

ORDINANCE NO: 161

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA AMENDING SECTION 5-209 OF ARTICLE IX OF THE CODE OF ORDINANCES OF THE TOWN OF CINCO BAYOU, FLORIDA TO DELETE REFERENCE TO THE CODE ENFORCEMENT BOARD; AND MAKING A TECHNICAL AMENDMENT TO SECTION 5-210 OF ARTICLE IX OF THE CODE OF ORDINANCES OF THE TOWN OF CINCO BAYOU; AND PROVIDING FOR SEVERABILITY, REPEALING ORDINANCES INCONSISTENT WITH SAID ORDINANCE, AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, AS FOLLOWS:

SECTION 1.

That Section 5-209 of Article IX - Unsafe Building Abatement Code - of the Code of Ordinances of the Town of Cinco Bayou, Florida is hereby amended to read as follows:

"SECTION 5-209 ABATEMENT

(a) If the town council determines that a violation of Section 5-207 has occurred, the council may thereafter abate the violation in accordance with the provisions of this section.

(b) In order to determine that a violation has occurred and to abate the violation, the town council shall give written notice to the owner, occupant, lessee, mortgagee and all other persons having an interest in the building and the land upon which the building is located as shown by the records of the clerk of the circuit court of the county of the date, time and place of a hearing to be held before the council. The notice shall include a legal description of the property upon which the building is located, the nature of the alleged violations, and shall state that the council may at the close of the hearing enter an order for the abatement of the violation.

(c) After hearing the evidence presented at the hearing the town council shall enter an order. The order of the town council shall be made in accordance with the following:

(1) If the dangerous building can reasonably be repaired so that it will no longer exist in

violation of the terms of this division, it shall be ordered repaired.

(2) If the dangerous building is in such a condition that it endangers the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.

(3) If the dangerous building is seventy-five (75) percent damaged by fire, explosion or other casualty or act of God or the public enemy, or deterioration, it shall be ordered demolished. Where a dangerous building is a fire hazard existing or erected in violation of the terms of this division or any statute of this state, it shall be ordered demolished.

(d) At the hearing the town council shall hear evidence from town officers and employees and the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the building and the land upon which the building is located as shown by the land records of the clerk of the circuit court of the county.

(e) If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the town council shall cause the dangerous building to be abated in accordance with the order and shall have the cost of so doing charged against the land on which the building existed, as a municipal lien, or shall cause the costs to be added to the tax certificate as an assessment, or levied as a special tax against the land upon which the building stands or did stand, or may recover such costs in a suit at law against the owner. In cases where such procedure is desirable, and any delay caused thereby is not dangerous to the health, morals, safety or general welfare of the people of this town, the town council may notify the town attorney to take legal action to force the owner to make all necessary repairs or demolish the building."

SECTION 2.

That Section 5-210 of Article IX - Unsafe Building Abatement Code - of the Code of Ordinances of the Town of Cinco Bayou, Florida is hereby amended to read as follows:

"SECTION 5-210 EMERGENCY CASES.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building as defined in

Section 5-206 is immediately repaired, vacated or demolished, the building official shall report such facts to the town council which shall cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in section 5-209(e)."

SECTION 3. SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not effect the validity of the remaining portion thereof.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS. All ordinances and resolutions of the governing body in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective upon its adoption by the Town Council and signature of the Mayor.

ADOPTED this 6th day of SEPTEMBER, 1994.

Approved:

BY:

Charles R. Laginess
Charles R. Laginess
Mayor

ATTEST:

BY:

Albert S. Borchick, Jr.
Albert S. Borchick, Jr.
Town Manager/Clerk

