



MEMORANDUM
Office of the City Attorney

Legistar No. 980745

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: September 11, 2000
FIRST READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-99-30

An ordinance of the City of Gainesville, Florida, amending section 6-20 of the Code of Ordinances relating to boarded buildings by providing that the city manager or designee shall inspect all buildings being boarded and sealed to determine if they should be ordered demolished and providing for a fee for a board and seal permit; amending section 16-17 of the Code of Ordinances creating and adding definitions; amending section 16-20 of the Code of Ordinances relating to standards for repair of dangerous buildings, clarifying that boarding and sealing a building is temporary, providing for an order to demolish buildings that are not reasonable to repair, and providing that buildings ordered to be vacated may be ordered demolished if construction work does not begin within six months or ceases for two years and providing that buildings that are not reasonable to repair shall be ordered demolished; amending Appendix A of the Code of Ordinances specifying a fee for a board and seal permit; providing that a copy of this ordinance be provided to current holders of board and seal permits; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

The City Commission at its meeting of November 9, 1998, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the Dangerous Building and Hazardous Lands and Housing Codes. The City Attorney's Office has been working with the Community Development Department to draft an ordinance that both allows the City to take action on deteriorating boarded buildings and meets constitutional requirements.

Prepared by:

Patricia M. Carter,
Sr. Assistant City Attorney

Approved and
Submitted by:

Marion J. Radson,
City Attorney

MJR:PMC:sw

D R A F T

8-23-00

Ordinance No. _____
0-99-30

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4 **An ordinance of the City of Gainesville, Florida, amending**
5 **section 6-20 of the Code of Ordinances relating to boarded buildings**
6 **by providing that the city manager or designee shall inspect all**
7 **buildings being boarded and sealed to determine if they should be**
8 **ordered demolished and providing for a fee for a board and seal**
9 **permit; amending section 16-17 of the Code of Ordinances creating**
10 **and adding definitions; amending section 16-20 of the Code of**
11 **Ordinances relating to standards for repair of dangerous buildings,**
12 **clarifying that boarding and sealing a building is temporary,**
13 **providing for an order to demolish buildings that are not reasonable**
14 **to repair, and providing that buildings ordered to be vacated may be**
15 **ordered demolished if construction work does not begin within six**
16 **months or ceases for two years and providing that buildings that are**
17 **not reasonable to repair shall be ordered demolished; amending**
18 **Appendix A of the Code of Ordinances specifying a fee for a board**
19 **and seal permit; providing that a copy of this ordinance be provided**
20 **to current holders of board and seal permits; providing directions to**
21 **the codifier; providing a severability clause; providing a repealing**
22 **clause; and providing an immediate effective date.**

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24 **WHEREAS**, at least 10 days notice has been given once by publication in a
25 newspaper of general circulation notifying the public of this proposed ordinance and of a
26 Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

27 **WHEREAS**, a Public Hearing was held pursuant to the published notice
28 described at which hearing the parties in interest and all others had an opportunity to be
29 and were, in fact, heard;

30 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
31 **THE CITY OF GAINESVILLE, FLORIDA:**

32 **Section 1.** Section 6-20 of the Code of Ordinances is amended to read as follows:

33 **Sec. 6-20. Temporary Bboarding and sealing of buildings; permit required.**

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8-23-00

1 (a) A permit must ~~shall~~ be obtained before any building is boarded and sealed. An
2 application for a permit shall be filed in the department designated by the city manager.
3 The permit shall expire one year after it is issued. ~~An annual renewal permit shall be~~
4 ~~obtained for each and every year the building remains boarded and sealed.~~

5 (b) The application for initial permit shall contain ~~require~~ the following information:

6 (1) Location of building by street address and tax parcel number.

7 (2) Name, mailing address and telephone number of owner.

8 (3) Name, mailing address and telephone number of individual applying for
9 the permit, if other than owner.

10 (4) Reason for boarding and sealing building.

11 (5) Length of time building is expected to remain boarded and sealed.

12 (6) Whether utilities will be turned off during the time the building is boarded
13 and sealed.

14 ~~(7) If boarding and sealing for more than one year, the owner's ultimate plans~~
15 ~~for the building.~~

16 (c) The individual to whom the permit is issued shall comply with the vacant property
17 standards in section 16-20 within 20 days and shall remain in compliance during the
18 permit period. ~~All owners of existing boarded and sealed buildings are given six months~~
19 ~~from the date of written notice to come into compliance with this section and the vacant~~
20 ~~property standards in section 16-20. The city manager shall provide written notice to all~~
21 ~~owners of existing boarded and sealed buildings within 90 days of the adoption of this~~
22 ~~section.~~

1 (d) Starting October 1, 2000, the city manager or designee shall inspect any building
2 for which a board and seal permit or renewal of permit is being sought. If the city
3 manager or designee finds that a building is so dilapidated or has become so out of repair
4 as to be unsafe or otherwise unfit for human habitation or occupancy, as these terms are
5 defined in Chapter 16 of this Code, and that it is unreasonable to repair such building
6 considering the cost to repair and the expected market value of the property after repair,
7 the city manager or designee shall order the owner of the building to demolish and
8 remove such building. No board and seal permit shall be issued or renewed for a building
9 that has been ordered demolished and removed.

10 (e) Starting October 1, 2000, a fee shall be collected with the application for permit,
11 to cover the costs of inspection of the building.

12 **Section 2.** The following definitions are created and added to section 16-17 of the Code
13 of Ordinances. All other definitions in section 16-17 remain the same.

14 *Unsafe building* shall mean a building that is dangerous to the life, health, property or
15 safety of the public or the occupants by not providing minimum safeguards to protect or
16 warn occupants in the event of fire, or because such building contains unsafe equipment
17 or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction
18 or unstable foundation, that partial or complete collapse is possible.

19 *Unsafe equipment* shall include any boiler, heating equipment, elevator, moving stairway,
20 electrical wiring or device, flammable liquid containers or other equipment on the
21 premises or within the building that is such disrepair or condition that such equipment is a
22 hazard to life, health, property or safety of the public or occupants of the premises or
23 building.

1 Unfit for human occupancy shall mean in such disrepair as to be unsanitary, vermin or rat
2 infested, containing filth or contamination, or lacking ventilation, illumination, sanitary or
3 heating facilities or other essential equipment required by the housing code, or so located
4 as to constitute a hazard to the occupant of the building or to the public.

5 **Section 3.** Section 16-20 of the Code of Ordinances is amended to read as follows:

6 **Sec. 16-20. Standard for repair, vacation, demolition, temporary board and seal, or**
7 **abatement.**

8 The following minimum standards shall be followed in substance by the enforcing
9 official the by the board of appeals in ordering repair, vacation, demolition, temporary
10 board and seal, and abatement.

11 (1) The owner of a dangerous building shall be given the option, wherever possible,
12 of either demolishing the building or repairing it so that it will no longer exist in violation
13 of the terms of this article.

14 (2) If a dangerous building is in such condition as to make it dangerous to the health,
15 safety, or general welfare of its occupants, it shall be ordered to be repaired or demolished
16 and brought up to code vacated. The owner must apply for a board and seal permit as
17 described in Chapter 6 of this Code. If the permit is granted, the building must be and
18 boarded and sealed until such time as the dangerous building it is demolished or repaired
19 so that it is no longer in violation of the terms of this article. If the owner does not obtain
20 a permit and board or seal the building within 1 month of the order to repair or demolish,
21 the enforcing official shall order the owner to demolish and remove the building. If the
22 owner does not begin to repair the building within 6 months of the order to repair or
23 demolish, or the owner begins to repair the building and there is a cessation of normal

1 construction or repair of more than 6 months, the enforcing official shall order the owner
2 to demolish and remove the building.

3 (3) Vacant property standards. The following are minimum vacant property standards
4 ~~shall~~ to be adhered to when temporary board and seal is permitted ~~ordered~~ Compliance
5 with these standards does not constitute repair of a dangerous building.

6 ~~Board and seal standards:~~

7 a. Exterior grade sheathing plywood of three-eighths of an inch thickness or
8 greater shall be used to fully cover all windows, doors and other openings which
9 may allow access to the interior of the building.

10 b. Plywood covers shall be nailed, screwed or bolted firmly over each
11 opening. No splices or joints of any kind shall occur over openings. Plywood shall
12 not project beyond the outside edges of casings around openings, or in the absence
13 of casing, project no further than six inches beyond the openings.

14 c. Nails shall be a minimum of 8D common hot dip galvanized nails. Screws
15 shall be a minimum of no. 10 wood screws. Bolts shall be approved by the
16 enforcing official prior to use.

17 d. Nails or screws shall not be spaced more than 12 inches on center along
18 edges nor more than one inch from each corner.

19 e. The exterior surfaces of all buildings shall be protected against the
20 elements and loss of aesthetic value by the application of paint or other approved
21 protective materials applied in accordance with the manufacturer's specifications.

22 The paint or other protective material must match the building colors.

1 (3) In any case where hazardous lands exist, the hazardous conditions existing upon
2 the lands shall be ordered to be abated by the means least expensive and least detrimental
3 to the owner's property and to the public environment.

4 **Section 4.** Appendix A of the Code of Ordinances is amended to read as follows:

5 APPENDIX A - SCHEDULE OF FEES, RATES AND CHARGES

6 BUILDINGS AND BUILDING REGULATIONS:

7 (13) Board and seal permit fee (§ 6-20(d)) 75.00

8 **Section 5.** The city manager or designee shall provide a copy of this ordinance by mail to
9 last known address for the permit to all property owners who possess a current board and
10 seal permit within 30 days of the adoption of this ordinance.

11 **Section 6.** It is the intention of the City Commission that the provisions of Sections 1
12 through 4 of this Ordinance shall become and be made a part of the Code of Ordinances
13 of the City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance
14 may be renumbered or relettered in order to accomplish such intentions.

15 **Section 7.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
16 or unconstitutional by any court of competent jurisdiction, then said holding shall in no
17 way affect the validity of the remaining portions of this ordinance.

18 **Section 8.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
19 such conflict hereby repealed.

20 **Section 9.** This ordinance shall be effective immediately upon final adoption.

21 **PASSED AND ADOPTED** this _____ day of _____, 2000.

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PAULA M. DeLANEY

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8-23-00

MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

This Ordinance passed on first reading this _____ day of _____, 2000.

This Ordinance passed on second reading this _____ day of _____, 2000.

carter:ordinances:0-99-30 demolishing boarded buildings