

ORDINANCE NO. 2000-26

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, ESTABLISHING MINIMUM STANDARDS GOVERNING HEALTH AND GENERAL WELFARE, MAINTENANCE, REMOVAL OR DEMOLITION OF UNSAFE BUILDINGS OR STRUCTURES; BY ADOPTING THE 1985 EDITION OF THE STANDARD UNSAFE BUILDING ABATEMENT CODE, REPEALING ALL PORTIONS OF THE CODE IN CONFLICT HERewith; PROVIDING SEVERABILITY; PROVIDING PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in order to secure the beneficial interest and purposes of public safety and general welfare by regulating the existence of unsafe and unfit structures in Nassau County that imperil the health, safety and welfare of the residents, the Board of County Commissioners of Nassau County, Florida, has found it to be in the best interest of the citizens of Nassau County that the Board of County Commissioners provide, by ordinance, procedures for the repair, securing, demolition and removal of unsafe and unfit structures.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Nassau County, Florida, this 24th day of July, 2000, as follows:

The Standard Unsafe Building Abatement Code, as promulgated by the Southern Building Code Congress International, Inc., specifically the 1985 edition thereof is adopted by reference as though it were copied in this Ordinance.

I. ADMINISTRATION

Title and Scope

1.1 Title

The provisions included within the following chapters and sections shall constitute and be known and may be cited as "The

Standard Unsafe Building Abatement Code", hereinafter referred to as "This Code".

1.2 Code Remedial

This Code is hereby declared to be remedial and shall be construed 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, demolition, use and occupancy of buildings, structures or premises.

1.3 Scope

The provisions of this Code shall apply to all unsafe buildings or structures, as herein defined, and shall apply equally to new and existing conditions.

1.4 Alterations, Repairs or Rehabilitation Work

1.4.1 Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of the Standard Building Code provided that the alteration, repair, or rehabilitation work conforms to the requirements of the Standard Building Code for new construction. The Building Official shall determine, subject to appeal to the Construction Board of Adjustments and Appeals, the extent, if any, to which the existing building shall be made to conform to the requirements of the Standard Building Code for new construction.

1.4.2 Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in Section 2.3.

1.4.3 If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of the Standard Building Code for the new occupancy classification as established by the Building Official.

1.4.4 Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this Code 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; but not more than 25% of the roof covering of a building shall be replaced in any period of twelve months unless the entire roof covering is made to conform with the requirements of the Standard Building Code for new buildings.

1.5 Special Historic Buildings and Districts

The provisions of this Code relating to the construction alteration, repair, enlargement, restoration, relocation or moving buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such building or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings

within fire districts. The applicant must submit complete architectural and engineering plans and specifications bearing the seal of a registered professional engineer or architect.

1.6 Maintenance

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the Standard Building Code in a building when erected, altered or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings and structures.

Organization

1.7 Enforcement Officer

The provisions of this Code shall be enforced by the Building Official or his authorized representative.

1.8 Restrictions on Employees

An officer or employee connected with the Department 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, or in the making of plans or of specifications therefore, 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 department.

1.9 Records

The Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to the public inspection.

**Powers and Duties of the
Building Official**

1.10 Right of Entry

1.10.1 The Building Official or his authorized representative may enter any building, structure or premise at all reasonable times to make an inspection or enforce any of the provisions of this Code.

1.10.2 When entering a building, structure or premise that is occupied, the Building Official shall first identify himself, present proper credentials and request entry. If the building, structure or premise is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of the building and demand entry. If entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

1.10.3 No person, owner or occupant of any building or premise shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the Building Official or his authorized agent for the purpose of inspections pursuant to this Code. Any person violating this section shall be prosecuted within the limits of the law as established by the proper governing authority.

1.11 Inspections

The Building Official, the Fire Official 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 Code.

1.12 Requirements Not Covered by Code

Any requirement necessary for the strength or stability of an existing or proposed building or structure, or for the safety or health of the occupants thereof, not specifically covered by this Code, shall be determined by the Building Official.

1.13 Liability

Any officer or employee, or member of the Construction Board of Adjustments and Appeals, charged with the enforcement of this Code, acting for the applicable governing body in the discharge of his duties, shall not thereby render himself liable personally, and he is 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 his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this Code shall be defended by the legal department of the applicable governing body until the final termination of the proceedings.

1.14 Reports

The Building Official shall annually submit a report to the County Coordinator of the decisions rendered by the Construction Board of Adjustments and Appeals during the preceding year. The report shall include a summary of the decisions of the Construction Board of Adjustments and Appeals during said year.

Violations and Penalties

1.15 It shall be unlawful for any person, firm, corporation or agent to violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect,

construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and approved thereunder. A violation of this section shall subject the violator to a Second Degree Misdemeanor with a penalty upon conviction of a fine up to \$500.00 per day and/or sixty (60) days in the Nassau County Detention Facility or both with the fine to be imposed each day the violation occurs both for having the structure or in violation of any aspect that was previously set forth in the Ordinance.

Board of Adjustments and Appeals

1.16 Final Interpretation

The Construction Board of Adjustments and Appeals, established pursuant to Ordinance No. 2000-20, shall provide the final interpretation of provisions of this Code.

II. DEFINITIONS

General

2.1 Tense, Gender and Number

For the purpose of this Code, certain abbreviations, terms, phrases, words and their derivatives shall be construed as set forth in this Section. Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural and the plural number includes the singular.

2.2 Words Not Defined

Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Mechanical Code, Standard Plumbing Code, Standard Gas Code, Standard Housing Code, or Standard Fire Prevention Code. Words not defined in the Standard Codes shall have the meanings stated in the Webster's Eighth New Collegiate Dictionary, as revised.

2.3 Definitions

Approved - approved by the Building Official or other authority having jurisdiction.

Building - any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for 50% of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof". For the purpose of this Code each portion of a building separated from other portions by a firewall shall be considered as a separate building.

Building Official - the officer or other designated authority charged with the administration and enforcement of this Code, or his duly authorized representative.

Department - the Building Department or other agency charged with the enforcement of this Code.

Owner - any person, agent, firm or corporation having a legal or equitable interest in the property.

Structure - that which is built or constructed.

Unsafe Buildings - any building or structure that has any of the following conditions, such that the life, health, property or safety of its occupants or the general public are endangered:

1. Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
2. Any means of egress, or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.
3. The stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the stresses allowed in the Standard Building Code for new buildings.
4. The 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 building or structure is less than it was prior to the damage and is less than the minimum requirement established by the Standard Building Code for new buildings.
5. Any exterior appendage or portion of the building or structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Standard Building Code for new buildings.
6. If for any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
7. The building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.

8. The building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the Standard Codes or of a city, county, or state law.
9. Any building, structure or portion thereof that is in such a condition as to constitute a public nuisance.
10. Any building, structure or portion thereof that 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.

III. INSPECTION AND NOTICE OF NONCOMPLIANCE

Action Required

3.1 General

The Building Official shall inspect or cause to be inspected any building, structure or portion which is or may be unsafe. After the Building Official has inspected or caused to be inspected a building, structure or portion thereof and has determined that such building, structure or portion thereof is unsafe, he shall initiate proceedings to cause the abatement of the unsafe condition by repair, vacation or demolition or combination thereof.

Notice

3.2 Content

3.2.1 The Building Official shall prepare and issue a notice of unsafe building directed to the owner of record of the

building or structure. The notice shall contain, but not be limited to, the following information:

1. The street address and legal description of the building, structure or premise.
2. A statement indicating the building or structure has been declared unsafe by the Building Official, and a detailed report documenting the conditions determined to have rendered the building or structure unsafe under the provisions of this Code.
3. A statement advising that if the following required action as determined by the Building Official is not commenced within or completed by the time specified, the building will be ordered vacated and posted to prevent further occupancy until the work is completed and the Building Official may cause the work to be done and all costs incurred charged against the property or the owner of record.
 - 3.1 If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and the work commenced within 60 days and continued to completion within such time as the Building Official determines. The notice shall also indicate the degree to which the repairs must comply with the provisions of the Standard Building Code, in accordance with Section 1.4.
 - 3.2 If the building or structure is to be vacated, the notice shall indicate the time within which vacation is to be completed.

3.3 If the building or structure is to be demolished, the notice shall require that the premises be vacated within 60 days, that all required permits for demolition be secured and that the demolition be completed within such time as determined reasonable by the Building Official.

4. A statement advising that any person having any legal interest in the property may appeal the notice by the Building Official to the Construction Board of Adjustments and Appeals; and that such appeal shall be in writing in the form specified in Section 4.1 and shall be filed with the Building Official within 30 days from the date of the notice and that failure to appeal in the time specified will constitute a waiver of all rights to an administrative hearing.

3.2.2 The notice and all attachments thereto shall be served upon the owner of record and posted on the property in a conspicuous location. A copy of the notice and all attachments thereto shall also be served on any person determined from official public records to have a legal interest in the property. Failure of the Building Official to serve any person herein required to be served other than the owner of record shall not invalidate any proceedings hereunder nor shall it relieve any other person served from any obligation imposed on him.

3.2.3 The notice shall be served either personally or by certified mail, postage prepaid, return receipt requested,

to each person at the address as it appears on the official public records. If addresses are not available on any person required to be served the notice, the notice addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. The failure of any person to receive notice, other than the owner of record, shall not invalidate any proceedings under this section. Service by certified or registered mail as herein described shall be effective on the date the notice was received as indicated on the return receipt.

3.2.4 Proof of service of the notice shall be by written declaration indicating the date, time and manner in which service was made and signed by the person served on by the return receipt.

3.3 Recording of Notice

If the notice is not complied with nor an appeal filed within the allotted time, the Building Official shall file in the Office of the Clerk a certificate describing the property and certifying that the building or structure is unsafe and that the owner of record has been served. This certificate shall remain on file until such time as the conditions rendering the building or structure unsafe have been abated. At such time, the building official shall file a new certificate indicating that corrective action has been taken and the building or structure is no longer unsafe from that condition.

3.4 Standards for Compliance

The following action shall be taken by the Building Official when ordering the repair, vacation or demolition of an unsafe building or structure:

1. The building shall be ordered repaired in accordance with the Standard Building Code or demolished at the option of the owner.
2. If the building or structure poses an immediate hazard to life or to the safety of the public it shall be ordered vacated immediately.

3.5 Posting of Notice to Vacate

Every notice to vacate, in addition to complying with Section 3.2, shall be posted at each exit and entrance to the building or structure and shall state:

THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL.

Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents to remove such notice without written permission of the Building Official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.

IV. APPEALS

Right to Appeal

4.1 Filing

Any person entitled to service in accordance with the provisions of Section III may appeal any action of the Building Official under this Code to the Construction Board of Adjustments and Appeals. Such appeal must be filed in writing with the Building

Official within 30 days from the date of service and must contain at least the following information:

1. Identification of the building or structure concerned by street address or legal description.
2. A statement identifying the legal interest of each appellant.
3. A statement identifying the specific order or section being appealed.
4. A statement detailing the issues on which the appellant desires to be heard.
5. The legal signature of all appellants and their official mailing address.

4.2 Hearing

Upon receipt of an appeal, the board shall as soon as practicable fix a date, time and location for the hearing of the appeal. The hearing date shall not be more than 60 days from the date the appeal was filed with the Building Official. Written notice of the time and location of the hearing shall be delivered personally or mailed to each appellant at the address on the appeal by certified mail, postage prepaid and receipt requested.

4.3 Failure to Appear

Failure of any person to appear at the hearing set in accordance with the provisions of this section shall constitute a waiver of his right to an administrative hearing on the notice.

4.4 Scope of Hearing

The hearing shall offer the appellant reasonable opportunity to be heard on only those specific matters or issues raised by the appellant in his appeal. The appellant may appear at the hearing

in person or through his attorney or other designated representative.

4.5 Staying of Notice Under Appeal

Except for a vacation order issued in accordance with Section 3.4, enforcement of any notice issued by the Building Official under the provisions of this Code shall be held in abeyance during the course of an appeal.

V. **IMPLEMENTATION**

5.1 Failure to Respond

Any person, who, after the order of the Building Official or the decision of the board becomes final, fails or refuses to respond to the direction of such order, shall be prosecuted to the extent provided for by law.

5.2 Failure to Commence Work

5.2.1 Whenever the required repair, vacation or demolition is not commenced within 30 days after the effective date of any order, the building, structure or premises shall be posted as follows:

UNSAFE BUILDING

DO NOT OCCUPY

It shall be punishable by law to occupy this building or remove or deface this notice (specify the applicable local law and the penalty for violation thereof). Building Official. County of Nassau.

5.2.2 Subsequent to posting the building, the Building Official may cause the building to be repaired to the extent required to render it safe or if the notice required demolition, to cause the building or structure to be demolished and all debris removed from the premise. The cost of repair or demolition shall constitute a lien on the property and shall be collected in a manner provided by law. The Building Official shall notify the County Attorney and the County Attorney shall prepare the lien for recording.

5.2.3 Any monies received from the sale of a building or from the demolition thereof, over and above the cost incurred, shall be paid to the owner of record or other persons lawfully entitled thereof.

5.3 Extension of Time

The Building Official may approve one or more extensions of time of thirty (30) days as he may determine to be reasonable to complete the required repair or demolition. Such requests for extension shall be made in writing stating the reasons thereof. If the extension of time, in total, exceed(s) sixty (60) days, that must be approved by the board, which may act at a regularly scheduled meeting. Said extension of time may not exceed one hundred twenty (120) days without good cause.

5.4 Interference

No person shall obstruct or interfere with the implementation of any action required by the final notice of the Building Official or the board. Any person found interfering or obstructing such actions shall be prosecuted to the extent provided for by law.

5.5 Performance of Work

The repair or demolition of an unsafe building as required in the notice by the Building Official or the final decision of the board shall be performed in an expeditious and workmanlike manner in accordance with the requirements of this code and all other applicable codes and accepted engineering practice standards.

VI. RECOVERY OF COST OF REPAIR OR DEMOLITION

6.1 General

Whenever a building or structure is repaired or demolished in accordance with the provisions of this code and the cost of such repair or demolition is borne by the city, county or state, procedures for the budgeting, expenditure and recovery of such funds shall be established.

VII. CONFLICT

Any ordinance, or parts thereof, in conflict herewith are repealed.

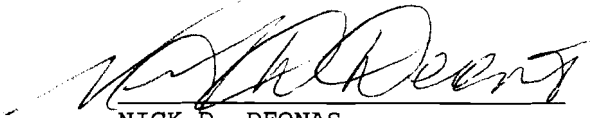
VIII. VALIDITY

If any section, paragraph, phrase or word of this Ordinance is held to be unconstitutional or invalid, such portion shall not affect the remaining portions thereof, and it shall be construed to have been a legislative intent to pass this ordinance without such unconstitutional or invalid part.

IX. EFFECTIVE DATE

The effective date of this Ordinance shall be September 18, 2000,
and upon filing with the Secretary of State's Office.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



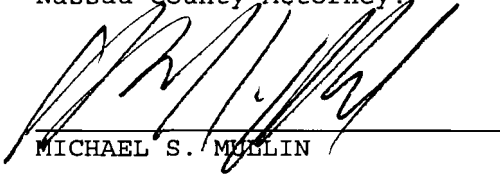
NICK D. DEONAS
Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney:


MICHAEL S. MULLIN

h/joyce/unsafebldgordinance

Connie Arthur

To: Ann Myers; Elaine Coats; Joan Blanchard; Joyce Bradley; Mary Julia Little; Mary Potochnik
Cc: Whitey Moran; Brenda Linville
Subject: Demolition Liens

Procedures for satisfaction of liens:

Property owners wishing to satisfy a demolition lien may be directed to Legal Services for assistance. Mary in Finance will calculate any interest due. Legal Services will advise the property owner of the total amount due and advise that the check should be made payable to the BOCC and collect the fee using a manual receipt. The check is forwarded to Finance for disposition to the Building Department and Clerk's fee. The County Attorney's office is notified to prepare the satisfaction of lien letter and send it to the property owner. The property owner may then take the satisfaction letter to Recording for processing. The fee to record it since Article V will be \$10.

JEW-26