

Whenever the enforcing official determines that a minor violation (see section 13-19 for definition) of this article exists, he/she shall take action as follows:

- (1) Give written notice of the violation to the occupants and/or owners.
- (2) The notice shall include:
  - a. A description of the location of the structure involved, either by street address or legal description;
  - b. A statement indicating the nature of the violation and the reason or reasons why the notice of violation is issued;
  - c. A specification of the section or sections of this article upon which the notice of violation is based;
  - d. If repairs or alterations will bring the structure into compliance with this article, a statement of the nature and extent of such repairs or alterations necessary to comply with this article; and
  - e. A statement that the violation, if it is uncorrected and becomes a major violation, could result in the city performing the required repairs and obtaining a lien on the property.
- (3) The written notice of violation referred to in subsections (1) and (2) above shall in all cases be served upon the owner, as well as upon the occupant of the premises, if the premises are not occupied by the owner. Such service shall be deemed complete if personally delivered or upon sending same by regular mail to the last known address of the owner as shown on the tax rolls of the city.

(Code 1960, § 15A-10; Ord. No. 3091, § 1(15A-10), 1-7-85)

**Sec. 13-40. Procedures in handling major violations.**

Whenever the enforcing official determines that a major violation of this article or article III exists, he/she shall take action as follows:

- (1) Give written notice of the violation as described in paragraph (3) below.
- (2) The notice shall include:
  - a. A description of the location of the structure involved, either by street address or legal description;

- b. A statement indicating the nature of the violation and the reason or reasons why the notice of violation is issued;
  - c. A specification of the section or sections of this chapter upon which the notice of violation is based;
  - d. If repairs or alterations will bring the structure into compliance with this article, a statement of the nature and extent of such repairs or alterations necessary to comply with this article;
  - e. If repairs or alterations are necessary for compliance, a specification of time for performing such repairs, such time to be not less than fifteen (15) nor more than one hundred twenty (120) days, except as noted in the definition of "letter of commencement" in section 13-19, depending on the extent of the needed repairs, and the degree of danger to the occupants, if any;  
Exception: When the violation is determined by the enforcing official to present an immediate threat to the health, safety and welfare of the occupants of the dwelling, the enforcing official may allow less than 15 days minimum time for compliance. Such determination of imminence shall be confirmed by the enforcing official's supervisor prior to the specification of time for performance by the enforcing official.
  - f. If the violation is of such character that repairs or alterations cannot reasonably bring the structure into compliance, a statement to this effect and an order for vacating of the premises indicating fully the reasons therefor;
  - g. The name or names of persons upon whom the notice of violation is served as required by subsection (3) and this subsection;
  - h. A statement advising that upon the owner's failure to comply with the notice, the city may perform or cause to be performed the repairs, alterations, demolition or vacation of the premises involved and that the expense of such performance by the city shall be, and the same shall constitute, a lien against the property involved;
  - i. A statement advising of procedures available for review of the action of the enforcing official as set out in division 3 of this article.
- (3) The written notice of violation referred to in subsections (1) and (2) above shall in all cases be served upon the owner or his/her agent, as well as upon the occupant of the premises, if the premises are not occupied by the owner. Such service shall be deemed complete if personally delivered or upon sending same by certified mail, return receipt requested, to the

last known address of the owner as shown on the tax rolls of the city, and by posting a copy of the notice in a conspicuous place on the premises.

- (4) The enforcing official shall endorse on the copies of the written notice, the date, time and manner of service of the notice or notices as is hereby required.
- (5) A written notice of a major violation becomes an order when no petition for review of the decision of the enforcing official has been taken or when the petition for review has been taken and the decision of the enforcing official has not been reversed.
- (6) When a notice of a major violation becomes an order and the order is not complied with, the enforcing official may take any of the actions authorized by this article to execute or seek compliance with the order.
- (7) At any time after the issuance of a notice of major violation the code enforcement procedure may be temporarily halted (rehabilitation halt) while consideration is being given to the owner by the city ~~or the Neighborhood Housing Services of Gainesville~~ for qualification for funds and/or actual rehabilitation of the unit in violation with the following qualifications:
  - a. A letter of commencement will be given to the enforcing official which will temporarily halt enforcement action;
  - b. A letter of release from liability will be signed by the person in control of the property and submitted to the enforcing official with the letter of commencement;
  - c. A letter of completion will be given to the enforcing official upon completion of services (whether or not assistance was given);
  - d. Upon receipt of the letter of completion, code enforcement action will commence from the point it was halted;
  - e. After a period of six (6) months code enforcement activity will continue without further notice unless a second letter of commencement and liability is issued to the enforcing official. At no time will the rehabilitation halt extend past twelve (12) months.

(Code 1960, § 15A-11; Ord. No. 3091, § 1(15A-11), 1-7-85)

Sec. 13-41. Execution of orders.

Notices which become orders may be executed in the following manner:

- (1) Notices to repair or to demolish. The enforcing official may cause the required repairs or demolition to be done, bill the owner for the full cost thereof and request that the city commission place a lien on the property for the work accomplished.
- (2) Notices to vacate. The enforcing official may request that the city attorney apply to the appropriate court for an order requiring the vacation of the premises.
- (3) Letting of premises in violation. The enforcing official may request that the city attorney apply to the appropriate court for an order enjoining the letting of premises in major violation of this article to any person other than the owner thereof for occupancy. The enforcing official may also request that the state attorney prosecute any person who lets such premises, for occupancy, to any person other than the owner.

(Code 1960, § 15A-12)

Sec. 13-42. Assessing liens.

- (a) Billing and notice. Promptly after completion of any repairs, alterations or vacation accomplished by the city under authority of this article, the enforcing official shall cause the owner to be billed for the cost of the work, including labor, materials, administrative costs, court costs, legal expenses and title searches. The bill shall be served upon the owner by delivery to him/her personally or by certified mail, return receipt requested, at his/her last known address as shown on the city tax rolls. If the bill is not paid within thirty (30) days following such service, the owner shall be notified of the enforcing official's intention to apply for a special assessment against the property. The notice shall:
  - (1) Describe the premises involved, either by legal description or street address;
  - (2) Describe the nature of the work done thereon and state the amount for which a special assessment is sought;
  - (3) Specify the date on which the city commission will hold a public hearing for the purpose of making a special assessment against the property for the cost of the work done thereon, and advise the owner of his/her right to be heard on any matter pertaining to the proposed special assessment; and
  - (4) Be served on the owner not less than ten (10) days prior to the date set for the hearing, in the same manner as set forth above in this section.

- (b) Hearing. At the hearing, the enforcing official shall report to the city commission on the nature of the work accomplished, the cost of the work, and the service of the required notice. All interested parties shall be given an opportunity to be heard at the hearing with respect to the validity and amount of the proposed special assessment.
- (c) Levy by city commission:
  - (1) After the hearing, the city commission may levy a special assessment against the property improved, for the cost of work done on the property, in such amount as the commission may find to be proper and reasonable. The assessments shall be made by the adoption of a resolution containing findings that:
    - a. The procedures of this article have been followed;
    - b. The work done was in conformity with the requirements of this article; and
    - c. The amount of assessment is just and reasonable and based on the actual cost of the work.
  - (2) The resolution shall contain a legal description of the property, the names of the owners of the property, and such other information as may be deemed appropriate. The assessment shall become effective immediately upon the adoption of the resolution and shall bear interest thereafter at the rate established by the method set forth below.
  - (3) Each year, immediately before the beginning of the next fiscal year, the city manager shall have the appropriate financial periodicals researched and shall determine the current rate of interest being paid by cities with credit ratings comparable to the city on debts of duration equal to the duration of liens. The city manager shall report this rate to the city commission, which shall consider the city manager's report and shall then set the rate of interest to be charged on the city's liens which are made during the next fiscal year. There shall be no effect on liens made prior to the beginning of the fiscal year, and once established for an individual lien, the interest rate shall not be changed. Upon the adoption of the resolution, the city shall have a lien placed against the property on which the repaired building is located, as described in the resolution, which lien shall be of equal dignity with other municipal liens. The owner may pay the amount of the lien, including interest, in thirty-six (36) equal, consecutive, monthly installments, commencing on the first day of the month following the adoption of the resolution.
- (d) Notice of adoption of resolution. A copy of the resolution shall be served on the owner by certified mail, return receipt requested, within ten (10)

days of the date of its adoption; a copy shall be published once each week for two (2) consecutive weeks in a newspaper of general circulation within the city and a copy shall be recorded in the public records of the county. Along with a copy of the resolution, the property owner shall be served a notice informing the owner that payments on the lien may be made in installments, the amount of each installment, the address to which the payments shall be sent, and of the consequence that the property may be sold to satisfy the lien if payments are not made.

- (e) Enforcement of liens. Liens shall be in default whenever one (1) monthly installment payment is missed unless all delinquent payments have been brought up to date with no outstanding delinquencies. Whenever liens are in default, they shall be referred to the city attorney for enforcement and collection.

(Code 1960, § 15A-13; Ord. No. 3091, § 1(15A-13), 1-7-85)  
Secs. 13-43--13-55. Reserved.

### DIVISION 3. ~~BOARD OF ADJUSTMENT AS APPEALS BOARD\*~~

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\*Cross references: Administration, Ch. 2; boards, commissions and committees generally, § 2-245 et seq.

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#### Sec. 13-56. Appeals board for housing violations established.

There is hereby established an appeals board for housing violations. The board of adjustment of the city shall serve and perform the duties of such board for housing violations, under the procedure set forth in section 30-354(h) for building code and land development code violations.

(Code 1960, § 15A-14)

#### Sec. 13-57. Records of hearings.

The proceedings of hearings before the appeals board shall be reduced to writing and entered as a matter of public record. The records shall be in the custody of the enforcing official and shall include:

- (1) The written notice of violation and all supporting documents filed with the enforcing official and evidence obtained by him/her;

- (2) The names and address of all persons appearing before the appeals board in the cause, together with a summary of their testimony;
- (3) The findings, as required by this housing code;
- (4) The decision and order as entered in the case.

(Code 1960, § 15A-15)

Sec. 13-58. Authority to grant extension of time; procedure.

- (a) The city manager or designee has the authority, upon good cause shown therefor in writing, to grant an extension of time within which an owner or occupant may be required to comply with a notice of violation which has been issued by the enforcing official, provided the written request for the extension of time is filed prior to the expiration of time originally stated in the written notice of violation.
- (b) The authority of the city manager or designee in considering requests for extension of time as given in this section shall be in each instance limited to either granting or denying the request for the extension, and shall not be considered as an appeal from the terms of the notice of violation, and the city manager or designee shall not have authority to modify or vary the terms of the notice of violation except as to the time of performance.
- (c) In granting or denying the request for extension of time, the city manager or designee shall consider such factors as are appropriate, including the good faith effort to comply, the availability of materials and workmen necessary, and such other factors as may be deemed appropriate and consistent with the intent of the housing code.
- (d) All requests for extension of time shall be decided within ten working days after the filing of the request.
- (e) In granting or denying the request, the city manager or designee shall state its reasons therefor and state the length of time, if it is extended, during which the acts required to be done shall be completed, which time, in no instance, may be greater than 90 days after the time period stated in the original notice of violation.

(Code 1960, § 15A-21; Ord. No. 970804, § 1, 1-11-99)

Sec. 13-59. Power to sustain, modify or withdraw notice of violation.

After public notice and public hearing, the appeals board shall have the power to sustain, modify or withdraw the notice of violation. The board shall make findings in writing in justifying the exercising of its authority and the same shall be a part of the permanent record of the case.

(Code 1960, § 15A-16)

Sec. 13-60. Findings--Sustaining.

If the appeals board sustains the enforcing official, it shall find:

- (1) That the facts as stated in the written notice of violation are correct and that the situation covered by the notice is, in fact, a violation of the housing code;
- (2) That the remedy stated by the enforcing official in the written notice of violation is the minimum remedial action which will bring the structure and premises cited into compliance with this article.

(Code 1960, § 15A-17; Ord. No. 3091, § 1(15A-17), 1-7-85)

Sec. 13-61. Same--Modification or withdrawal.

If the appeals board shall modify or withdraw the notice of violation, it shall find the following, as may be applicable to the specific case:

- (1) That the facts as stated in the written notice of violation are not correct and that the situation as covered by the notice is not, in fact, a violation of the housing code, or that the procedures required of the enforcing official in this article have not been complied with;
- (2) That the remedial action required by the enforcing official is not the minimum remedial action necessary to bring the structure and premises into compliance with the housing code and that some other remedial action, to be stated by the appeals board as a part of the record of the case, is the minimum action necessary to secure compliance with this housing code;
- (3) That a variance to the terms of this housing code is required and is in the interest of the public. For the purpose of this housing code a variance shall be deemed to be a relaxation of the terms of this housing code where the variance will not be contrary to the public interest and where, owing to special conditions and circumstances peculiar to this property, a literal enforcement of the provisions of this housing code would result in unnecessary and undue hardship. A variance to the terms of this housing code shall not be granted unless and until:
  - a. A written petition is submitted, demonstrating that special conditions and circumstances exist that justify the granting of the requested variance, that literal enforcement of the provisions of this housing code would deprive the petitioner of rights commonly enjoyed by other properties under this housing code, that granting the variance will not confer on the petitioner



- any special privilege that is denied by this housing code to others, that literal enforcement of the terms of this housing code will work undue and unnecessary hardship on the petitioner, and that granting the variance will, for reasons stated in the petition, be in the public interest;
- b. Public notice shall be given and public hearing held as required in this article;
  - c. The appeals board shall make findings as required by subsection (3)a. above and shall further find that the variance is the minimum variance necessary to accomplish the intent and purpose of this housing code;
  - d. The appeals board shall further make a finding that the grant of the variance will not be detrimental to the health of the neighborhood or the occupants of the structure, or otherwise detrimental to the public welfare;
  - e. In granting a variance, the appeals board may attach reasonable conditions and safeguards in conformity with this housing code. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this housing code.

(Code 1960, § 15A-18)

**Sec. 13-62. Stay of proceedings.**

An appeal from the action of the enforcing official to the appeals board stays all proceedings in furtherance of this action appealed from, unless the enforcing official from whom the appeal is taken certifies to the appeals board after petition for appeal is filed with him/her that, by reason of facts stated in the certificate, a stay would in his/her opinion cause imminent peril to life and health. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the appeals board or by a court of record, on application, and on notice to the enforcing official from whom the appeal is taken and on due cause shown.

(Code 1960, § 15A-19)

**Sec. 13-63. Status of appeals board actions.**

If the appeals board sustains or modifies the written notice of violation given by the enforcing official, it shall be deemed an order and action shall be taken by the enforcing official to enforce the same. Any notice of violation served pursuant to this housing code and in conformity with the provisions of this article shall become an order if no petition for review has been filed with the appeals board within the time limit set out in section 20-68.

(Code 1960, § 15A-20; Ord. No. 3091, § 1(15A-20), 1-7-85)  
Secs. 13-64-65-13-75. Reserved.

#### DIVISION 4. STRUCTURAL REQUIREMENTS

##### Sec. 13-76. Exteriors.

###### (a) Foundation systems:

- (1) The building foundation systems shall be maintained to provide a safe, firm base for the support of the structure. Foundation members shall not lean or be damaged, decayed, deteriorated or insect-infested to the extent that causes unsafe sagging, leaning or buckling of other structural members. Unsafe foundation members constitute a major violation.
- (2) Foundation systems that show significant deterioration that has not yet created sag, lean or buckling in the foundation or the structure above, but if left untended would do so shall be cleaned, treated and reinforced to prevent future deterioration. Failure to meet this requirement shall be a minor violation.

###### (b) Walls:

- (1) Every exterior wall shall be free of holes, cracks, breaks, loose or rotting and deteriorated coverings which might admit rain, dampness, cold, rodents or insects to the interior of the wall or occupied portions of the dwelling. Such conditions shall be considered a minor violation unless the defect is of such a nature as to create a hazard.
- (2) No wall or other vertical structural member shall list, lean or buckle to such an extent that a normally vertical structural member shall be more than two (2) inches out of plumb in ten (10) feet or less of vertical distance and the structure appears in danger of collapsing. Violations of these requirements shall be a major violation. Structural members that were originally designed not to be vertical (e.g., rafters or diagonal braces) that sag, lean or buckle from their original position to such an extent or to appear in danger of collapse shall constitute a major violation.

###### (c) Roofs.

- (1) Roofs shall not leak with such volume as to cause damage to any of the components of the structure. All critical joints in the roof which are likely to admit water shall be protected by sheet metal or other suitable flashing material. Roofs shall be securely fastened to walls and other support in a manner required by the building code. Failure of a roof system to meet these requirements shall be a major violation.