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Chapter 49

HOUSING CODE*

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***Editor's note**—Standard codes adopted, § 47.051 et seq.

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Sec. 49.01. Standard Housing Code—Adopted.

There is hereby adopted by the city that certain code known as the 1991 Standard Housing Code, published by the Southern Building Code Congress International, Inc., which is incorporated by reference as fully as if set forth in this section. A copy of the code shall be kept on file in the office of the city clerk.

(Code 1980, § 143.01; Ord. No. 5157-92, § 1, 2-6-92)

Sec. 49.02. Same—Amendments.

The Standard Housing Code, as adopted in section 49.01, is amended as follows:

- (1) *Section 103.2.1* of the Standard Housing Code is amended to read as follows:

103.2.1 Unsafe Residential Buildings or Structures.

- (1) All residential buildings or structures used as such which are unsafe, unsanitary, unfit for human habitation, 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 considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with Section 47.161 of the Code of Ordinances.

- (2) Any building or structure meeting one or more of the following descriptions shall be deemed to constitute an unfit or unsafe building and a nuisance, and the owner of the building or structure shall be required to take corrective action pursuant to the Standard Housing Code as amended and adopted by the city:

- (a) Having a condition dangerous to the health, safety or welfare

to the occupants, passersby or persons in contiguous areas because of fire, deterioration, unsanitary conditions, decay, structural defects, improper design, unstable foundation, termites, acts of God or other causes;

- (b) Lacking illumination, ventilation, or sanitation facilities adequate to protect the health and safety of the occupants or the public;
- (c) Containing conditions constituting a "major violation" as defined by Section 202 of the Standard Housing Code;
- (d) Requiring repair where the enforcing official determines the cost of repair exceeds 50 percent of the value of the building or structure as described in section 103.2.4 herein;
- (e) Having a condition of uncompleted repair for which a building permit was issued, where such repair is not completed in substantial conformity with the approved plans and specifications and the building permit has expired; or
- (f) Having a condition requiring corrective action where the owner has failed to comply with a notice or notices from the enforcing official, issued and served in accordance with sections 103.2.2 and 103.2.3.

- (2) *Section 103.2.2* of the Standard Housing Code is amended to read as follows:

103.2.2 Notice required; content of notice.

Whenever the enforcing official determines that there are reasonable grounds to believe that there has been a violation of any provision of this Code or of any rule or regulation adopted pursuant thereto, the official shall give notice of such alleged violation to the person or persons

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responsible therefor and such alleged violations shall constitute a nuisance. Such notice shall:

- (1) Be put in writing;
- (2) Include a statement of the reasons why it is being issued;
- (3) Specify the time period within which all necessary building permits must be secured, work commenced, and work completed which shall be as follows:
 - a. For a major violation, all necessary permits shall be secured and the work shall be commenced within ten calendar days or in such time as the enforcing official shall determine; and shall be completed within 20 calendar days of permit issuance or in such time period as the enforcing official may determine, not to exceed 120 calendar days following permit issuance.
 - b. For a minor violation, all necessary permits shall be secured and the work shall be commenced within ten calendar days or in such time as the enforcing official shall determine, and shall be completed within 30 calendar days of permit issuance or in such time period as the enforcing official may determine, not to exceed 120 calendar days following permit issuance.
- (4) State that, if such repairs, reconstruction, alterations, removal or demolition are not voluntarily completed within the stated time as set forth in the notice, the enforcing official shall institute appropriate legal proceedings charging the property owner with a violation of this Code.
- (5) State that the structure may be boarded up for a maximum of 45 calendar days if a defect in the struc-

ture constitutes a major violation, or otherwise for a maximum of 60 calendar days, after which time the completion of necessary repairs, reconstruction, alterations, removal, or demolition shall be required.

- (3) *Section 103.2.3* of the Standard Housing Code is amended to read as follows:

103.2.3 Service of Notice.

Service of notice shall be as follows:

- (1) By delivery to the owner personally or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
 - (2) By depositing the notice in the United States Post Office addressed to the owner at his or her last known address, as determined by the county property tax records, with postage prepaid thereon; or
 - (3) By posting and keeping hosted for 24 hours a copy of the notice in a conspicuous place on the premises to be repaired.
- (4) *Section 103.2.4* of the Standard Housing Code is amended to read as follows:

103.2.4 Authority of Enforcing Official.

Upon determining that a building or structure is a minor violation constituting a nuisance, the enforcing official may order the repair or reconstruction of the building or structure, including any accessory structure having a condition which also constitutes a nuisance in violation of this code. In any case where the condition of a building or structure is a major violation, or where the cost of repair exceeds 50 percent of the value of the building or structure, the enforcing official may order the vacation, repair, reconstruction, demolition, or removal of the building or structure in accordance with section 47.161 of the Code of Ordinances and the Standard Unsafe Building Abatement Code.

For the purpose of establishing whether the cost of repair of a building or structure exceeds 50 percent of the value of the building or structure, the value shall be determined by an MAI appraisal performed within the preceding twelve months or, if no such appraisal is available, the value shall be determined from the most recent assessment roll prepared by the Pinellas County Property Appraiser. The cost of repair of a building or structure shall mean the total cost of labor, materials and services, based on current prices.

- (5) *Section 105* of the Standard Housing Code, relating to hardships, is deleted.
- (6) *Section 106* of the Standard Housing Code, relating to the Housing Board of Adjustment and Appeals, is deleted and a new Section 106 is added to read as follows:

Section 106. Appeal of Interpretation of Enforcing Official; Hearing of Violations by Municipal Code Enforcement Board; Procedure Upon Noncompliance with Order of Municipal Code Enforcement Board.

106.1 Appeals to Building/Flood Board of Adjustment and Appeals.

- (1) The building/flood board of adjustment and appeals shall have the authority to provide for adjustments and appeals to the Standard Housing Code, and shall have the authority to make the final interpretation of provisions of such Code.
- (2) A notice of appeal must be filed by the person or persons responsible with the enforcing official within 10 calendar days from the date of service of the notice of violation under the Standard Housing Code and section 49.01 of this Code on a form provided by the enforcing official. The notice shall contain at least the following information:

- a. Identification of the building or structure concerned by street address or legal description.

- b. A statement identifying the legal interest of each appellant in the property.
- c. A statement identifying the specific order or section being appealed.
- d. A statement detailing the issues on which the appellant desires to be heard.
- e. The signature of all appellants and their official mailing address.
- f. An application fee as determined in the fee schedule. If appellant is successful, the fee will be refunded.

- (3) The filing of a notice of appeal shall suspend the time required to secure necessary building permits and take corrective action, and the time limits for boarding up the structure, until the board has heard the appeal and rendered a decision.
- (4) A notice of hearing shall be served personally or mailed in the same manner as required for a notice of violation at least 10 calendar days prior to the hearing date.
- (5) Hearings before the board shall be conducted generally in accordance with the provisions of the board pursuant to article II of chapter 47 and the rules of the board.
- (6) The decisions of the board shall be subject to judicial review in the circuit court by common law certiorari, which must be filed within 30 days of the board's decision.

106.2 Hearing of Violations by Municipal Code Enforcement Board.

- (1) As an alternative code enforcement remedy, the Municipal Code Enforcement Board is hereby authorized to conduct hearings relating to violations of the Standard Housing Code. In any case in which the board finds that a violation has occurred, the

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board may order corrective action to be taken by a date certain, which corrective action may include the repair, improvement, vacation, or demolition of the building or structure, and may otherwise carry out its powers pursuant to division 9 of article III of chapter 2 of this Code relating to any such violations.

- (2) The hearing notice shall be serviced personally or mailed as required by section 2.216 of this Code at least seven calendar days prior to the hearing date.

106.3 Procedure Upon Noncompliance with Order of the Municipal Code Enforcement Board.

If the person or persons responsible fail within the time specified to comply with the order of the Municipal Code Enforcement Board issued pursuant to the Standard Housing Code, then the city, through the enforcing official, is authorized to vacate, demolish, or remove, either with city forces or by independent contractor submitting the lowest and best bid. Any such structure, including accessory buildings, without further notice to the person or persons responsible, at cost to the person or persons responsible, the cost of which shall become a lien on the property until paid.

106.4 Deference of Abatement in Certain Cases.

In any case where the violator is an owner and occupant of the property and the violator has applied to the city's community development office for a loan to make the requisite repairs and has been denied such loan, the city manager may defer abatement of the violation until such time as the manager may direct.

- (7) *Section 107* of the Standard Housing Code, relating to appeals, is deleted.
- (8) *Section 202* of the Standard Housing Code is amended as follows:
 - (1) "Abandoned Building" as used in the Standard Housing Code shall mean

a building or structure that is unoccupied, deserted by the owner and is left unsecured, with no efforts being made to secure the building or structure.

- (2) "Abandoned Motor Vehicle" as used in the Standard Housing Code shall have the definition provided in section 20.32 of the City Code.

- (9) *Section 308.3* of the Standard Housing Code is amended to read as follows:

308.3 Water Closet. Lavatory and Bath Facilities.

At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for each four rooms or maximum of eight people within a rooming house wherever such facilities are shared. All such facilities shall be located on the floor they serve within the building so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.

- (10) *Section 308.8* of the Standard Housing Code is amended by adding subsection 308.8 to read as follows:

308.8. Definitions.

As used in this section, "rooming house" shall mean and include any rooming house, hotel, motel, dormitory, or lodginghouse. The provisions of subsection 308.7 of this code shall apply to every rooming house, hotel, motel, dormitory, and lodging house.

"Rooming house license" means the public lodging license required by F.S. § 509.241, and issued by the Florida Department of Business Regulation, Division of Hotels and Restaurants.

- (11) Those provisions of the Standard Housing Code not expressly amended by this section shall continue in full force and effect. (Ord. No. 5157, § 1, 2-6-92; Ord. No. 5721-95, § 1, 2-2-95)

Sec. 49.03. Penalty for violation of chapter or Standard Housing Code.

Any person, organization, society, association or corporation, or any agent or representative thereof, who shall violate any provisions of this chapter or the Standard Housing Code hereby adopted or shall fail to comply therewith, or who shall violate or fail to comply with any order made pursuant to this article or the Standard Housing Code shall upon conviction be subject to the penalties of section 1.12. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All persons who commit a violation as stated in this section shall be required to correct or remedy such violation or defect within a reasonable time. The application of the penalty set out in section 1.12 shall not be held to prevent the enforced removal of prohibited conditions.

(Code 1980, § 143.06)

Secs. 49.04, 49.05. Reserved.

Editor's note—Ord. No. 5721-95, § 2, adopted Feb. 2, 1995, repealed §§ 49.04 and 49.05, which pertained to public hearing following failure of owner or occupant to comply with notice to repair, vacate, remove building and action by city commission after public hearing. See the Code Comparative Table.

Sec. 49.06. Certificate of indebtedness—Lien created; redemption by city.

The city commission, as soon as practicable after the assessment against the improved real estate is made under section 49.05, shall issue a certificate of indebtedness against the property assessed for the amount of the assessment. Such certificate shall contain a description of the land, the amount of the assessment and a statement of the general nature of the improvement for which the assessment is made, and shall constitute and be a prior lien to all other liens except the lien for taxes. A notice of lien setting forth such information shall be filed against the assessed property in the public records of the county. The certificate shall be payable to the bearer in not exceeding ten equal annual installments, with interest at a rate not greater than eight percent per annum, payable annually; and the payment of the certificate with interest as specified shall be guaranteed by

the city, and in case of nonpayment of annual interest or the principal at maturity by the property owner, such certificate shall be redeemed by the city at the option of the holder of such certificate, but such redemption by the city shall not discharge the lien of such assessment or certificate against the assessed property.

(Code 1980, § 143.04(a))

Sec. 49.07. Same—Sale.

The certificate of indebtedness provided for in section 49.06, when issued, shall be turned over to the city treasurer who, when ordered to do so by the city commission, shall sell or dispose of such certificate in such manner as may be provided by the city commission, in payment for such work or improvement or for cash.

(Code 1980, § 143.04(b))

Sec. 49.08. Same—Foreclosure.

If the certificate of indebtedness or the annual installments of interest or principal are not paid when due under section 49.06, the city or the holder of such certificate shall have the option to declare the whole of such certificate immediately due and payable, and may institute suit thereon or foreclose the certificate. In cases where suits are instituted, the city or the holder of such certificate shall be entitled to all costs of collection, including a reasonable attorney's fee, and the certificate shall be a lien of equal dignity against the property against which the certificate is issued.

(Code 1980, § 143.05)