



Ordinance 2016-20

Chapter 150: Buildings

Planning and Zoning Board
May 31, 2016



Background

- Chapter 150: Buildings, adopts the Florida Building Code and regulates building permitting, construction activities, unsafe conditions, and public nuisances
- Section 150.21 establishes procedures for unsafe structures and equipment
- The Town's Building Official is responsible for enforcing Chapter 150 and the Florida Building Code
- Building Official must carry appropriate State licenses and certifications



Section 150.21: Procedure for unsafe structures and equipment

- Majority of structures in the Town were constructed several decades ago.
- Most structures have been maintained well, but multiple structures need to be addressed for deteriorating conditions
- A review of Section 150.21 and recent court cases from other jurisdictions indicates the current provisions may lack adequate authority, notification procedures, due process, and specificity



Revisions

- Section 150.21 reorganized to reflect the following order:
 - A. Definitions
 - B. Authority to order vacation, condemnation, repair or demolition.
 - C. Authority to secure all open and vacant structures
 - D. Authority to disconnect service utilities.
 - E. Notice of Unsafe or Unfit Structures or Equipment and manner of service.
 - F. Abatement methods.
 - G. Extension
 - H. Condemnation Order and Notice of Intent to Demolish
 - I. Appeal Procedure
 - J. Emergency Demolition
 - K. Authority to Order Rodent Control
 - L Condition of Lot After Demolition
 - M. Assessment of Costs of Abatement and/or Demolition and lien on Property.
 - N. Civil Remedies.



Revisions

- Adds definitions
- Provides detailed statements of authority
- Includes detailed notification processes
- Provides criteria regarding compliance extensions and compliance agreements
- Provides defined appeal processes based on the type of action being taken by the Town
- Authorizes the Town to seek injunctive relief or other judicial remedy
- Establishes two (2) levels of procedure for demolition: Standard Demolition and Emergency Demolition



Demolition

Standard Demolition

- Taken when the owner has failed to abate conditions during time specified
- Requires minimum 10 day notification period
- Requires posting on structure or equipment
- Requires newspaper advertisement
- Provides for appeal to Town Commission
- Establishes criteria for modification or reversal of Building Official decision

Emergency Demolition

- Reserved for conditions that constitute an imminent danger to the occupants, the public, or nearby property
- Requires joint determination of imminent danger by the Building Official and Fire Marshal
- Requires notice, but demolition can proceed immediately
- Establishes that appeal would be to circuit court