

PART II - CODE OF ORDINANCES
Chapter 8 - BUILDING AND BUILDING REGULATIONS
ARTICLE II. - CONSTRUCTION CODE
DIVISION 6. STANDARD UNSAFE BUILDING ABATEMENT CODE

DIVISION 6. STANDARD UNSAFE BUILDING ABATEMENT CODE¹

Sec. 8-136. Adoption of code and all appendices; amendments.

- (a) *Adoption of code.* There is hereby adopted by the County of Hernando, Florida, for the purpose of providing a jurisdiction with a concise set of procedures to effect the elimination of unsafe buildings in a legal and timely manner, that certain code known as the Standard Unsafe Building Abatement Code, as recommended by the Southern Building Code Congress International, Inc., a nonprofit and nonpolitical servicing organization with its principal offices at Birmingham, Alabama, being particularly the 1985 edition with Appendix A. The same is hereby adopted and incorporated herein as fully as if set forth *in haec verba* and from the date upon which this division shall take effect, the provisions thereof except as otherwise noted herein shall be controlling in the provision for a jurisdiction with a concise set of procedures to effect the elimination of unsafe buildings in a legal and timely manner.
- (b) *Amendments to code.* The Standard Unsafe Building Abatement Code adopted above in subsection (a) is hereby amended as follows:
- (1) Chapter 2 of the Standard Unsafe Building Abatement Code is amended by adding the following definitions:
- "Board of adjustment and appeals* means the Hernando County Board of Construction and Regulation (HCBCR). All references to the board of adjustment and appeals shall be considered synonymous with and a direct reference to the HCBCR as established and provided in Ordinance 2001-21 as amended.
- "Public nuisance* means, but is not limited to, a structure or building which is abandoned; has sustained damage, to the extent that a permit for repair is required by the adopted building code, from fire, flood, wind, earthquake, lack of maintenance, or other cause; and a permit for repair has not been issued within one year of the damage. Any structure or building constituting a public nuisance will be subject to remedies as provided by this code.
- "Standard Building Code* means, Florida Building Code (FBC). All references to the standard building code or other model codes used prior to the implementation of the FBC shall be considered synonymous with and direct references to, the FBC.
- "Unfit* means unsanitary, unsuitable or improper for the use of occupancy for which it is intended. Unfit structures/buildings include those structures/buildings to be used as habitable space that do not meet the minimum requirements for existing buildings by the FBC.
- "Unsafe building* means any building or structure that is unfit or any building or structure that has any of the following conditions such that the life, health, property or safety of its occupants or the general public are endangered:

¹Editor's note(s)—Section 3 of Ord. No. 91-09, enacted Jan. 29, 1991, repealed Ord. No. 87-29, adopted Dec. 22, 1987, from which Div. 6, § 8-136, of Ch. 8, Art. II was derived. Section 8-136 formerly adopted the Standard Code for the Elimination or Repair of Unsafe Buildings. In addition to this repeal, Ord. No. 91-09 enacted provisions which have been included herein as a new Div. 6, §§ 8-136 and 8-137.

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- "1. Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
 - "2. Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.
 - "3. The stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the stresses allowed in the Standard Building Code for new buildings.
 - "4. The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by the Standard Building Code for new buildings.
 - "5. Any exterior appendage or portion of the building or structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Standard Building Code for new buildings.
 - "6. If for any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
 - "7. The building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.
 - "8. The building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the Standard Codes or of a city, county or state law.
 - "9. Any building, structure or portion thereof that is in such a condition as to constitute a public nuisance.
 - "10. Any building, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment."

- (2) Chapter 3 of the Standard Unsafe Building Abatement Code is amended by adding the following sections:

"301.2 Unfit or Unsafe Structures. All structures that are unsafe or unfit are nuisances and are hereby declared unlawful. They shall be abated by: repair, rehabilitation, or demolition of and removal in accordance with the procedures set forth in this code and all other applicable codes and/or laws governing such. This prohibition may be enforced by any legal, equitable, or administrative means available to Hernando County, including administrative hearings authorized by Ordinance 2001-21 and any future amendments thereto.

"301.3 Authority to Order Vacation, Repair, or Demolition. The Building Official or his/her designee is authorized to order the vacation, demolition, or removal of any unsafe building, or to order the repair and/or replacement of any part or parts of any structure in the County when such part or parts, by reason of fire, age, decay, moisture intrusion, flood, deterioration, structural defects, improper design, unstable foundation, or termite infestation are dangerous to the occupants thereof, or a menace to the public health, or a fire hazard, or is so unsafe as to endanger life or property or to render the use of public streets dangerous.

"In the event the owner of record or other interested party fails to comply with any Notice of Unsafe Building or compliance agreement within the time therein fixed, the Building Official or his/her designee is authorized to initiate procedures to demolish, remove, repair, and/or rehabilitate the unfit

or unsafe building utilizing independent duly licensed contractors; except that in a case of a valid bona fide emergency, the Building Official is authorized to demolish the structure or take any other necessary action to abate the emergency posing an immediate threat to the public health, safety and welfare. The Building Official is also authorized to utilize the services of duly licensed independent architects, engineers and contractors to determine the condition of the structure in question, and such costs shall be assessed in the same manner as provided in Chapter 7.

"301.4 Authority to Order Rodent Control. When the County Health Officer verifies the existence of rodent infestation in a structure or on the premises on which a structure is located that is to be demolished or removed, the Building Official may require that a licensed pest control operator exterminate the rodents using ecto parasite control measures to preclude the migration of rodents, and such costs shall be assessed in the same manner as provided in Chapter 7.

"301.5 Authority to Enter into a Compliance Agreement.

- "A. The Building Official or his/her designee is hereby authorized to enter into and negotiate a compliance agreement with the owner, in a form approved by the County Attorney, for abatement of the unfit or unsafe structure. Such agreement shall be controlling and will govern the subsequent courses of action to abate the unsafe or unfit conditions through repair and/or rehabilitation work. All repair and/or rehabilitation work shall conform to the minimum requirements of the FBC and/or other applicable laws.
- "B. The compliance agreement shall establish completion dates for the submittal of permit documents and for the completion of demolition, repair and/or rehabilitation work. The compliance agreement shall provide for the demolition and removal of the unfit or unsafe structure by Hernando County if the completion dates are not met. The cost of demolition and removal shall be assessed on the property in the form of a lien.

"301.6 Authority to Secure Open and Vacant Structures/Buildings.

- "A. The Building Official or his/her designee is hereby authorized to secure all open and vacant structures, including above and in ground pools, which are abandoned, unattended, unprotected or otherwise unsecured. Before securing any such structure or pool the current owner shall be notified by certified mail at least five (5) days prior to proceeding. Upon receipt of the notification, the owner of record may secure the structure/building/pool, or may appeal the determination that a structure is open and vacant to the board of adjustment and appeals.
- "B. All openings including open windows and doors shall be secured with exterior plywood and suitably coated with an appropriate neutral paint color blending with or harmonizing with the exterior colors of the building so as to be as inconspicuous as possible. Pools shall be provided minimal temporary barrier protection to include but not be limited to a fence, repair of an existing fence, repair of an existing screen enclosure or other approved measure as deemed appropriate by the Building Official.
- "C. Where an open and vacant structure or pool is secured by Hernando County after written notice to the owner of record as determined by the most current records of the Hernando County Property Appraisers Office, the Building Official shall cause the entire cost of securing, including all administrative costs to be assessed against the property in the form of a lien recorded in the public records of Hernando County.
- "D. All open and vacant structures that have been secured shall also be subject to inspection, and the owner of record shall be assessed a fee for each inspection. For the purpose of ensuring that the structure is locked and secured, inspections may be conducted at thirty (30) day intervals, and a fee as set forth in the department fee schedule adopted by resolution, or a minimum fee of \$50.00 for each inspection will be assessed against the property in the form of a lien.

"302.1.5 All notices required to be provided to the owner of an unsafe building or other structure by the Standard Unsafe Building and Abatement Code, 1985 Edition, may be provided to the owner by certified mail, return receipt requested; or hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the development department; or by leaving the notice at the owner's usual place of residence with any person residing therein who is above eighteen (18) years of age and informing such person of the contents of the notice; or by the provisions of section 302.1.7 of this code.

"302.1.6 Hernando County will be deemed to comply with the provisions of this section if it determined ownership by referring to the latest version of the property tax roll on file in the property appraiser's office and obtaining the name of the owner of the subject property from that roll. This does not preclude the county from obtaining the ownership of the property through other customarily used methods or means, including, but not limited to, opinion of a title company, opinion of an attorney, or personal investigation.

"302.1.7 Hernando County will be deemed to comply with the provisions of this section if the property owner is served by publication or posting as follows:

- "a. Such notice shall be published once during each week for four (4) consecutive weeks (four (4) publications being sufficient) in a newspaper of general circulation in Hernando County. The newspaper shall meet the requirements that are prescribed under chapter 50, Florida Statutes, for legal and official advertisements.
- "b. Proof of publication shall be made as provided in sections 50.041 and 50.051, Florida Statutes, as they may be amended from time to time.
- "c. In lieu of publication as described above, such notice may be posted for at least thirty (30) days in at least two (2) locations, one of which shall be the property upon which the dilapidated structure or building is sited or the dilapidated structure or building itself; and the other shall be in the glass enclosed case in the atrium of the Hernando County Administration Building where notices and announcements of meetings and the like are posted or other sites where notices and announcements of public meetings and the like are posted. The dimensions of the notice to be posted on the site shall be a minimum of 16" x 22".
- "d. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
- "e. Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as prescribed above.
- "f. Evidence that an attempt has been made to hand deliver or mail notice as provided herein together with proof of publication or posting as provided herein shall be sufficient to show that the notice requirements have been met, without regard to whether or not the owner has actually received such notice."

- (3) Chapter 7 of the Standard Unsafe Building Abatement Code is amended by adding the following sections:

"701.1 Special Assessment and Lien on Property.

- "A. The Board of County Commissioners shall assess the entire cost of demolition and removal including asbestos abatement, the sodding or seeding of the lot, and rodent extermination against the real property in the form of a special assessment. When the owner of record or other interested party has abated the unfit or unsafe structure as a result of having received a Notice of Unsafe Building, all costs incurred by the County to the date of abatement shall be assessed against the property in the form of a special assessment. This special assessment shall be

superior to all others except property taxes, and shall include all administrative costs including postal expenses, the cost of newspaper publications, staff time, recording and documentation of inspection (photos, reports, filming), landfill, permit(s), and other associated costs. All assessments shall be paid in full no later than the close of business on the twentieth business day after the owner has received notice of the assessment. Thereafter, the unpaid amount of the assessment will accrue interest at the maximum rate allowed by law.

"B. Upon completion of the abatement of an unsafe structure, the Building Official shall notify in writing the owner that a special assessment has been imposed on the property. The notice shall be delivered by certified mail, return receipt requested. The notice of assessment shall set forth the following:

- "1. A description of the unsafe structure, a description of the actions taken by the County to substantially repair or demolish the building, structure, electrical, gas, mechanical or plumbing system or portion thereof, and the fact that the property has been assessed for the costs incurred by the County to substantially repair or demolish the building, structure, electrical, gas, mechanical or plumbing system or portion thereof, and any other costs related thereto.
- "2. The aggregate amount of such costs, and an itemized list of such costs.
- "3. The intent of the County to assess interest at the maximum legal rate if not paid within twenty days of the owner's receipt of the notice.
- "4. The intent of the County to declare the assessment delinquent and to place the assessment on the tax roll as a non-ad valorem assessment if not paid in full by the following December 1st.
- "5. The potential for the property to be subject to the sale of a tax certificate, bearing interest by law, if the non-ad valorem assessment is not paid as part of the tax bill on the property.
- "6. The potential for the property to be sold and conveyed by tax deed if the tax certificate is not redeemed by payment of the non-ad valorem assessment in full, plus interest, as required by Florida law.

(Ord. No. 91-09, § 1, 1-29-91; Ord. No. 92-29, § 1, 12-22-92; Ord. No. 98-23, §§ 1, 2, 8-11-98; Ord. No. 2002-16, §§ 1—3, 8-13-02; Ord. No. 2014-19, § 2, 9-9-14; Ord. No. 2015-2, § 1, 2-24-15)

Sec. 8-137. Violations, remedies and penalties.

- (a) Any person or persons, firm or corporation, or any agent thereof who violates any provision of this division may be prosecuted by the county building official pursuant to this chapter and the Florida Building Code. All remedies set forth in the Florida Building Code shall apply to any violation herein.
- (b) Any entity violating any provision of this division shall be subject to the penalties provided for herein. The building official or his authorized representative shall issue notice to all entities violating any provision of this division and shall order that such violations cease. Should any entity fail to comply with such notice or order, the governing body or its authorized official may institute appropriate action to bring such entity before a court of law for adjudication. Any entity violating any provision of this division shall, upon conviction, be guilty of a misdemeanor and shall be fined or imprisoned, or both fined and imprisoned, in accordance with the provisions of section 125.69, Florida Statutes.
- (c) Any person or persons, firm or corporation, or any agent thereof who violates any provision of this division may be prosecuted in the manner provided for in chapter 2, article III of this Code.

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- (d) Each incident or separate occurrence of an act that violates this division shall be deemed a separate offense.
 - (e) The remedies and penalties herein are not intended to be cumulative, and the county may institute any appropriate action or proceedings to prevent, restrain, correct or abate a violation of this division, as provided by law.

(Ord. No. 91-09, § 4, 1-29-91; Ord. No. 92-29, § 3, 12-22-92; Ord. No. 2018-18, § 2, 10-9-18)

Sec. 8-138. Modification to preface.

All referenced standards concerning fuel gas which name the Standard Gas Code shall uniformly refer to NFIPA 54 and NFIPA 58 to the exclusion of the Standard Gas Code.

(Ord. No. 92-29, § 2, 12-22-92)

Sec. 8-139. Adopting uniform method of levying and collecting non-ad valorem assessments for the abatement of unsafe structures.

- (a) For each year in which the majority of the board of county commissioners votes to use the uniform method to collect unpaid unsafe building abatement liens, the board shall adopt an enabling resolution at a public hearing prior to January 1 or, if the property appraiser, tax collector, and board of county commissioners agree, March 1. The resolution shall state the board of county commissioners' intent to collect unpaid unsafe building abatement liens by means of the uniform non-ad valorem collection method, the need for the levy, the legal descriptions of the real properties subject to the levy.
- (b) The board of county commissioners shall then send the enabling resolution to the property appraiser, tax collector, and the Florida Department of Revenue by January 10 or, if the property appraiser, tax collector, and board of county commissioners' agree, by March 10. The board of county commissioners shall send the enabling resolution in the manner required by Florida law and any applicable administrative rules of the Florida Department of Revenue.
- (c) The board of county commissioners shall adopt and certify a non-ad valorem assessment roll prior to July 1 in the manner required by Florida law and any applicable administrative rules of the Florida Department of Revenue.
- (d) All assessments imposed pursuant to this part will be included in the combined notice of ad valorem taxes and non-ad valorem assessments as provided in F.S. § 197.3635. Non-ad valorem assessments collected pursuant to this part are subject to all collection provisions in F.S. § 197.3632, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.
- (e) The board of county commissioners shall compensate the Hernando County Property Appraiser and the Hernando County Tax Collector for their costs in levying and collecting the special assessments provided for herein, at the applicable statutory rates, pursuant to the existing interlocal agreements entered into by Hernando County with the Hernando County Property Appraiser and with the Hernando County Tax Collector.

(Ord. No. 2014-19, § 3, 9-9-14)

Secs. 8-140—8-146. Reserved.