

Requested by: Building and Code Enforcement Department
Prepared by: City Clerk's Office

ORDINANCE NO. 2016-21

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF VENICE, FLORIDA, CHAPTER 90, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IV, TECHNICAL CODES, SECTION 90-202, SUPPLEMENTS TO THE FLORIDA BUILDING CODES; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Standard Housing Code, 1994 edition, is incorporated in its entirety into the City of Venice Code of Ordinances, but portions of the Standard Housing Code are inapplicable to the City; and

WHEREAS, the City desires to amend the adoption by reference to limit it to only those portions of the Standard Housing Code that relate to the minimum standards for occupancy; and

WHEREAS, a revision to Section 90-202 is also needed to clarify how violations of the supplemental codes adopted by reference may be enforced; and

WHEREAS, city council finds that the proposed revisions are in the best interest of the health, safety, and welfare of the citizens of the City of Venice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. Chapter 90, Buildings and Building Regulations, Article IV, Technical Codes, Section 90-202, Supplements to the Florida Building Codes; housing, is hereby amended as follows:

(a) The Florida Building Codes adopted in section 90-201 are hereby supplemented in the following particulars:

(1) Sections 101.1 and 101.7, Chapter 2, and Sections 301 through 308 of tThe Standard Housing Code, 1994 edition, and the Standard Unsafe Building Abatement Code, 1985 edition, of which one copy each has been and is now filed in the office of the city clerk, are hereby adopted and incorporated as fully as if set forth in this article, and the provisions thereof shall be controlling in the use, maintenance, demolition and occupancy of all dwellings, dwelling units or structures within the area of jurisdiction of the city.

(2) Upon state law mandating the adoption of a new Florida Housing Code and/or a new Florida

The City of Venice Code of Ordinances is amended as follows with ~~strike-through text~~ identifying deletions and underlined text indicating additional language.

Unsafe Building and Abatement Code and subsequent editions, such codes shall become law in the city on the date mandated by the state without any further amendment to this chapter.

~~(b)(3)~~ *Unsafe buildings.* All buildings or structures which are unsafe, unsanitary or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are declared to be unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and illegal and may be abated by repair and rehabilitation or by demolition in accordance with the following procedure:

~~(1)a.~~ Whenever the building official shall find any building or structure or portion thereof to be unsafe, as defined in this section, he shall give the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building or structure or portion thereof.

~~(2)b.~~ If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the building official. The building official shall cause to be posted at each entrance to such building a notice stating: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY IS 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 or his agents, employees or other servants to remove such notice without written permission of the building official, or for any person to enter the building or structure except for the purpose of making the required repairs or demolishing the building or structure.

~~(3)c.~~ The notice required in subsection (3)a of this section shall:

~~a1.~~ Be in writing;

~~b2.~~ Include a statement of the reasons why it is being issued;

~~c3.~~ Allow 60 days' time for the performance of any work it requires;

~~d4.~~ State that, if such repair, reconstruction, alteration, removal or demolition is not voluntarily completed within the stated time as set forth in the notice, the city shall institute legal proceedings charging the person or agent with a violation of this Code;

~~e5.~~ Be delivered to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of his family above 15 years of age and informing such person of the contents of the notice; or be deposited in the United States mail, certified, return

receipt requested, addressed to the owner at his known address, with postage prepaid thereon; or be posted for 24 hours in a conspicuous place on the premises to be repaired or demolished.

~~(4)e.~~ The owner, agent or person in control shall have the right to appeal from the decision of the building official, as provided in this chapter, and to appear before the construction board of adjustment and appeals at a specified time and place to show cause why he should not comply with the notice.

~~(5)e.~~ If the owner, agent or person in control of any unsafe building or structure shall fail, neglect or refuse to comply with the notice to repair, rehabilitate, or demolish and remove the building or structure or portion thereof within the stated time limit, the city shall be authorized to obtain equitable or legal relief from any court of competent jurisdiction to abate the public nuisance through demolition or other appropriate means. In such proceedings where the city is the prevailing party, the city shall be entitled to recover its costs, including administrative cost, cost of demolition, court costs, and reasonable attorney's fees for trial and appellate services. Such costs and fees shall, upon recordation of a certified copy of a judgment in the county public records, become a lien upon the real property upon which the unsafe building or structure was located, and shall bear interest at the rate permitted by law for judgments. The city shall also be entitled to recover costs and reasonable attorney's fees for trial and appellate services in foreclosing any such liens.

~~(6)f.~~ In the event of an emergency, the building official may reduce the 60-day notice provision or, in cases of extraordinary danger, after notice to the owner, enter the property and cause such repairs as may be necessary to protect the public. The costs of such emergency repairs shall be the responsibility of the owner.

~~(c)g.~~ ~~Violations of~~ ~~The building division may enforce~~ this section may be enforced by proceedings before the city code enforcement board. Where an owner has failed to comply with an order of the code enforcement board, the city shall not be prohibited from also seeking judicial relief pursuant to the provisions of this section.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 4. If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the 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. The city council specifically declares that no invalid or prescribed provision or application

was an inducement to the enactment of this ordinance, and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 5. This Ordinance shall take effect immediately upon approval and adoption as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 8TH DAY OF NOVEMBER, 2016.

First Reading: October 25, 2016

Final Reading: November 8, 2016

Adoption: November 8, 2016

John W. Holic, Mayor

ATTEST:

Lori Stelzer, MMC, City Clerk

I, Lori Stelzer, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, a meeting thereof duly convened and held on the 8th day of November, 2016, a quorum being present.

WITNESS my hand and the official seal of said City this 8th day of November, 2016.

Lori Stelzer, MMC, City Clerk

Approved as to form:

City Attorney

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