with the notice and remain in possession;
 - c. The mortgagee, agent or other person having an interest in such building as shown by the land records of the recorder of deeds of the county may at his own risk repair or vacate the building within a time ~~or demolish such building or have such work or act done; provided that any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding thirty (30) days from the date of the notice, as may be necessary to do or have done the work or act required by the notice provided for in this section.~~
 - d. Except as provided herein, if a violation of the code is found, the code inspector shall notify the violator and provide a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall schedule a hearing before the Special Magistrate. Any notice of hearing shall provide: a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building. The Notice of Hearing shall be hand delivered or mailed as provided in s. 162.12, Florida Statutes to said violator. At the option of the code inspector, the Notice of Hearing may additionally be served by publication or posting as provided in s. 162.12, Florida Statutes. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Special

Magistrate even if the violation has been corrected prior to the Special Magistrate hearing, and the notice shall so state.

e. If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall set a hearing before the Special Magistrate and shall provide notice pursuant to s. 162.12, Florida Statutes. The case may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing, and the notice shall so state. If the repeat violation has been corrected, the Special Magistrate retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his or her rights to this hearing and pay said costs as determined by the Special Magistrate.

~~(6) — Set forth in the notice provided for in subsection (5) hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not to exceed thirty (30) days, as is reasonable;~~

(6) The Code Inspector shall report to the ~~city commission~~ Special Magistrate any noncompliance with the notice provided herein ~~for in subsections (5) and (6) of this section;~~

(7) The Building Inspector shall issue a written report and notice stating why the building or structure is a dangerous building in need of repair, vacation or demolition;

(8) Appear at all hearings conducted by the ~~city commission~~ Special Magistrate and testify as to the condition of dangerous buildings;

(9) Place a notice on all dangerous buildings reading as follows: "This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in this building as shown by the land records of the recorder of deeds of the county. It is unlawful to remove this notice until ~~such notice is complied with~~ there has been full compliance."

(10) — Report to the city attorney the names of all persons failing to comply with the notice provided for in subsections (5) and (6) of this section or who remove the notice provided for in subsection (9) of this section.

Section 3. Amending Article III, Chapter 6, Section 6-68 Entitled “Duties of the Special Magistrate” as follows:

Sec. 6-68. - Duties of the special magistrate.

The Special Magistrate shall:

(1) Review all reports of the building inspector and code inspector as provided for in Section 6-67; Upon receipt of a report of the building inspector as provided for in section 6-67(7), give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building as shown by the land records of the recorder of deeds of the county to appear before it at a certain date within thirty (30) days of the date of the notice at a regular meeting of the city commission to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the building inspector's notice provided for in section 6-67(6);

(2) Determine whether written notice was provided to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building as shown by the land records of the recorder of deeds of the county to appear before it at a certain date within thirty (30) days of the date of the notice. Hold a hearing and hear such testimony as the owner, occupant, mortgagee, lessee or any other person having an interest in such building as shown by the land records of the recorder of deeds of the county offer relative to the dangerous building;

(3) Hold a hearing and hear such testimony as the owner, occupant, mortgagee, lessee or any other person having an interest in such building as shown by the land records of the recorder of deeds of the county offer relative to the dangerous building; Make a written finding of facts as to whether or not the building in question is a dangerous building;

(4) Make a written finding of facts as to whether or not the building in question is a dangerous building; Issue an order commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building as shown by the land records of the recorder of deeds of the county to repair, vacate or demolish any building found to be a dangerous building within the terms of this article and provided that any person so notified, except the owner, shall have the privilege of either vacating

~~or repairing such dangerous building. Any person not the owner of such dangerous building but having an interest in such building as shown by the land records of the recorder of deeds of the county may demolish such dangerous building at his own risk to prevent the acquiring of a lien against the land upon which the dangerous building stands by the city as provided in subsection (5) of this section;~~

(5) Issue an order commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building as shown by the land records of the recorder of deeds of the county to repair, vacate or demolish any building found to be a dangerous building within the terms of this article and grant such other relief deemed appropriate by the Special Magistrate. ~~If the owner, occupant, mortgagee or lessee fails to comply with the order provided for in subsection (4) of this section, within ten (10) days, the special magistrate shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, and shall, with the assistance of the city attorney, cause the costs of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner; except in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety or general welfare of the people of the city, the special magistrate shall notify the city attorney to take legal action to force the owner to make all necessary repairs or demolish the building;~~

(6) If the owner, occupant, mortgagee or lessee fails to comply with the order provided for in subsection (4) of this section, within ten (10) days, the special magistrate shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, and shall, with the assistance of the Code Enforcement Officer ~~the city attorney~~, cause the costs of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner; except in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety or general welfare of the people of the city, the special magistrate shall notify the city attorney to take legal action to force the owner to make all necessary repairs or demolish the building. ~~Report to the city attorney the names of all persons not complying with the order provided for in subsection (4) of this section.~~

Section 4. Amending Article III, Chapter 6, Section 6-69 Entitled "Liability for Damage Resulting from Enforcement of Article; Suits" as follows:

~~Sec. 6-69. - Liability for damage resulting from enforcement of article; suits.~~

~~No officer, agent or employee of the city shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article. Any suit brought against any officer, agent or employee of the city as a result of any act required or permitted in the discharge of his duties under this article shall be defended by the city attorney until the final determination of the proceedings therein.~~

Section 5. Amending Article III, Chapter 6, Section 6-72 Entitled "Emergency Repair, Vacation or Demolition" as follows:

Sec. 6-72. - Emergency repair, vacation or demolition.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building is immediately repaired, vacated or demolished, the building official shall report such facts to the Special Magistrate city commission and the Special Magistrate city commission shall order cause the immediate repair, vacation or demolition of such dangerous building, provided that if any building in the city is in such condition that it is dangerous to life and limb, such building shall be removed immediately by the building official ~~inspector~~ without notice of any kind, but ~~No~~ building shall be removed without notice except in case of fire or on adjoining premises to safeguard other buildings, or in case of a hurricane or an approaching hurricane to protect other buildings or residents from flying timber or debris, and in such cases only upon order of the fire chief or chief of police as assigned by the Sheriff's Office. The costs of such emergency repair, vacation or demolition shall be collected in the same manner as provided in Section 6-68.

Section 6. Conflict & Repealer.

All ordinances, parts of ordinances or code provisions in conflict herewith ordinance are hereby repealed.

Section 7. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 8. Inclusion in Code.

It is the intention of the City Commission of the City of Pahokee that the provisions of this Ordinance shall at some time in the future become and be made a part of the Code of Ordinances of the City of Pahokee and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

Section 9. Effective Date.

This Ordinance shall become effective immediately upon final passage and adoption.

PASSED FIRST READING this 26th day of May 2026.

PASSED SECOND READING this ___ day of _____ 2026.

Keith W. Babb, Jr., Mayor

ATTESTED:

Nylene Clarke, CMC, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY:

Burnadette Norris-Weeks, P. A.
City Attorney

Vote:

Mayor Babb	_____ (Yes)	_____ (No)
Vice-Mayor McDonald	_____ (Yes)	_____ (No)
Commissioner Cowan-Williams	_____ (Yes)	_____ (No)
Commissioner McPherson	_____ (Yes)	_____ (No)
Commissioner Scott	_____ (Yes)	_____ (No)