

- **Chapter 48 - HAZARDOUS BUILDINGS AND LANDS<sup>11</sup>**

- **Sec. 48-1. - Scope.**

**modified**

(a)

*Chapter remedial.* This chapter is hereby declared to be remedial and shall be constructed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises.

(b)

*Scope.* The provisions of this chapter shall apply to all unsafe buildings and hazardous lands (as defined below).

(c)

*Alterations, repairs or rehabilitation work.*

(1)

Alterations, repairs or rehabilitation work may be made to any existing building provided that the alteration, repair or rehabilitation work conforms to the requirements of the Florida Building Code for new construction. The land development regulations administrator shall determine, subject to appeal to the board of adjustment/code enforcement the extent, if any, to which the existing building shall be made to conform to the requirements of the Florida Building Code for new construction;

(2)

Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in [section 48-2](#);

(3)

If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of the Florida Building Code for the new occupancy classification as established by the land development regulations administrator; and

(4)

Repairs and alterations, not covered by the preceding subsections of this subsection (c), restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this chapter or in such manner as will

not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed.

(Ord. No. 434, § 10.1, 5-7-2002)

• **Sec. 48-2. - Definitions.**

modified

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Excessive growth* means vegetation over 18 inches high that is or may reasonably become infested by pests or may create a fire or safety hazard. Excessive growth includes vegetation growing from private lands into or across public rights-of-way, utility easements, sidewalks, drainage ditches, swales or streets. Excessive growth does not include the following unless the growth constitutes a fire or safety hazard:

- (1) Shrubs, trees or bushes (natural or cultivated) used for landscape purposes.
- (2) Controlled, managed and maintained low-maintenance natural landscaping;
- (3) The understory of hammocks that are protected through development regulations, conditions or agreements, and vegetation within wetlands, stormwater retention lake littoral zones, or within 150 feet of a regulated creek; or
- (4) Land designated agricultural or conservation on the future land use map.

*Hazardous lands* means lands unoccupied as well as occupied upon which there exists a condition or conditions dangerous to the health, welfare or safety of the public generally, or of the occupants of surrounding properties, or of the occupants of such lands, including but not limited to:

- (1) Land upon which there exists an accumulation of material or items stored outside of a structure, including but not limited to lumber, tires, automobile parts, trash, hazardous waste, abandoned personal property, unusable or discarded household items, inoperative automobiles, appliances, solid waste, dangerous chemicals, explosives or other hazardous substances without sufficient protection for the control of same, junk, used scrap, construction or demolition material, tanks, drums, glass, iron, or any other material or items that may:
  - a. Create noxious odors or harmful fumes or particulate.
  - b.

Serve as a breeding or nesting place for mosquitoes, rats, mice, poisonous snakes, dangerous wild animals, or insect vermin, in such a manner and to such extent as to pose an immediate danger to the public health and safety.

- c. Contribute to any other unsafe or unsanitary condition or create a dangerous nuisance attractive to children.
- d. Create a fire, safety or health hazard.

(2)

Land upon which there is excessive growth as defined in this section.

*Owner* means any person who, alone, jointly or severally with others, holds legal or equitable title to any building or land within the scope of this chapter and shall include any occupant, lessee, mortgagee or other person having an interest in said building or land as shown by the records of the clerk of the circuit court of the county.

*Unsafe building* means a building or structure that has any of the following conditions, such that the life, health, property, or safety of the general public is endangered:

(1)

Whenever the stress in any material, member or portion thereof, due to all imposed loads including dead load, exceeds the working stresses allowed in the Florida Building Code for new buildings.

(2)

Whenever a building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the buildings or structures is less than it was prior to the damage and is less than the minimum requirement established by the Florida Building Code for new buildings.

(3)

Whenever for any reason a building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is designed.

(4)

Whenever any building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.

(5)

Whenever any building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of city regulations.

(6)

Whenever any building, structure or portion thereof is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

(Ord. No. 434, § 10.2, 5-7-2002)

**Cross reference**— Definitions generally, [§ 1-2](#).

- **Sec. 48-3. - Organization.**

**modified**

(a)

*Enforcement officer.* The land development regulations administrator shall be the enforcement officer of the provisions of this chapter. The city council may, by resolution, designate other persons as enforcement officer of the provisions of this chapter. The land development regulations administrator or designated enforcement officer shall function as a code inspector for circumstances governed by F.S. ch. 162, pt. I (F.S. § 162.01 et seq.), and as a code enforcement officer for circumstances governed by F.S. ch. 162, pt. II (F.S. § 162.21 et seq.).

(b)

*Restrictions on employees.* An officer or employee connected with the city shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration, demolition, repair or maintenance of a building, the mowing or clearing of a property, or in the making of plans or of specifications thereof, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the city.

(c)

*Records.* The land development regulations administrator shall keep, or cause to be kept, a record of the actions related to this chapter.

(Ord. No. 434, § 10.3, 5-7-2002)

- **Sec. 48-4. - Powers and duties of land development regulations administrator.**

**modified**

(a)

*Right of entry.* The land development regulations administrator shall enforce the provisions of this chapter, and such land development regulations administrator, or his duly authorized representative, may enter any building, structure, dwelling, apartment, apartment house, or premises, during all reasonable hours to make an inspection or enforce any of the provisions of this chapter.

(b)

*Presentation of credentials; unoccupied buildings; remedies.* When entering a building, structure, dwelling, apartment, apartment house, or premises that is occupied, the land development regulations administrator, or his duly authorized representative, shall first identify himself, present proper credentials and request entry. If the building, structure, dwelling, apartment, apartment house, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge of the building and

demand entry. If entry is refused, the land development regulations administrator, or his duly authorized representative, shall have recourse to every remedy provided by law, including but not limited to the provisions of F.S. § 933.20—933.30, to secure entry.

(c)

*Failure to permit entry.* No person, owner or occupant of any building, structure, dwelling, apartment, apartment house, or premises shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the land development regulations administrator, or his duly authorized representative, for the purpose of inspections pursuant to this chapter. Any person violating this section shall be prosecuted within the limits of the law as established by the proper governing authority.

(d)

*Inspections.* The land development regulations administrator, and other authorized representatives are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

(e)

*Liability.* Any officer or employee of the city charged with the enforcement of this chapter, acting for the city in the discharge of their duties, shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties. Any suit brought against any officer or employee because of such act performed in the enforcement of any provision of this chapter shall be defended by the city attorney until the final termination of the proceedings.

(Ord. No. 434, § 10.4, 5-7-2002)

- **Sec. 48-5. - Violations.**

It shall be unlawful for any owner of real property within the city to create, keep, maintain, or allow the existence of any unsafe building or hazardous land, as defined in this chapter, in or on such property.

(Ord. No. 434, § 10.5, 5-7-2002)

- **Sec. 48-6. - Notice.**

In accordance with F.S. ch. 162, the notice shall provide for a reasonable time to correct a violation. If repairs, alterations or demolition of a building or structure are necessary for compliance, a reasonable time shall not be less than ten or more than 90 days. If the violation pertains only to hazardous lands, a reasonable time for cleaning or clearing same shall not be less than ten or more than 30 days.

(Ord. No. 434, § 10.6, 5-7-2002)

- **Sec. 48-7. - Standards for compliance.**

## Chapter 48 – Hazardous Buildings and Lands

The repair or demolition of an unsafe building or structure or clearance of hazardous lands shall be done in accordance with the Florida Building Code or demolished at the option of the owner and/or where hazardous lands are involved, such lands mowed and cleared to remove such health and safety hazard.

(Ord. No. 434, § 10.7, 5-7-2002)

- **Sec. 48-8. - Performance of work.**

The repair or demolition of an unsafe building and the clearing and/or mowing of hazardous land as required in the notice by the land development regulations administrator or the final decision by the board of adjustment/code enforcement shall be performed in an expeditious and workmanlike manner in accordance with the requirements of this chapter and all other applicable provisions of these land development regulations and accepted engineering practice standards.

(Ord. No. 434, § 10.8, 5-7-2002)