



PLANNING AND ZONING MEETING

MONDAY – 9-15-2025 @ 4:00 PM

Yankeetown Town Hall Conference Room

6241 Harmony Lane – Yankeetown, FL 34498

1. Approve previous P & Z meeting minutes.

2. Further discussion and review are required to post and amend the existing Comprehensive Plan on the Yankeetown WEB Site. All approved referendum items should be included.

3. Further discussion and review of the existing Yankeetown Tree Ordinance. Post all revisions in the current Yankeetown code.

4. Discuss possible Code Enforcement and Property Maintenance Revisions that may be needed in the current Yankeetown Code of Ordinances. Review the Dunnellon Code vs. the Yankeetown Code.

5. Provide update on the status of the Yankeetown Historical Ordinance.

END AGENDA

Sec. 6-47. - Unsafe, dilapidated, uninhabitable or inadequately maintained buildings, structures or property.

- (A) The purpose of this section is to protect the health, safety and welfare of all residents of the Town of Yankeetown, Florida. Specifically, the Town has determined that it is in the best interest of its citizens, and necessary for their health, safety and welfare, including for the preservation of property values, that buildings, structures, and property be maintained in a sightly, clean, well-maintained, structurally sound and safe appearance and condition.
- (B) No person shall permit or allow the continued existence of any unsafe, dilapidated, uninhabitable, or inadequately maintained structure or building, or unsafe or inadequately maintained property, under his or her ownership or control within the Town limits.
- (C) A building or structure is uninhabitable if it fails to meet the minimum requirements identified in the current Yankeetown code; Section 6-81 - Conditions and Standards and Section 6-82 – Minimum Facilities.
- (D) A building or structure is unsafe if it does not comply with the minimum safety requirements set forth in the applicable building code.
- (E) In determining whether a building or structure is otherwise unsafe, dilapidated, uninhabitable, or inadequately maintained, the existence of the following factors, among others, will be considered:
 - a. Boards or other materials which inhibit normal functioning or are substitutes for otherwise necessary repairs over windows, doors or any other openings;
 - b. Deteriorated and unsafe elements including, but, not limited to:
 - i. interior walls, exterior walls and roof structures which list, lean, are deflected or buckled;
 - ii. structural supports, including but not limited to beams, joists, trusses, columns, pilings, braces, studs or lintels, which have become damaged or deteriorated to such an extent that there is an substantially increased risk the same may fail or give way;
 - iii. shutters, roof penetrations, or required hurricane protections;
 - iv. improperly distributed loads upon, or insufficient strength of, the floor, walls or roof to be reasonably safe for occupancy or for the purpose for which such building or structure was designed or is currently used ;

- v. damage by flood, fire, wind etc. to the extent there is reasonable belief such building or structure is unsafe for occupancy or for the purpose for which it was designed or is currently used;
- vi. deterioration, decay or unsanitary conditions, including mold, fungus or pest infestations, rendering such building or structure unhealthy for human habitation or likely to cause sickness, pest or other infestation, or disease to adjacent property or property owners;
- vii. appropriately connected parts or affixed elements of such building or structure become fully detached, or so detached that there is a reasonable likelihood they may fail and injure occupants, adjacent property, or other property owners; and
- viii. vacancy or abandonment of such building or structure without sufficient steps taken to prevent easy access by trespassers and vagrants.

This foregoing list is intended to both set forth the guidelines for enforcement of this Article and to demonstrate as clearly as possible the council's legislative intent at this Article's enactment. This list is not to be interpreted as an exclusive list. Factors not mentioned in the list shall be considered within the context of the objectives stated herein. With the exception of buildings or structures which are clearly unsafe, and likely to cause damage, to occupants, adjacent properties, or third parties, it is generally expected that unless one factor is present to a very substantial degree, at least two factors must be present before a structure is determined to be unsafe, dilapidated, uninhabitable, or inadequately maintained.

(F) Property, including any exterior areas of parcels or lots upon which a building or structure exists, shall be considered unsafe or improperly maintained if:

- a. The property has thereon personal property that is abandoned or in a wrecked, inoperative, or partially dismantled condition or that has no apparent intrinsic value -beyond scrap or a similar value, to its rightful owner;
- b. The property has an accumulation of trash or garbage. Trash or garbage shall mean any accumulation of (i) animal, fruit, or vegetable waste that is subject to decomposition, decay, or putrefaction; (ii) of debris, garbage, lumber, sawdust, or other waste materials; or (iii) of material that does not meet other definitions set forth herein and that may have some real or perceived value to the owner or occupant of private property upon which it is located but that constitutes by its existence a

nuisance in that it devalues the underlying or adjacent property, creates a public nuisance, nuisance per se, or attractive nuisance;

- c. The property has significant nuisance plants, grasses or weeds.

“Nuisance plants, grasses or weeds “ shall mean invasive species, species which strongly tend to self-propagate and are likely to spread beyond property lines such as running species of bamboo, brazilian peppers, golden raintrees, kudzu etc, grasses and/or weeds that are not regularly cared for and maintained and that exceed 12 inches in height and unmaintained underbrush or undergrowth or other noxious vegetation.

Chapter 99 - PROPERTY MAINTENANCE CODES

Sec. 99-1. - Purpose and definitions.

- (a) The purpose of this section is to protect the health, safety, and general welfare of the residents of the city by:
 - (1) Establishing minimum property and building maintenance standards; and
 - (2) Providing for the abatement of public nuisances affecting the general public.
- (b) The maintenance and nuisance standards in this chapter are supplementary to standards that are found in other portions of this Code and in other ordinances adopted by the city.
- (c) *Abandoned property* means:
 - (1) All tangible personal property that does not have an identifiable owner and that has been disposed of on private property in a wrecked, inoperative, or partially dismantled condition or that has no apparent intrinsic value to the rightful owner; or
 - (2) Property that has been placed on private property but that is in a substantially operable, functional condition or has an apparent intrinsic value to the rightful owner.
 - (3) Abandoned property does not mean a vacant building.
- (d) *Trash* means:
 - (1) Any accumulation of animal, fruit, or vegetable waste that is subject to decomposition, decay, or putrefaction; or
 - (2) Debris, garbage, lumber, sawdust, or other waste materials; or
 - (3) Material that does not meet other definitions set forth herein and that may have some real or perceived value to the owner or occupant of private property upon which it is located but that constitutes by its existence a nuisance in that it devalues the underlying or adjacent property, creates a public nuisance, nuisance per se, or attractive nuisance.
- (e) *Nuisance grasses and/or weeds* means grasses and/or weeds that are not regularly cared for and maintained and that exceed 12 inches in height and/or underbrush or undergrowth or other noxious vegetation.
- (f) *Public nuisance* is an act or omission that obstructs, damages, or inconveniences the rights of the community; the public nuisance injures the health, safety or welfare of the citizens in general, whether or not contemplated by F.S. ch. 823, or any other city or state regulation.

(Ord. No. 2011-02, § 3, 4-11-2011)

Sec. 99-2. - Exterior surfaces of buildings. *RC added this to 250311 P & Z document*

- (a) *Residential*. Deteriorated elements of any building wall or roof shall be repaired or replaced in a workmanlike manner.
- (b) *Commercial*. All building walls and roofs shall be maintained in a secure manner. Deteriorated elements of any building wall or roof shall be repaired or replaced in a workmanlike manner to match as closely as possible the materials and construction of the building.
- (c) *Residential and commercial*. Doors and windows shall be maintained as follows:
 - (1) All broken doors and windows shall be secured immediately and shall be repaired within 30 days.
 - (2) Based upon hardship circumstances, property owners may request in writing to code enforcement, an additional 30 day extension to repair a broken window or door that has been temporarily secured.
- (d) Ground level storefront windows facing a public right-of-way shall be maintained in an unbroken and clean state.
 - (1) No window facing a public right-of-way shall be removed, enclosed, or covered, except that damaged windows may be boarded up for a reasonable temporary period while repairs are being arranged.
 - (2) All awnings or canopies facing or visible from the public right-of-way shall be maintained in good condition. Torn or loose awnings shall be promptly repaired or replaced.

(Ord. No. 2011-02, § 3, 4-11-2011)

Sec. 99-3. - Exterior storage.

- (a) No temporary or permanent storage of materials or equipment will be allowed on any vacant parcel except in compliance with the regulations for the use of such property as set forth in this code, or in conjunction with an active building permit.
- (b) Equipment, materials, and furnishing not designed for use outdoors, such as automotive parts and tires, building materials, and interior furniture, may not be stored outdoors.

(Ord. No. 2011-02, § 3, 4-11-2011)

Sec. 99-4. - Public rights-of-way and sidewalks.

- (a) Landowners shall maintain in a clean condition adjoining sidewalks and public rights-of way that, because of their location and character, appear or are used as if they are an extension of the parcel of land. The landowner shall, at a minimum:
 - (1) Keep such sidewalks and rights-of-way clear of litter, debris, and weeds;
 - (2)

Maintain trees and shrubs to allow a horizontal clearance of at least three feet and a vertical clearance of at least eight feet above any sidewalk, bike path, or street; and

- (3) Regularly mow or otherwise maintain unpaved areas in a neat and attractive condition.
- (b) Landowners may not plant any tree or shrub closer than three feet to any sidewalk or bike path or to the right-of-way of any street. Trees or shrubs may be planted within a right-of-way only with permission of the city.
- (c) The display on public property of vehicles for sale, rent, or hire is regulated by chapter 54.
- (d) Parking on public rights-of way is regulated by chapter 66.

(Ord. No. 2011-02, § 3, 4-11-2011)

Sec. 99-5. - Public nuisances.

- (a) No person owning, leasing, operating, or having control of any premises located within the city shall maintain, keep, or permit any nuisance as described in this section. Tenants in possession of property, landlords, property owners, and property management or real estate companies responsible for property maintenance shall be jointly and severally responsible for complying with this section.
- (b) The existence of any of the following conditions or conduct is hereby declared to constitute a public nuisance:
 - (1) A condition or use that causes a substantial diminution of value of property in the vicinity of the condition or use.
 - (2) Buildings that are abandoned.
 - (3) Buildings that are boarded up, except when placed for temporary hurricane protection and removed within 30 days.
 - (4) Buildings that are partially destroyed and not rebuilt within a reasonable temporary period while repairs are being arranged.
 - (5) Partially constructed buildings that are not completed within a customary construction period or for which building permits have expired.
 - (6) Any attractive nuisance dangerous to children such as excavations, untended or unfenced swimming pools, or abandoned or broken equipment or machinery.
 - (7) Overt blocking of drainage swales, pipes, or driveways, so as to cause flooding or adversely affect surrounding property.
 - (8) Excessive or untended accumulations of trash or abandoned property, including scattered trash and litter that remains on commercial parking lots for a period longer than 24 hours.
 - (9)

Outdoor storage, which does not include the parking of boats or motor vehicles, on private property of unlicensed and/or inoperable boats or motor vehicles which are not parked in the back-yard or screened from public view.

(10) Accumulation of nuisance grasses and/or weeds.

(11) Any other condition or use that constitutes a nuisance to the public which is continually or repeatedly maintained, the abatement of which would be in the best interest of the health, safety, and welfare of residents of the city.

(Ord. No. 2011-02, § 3, 4-11-2011; Ord. No. 2014-02, § 4, 8-11-2014)

Sec. 99-6. - Inoperative vehicles on public property.

(a) The keeping, storing, or parking of an inoperative vehicle on any public property, including public streets and rights-of-way, is hereby declared to be a nuisance. It shall be unlawful for any person to allow any inoperative vehicle to remain on public property. The notice and removal procedures set forth in chapter 38 of the City Code may be used by the city and law enforcement personnel.

(b) If a vehicle becomes disabled while on public property, it shall be removed within 24 hours.

(Ord. No. 2011-02, § 3, 4-11-2011)

Sec. 99-7. - Noise.

Unreasonable levels of noise as regulated by Dunnellon City Code, appendix A, article XI, operational performance standards are determined to be a nuisance.

(Ord. No. 2011-02, § 3, 4-11-2011)

Sec. 99-8. - Required landscaping, buffers, and native vegetation.

Any landscaping, buffers, and native vegetation planted or preserved in accordance with a development order or rezoning approval shall be maintained in at least the same condition as required for the original installation or preservation. Dunnellon Code, appendix A, zoning describes the current plant maintenance standards.

(Ord. No. 2011-02, § 3, 4-11-2011)

Sec. 99-9. - Lot mowing.

(a) It is the duty of every person responsible for or in possession of property ("responsible persons") to maintain the property so that nuisance grasses and/or weeds do not accumulate in growth over 12 inches in height thereon. Such accumulation contribute to fire and health hazards within the city.

- (b) All agricultural zoned properties and any property over five acres in size shall be exempt from this section. However, any exempt parcel that abuts a residential property shall maintain a strip of cleared land ("firebreak) of at least 20 feet adjacent to and abutting the residential property. Nuisance grasses and/or weeds within the firebreak shall be kept mowed and shall not be allowed to accumulate in growth over 12 inches in height. No trash shall be allowed to accumulate within the firebreak.
- (c) For purposes of this section, "responsible person(s)" shall mean tenants in possession of property, landlords of property, property owners, and property management or real estate companies responsible for maintenance of the property. Such tenants, landlords, property owners, and property management or real estate companies shall be jointly and severally responsible for maintaining property and complying with this section.
- (d) The city will issue a first notice of violation to the property owner and any other responsible person(s) of which the city is aware regarding the existence of nuisance grass and/or weeds on the property. This will be issued via first class mail and certified mail and/or posting of the property. Notice to the property owner shall be sent to the address listed with the county property appraiser. The notice shall state that the nuisance must be abated within ten days, after which time the city manager may instruct employees or contractors of the city to enter the property and abate the nuisance. The cost of such abatement will be levied as a lien against the property, and the notice shall so state. The city manager will direct code enforcement to prepare a bill for the entire cost of abatement.
- (e) Within five days of receipt of the first notice of violation by mail or posting, any responsible person(s) may make a written request to the city manager for a hearing on the issue of whether the condition alleged in the notice either does not exist or does not constitute a nuisance. Included with such written request will be a deposit of estimated costs, by check or bond, as determined by city code enforcement. City code enforcement shall include in the estimated deposit an accounting of all costs incurred by the city in this enforcement process including the costs of the special magistrate and city attorney. Once the city manager has the notice and deposit of costs, a hearing will be scheduled and conducted before the special magistrate as set forth elsewhere in this code. If the special magistrate determines that there is no violation of this section, then the deposit will be immediately refunded.
- (f) Unless a hearing is requested and held as set forth in subsection (e), the city will send a second notice containing an invoice detailing any and all costs including administrative costs incurred by the city, if the city abates the nuisance, along with a request for payment of these costs, to the property owner and any other responsible person(s) within 30 days of the date of the first notice. In the event the amount set forth on this notice is not paid in full within 30 days, a lien indicating these costs, signed by the city manager, will be placed against the property and recorded in the

official records of the county. The lien will incorporate interest at the statutory rate on the unpaid balance of the invoiced costs until the balance is paid in full. A copy of the recorded lien shall be sent by U. S. Mail to the property owner and any other responsible person(s).

(Ord. No. 2011-02, § 3, 4-11-2011; Ord. No. 2014-02, § 4, 8-11-2014)

Sec. 99-10. - Building numbers.

- (a) All residential and commercial buildings within the city are required to be issued a building number by the city. The building number shall be posted on or about the building and property in accordance with guidelines set forth below.
- (b) Posted building numbers shall be at least four inches high and two inches wide and shall be of an easy to read type. Numbers on residential, commercial, institutional, or multifamily buildings, that are set back more than 50 feet from the street, shall be at least eight inches high. If a building front is not readily visible or accessible, regardless of distance from the street, numbers shall be posted at the driveway to the building, in addition to the number being affixed to the building. Building numbers shall be in a color that contrasts with the immediate background and must be clearly visible from the adjoining street.
- (c) For plazas or other commercial occupancies with multiple buildings, the range of building numbers shall be posted on the main plaza and on the occupancy sign viewed from the street from both directions. If separate units are assigned separate numbers with or without letters, that number plus any assigned letter shall be posted on the front of each unit.
- (d) Fractions of a house number shall not be issued for a structure address.
- (e) The owner or occupant of a structure shall have 12 months from the approval of this code to make necessary changes to be in compliance.

(Ord. No. 2011-02, § 3, 4-11-2011)

Sec. 99-11. - Refuse containers.

- (a) *Residential and commercial.* Refuse containers shall not be moved to the street more than 24 hours prior to scheduled curbside collections nor remain there more than 24 hours after scheduled collections.
- (b) *Commercial.* Any refuse containers that are not movable in accordance with subsection (a), and located within direct view of the street, shall be opaquely screened from view from streets and adjoining properties. This screening may be achieved by landscaping or by virtue of the location of the container on the site.
- (c) Based upon hardship circumstance, which is defined as any physical difficulty implementing section 99-10(b) because of existing property configuration or existing trees, such property owner or business owner, so impacted, may contact the city manager and/or community development

director to work cooperatively to find an acceptable solution. In the event that a solution cannot be found then such situation shall be brought to the city council in a second attempt to develop an acceptable solution.

(Ord. No. 2011-02, § 3, 4-11-2011)

Sec. 99-12. - Neighborhood flooding.

- (a) Chapter 98 of this Code requires stormwater management systems for new development. Development that is not subject to those requirements, such as single-family and two-family dwellings on existing lots, can also flood surrounding lots and streets, especially if the lot is raised higher than adjoining properties or if rainfall is concentrated by gutters and downspouts and discharged without an opportunity for infiltration.
- (b) To minimize neighborhood flooding from normal daily rainfall, a fill permit must be obtained from the city when fill material is to be placed on lots that would raise the elevation more than an average of six inches above adjoining lots. The fill permit application must show how normal rainfall will have an opportunity to infiltrate into the ground within the lot using one or more of the following methods or equivalent solution:
 - (1) Gutters and downspouts that collect rainwater must discharge into exfiltration trenches (French drains), or into a subsurface drainfield that meets the construction standards of F.A.C. 64E-6.014(5) (the percolation, depth, location, and setback standards for drainfields need not be met), or onto substantially flat and porous surfaces such as:
 - a. Sodded lawns.
 - b. Clean (washed) gravel or sand over a well-drained base.
 - c. Porous (pervious) paving.
 - (2) Roof areas not served by gutters and downspouts must not drain to impervious surfaces, and must not drain to pervious surfaces that are sloped in excess of five percent. Surfaces not meeting these requirements must be designed to detain or deflect rainfall, for instance through the use of earthen ridges, curbs, or retaining walls that prevent average rainfall from running onto adjoining lots or streets.
- (c) Additions to, renovations of, and replacements for single-family and two-family dwellings that include the installation of gutters and downspouts must also obtain a fill permit showing discharge from the downspouts being directed to the same standards as for filled lots.

(Ord. No. 2011-02, § 3, 4-11-2011)

Sec. 99-13. - Accessory structures.

All accessory structures, including detached garages, fences, walls, and seawalls, will be maintained in good repair and with structural soundness.

(Ord. No. 2011-02, § 3, 4-11-2011)

Sec. 99-14. - Enforcement.

All violations of this chapter will be documented and pursued pursuant to chapter 2, code enforcement as amended by ordinance 2009-10 which provides for code enforcement officers and the use of a special magistrate in code enforcement hearings

(Ord. No. 2011-02, § 3, 4-11-2011)

Chapter 99A - ABATEMENT OF UNSAFE STRUCTURES

Footnotes:

-- (1) --

Editor's note— Ord. No. 2019-04, § 2, adopted November 12, 2019, amended the Code by repealing former ch. 99A, §§ 99A-1—99A-3, and adding a new ch. 99A. Former ch. 99A pertained to unoccupied, unsuitable and dangerous or unsafe buildings, and derived from Ord. No. 2011-03, adopted April 11, 2001.

Sec. 99A-1. - Purpose.

- (a) The intent and purpose of this division is to:
- (1) Protect the health, safety, morals and welfare of all the people of Dunnellon by establishing standards governing the abatement of unsafe structures; authorizing and establishing procedures to secure, repair, and/or demolition of the same and setting forth a procedure for the enforcement of this division by ordering the abatement of structures found unsafe. This division is hereby declared to be remedial and essential to the public interest, and it is intended that this division be liberally construed to effectuate the purposes as stated above.
 - (2) Provide a just, equitable, and practical method, to be cumulative with and in addition to, any other remedy or enforcement procedure provided by the ordinance code and the land development code of the city, or otherwise available at law; whereby buildings which, from any cause, endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants, may be required to be repaired or demolished.
- (b) This chapter is not intended to apply to buildings dedicated to agricultural use which do not pose a hazard to the general public.
- (c) The purpose of the Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited or discriminated against by the terms of the Code.

(Ord. No. 2019-04, § 2, 11-12-2019)

Sec. 99A-2. - Inspections. **DISCUSSION**

The building official, or his or her designee, shall have the authority to inspect any structure for the purpose of determining whether the same is unsafe based on the conditions set forth herein. The building official, or his or her designee, is authorized to utilize the services of private engineers, architects or other professionals in order to determine the condition of the structure in question.

(Ord. No. 2019-04, § 2, 11-12-2019)

Sec. 99A-3. - Unsafe conditions; nuisance. **RC added this to 250311 P & Z Ytown Code Doc.**

- (a) A structure is unsafe when any of the following conditions exist:
- (1) The structure's interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
 - (2) The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
 - (3) The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
 - (4) The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare.
 - (5) The structure has connected parts that have become so detached from one another that there is a reasonable likelihood they may fall and injure members of the public or cause property damage in general.
 - (6) The structure is vacant and/or abandoned and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.
 - (7) The structure is unsuitable or improper for the use or occupancy for which it is intended, including, but not limited to any structure or equipment that is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks essential equipment required by the city's Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public or property nearby.
- (b) A structure that is unsafe constitutes a nuisance. No person shall permit an unsafe structure to exist on property under his or her ownership or control.

(Ord. No. 2019-04, § 2, 11-12-2019)

Sec. 99A-4. - Notice of violation and notice of hearing.

When the building official, or his or her designee, verifies the existence of a structure which is unsafe, an initial notice of violation and notice of hearing shall be provided to the owner of record and other known interested parties as set forth in section 99A-5. Said notice shall describe the condition(s) found by the building official, or his or her designee, and relied upon in determining the structure as unsafe and state the requirements to secure and repair, or demolish the structure within a reasonable period of time along with a notice informing all interested parties of the date, time and location of the hearing before the special magistrate which may result in an order providing for demolition of the structure(s) on the property per the requirements of this chapter with any costs therefore being assessed against the property and constituting a lien thereon.

(Ord. No. 2019-04, § 2, 11-12-2019)

Sec. 99A-5. - Manner of serving notice.

- (a) For the purpose of providing notice, interested parties shall be the owner of the property as shown on the county tax rolls, other persons whose names appear on the county tax rolls as having an interest in the property, and the tenant or occupant, if any, of the property, as well as other persons of record interest, which may include the mortgagee, contract purchaser (if known), agent with power of attorney, lien holder, and any person claiming an interest under a lis pendens. The building official shall obtain a title search to verify ownership, encumbrances, and other record interests.
- (b) Twenty days or more prior to the hearing before the special magistrate, the notice of violation and notice of hearing shall be posted on the front of the property and shall be delivered to the interested parties by both regular first-class U.S. mail, and by certified mail return receipt requested. In addition to mailing as specified above, as to any recipients of notice with addresses lying inside the municipal limits of the city, the building official, his designee, a code enforcement officer or an officer of the city police department notice may deliver such notice by hand-delivery to those recipients or by leaving such copy at such person's usual place of residence with some person of the household above 15 years of age and informing such person of the contents thereof. For those recipients whose addresses lie outside the municipal limits of the city, the notice shall also be sent by Federal Express, UPS or other widely recognized overnight delivery courier service.
- (c) If the name of any interested party or their place of residence or their post office address cannot be ascertained after diligent search or in the event a notice sent by either registered or certified mail shall be returned undelivered, notice shall be given by publishing a copy thereof two times in

a newspaper of general circulation in the city as set forth in subsection (e) of this section and, if the name of such interested party is known, mailing a copy thereof to such person's last known address, if known.

- (d) A copy of such notice of violation and notice of hearing shall be posted in a conspicuous place at city hall.
- (e) If publication of notice is made, a notice of notice of violation and notice of hearing shall be published on two different days in a newspaper of general circulation in the city at least seven days apart and the last publication of such notice shall be not less than ten days prior to the date of hearing.

(Ord. No. 2019-04, § 2, 11-12-2019)

Sec. 99A-6. - Hearing and authority to order secure and repair or demolition.

- (a) In any hearing before the special magistrate pursuant to this division, formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a trial in the courts of the state. Each interested party shall have the right to appear in person, by legal counsel or by an agent, to call and examine witnesses under oath, to introduce documentary evidence or exhibits, to cross-examine opposing witnesses on any relevant matter even though the matter was not covered under direct examination, to impeach any witness regardless of which party first called him to testify, and to submit rebuttal evidence.
- (b) Based upon substantial competent evidence presented at the hearing contemplated by this section, the special magistrate may render his or her order requiring the owner to secure and repair the structure(s) which has been established as unsafe within a reasonable period of time not less than 30 days from the date of the order or direct the structure to be demolished upon a majority vote of city council to proceed with demolition, and provide authority for the city to take the necessary steps to abate the condition(s) in the event the owner fails to do so and charging all expenses of the abatement against the property in accordance with this division. The order may also require vacating of the property if such action is necessary and has not already been accomplished.
- (c) All unsafe structures which have been secured as a result of an order to secure and repair shall be subject to inspection and the owner of the structure shall be assessed a fee for each and every such inspection. For the purpose of ensuring that the vacant and unfit or unsafe structure is locked and/or secured, inspections shall be conducted no less frequently than at 30-day intervals and the following fee collected in the manner provided by this division for each and every inspection conducted.

(1)

Residential, commercial, institutional and industrial structures, per structure: \$50.00.

(2) Other structures (detached garages, accessory buildings, etc.), per structure: \$25.00.

(Ord. No. 2019-04, § 2, 11-12-2019)

Sec. 99A-7. - Appeal procedure.

An aggrieved party, including the city, may appeal a final administrative order of the special magistrate to the circuit court in Marion County. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

(Ord. No. 2019-04, § 2, 11-12-2019)

Sec. 99A-8. - Condition of lot after demolition.

A lot from which a structure is demolished shall be properly cleared, filled, graded and seeded with grass seed or sodded within seven days of the date of completion of the demolition. The lot shall comply with the established vegetation standards of the city.

(Ord. No. 2019-04, § 2, 11-12-2019)

Sec. 99A-9. - Assessment of cost of demolition; lien on property.

- (a) Upon expiration of the 30-day right of appeal to the circuit court with no appeal having been taken, or, if appeal is taken, expiration of the 30-day period following the 30-day period for filing a claim of appeal to the district court of appeal, or following an emergency demolition authorized and conducted in accordance with section 99A-10, unless otherwise ordered by a court of competent jurisdiction, the city administrator or his or her designee, after proceeding under this division, shall assess the entire cost of such vacation, demolition, removal or securing against the real property upon which such cost was incurred by recording a lien. The costs which may be assessed include the cost of rodent extermination where employed, all administrative costs (which shall include all costs related to any hearing before the special magistrate and the lien recording and releasing fee), postal expense, newspaper publication and other costs reasonably and necessarily incurred by the city, including attorney's fees and costs. Such costs when assessed shall constitute a lien upon such property and such lien shall bear interest from such date at the rate established by the comptroller of the state pursuant to F.S. § 55.03 and shall be enforceable if unsatisfied, after the expiration of one year from the date of recording such notice of lien, as other liens may be enforced by the city. The city may sell any material salvaged from any demolished structure and credit proceeds against the cost of demolition, or where an independent contractor is employed to demolish any such building, to convey such material or

property to the contractor as compensation or partial compensation for such demolition; and, should the proceeds from the disposition of such material or property exceed the cost of such demolition, such excess shall be used, applied, or paid over in accordance with the written direction of the parties entitled thereto.

- (b) In those instances where the owner has repaired, secured or demolished a structure or caused such work to be done as the result of having been determined to be in violation of this division, all costs described in subsection (a) of this section reasonably and necessarily incurred by the city shall be assessed against the property and such lien shall bear interest from such date at the rate established by the comptroller of the state pursuant to F.S. § 55.03 and shall be enforceable if unsatisfied, after the expiration of one year from the date of recording such notice of lien, as other liens may be enforced by the city.
- (c) The city shall record a notice of lien in the public records of Marion County. The notice of lien shall show the nature of such lien, the amount thereof, the names of persons having an ownership or other property interest of record and an accurate legal description of the property, which lien shall date from the date of recording of the notice of lien. Such lien shall bear interest from such date at the rate established by the comptroller of the state pursuant to F.S. § 55.03 and shall be enforceable if unsatisfied, after the expiration of one year from the date of recording such notice of lien, as other liens may be enforced by the city.

(Ord. No. 2019-04, § 2, 11-12-2019)

Sec. 99A-10. - Emergency condemnations, authority to take action; lien on property.

- (a) In cases where there is imminent peril to the public safety or general welfare or immediate danger to the life or safety of any person or where the public is endangered by weather conditions, fire, other natural disasters or the particular location of the subject property, unless an unfit or unsafe structure is immediately repaired, demolished, or removed, the building official in consultation with the city administrator or his or her designee shall promptly cause such structure to be made safe or removed. For this purpose, the building official and city administrator or his or her designee may at once enter such a structure or land on which it stands, or abutting land or structures, to perform an inspection with such assistance and at such cost as may be deemed necessary.
- (b) Upon inspection, the building official in consultation with the city administrator or his or her designee shall determine whether or not the structure requires immediate emergency demolition in order to maintain the safety and welfare of the owner, tenants, or public. A written report will document results of these inspections. Exterior and interior photographs of the building, structure, or portion thereof will be taken when feasible.
- (c) The building official in consultation with the city administrator or his or her designee may order the vacation of adjacent structures and may require the protection of the public by appropriate fencing or such other means as may be necessary, and for this purpose may close any public or

private way.

- (d) If the building official in consultation with the city administrator or his or her designee determines that sufficient time exists, prior to demolition, to reasonably and safely serve a notice of intent to demolish, it will be sent via priority mail or courier delivery and by attempting to telephone the owner or interested parties (if listed in the current phone directory) giving notice of the emergency demolition. This written notification must state the findings of the building official or his or her designee, documenting cause for demolition or removal. Where the owner or other interested party fails to take immediate corrective action as ordered by the building official in consultation with the city administrator or his or her designee, the city administrator or his or her designee shall have the authority to promptly proceed with the abatement of the unsafe structure in accordance with this division. Failure to effect personal notice upon the individual owner or interested parties shall not prevent the city from performing the emergency demolition or removal and assessing a lien on the property. All costs incurred in the evaluation, vacation, securing and emergency demolition are the responsibility of the property owner, and the city administrator shall place a lien on the property as set forth in section 99A-9.

(Ord. No. 2019-04, § 2, 11-12-2019)