

ARTICLE VI. - DANGEROUS OR UNSAFE STRUCTURES⁴¹

Footnotes:

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Cross reference— Fire prevention and protection, Ch. 8; flood damage prevention, Ch. 9; health and sanitation, Ch. 11; mobile homes, Ch. 15; subdivisions, Ch. 21; zoning, Ch. 26.

DIVISION 1. - GENERALLY

Sec. 6-141. - Definitions.

The following definitions shall apply throughout this article:

Abandoned shall refer to any structure left vacant and unsecured by the owner of such structure with no overt indication of intent of the owner to resume the intended use of such structure.

Dilapidated, deteriorated or decayed structure shall refer to any structure which, by reason of inadequate maintenance, obsolescence or abandonment, is unsafe or unsanitary, constitutes a fire hazard or other danger to life or property or is inadequate for the purpose for which such structure was intended.

Hazard/hazardous shall refer to a situation which presents an exposure to danger or harm or a threat to safety.

Structure shall include any dwelling, edifice, building or other improvement which is intended or used for habitation or occupation.

Unfit or unsafe shall refer to any structure that is:

- a. Structurally unsound or unstable;
- b. Lacks running potable water or sanitary sewer facilities or is otherwise unsanitary;
- c. Inadequately provided with exit facilities or not provided with permanent means of securing all openings against unauthorized entry;
- d. Unsuitable, improper or inadequate for the use or occupancy for which it was intended;
- e. Dangerous to life or property because of a violation of one or more of the various codes of ordinances of the city;
- f. An attractive nuisance to children or a potential haven for vagrants; or
- g. A fire hazard or otherwise hazardous to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment.

(Ord. No. 1451, § 1, 4-7-98)

Sec. 6-142. - Certain structures declared to be a nuisance.

Unfit or unsafe structures as defined in this section are hereby declared a nuisance and unlawful.

(Ord. No. 1451, § 1, 4-7-98)

Secs. 6-143—6-150. - Reserved.

DIVISION 2. - EMERGENCY PROCEDURE

Sec. 6-151. - Authority of building official to condemn hazardous structures; declaration of nuisance.

Whenever the building official determines that any structure constitutes a clear, present and immediate hazard to the safety of persons or property, the building official may issue an order of condemnation prohibiting habitation or occupation of the structure, which order shall be conspicuously posted on the structure. It shall be unlawful to alter, deface or remove any such order during the pendency thereof.

The building official shall report the facts surrounding issuance of the order to the city council at its next regular meeting or other meeting called to hear emergency condemnations. Upon a determination that the condition of the structure at issue presents a clear, present and immediate hazard to the safety of persons or property, the city council shall adopt an emergency resolution declaring the same to be a nuisance and authorizing the immediate abatement and removal, forthwith, of such nuisance.

(Code 1964, § 6-46; Ord. No. 1451, § 1, 4-7-98)

Sec. 6-152. - Contents of resolution; notice to parties in interest.

The emergency resolution authorizing the abatement of any building declared a nuisance shall set forth a description of the property, the name and the address of the owner thereof as listed on the most recent tax roll, a recitation of facts in support of the action being taken by the city council and the method and the manner and by whom the abatement measure is to be performed. The city shall make a reasonable effort under the circumstances to give notice to the owner and any other person known to have an interest in the property, including, but not limited to, telephone or verbal notice, of the time, date and place when the resolution is to be considered by the city council. Notice of the hearing shall also be posted in city hall prior to the hearing.

If the owner or any interested person can make arrangements for the abatement of such nuisance within the same time period as contemplated by the city council, the resolution shall be adopted but shall be held in abeyance for a stated time in order to allow the owner or such interested person, forthwith, to proceed with the abatement and removal of the nuisance; provided, however, that if the owner or any interested person does not proceed with the abatement in such manner, the nuisance shall be abated and removed in accordance with the provisions of the resolution.

(Code 1964, § 6-48; Ord. No. 1451, § 1, 4-7-98)

Sec. 6-153. - Manner of abatement.

The abatement of any building declared a nuisance may be performed by city employees or by an independent contractor who shall dismantle, demolish, abate and remove such a nuisance. If an independent contractor is employed for such purpose, in the interest of expediting such abatement for the protection and security of the public welfare and safety, it shall not be necessary to invite bids for the performance of such abatement work but instead the city council shall secure price quotations with all due dispatch and award the abatement job to the most qualified independent contractor who is capable of performing such work on an emergency basis; provided, however, that the abatement job shall be awarded to the contractor making the lowest price quotation so long as such independent contractor is certified and licensed to perform such an abatement job in accordance with the method of removal and abatement thereof as prescribed by the city council.

(Code 1964, § 6-47; Ord. No. 1451, § 1, 4-7-98)

Sec. 6-154. - Hearing on costs; notice of hearing.

When any building declared a nuisance has been abated and removed pursuant to an emergency resolution, the city council shall schedule a hearing for the purpose of assessing the costs of the abatement and removal. Notice of the hearing shall be provided to the owner of the property and any person known to have an interest therein, as verified by an ownership and encumbrance report from a licensed title company doing business within the county. Notice shall be personally served as provided by law, except that notice may also be given by registered or certified mail, return receipt requested. Where personal service cannot be had, service by publication may be had in the manner prescribed by F.S. chapter 50. The hearing pursuant to the notice shall be held no less than thirty (30) days nor more than sixty (60) days following the date of the issuance of the notice. The notice shall be set forth on a form addressed to the party in interest, setting forth the legal description of the real property, reciting the reasons and purposes of the hearing and stating that the city council will at such hearing determine the costs and expenses that were incurred by the city in the abatement and removal of the building. The notice shall advise the party in interest that he has the right to attend the hearing, to be represented by counsel thereat and to present any evidence or to show cause why such costs should not be imposed or assessed against the subject real property. The notice shall further state that if the city council shall determine that such costs should be imposed and assessed against the subject real property, then the city council will adopt a resolution to that effect which will be recorded on the public records of the county for the purpose of imposing a lien or encumbrance against the real property for the full amount of the abatement and removal costs. Additionally, a copy of the resolution authorizing the abatement and removal of the nuisance shall be attached to the assessment notice.

(Code 1964, § 6-49; Ord. No. 1451, § 1, 4-7-98)

Sec. 6-155. - Hearing procedure; imposition of lien.

At the time, date and place scheduled for the hearing, the city council shall hear evidence pertaining to the costs incurred by the city for the abatement and removal of the building declared a nuisance, shall hear any testimony or evidence which the owner of the subject property or any person interested therein may desire to tender, and after hearing all of the facts and evidence, the city council shall decide whether or not the cost of the abatement and removal should be assessed against the subject real property and, if so, the amount of such costs. Should the council decide that such costs should be assessed against the subject real property, the council shall adopt a resolution setting forth its findings of facts and specifying the amount that it finds to be properly imposed and assessed against the subject real property. Such amount may include the entire cost of abatement, including rodent extermination, all administrative costs, reasonable attorneys' fees, postal expense, [and] newspaper publication. When so assessed by city council, such amount shall constitute a lien upon such property superior to all others except taxes. The city shall file such lien in the county's official record book showing the nature of such lien, the amount thereof, the legal description of the property and the name of the owner of the property. The lien shall date from the date of filing and shall accrue interest at the rate then prescribed for judgments in accordance with F.S. chapter 55. The city council may authorize the city attorney to enforce any such lien in the manner prescribed by F.S. chapter 162.

(Code 1964, § 6-50; Ord. No. 1451, § 1, 4-7-98)

Sec. 6-156. - Satisfaction of assessment.

Whenever the assessment levied pursuant to this division is paid in full, the city council shall adopt a resolution or declaration for the purpose of declaring that the assessment has been satisfied and is discharged as a lien against the subject real property.

(Code 1964, § 6-51; Ord. No. 1451, § 1, 4-7-98)

DIVISION 3. - SUPPLEMENTAL PROCEDURES FOR ABATEMENT OF MINOR NUISANCES

Sec. 6-157. - Minor nuisance defined.

For purposes of this article, "minor nuisance" shall include any structure which is not provided with a permanent means of securing all openings against unauthorized entry, or has other unfit or unsafe features which may be corrected by means other than the complete demolition or removal of the structure.

(Ord. No. 1451, § 1, 4-7-98)

Sec. 6-158. - Abatement of minor nuisances.

Minor nuisances may be abated in the manner prescribed by chapter 11 of this Code. The building official may secure any abandoned structure without notice to the owner as deemed necessary to expeditiously prevent such structure from being an attractive nuisance to children or affording a haven for vagrants.

During the pendency of any abatement proceeding under this division, the building official may issue and post an order of condemnation in the manner prescribed by section 6-151.

(Ord. No. 1451, § 1, 4-7-98)

Secs. 6-159—6-170. - Reserved.

DIVISION 4. - NONEMERGENCY PROCEDURE

Sec. 6-171. - Purpose.

This division provides procedures for the abatement of certain nuisances, comprised of unfit structures which do not appear to present a clear, present and immediate hazard to the safety of persons or property.

(Code 1964, § 14B-1; Ord. No. 1451, § 1, 4-7-98)

Sec. 6-172. - Determination of unfit or unsafe structure; notice to parties in interest.

When the building official verifies the existence of an unfit or unsafe structure, he shall schedule a public hearing to report the condition of such structure to the city council. Notice of the hearing shall be served upon the owner of record and all other persons having a legal interest in the property, as verified by an ownership and encumbrance report from a licensed title company doing business within the county, in the manner prescribed by section 6-154. The notice shall be in the form prescribed by section 6-154, and shall additionally direct the owner of record or any other party in interest to correct the unfit or unsafe condition forthwith. The hearing pursuant to the notice shall be held no less than thirty (30) days nor more than sixty (60) days following the date of the issuance of the notice.

(Code 1964, § 14B-2; Ord. No. 1451, § 1, 4-7-98)

Sec. 6-173. - Hearing procedure.

At the time, date and place scheduled for the hearing, the city council shall hear evidence pertaining to whether the structure is unfit or unsafe, including any testimony or evidence which the owner of the property or any interested person may desire to tender. Upon a proper showing and considering of all the evidence, the city council may, by resolution, declare the structure to be a nuisance and authorize the

building official to take appropriate, specific action at a time certain but in no case sooner than sixteen (16) days from the date of such resolution. If the owner or any interested person can make arrangements for the abatement of the nuisance within the same time period as contemplated by the city council, the resolution shall be adopted but shall be held in abeyance for a stated time in order to allow the owner or such interested person, forthwith, to proceed with the abatement and removal of the nuisance; provided, however, that if the owner or any interested person does not proceed with the abatement in such manner, the nuisance shall be abated and removed in accordance with the provisions of the resolution.

(Code 1964, § 14B-11; Ord. No. 1451, § 1, 4-7-98)

Sec. 6-174. - Extension of time to comply.

If the owner or any interested parties shall have obtained a building or demolition permit within the specified period and in good faith they promptly begin work to comply and/or abate the nuisance but it appears that they will not be able to complete the work by the date specified, they may file a written request to the city manager or his designee stating the reasons they have been unable to fully comply. If reasonable grounds are shown therefor, the city manager is authorized to issue extensions not to exceed sixty (60) days in which to fully complete the abatement.

In exceptional cases, the city manager may further extend by thirty (30) days the period allowed by the previous action, upon written request, as merited by special hardship, unusual difficulty or unique problems. All requests for extensions shall be made either in person or by certified mail, return receipt requested, to the city manager. All extensions granted by the city manager or his designee shall be in writing and shall be sent to the requesting party.

(Code 1964, § 14B-3; Ord. No. 1451, § 1, 4-7-98)

Secs. 6-175—6-178. - Reserved.

Sec. 6-179. - Action by city on failure to comply; manner of abatement.

If the owner or other parties in interest shall fail to comply with any such order within the time therein fixed, the city may abate the nuisance using city employees or an independent contractor who shall dismantle, demolish, abate and remove such nuisance. If an independent contractor is employed for such purpose, in the interest of expediting such abatement for the protection and security of the public welfare and safety, it shall not be necessary to invite bids for the performance of such abatement work but instead the city council shall secure price quotations with all due dispatch and award the abatement job to the most qualified independent contractor who is capable of performing such work on an emergency basis; provided, however, that the abatement job shall be awarded to the contractor making the lowest price quotation so long as such independent contractor is certified and licensed to perform such an abatement job in accordance with the method of removal and abatement thereof as prescribed by city council.

(Code 1964, § 14B-7; Ord. No. 1451, § 1, 4-7-98)

Sec. 6-180. - Hearing on costs; notice of hearing; imposition of lien.

When any nuisance has been abated and removed pursuant to this division, the city shall conduct a public hearing to determine whether to assess the costs of abatement against the property upon which such nuisance was located. Notice of the hearing shall be given to the owner of record and interested parties by regular United States mail. In addition, a copy of the notice shall be posted in city hall at least ten (10) days prior to the hearing. The hearing shall be conducted and a lien may be imposed in accordance with the procedure outlined in section 6-155. The city council may authorize the city attorney to enforce any such lien in the manner prescribed by F.S. chapter 162.

(Code 1964, § 14B-8; Ord. No. 1451, § 1, 4-7-98)

Sec. 6-181. - Satisfaction of assessment.

Whenever the assessment levied pursuant to this division is paid in full, the city council shall adopt a resolution or declaration for the purpose of declaring that the assessment has been satisfied and is discharged as a lien against the subject real property.

(Code 1964, § 14B-9; Ord. No. 1451, § 1, 4-7-98)

Sec. 6-182. - Appearance of interested parties before city council.

Any interested party appearing before the city council may appear in person, by counsel or by an agent.

(Code 1964, § 14B-10; Ord. No. 1451, § 1, 4-7-98)

Sec. 6-183. - Alternative procedure for abating nuisance.

Nothing contained in this division shall prohibit the city council from authorizing, at any time, the filing of a circuit court action in the circuit court of the county pursuant to F.S. § 823.05 for the abatement of a nuisance.

(Code 1964, § 14B-12; Ord. No. 1451, § 1, 4-7-98)

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