

ORDINANCE NO. 299

AN ORDINANCE AMENDING SECTION 5-10, CODE OF ORDINANCES OF THE CITY OF SPRINGFIELD RELATING TO UNFIT OR UNSAFE BUILDINGS, DWELLINGS, OR STRUCTURES; PROVIDING FOR NOTICES FOR THE REPAIR OR DEMOLITION OF SUCH STRUCTURES; THE ASSESSMENT OF LIENS AND MINIMUM PENALTIES FOR VIOLATION THEREOF; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND RECITING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SPRINGFIELD IN BAY COUNTY, FLORIDA:

Section 1. UNFIT OR UNSAFE DWELLING OR STRUCTURE: Any dwellings or structure or portions thereof and accessory buildings which are structurally unsafe, unstable, or unsanitary; inadequately provided with exit facilities; constitute a fire hazard; unsuitable or improper for the use or occupancy to which they are put; constitute a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; dangerous to life or property of the occupant thereof or of the surrounding areas; unfit for human habitation if so intended or used; or otherwise in violation of the housing, building, electrical, plumbing, mechanical, sanitation and fire codes of the city.

a. The inspector shall be the chief building official of the city or his assistants and shall be charged with the duty of administering the applicable standards and securing compliance therewith and in furtherance of this responsibility, the inspector shall:

1. Make such inspections as may be necessary to effectuate the purposes and intent of this chapter.
2. Investigate any complaints of alleged violation of this chapter and maintain a log reflecting the resolution thereof; however only matters or conditions pertinent to the existence of an unfit or unsafe structure shall be considered or reported by the inspector.

b. When the inspector verifies the existence of a nuisance involving an unfit or unsafe structure, it shall be his duty to promptly prepare and submit to the city clerk the notice and order required by this article. The city clerk, with assistance of the city attorney, shall determine the owner of record of the real estate upon which the nuisance is located, and send a notice and order of condemnation to said party. In addition, notice shall be given to the lessee or occupants, if any, and persons of record interest, including mortgagee, contract purchaser, agent with power of attorney, person claiming an interest under lis pendens and the like.

c. The notice and order of the inspector may require the vacation, demolition, or removal of any unfit or unsafe dwelling or structure, or may order the repair, restoration or replacement of any part of same; provided, however, that no building or structure shall be subject to repair, restoration, or replacement where the cost of repairing, restoring, or replacing any part or parts thereof would exceed fifty (50) percent of the value of such structure after repair, restoration or replacement.

d. The notice shall include:

1. The description of the location of the building and/or land involved either by street address or by legal description.

2. A statement providing an accurate description of the nuisance for which the notice is issued.
3. Specification of the section or sections of this chapter upon which the notice of violation is based.
4. If the nuisance does involve an unfit or unsafe structure, a statement of the nature and extent of such repairs or alterations necessary to comply with this chapter.
5. If the nuisance involves an unfit or unsafe structure and is of such a character that repairs or alterations cannot bring the building into compliance, a statement to this effect and an order of demolition of the building indicating fully the reason therefor.
6. If abatement of the nuisance or demolition of a structure is necessary for compliance, a specification of time for performing same shall be stated in the notice which shall not be less than ten (10) days nor more than one hundred twenty (120) days.
7. The name or names of persons upon whom the notice is served as stated in paragraph B.
8. A statement advising that upon the owners failure to comply with the notice, the city may vacate, demolish, or remove or otherwise abate the nuisance in accordance with the order stated in the notice, and at the expense of such performance by the city shall be charged against the real property and the assessment when made shall constitute a lien upon said property by the city.
9. A statement advising of the procedures for review of the action of the inspector.

d. In the case of an unfit or unsafe dwelling or structure this notice and order shall require the owner and other interested parties within thirty (30) days after service to obtain a permit and begin specified repairs or improvements, or to demolish and remove the dwelling or structure or portion thereof. This work shall be completed within sixty (60) days from the date of the permit for repair or demolition. Any demolition permit necessary as a result of any condemnation herein shall not require a fee.

e. In the case of an unfit or unsafe dwelling or structure, which after inspection is determined to be uninhabited, the inspector shall cause to be posted a "No Trespassing Sign" to prevent entry into the premises by third parties who might be exposed to the risk of danger created by the unsafe structure.

f. The city commission shall cause to be published in a newspaper regularly published and in general circulation within the city during the month of May in each year hereafter and once a week for two (2) consecutive weeks a notice reading substantially as follows:

Attention owner, agents, custodians, lessees, and the occupants of real property within the city limits of the City of Springfield.

"You are hereby notified that you are required by law to cut and keep cut to a height of not

exceeding twelve (12) inches all weeds, grass or underbrush, to remove any trash, debris, refuse, or noxious matter located on any property owned, controlled or occupied by you in the City of Springfield and also to repair, restore, or demolish any unfit or unsafe structure located upon such property and that upon your failure to do so, the City of Springfield will cause said nuisance to be abated, and the costs thereof will be assessed against the property upon which the nuisance is located.

g. It shall be the duty of the city clerk to see to it that the required notice and order is delivered to the interested parties by personal delivery of copy thereof to the party to be notified, or by leaving such copy at his usual place of abode with some person of the family above fifteen (15) years of age and informing such person of the contents thereof, or by either registered or certified United States Mail with return receipt requested, or, if the name of any such party or his place of residence or his post office address cannot be ascertained after diligent search, or in the event a notice sent by either certified or registered mail shall be returned undeliverable and the person to be notified is not residing within the city, by publishing a copy thereof once a week for two (2) consecutive weeks in a newspaper of general circulation within the city. A copy of such notice and order shall be posted in a conspicuous place at city hall and the county courthouse and upon such dwelling or structure.

h. In the case of an unfit or unsafe building or structure if the interested parties shall have obtained a building or demolition permit within the thirty (30) day period and in good faith and in due time begun work to comply with the order, but it appears that they will not be able to complete the work by the date ordered, they may file a written request stating the reasons they have been unable to complete compliance and if reasonable grounds are shown therefor, the building official is authorized to issue an amended order authorizing an extension of time, not to exceed sixty (60) days, in which to complete compliance with the original order.

i. If the owner or other parties in interest fail to repair, restore or replace such parts of the dwelling or structure within the time permitted by the notice and order of the inspector, and in the absence of extenuating circumstances as would justify an extension of the time period therefor, the city clerk may order a vacation or the premises until compliance or a demolition of the structure.

j. In the event that an owner or other parties in interest shall fail to comply with an order made pursuant to the provisions of this article within the time therein fixed, the city, acting through the city clerk, is authorized to vacate, demolish or remove or otherwise abate the nuisance in accordance with such order, either with city forces or by independent contractor submitting the lowest and best bid.

k. Upon expiration of the thirty (30) day appeal period with no appeal having been taken, the city clerk, after proceeding under this article, shall as often as may be convenient report the action taken toward abatement of the nuisance by the city and the legislative body shall assess the entire cost of such action against the real property, which assessment, when made shall constitute a lien upon said property by the city. The lien of the city shall encompass in addition to the abatement cost for the vacation or removal of the facility, all administrative, legal, postal and publication expenses, as well as rodent extermination when employed, as well as all other direct or indirect costs associated therewith. The lien upon the property shall be superior to all others except taxes.

1. The city clerk shall file such lien in the county's official record book showing the nature of such lien, the amount thereof, an accurate legal description of the property, including the street address, which lien shall date from the date of the filing and recite the owners of the property. Such municipal lien shall bear interest from said date at the rate of eighteen (18) per cent per annum. The city may enforce the lien upon the real property of the owner as provided for in Chapter 173, of the Florida Statutes (1987) as amended from time to time. The city shall not commence any lien foreclosure action against any property for which a lien has been filed prior to the effective date of this subsection until said lien has been filed of record for a period of two (2) years.

m. Any interested party may appeal the decision of the inspector or city clerk to the legislative body upon the filing, within thirty (30) days after service of the inspector or city clerk's notice and order, of an application to the building official, setting forth the grounds for the appeal. Upon receipt of the notice of appeal, the building official shall forthwith transmit a copy of the notice of appeal, together with all related documents of his department, to the legislative body. Within ten (10) days after the filing of notice of appeal, the legislative body shall schedule a date for the hearing thereof and give notice of the date for the hearing to the interested parties, in a manner as would afford them not less than ten (10) days' notice. Under no circumstances shall the board establish a hearing date beyond sixty (60) days from the filing of the notice of appeal.

n. All appeals proceedings shall be public and notice thereof published in a newspaper of general circulation within the city at least ten (10) days prior to the date of the hearing.

o. An interested party, having exhausted his administrative remedies before the legislative body, may appeal to the circuit court the decision of the body, in like manner of appeals from county court.


Section 2. This Ordinance shall take effect as provided by law.

PASSED in regular Session of the City Commission of the City of Springfield in Bay County, Florida, this 6 day of

MAY, 1991.



J.B. McLemore, Mayor

Attest:


J.C. Scalf, City Clerk

EXAMINED AND APPROVED by me this 6 day of

MAY, 1991.


J.B. McLemore, Mayor