

BY THE CITY COMMISSION

ORDINANCE NO. 2010-28

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA, SUBSTANTIALLY AMENDING, REWORDING, AND REWRITING SECTIONS 22-121 THROUGH 22-126 OF THE CODE OF ORDINANCES PERTAINING TO THE DEMOLITION OF UNSAFE STRUCTURES; PROVIDING FOR DETERMINATION AND NOTICE OF UNSAFE STRUCTURE BY THE BUILDING OFFICIAL; AUTHORIZING THE CITY TO UTILIZE THE UNIFORM NON-AD VALOREM ASSESSMENT METHOD TO IMPOSE, LEVY, AND COLLECT SPECIAL ASSESSMENTS IF COSTS ARE INCURRED BY THE CITY AND NOT REIMBURSED BY THE PROPERTY OWNER; PROVIDING FOR PURPOSE, INTENT, AND DEFINITIONS; REQUIRING NOTICES OF ASSESSMENT; PROVIDING FOR ANNUAL NON-AD VALOREM ASSESSMENT ROLLS; PROVIDING TRANSITION PROVISIONS; PROVIDING FOR SEVERABILITY, CODIFICATION, REPEALER AND AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA, AS FOLLOWS:

Section 1. Legislative Findings and Intent. The City Commission hereby makes and declares the following findings and statements of legislative intent:

(1) Sections 22-121 through 22-126 of the City of Dade City's Code of Ordinances currently contain regulations concerning demolition of unsafe structures.

(2) Currently, those sections provide that if the City demolishes an unsafe structure and is not reimbursed by the property owner, the costs of demolition and removal of the debris will be assessed against the owners and imposed as a lien against the real property.

(3) The City now wants to amend Sections 22-121 through 22-126 to provide that if property owners do not pay the costs and expenses associated with the demolition of unsafe structures, the City may use the uniform method of collecting non-ad valorem assessments to reimburse the City for costs and expenses incurred when the City demolishes unsafe structures.

(4) The City Commission finds that properties with unsafe structures that are cleaned-up by the City by demolition receive special benefits and will benefit from the demolition in a manner greater than other properties within the City.

(5) In order to collect the costs and expenses for demolition of unsafe structures, when such costs are not paid timely by or on behalf of property owners, the City Commission finds that it is fair, equitable and necessary to levy a non-ad valorem assessment against the benefited property to reimburse the City for costs and expenses incurred when the City demolishes unsafe structures.

(6) The uniform method of collecting non-ad valorem assessments, as authorized by Section 197.3632, Florida Statutes, provides for the collection of non-ad valorem assessments by including such assessments on the tax bills issued for the collection of ad valorem taxes.

(7) The City has the authority to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments set forth in Chapter 197, Florida Statutes.

(8) The City Commission finds that the use of the uniform method of collecting non-ad valorem assessments as authorized by Section 197.3632, Florida Statutes will result in the efficient and effective collection of costs and expenses that have been paid by the City for the demolition of unsafe structures, but not timely reimbursed by or on behalf of the property owner.

(9) The City Commission now intends to amend its Code of Ordinances to provide for the assessment of property where the City undertakes the demolition of unsafe structures and is not reimbursed for the costs and to authorize the use of the uniform method for the imposition and collection of non-ad valorem assessments against those properties.

Section 2. Sections 22-121 through 22-126 of the Code of Ordinances are hereby substantially amended, reworded, and revised as follows:

Sec. 2-121. Definitions and Findings.

(A) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning.

City shall mean the Corporate Limits of the City of Dade City, Pasco County, Florida.

Unsafe Structure means a deteriorated or deteriorating structure which endangers life or property by fire or other causes, unsanitary or unsafe condition(s) or deterioration of the site and its improvements, which condition(s) impair or arrest the sound growth of the county or are a menace to the public health, safety, morals or welfare. In making such determination, the building official shall examine the following criteria:

- (a) Whether the stress in any material, member or portion of the structure or building, due to all imposed loads including dead loads and/or live loads, exceeds the working stresses allowed in the building code for new buildings or structures;
- (b) Whether the building, structures or portion of a building or structure has been damaged by fire, flood, wind or other natural phenomena to the extent that the structural integrity of the building or structure is less than the minimum requirement established by the building code for new buildings or structures;
- (c) Whether the exterior appendages or portions of a building or structure are not securely fastened, attached or anchored in such a manner as to be capable of resisting high winds or similar loads as required by the building code for new buildings or structures;
- (d) Whether the building, structure or portion of a building or structure is manifestly unsafe or unsanitary for the purpose for which it is being used;

- (e) The extent of decay, deterioration or dilapidation of the building, structure or portion of a building or structure;
- (f) Whether the building, structure or portion of a building or structure has been constructed or maintained in violation of specific requirements of this code or of any other county, state or federal requirements; and
- (g) Whether the building, structure or portion of a building or structure is obsolete, inadequately maintained or abandoned.

(B) Findings.

The City Commission finds that unsafe structures pose an imminent threat to the safety and welfare of the citizens of the City by one or more of the following potential hazards:

- (1) Providing dangerous places for children to play;
- (2) Attracting vagrants;
- (3) Providing places of refuge for drug dealers, users, and other criminals;
- (4) Providing breeding places for rodents and other vermin;
- (5) Diverting the resources of the fire services to fight fires deliberately set in such structure; and
- (6) Reducing the property values of adjoining properties.

Section 22-122. Demolition and Removal; Notification.

(a) *By owner.* Unsafe structures shall be demolished and the debris removed to an authorized landfill or substantially repaired within thirty (30) days of notification of the unsafe condition by the Building Official. Written notification of unsafe structure and request for removal shall be sent to the record owners of the real property upon which the structure is located and the holder of any mortgage liens against the property.

(b) *By city.* In the event an unsafe structure is not substantially repaired or demolished and the debris removed within thirty (30) days of notification by the building official and pursuant to the procedures stated in this section, the City is authorized and empowered to substantially repair it, demolish it and/or remove debris. The cost of substantially repairing it, demolition and the removal of debris incurred by the City, including the actual cost of the substantial repair, demolition, the removal of debris, title work costs and expenses, all administrative and legal expenses, and other identifiable costs incurred by the City, shall be assessed against the property as a non ad valorem assessment. All assessments shall be paid in full no later than the close of City business on the twentieth (20) business day after the property owner has received notice of the assessment. Thereafter, the unpaid amount of the assessment will accrue interest at the rate of 12% annum or at the maximum rate allowed by law, whichever is less.

Section 22-123. Notification and Appeal.

(a) A notice of demolition shall be provided to the record owner of the real estate upon which the structure is located and any holder of a mortgage lien, by certified mail, return receipt requested.

(b) In addition, a copy of the notice, as outlined in this subsection, shall be posted (i) in a conspicuous place in City Hall, Dade City, Florida and (ii) upon such dwelling or structure and shall be recorded in the public records of Pasco County.

(c) In addition, a copy of the notice, as outlined in this subsection, shall be published simultaneously for two (2) consecutive weeks in a newspaper of local circulation. Such notice shall be substantially in the following form:

NOTICE OF INTENT TO DEMOLISH OF SUBSTANTIALLY

REPAIR AND INSPECT

(Insert Date of Notice)

The owner or other interested parties for the structure located at (address) are hereby notified that the City of Dade City, Florida, will proceed to have the structure demolished thirty (30) days from the date of this Notice if said structure is not substantially repaired by this date. All costs incurred by the City in connection with the demolition will be assessed against the property.

If, as a result of this Notice, the structure will be substantially repaired by the owner, notice is hereby given that prior to said action, the structure must be permitted and inspected by the City.

To request an extension of time for good cause shown, the owner may contact (Contact person and phone number) within thirty (30) days of the date of this Notice. Such extension shall not be automatically granted, however.

An affected owner has the right to seek relief from this action appeal to the City Commission. A written petition of appeal should be filed with the City Manager by the affected owner within thirty (30) days of the date of this Notice.

(d) Evidence that an attempt has been made to hand deliver or mail the notice, as provided herein, together with proof of publication, shall be sufficient to show that the notice requirements of this Section have been met, without regard to whether or not the owner actually received said notice.

(e) Upon timely appeal, the City Commission shall hold a public hearing on the Petition for Appeal. A final decision on the appeal by the City Commission shall be binding.

Section 22-124. Notice of Assessment.

Upon completion of the actions undertaken by the City pursuant to this Section, the City Manager or his designee, shall notify in writing the owner and, if applicable, the agent, custodian, lessee, or occupant 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 City to substantially repair or demolish the unsafe structure, and the fact that the property has been assessed for the costs incurred by the City to substantial repair or demolish the unsafe structure.
- 2) The aggregate amount of such costs and an itemized list of such costs.
- 3) The intent of the City to record the assessment as a lien against the property if not paid timely, within the period of twenty (20) business days as set forth above.
- 4) The intent of the City to charge interest at the rate of 12% annum or at the maximum rate allowed by law, whichever is less, if the assessment is not paid timely, within the period of twenty (20) business days.
- 5) The intent of the City to declare the assessment delinquent and to place the assessment on the tax roll as a non-ad valorem assessment if not paid by the following September 1.

- 6) The potential for the property to be subject to the sale of a tax certificate, bearing interest by law at a rate as high as 18% per annum, if the non-ad valorem assessment is not paid as part of the tax bill on the property.
- 7) 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.

Section 22-125. Assessments for demolition.

The City Commission elects to use the uniform method to impose and collect non-ad valorem assessments against properties on which demolitions of unsafe structures occur or have occurred. The non-ad valorem assessments collected pursuant to this Section will be included in the combined notice for ad-valorem taxes and non-ad valorem assessments as provided in Section 197.3635, Florida Statutes. Non-ad valorem assessments collected pursuant to this Section are subject to all collection provisions in Section 197.3632, Florida Statutes, 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.

Section 3. Transition Provision. Non-ad valorem assessments to recover actual costs incurred by the City in the demolition of unsafe structures pursuant to these Sections of the Code of Ordinances prior to the effective date of this ordinance may be levied against the affected properties and, if not timely paid in full, may be placed on a non-ad valorem assessment roll at the next available opportunity. All actions taken by City officials and employees to that end are ratified and confirmed herewith.

Section 4. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

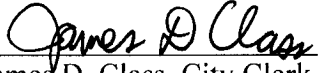
Section 5. Inclusion in Code. This Ordinance shall be re-numbered and codified and made part of the official Code of Ordinances of the City of Dade City.

Section 6. Repealer. All provisions of the Dade City Code of Ordinances, as amended, and ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 7. Effective Date. This ordinance takes effect immediately upon its enactment.

The above ordinance was read and approved on first reading on September 13, 2010, and adopted following public hearing on the 28th day of September, 2010

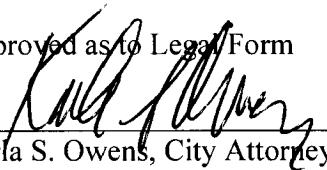
ATTEST:


James D. Class, City Clerk

CITY OF DADE CITY


Scott Black, Mayor

Approved as to Legal Form


Karla S. Owens, City Attorney