

FILED FOR RECORD

'86 JUN 30 PM 2 20

CLERK OF COURT
MANATEE COUNTY FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, TO PROVIDE FOR A DEFINITION OF UNSAFE STRUCTURES; TO PROVIDE FOR THE REPAIRING AND REHABILITATION OF UNSAFE STRUCTURES; TO PROVIDE FOR THE SECURING OF VACANT BUILDINGS; TO PROVIDE FOR THE DEMOLITION OF UNSAFE STRUCTURES OR BUILDINGS UPON PROPER NOTICE TO THE OWNER AND OTHER INTERESTED PARTIES; TO PROVIDE FOR EMERGENCY REPAIRS OF UNSAFE STRUCTURES IN THE EVENT THERE IS AN ACTUAL OR IMMEDIATE DANGER OF FAILURE OR COLLAPSE OF SUCH STRUCTURE OR A PORTION THEREOF; TO PROVIDE FOR APPEALS TO THE CONSTRUCTION CODES BOARD OF APPEALS AND THE BOARD OF COUNTY COMMISSIONERS; TO PROVIDE FOR THE ASSESSING OF COSTS OF DEMOLITION, REPAIR OR REMOVAL OF UNSAFE STRUCTURES; TO PROVIDE CONFIRMATION OF PRIOR ACTIONS; TO PROVIDE PENALTY FOR FAILURE TO COMPLY WITH ORDERS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR POSSIBLE CONFLICTS WITH OTHER COUNTY ORDINANCES AND TO PROVIDE AN EFFECTIVE DATE.

WHEREAS, due to continued growth in permanent residents and temporary visitors and other factors, the urban conditions in the unincorporated areas of Manatee County have rapidly increased, and housing and other structures are frequently found to be in a state of disrepair, making such buildings unsafe and threatening the lives and property of adjacent property owners and the public in general, and

WHEREAS, the authority of County officials to correct such problems under the Standard Building Code, 1982 Edition, previously adopted by the Board of County Commissioners and as amended, is inadequate and needs to be strengthened; and

WHEREAS, pursuant to Chapter 125 and Chapter 533, Florida Statutes, the Board of County Commissioners of Manatee County, may regulate and strengthen the requirements of the Building Code regarding unsafe structures and unsafe buildings to protect the public health, safety and welfare of the citizens of Manatee County, Florida, and

WHEREAS, the Board of County Commissioners of Manatee County, Florida, has found such regulation necessary to promote and insure the public health, safety and welfare of the citizens of Manatee County, Florida.

u"

Unsafe Structures

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, that:

Section 1. Findings and Authority to Adopt Regulations.

In accordance with Section 553.73, Florida Statutes (1985), the Board of County Commissioners finds that there is a need to strengthen the authority of Manatee County officials to require repair, rehabilitation, securing, demolition or removal of unsafe structures under the Building Code presently adopted by Manatee County, based upon the determination that local conditions, including increased population growth and general urban conditions in unincorporated Manatee County, justify more stringent requirements than those specified in the existing Building Code in order to provide for the protection of property and the public health, safety and welfare.

Section 2. Definitions.

For the purpose of this Ordinance, the term "unsafe building" or "unsafe structure" includes those buildings or structures that endanger the general health, safety or welfare of the general public or its occupants in that they have or possess one or more of the following characteristics or conditions:

(1) Those whose walls or other structural members sag, loosen, lean or buckle to such an extent that they are in danger of collapse;

(2) Those whose structural members are overloaded or have insufficient strength to be safe for the purpose used to such an extent that they are in danger of collapse;

(3) Those which are damaged by fire, wind, deterioration or other causes to such an extent that they are dangerous to the general health, safety and welfare of the occupants or the public;

(4) Those which are vacant and unguarded and open at doors or windows which otherwise provide unrestricted access to the interior;

(5) Those having light, air or sanitation facilities which are inadequate to protect the general health or safety of the occupants;

(6) Those having any piece, part or attachment which was so securely fixed as to be in danger of falling or being dislodged by the elements so that it may injure a person or property;

(7) Those which are in violation of the minimum building codes, electrical code or plumbing code, as adopted, and as may be amended by the Board of County Commissioners for Manatee County, Florida, in that failure to comply with such codes endangers the health, safety and welfare of the occupants or general public;

(8) Those which constitute a fire or windstorm hazard;

(9) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly failed to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, or apt to cause injury to the health, safety or general welfare of the general public or those persons living therein; and

(10) Those which consist of an abandoned or unfenced swimming pool which threatens or endangers the health, safety or welfare of the public.

Section 3. Permitted Repairs.

a. Rehabilitation. An unsafe building or structure may be repaired and restored, but if the damage or cost of reconstruction or restoration, as evidenced by the bid of a contractor licensed to do business in Manatee County, is in excess of fifty percent (50%) of the just value of the building or structure, as defined by a duly qualified real property appraiser, such building or structure, if reconstructed or restored, shall be made to conform in all respects to the requirements of the codes or ordinances of Manatee County applicable to new buildings or structures. No change in the use or occupancy shall be permitted by reason of such reconstruction or restoration.

b. Vacant Buildings. When a building or structure is unoccupied and is unsafe because it is vacant and unguarded, and which provides unrestricted access to the interior, the building official or his designee, may approve and order, so long as the building or structure remains unoccupied, the temporary securing of the building by sealing of the exterior openings. The County may assess the cost of such action against the owner or owners of the real property if the building or structure is secured by the County. Materials or methods for the sealing of such openings shall be approved by the Building Official or his designee provided that the strength and security of the alternatives are equal to or greater than those listed below:

(1) All exterior openings, including doors, windows or other openings, shall be securely sealed to prevent unauthorized entries through such openings. Exterior door openings which are not sealed as required for windows and other openings, shall be secured by doors of solid wood, not less than one (1") inch thick or of one (1") inch tongue and groove boards reinforced in the back with cross diagonal battens of one (1") inch boards, and nailed securely to the edge of the door. Doors shall have not less than two (2) substantial hinges with concealed screws and mountable pins and shall be provided with two (2) separate hasps and locks with hinges and hasps located so as to divide the door into three (3) equal portions.

(2) Windows and other exterior openings required to be sealed shall be secured by covering same with solid sheeting consisting of one (1") inch boards or one-half (1/2") inch plywood cut to fit the opening inside the frame and securely nailed with eightpenny nails not more than four (4") inches on center. Where there is no frame or where such frame is loose or defective, the covering shall be securely fastened to the exterior walls of the structure.

Section 4. Notice to Owner.

a. Whenever the building official or his designee shall find any building or structure to be unsafe, the building official or his designee shall serve notice of each finding upon the owner or owners, as provided in this Section, and shall

order such unsafe building or structure, or portion thereof, to be made safe by repair or restoration or to be demolished and removed. The notice and order shall be written, and shall include the following:

(1) Street address, if any, of the unsafe structure and a legal description of the property upon which the unsafe structure is located.

(2) Description of the building or structure, or portion thereof, deemed unsafe.

(3) A statement of particulars in which the building or structural portion thereof is considered unsafe.

(4) Outline of remedial action which, if taken, will effect resulting compliance with the provisions of this Section.

(5) A reasonable time, not less than twenty (20) days, for compliance with the order.

(6) Statement that the County shall have the right to demolish the building or structure without further notice if the offending conditions are not remedied within the time required.

(7) A statement of the right of appeal, as provided in this Ordinance.

b. The notice and order required by subsection a. above, shall be mailed by certified mail, return receipt requested, addressed to the party to be served at his residence address or at his business address, or by personal service in the manner provided by the Statutes of the State of Florida for personal service of original process in Civil actions, except that such service may be made not only to the person who is named in such Statutes, but also by an officer, agent or employee of the County, in which case, return and proof of service may be made by affidavit. In the event that said notice is sent by certified mail, be returned undelivered and the address of such person cannot be ascertained by a diligent search and inquiry,

service may be effected by the publishing of a notice two (2) times, seven (7) days apart, in a newspaper of general circulation in the county, qualified to print legal advertisements, the first of such publications to be at least ten (10) days before the time required for any action or the time set for any public hearing as stated therein. Such service shall be deemed complete on the date of the second publication. Where any property or interest therein is owned by tenants by the entirety or by joint tenants, each tenant shall be deemed to be the agent of the other and notice to one of them shall be deemed to be notice to both or all of them, and service upon one of them shall be deemed to be service upon both or all of them.

c. A written notice containing, as a minimum, the following, shall be posted upon the building or structure or conspicuously displayed upon the premises to which it relates:

"UNSAFE BUILDING OR STRUCTURE"

This building or structure is unsafe and subject to being demolished pursuant to notice and order from the Building Official of Manatee County, Florida. It is unlawful to mutilate or remove this notice until such time as the owner complies with such notice and order.

Section 5. Emergency Repairs and Demolition.

Notwithstanding other requirements of this article, when, in the opinion of the Building Official or his designee, there shall be actual or immediate danger of failure or collapse of a building or structure, or portion thereof, so as to endanger life or property, or a building or structure shall be in or manifest such other condition as to pose an immediate threat to life or property, the Building Official or his designee may purchase such material and employ such labor, and cause the necessary work to be done to render the building or structure, or portion thereof, temporarily safe, or to demolish the structure in the event that temporary measures are, in the opinion of the Building Official or his designee, inadequate, whether the repair procedures prescribed in this Ordinance has been instituted or not. In such cases, the Building Official or his designee, may

order the occupants to vacate the unsafe buildings or structures immediately. He may, when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such buildings or structures, and prohibit them from being used. Recovery of costs incurred by the building official or his designee, for this emergency work, shall be as provided in this Ordinance. After the immediate danger has been remedied by having the building or structure made temporarily safe, no further action shall be taken by the Building Official, or his designee, except in accordance with the other Sections of this Ordinance.

Section 6. Appeal to the Construction Codes Board of Appeals and Board of County Commissioners.

Any owner, lessee, or mortgagee of a building or structure determined to be as unsafe by the Building Official or his designee, or of the property upon which it is located may, within twenty (20) days after service of the notice under Section 4, file an appeal of such determination with the Manatee County Construction Code Board of Appeals. Such appeal shall be in writing and filed in accordance with the procedures and in such form as required by the Construction Code Board of Appeals. Upon receipt of such appeal, the Construction Code Board of Appeals shall, as soon as practicable, fix a date, time and location for the hearing of the appeal. Written notice of the time and location of the hearing shall be delivered personally or by certified mail, return receipt requested, to each appellant at the address on the appeal. The filing of such an appeal shall stay the time for seeking judicial review and shall stay all proceedings under any notice and order except emergency action initiated under this Ordinance until a final determination has been made by the Construction Code Board of Appeals. Any owner, lessee or mortgagee may appeal in writing from an adverse decision of the Construction Code Board of Appeals, to the Board of County Commissioners within ten (10) days from the decision of

the Construction Code Board of Appeals. Appeal to the Board of County Commissioners shall not be a prerequisite to judicial review. At its discretion, the Board of County Commissioners shall either decline to hold a hearing to review the decision of the Construction Code Board of Appeals which shall be deemed a confirmation thereof, or schedule a hearing on the matter. If the Board of County Commissioners elects to hold a further hearing on the matter, the Board shall, as soon as practicable, fix a date, time and location for the hearing of the Appeal. Written notice of the time and location of the hearing, if necessary, shall be delivered personally or by certified mail, return receipt requested, to each Appellant at the address on the Appeal. A filing of an appeal shall stay the time for seeking judicial review and shall stay all proceedings except for emergency action under this Ordinance until a final determination is made by the Board of County Commissioners on the appeal.

Section 7. Demolition by Manatee County.

In the event the unsafe structure is not demolished or the repair or restoration work is not performed within the time it is required, the Building Official or his designee shall cause such demolition, repair or restoration work either with County employees or by an independent contractor, submitting the lowest and best bid.

Section 8. Assessment of Cost for Demolition, Repair or Removal of Unsafe Structures or Buildings.

Upon the expiration of the appeal, or following the demolition, repair or removal of the building or structure, whichever shall occur later, the Building Official or his designee shall report the abatement of nuisance by the County and the County may assess the entire cost of such action against the owner or owners of the real property upon which such cost was incurred, which assessment shall include rodent extermination, where employed, administrative costs, postal expenses, newspaper publication, attorneys' fees and all other related costs and expenses.

Section 9. Confirmation of Prior Actions.

This Ordinance shall not affect or impair the right of the County with respect to any action it may have taken in accordance with the provisions of any prior Ordinance or special act, unless the building official shall elect to re-post the structure and issue new notices in accordance with the provisions of this Ordinance.

Section 10. Failure to Comply with Order.

Any owner failing to comply with an order issued pursuant to this ordinance by the Building Official or his designee, the Construction Code Board of Appeals or the Board of County Commissioners, shall be in violation of this ordinance and shall be guilty of an offense against the County and upon conviction thereof, shall be punishable by a fine of not more than Five Hundred (\$500.00) Dollars for each violation. No building permit or any other development order shall be issued to any owner which fails to comply with an order issued, fails to pay fines levied or fails to pay expenses assessed against the owner by the County pursuant to this Ordinance, until such time as said owner fully complies with said order, pays said fines levied or pays said expenses assessed, as may be appropriate. Notwithstanding the foregoing provisions, nothing in this Ordinance shall prohibit the County from issuing a building permit or other development order which is necessary to obtain compliance with an order issued pursuant to this Ordinance.

Section 11. Severability.

If any part, section or subsection, or other portion of this Ordinance, or any application thereof to any person or circumstance, is declared to be void, unconstitutional or invalid for any reason, such part, section, subsection or other portion, or prescribed application thereof, shall be severable and the remaining provisions of this Ordinance, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

Section 12. Conflict.

To the extent any conflict between the provisions of this Ordinance, and any other Ordinance of Manatee County, Florida, the provisions of this Ordinance shall prevail.

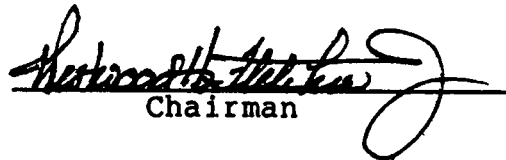
Section 13. Effective Date.

This Ordinance shall become effective upon receipt of the official acknowledgment from the Office of the Secretary of State in Tallahassee, Florida, that this Ordinance has been filed with that office.

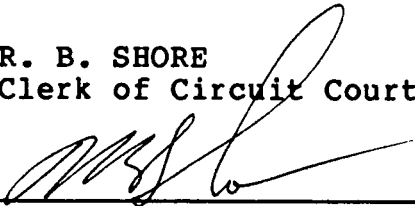
PASSED AND DULY ADOPTED in open session this 17th
day of June, 1986.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By:


Chairman

ATTEST: R. B. SHORE
Clerk of Circuit Court



STATE OF FLORIDA

COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 17th day of June, 1986.

SUBJECT: ORDINANCE 86-16

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, TO PROVIDE FOR A DEFINITION OF UNSAFE STRUCTURES; TO PROVIDE FOR THE REPAIRING AND REHABILITATION OF UNSAFE STRUCTURES, TO PROVIDE FOR THE SECURING OF VACANT BUILDINGS . . . AND TO PROVIDE AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 17th day of June, 1986, in Bradenton, Florida.



R. B. Shore, Clerk of Circuit Court
Manatee County, Florida



FLORIDA DEPARTMENT OF STATE

George Firestone
Secretary of State

RECEIVED
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

FILED FOR RECORD
86 JUN 30 PM 2 19

June 25, 1986

Honorable Richard B. "Chips" Shore
Clerk of Circuit Court
Manatee County Courthouse
Post Office Box 1000
Bradenton, Florida 33506

Attention: Deputy Clerks, County Ordinance Records Division

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of June 17, 1986
and certified copy/ies of Manatee
County Ordinance(s) 86-11, 86-12, and 86-16 & 86-17
2. Receipt of _____ County Ordinance(s)
relative to:
 - (a) _____
which we have numbered _____
 - (b) _____
which we have numbered _____
3. We have filed ~~this~~/these Ordinance(s) in this office
on June 25, _____ 1986.
one each
4. The ~~original~~/duplicate copy/ies showing the filing date
~~is~~/are being returned for your records.

Cordially,

(Mrs.) Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosure (4)