

ORDINANCE NO. 83-9

AN ORDINANCE SETTING FORTH PROCEDURES FOR THE REPAIR, SECURING, DEMOLITION AND REMOVAL OF UNFIT OR UNSAFE DWELLINGS OR STRUCTURES, COMMERCIAL OR OTHERWISE; ESTABLISHING FEES FOR INSPECTIONS OF STRUCTURES; PROVIDING FOR NOTIFICATION TO OWNER OF INSPECTION AND RESULTS OF SAID INSPECTION AND PROVIDING FOR NOTICE OF CONDEMNATION; PROVIDING FOR THE COUNTY OF NASSAU TO AUTHORIZE THE BUILDING OFFICIAL TO DEMOLISH, REMOVE AND SECURE A STRUCTURE; PROVIDING FOR THE COUNTY OF NASSAU TO ASSESS THE ENTIRE COST OF SUCH DEMOLITION, REMOVAL AND SECURING AGAINST THE REAL PROPERTY UPON WHICH COST WAS INCURRED, INCLUDING ADMINISTRATIVE COST, POSTAL EXPENSE, NEWSPAPER PUBLICATION; PROVIDING FOR THE RECORDING OF THE LIEN UPON SUCH PROPERTY; PROVIDING FOR APPELLATE PROCEDURES; PROVIDING FOR EMERGENCY CONDEMNATION; SETTING PENALTIES FOR VIOLATION OF THIS ORDINANCE; DEFINING CERTAIN TERMS HEREIN USED; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has been made aware of the fact that unsafe and unfit structures in Nassau County imperil the health, safety, welfare and morals of the residents of Nassau County; and

WHEREAS, it is 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 the removal of unfit and unsafe structures;

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners that this Ordinance be passed to include the following:

Section 1. Definitions.

(a) "Unfit or Unsafe Dwelling": Shall mean structures or portions thereof including accessory buildings that are structurally unsafe; unstable; unsanitary; inadequately provided with exit facilities; a fire hazard; unsuitable or improper for the use or occupancy for which they are intended; a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; dangerous to life or property or otherwise in violation of the Housing Code or the standard Building Code; the National Electric Code; the standard Plumbing Code; the standard Mechanical Code or the standard Gas Code.

(b) "Abandoned": The term abandoned shall mean a dilapidated, deteriorated, or decayed building or structure that is vacant and unsecured.

(c) "Structures": The term structure shall include commercial or residential buildings or building, or portions thereof and accessory building or buildings, including garages; sheds and similar accessory structures; apartments or apartment houses; multiple buildings; condominium units or condominiums.

(d) Building official or his assistant: The designation shall mean the building inspector as designated by the Board of County Commissioners of Nassau County and his assistant as also designated by the Board of County Commissioners of Nassau County.

(e) "Bonafide Agent": shall mean an individual who has a notarized authorization that he or she is the agent of the owner for purposes of representating the owner before the Board of County Commissioners regarding the appeal of an order of repair or demolition of a dwelling.

The notarized statement shall also include language that reflects the owners understanding that he or she will be bound by the representations of his agent.

Section 2 Inspection and Determination.

(a) The building official or his designee shall conduct regular inspections of structures within Nassau County and said inspections shall also be made at the request of residents of Nassau County.

(b) When a dwelling or other structure or any portion thereof, including an accessory building, after an inspection, is found to be unfit or unsafe, the building official or his assistant shall require the repair or securing and demolition and removal thereof.

Section 3. Notification of Inspection Results.

(a) Immediately after an inspection by the building official or his assistant and determination that the dwelling or other structure or any portion thereof including an accessory building, is found to be unfit or unsafe, the building official

or his assistant, shall:

1. Notify, in writing, the owner of record, if possible, and occupant of record, if possible, of the results of his inspection and shall state:

(a) The reasons why he finds the dwelling to be unsafe and unfit;

(b) Date and time of the inspection.

(c) His determination as to required action, either repair or demolition and removal.

(d) The written notice shall be sent by certified/registered mail, return receipt requested, and the mail receipts and copies of all inspections and findings shall be maintained at the building officials office and shall become public record.

(e) A copy of the written notice shall also be affixed to the dwelling.

2. Provide the owner of record, if possible, and occupant of record, if possible, with a copy of this Ordinance.

Section 4. Repair.

(a) If a determination is made by the building official or his assistant that the dwelling needs to be repaired, the official shall also include in his inspection report, the actions necessary to repair the dwelling. The official shall also provide, in the written notification, a reasonable period of time in which to accomplish the necessary repairs.

(b) The written notice shall be provided to both the occupant of record, if possible, and the owner of record, if possible. The owner of record shall be responsible for the repairs.

(c) The building inspector shall re-inspect the dwelling at the termination of the time stated for repairs to be made and the fee shall be assessed as set forth in Section 9.

(d) Upon written request, a reasonable extension of time to accomplish the repairs may be granted by the building official.

Said extension shall be in writing and shall be maintained at the building officials office.

Section 5. Demolition.

(a) If a determination is made by the building official or his assistant that the dwelling must be demolished, the building official or his assistant shall, as stated in Section 3, provide the owner of record, if possible, and occupant of record, if possible, a copy of the inspection results and a notice and order of condemnation, in addition, a copy of the inspection results and notice and order of condemnation shall be conspicuously posted on the dwelling and posted by a conspicuous sign. The notice shall provide instructions to secure the dwelling, and obtain a demolition permit and a period of thirty (30) days from the date of inspection to demolish and remove the dwelling and said notice shall also advise of the right of appeal. The owner of record shall be responsible to carry out these requirements.

(b) If the name of the owner of record or his place of residence or his post office address cannot be ascertained after diligent search or in the event a notice sent to the owner by either registered or certified mail shall be returned undelivered and the person to be notified is not residing within the City, notice shall be given by publishing, at least two (2) times, in the local newspaper, a copy of the inspection results and notice of demolition and removal and said notice of demolition and removal and inspection results shall be posted in a conspicuous place at the County Courthouse and upon said dwelling or structure and posted on a sign on the property.

(c) Building inspector or his assistant shall re-inspect the dwelling during demolition and at the time provided for in the notice and the fees shall be as set forth in Section 9.

Section 6. Failure to Comply with Demolition Notice.

(a) In the event that the owner of record shall fail to comply with a demolition and removal order within the time therein fixed, and upon the expiration of the appeal time, the

County of Nassau, acting through its building official, is authorized to demolish and remove and secure either with County personnel or by independent contractor, who submits the lowest and best bid, any such structure, including accessory buildings.

(b) See also Section 12. Penalties.

Section 7. Assessment of Cost of Demolition.

(a) Upon expiration of the appeal time, with no appeal having been taken, and the dwelling having not been demolished and removed, the County Commission shall assess the entire cost of such demolition and removal and securing against the real property upon which cost was incurred, which assessment shall include inspection fees, rodent extermination where employed and all administrative costs, postal expenses, newspaper publications, and the like when made and such shall constitute a lien upon said property superior to all others except taxes.

(b) The County shall file such lien in the County's Official Records Book, showing the nature of such lien, and the amount thereof and an accurate legal description of the property, including the street address, which lien shall date from the date of filing and recite the names of all persons notified or interested parties. Said lien shall bear interest from such date at the rate of 8% per annum and shall be enforceable if unsatisfied, after the expiration of five (5) years from the date of filing such notice of lien. All such recorded liens shall be included in the County tax deed sale, and no such deeds shall be issued unless full payment of principal and interest is received.

Section 8. Emergency Condemnations, Authority to Take Action Hearing.

(a) In cases where there is imminent peril to the public safety or general welfare or immediate danger to the life or safety of any person or where the public is endangered by hurricane hazards unless an unfit or unsafe dwelling or structure, including accessory building, is immediately repaired vacated or demolished and removed, the building official shall

report such facts to the Board of County Commissioners at its next regular meeting or other meeting called to hear emergency condemnations. Upon a proper showing and considering all the evidence, the Board may authorize the building official to take appropriate, specific action at the expiration of fifteen (15) days from the date of the Boards Order.

(b) Public Notice. Public notice of the hearing in emergency cases only shall be given by posting a copy of the Boards Agenda or a good and sufficient notice of such hearing on a bulletin board in the Court House at least ten (10) days prior thereto and by posting upon the individual dwelling or structure itself and by posting a sign on the property.

Section 9. Re-inspection Fee.

The owner of record and occupant of record shall be responsible to insure that the fees as stated below are paid to the County of Nassau within ten (10) days of any re-inspection, as stated in Section 4 or 5. The re-inspection fees shall be as follows:

- (a) Residential dwellings, \$10.00 per re-inspection.
- (b) Commercial dwellings, \$20.00 per re-inspection.
- (c) Other structures (accessory buildings, garages, etc.)  
\$10.00 per dwelling, per re-inspection.

Section 10. Extension of time to Complay with Demolition Order.

If a demolition permit is obtained within the specified period and work has begun to comply with the order, but it appears that the work cannot be completed within the time allowed, a written request may be filed with the Board of County Commissioners of Nassau County, stating the reasons that demolition cannot be accomplished within the time specified, and if reasonable grounds are shown therefor, the Board of County Commissioners may grant an extension or extensions.

Section 11. Appeal Procedure.

Appeals before the Board of County Commission of Nassau

County, may be taken by the owner of record or his bonafide agent who has received an order for repair or demolition, except in emergency cases as set forth in Section 8. Such party is afforded a right of hearing upon payment of a filing fee of fifteen dollars (\$15.00) and a written request, which shall set forth the reasons for the request for such hearing and shall be filed with the Clerk of the Circuit Court within ten (10) days of receipt of notice of inspection. The owner of record or his bonafide agent shall be notified by the Clerk of the Circuit Court of a date to appear before the Board of County Commissioners to be heard on the appeal. The owner or his agent may appear in person or be represented by counsel and may submit any and all evidence declared appropriate by the Board of County Commissioners. In addition to the notice of a time to appear that is provided to the owner or his agent, a notice of appeal hearing by the Board shall be published at least once in a newspaper of general circulation in the County at least seven (7) days prior to the time and place of hearing.

When the findings of the board sustain the building official, the board may set a new deadline date for compliance or authorize the building official to proceed at the expiration of sixteen (16) days to demolish and remove the dwelling or structure, including accessory buildings, and assess the costs as provided in Section 7. Having exhausted his administrative remedies before the board, an appellant who remains aggrieved, within fifteen (15) days from the day of the board's resolution or order, may appeal to the circuit court, upon the posting of adequate bond, as prescribed by law.

Section 12. Penalties.

A violation of any section of this Ordinance shall subject the violator to a penalty, upon a conviction, of up to \$500.00 and/or ten (10) days in the County Jail.

Section 13. Effective Date.

This Ordinance shall take effect upon being adopted by the

Board of County Commissioners.

BOARD OF COUNTY COMMISSIONERS  
OF NASSAU COUNTY, FLORIDA

By: Gene R. Blackwelder  
Gene Blackwelder  
Its: Chairman

Attest: T. J. Greason  
T. J. Greason  
Its: Ex-Officio Clerk