ARTICLE III. – UNSAFE, DILAPIDATED, UNINHABITABLE, UNSIGHTLY, DERELICT OR INADEQUATELY MAINTAINED STRUCTURES OR PROPERTY

Sec. 6-46. Objective.

(a) The objective of this article is to improve and maintain the appearance of certain buildings or structures which are not structurally sound, safe or in compliance with the minimum requirements as set forth in the town building code or which, while structurally sound, safe and complying with the minimum requirements as set forth in the town building code, are either unsightly, dilapidated, derelict or so inadequately maintained as to be aesthetically displeasing and in such disrepair as to constitute a public nuisance and to thereby 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 and to protect and preserve the appearance, character and value of the surrounding neighborhoods, that buildings, structures, and property, including vehicles and vessels, be maintained in a sightly, clean, well-maintained, structurally sound and safe appearance and condition. This article is designed to provide a mechanism whereby the town may correct or eliminate any threat to the health, safety and welfare of its residents and their properties, including the surrounding values or aesthetic quality of the town caused by unsafe, dilapidated, derelict, uninhabitable, unsightly or inadequately maintained buildings, structures and properties. The town council finds that the particular and peculiar characteristics of the town justify the regulation of such buildings, structures and properties and the enforcement mechanisms provided herein to help perpetuate the town's aesthetic appeal on a town-wide basis.

(Code 2015, ch. 6, art. III, § 6-4)

Sec. 6-47. Determination of unsafe, dilapidated, uninhabitable, unsightly, derelict or inadequately maintained structures or property.

(b) No person shall permit or allow the continued existence of any unsafe, dilapidated, uninhabitable, or inadequately maintained structure, which for purposes of this article shall include any vessel or vehicle, or building, or unsafe or inadequately maintained property, under his or her ownership or control within the town limits including any dock or vessel adjacent to the town boundary or physically connected to property within the town limits.

(c) A building or structure is uninhabitable if it fails to meet the minimum requirements identified in the current town 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, unsightly or inadequately maintained, the existence of the following factors, among others, will be considered:

(1) Boards or other materials which inhibit normal functioning or are substitutes for otherwise necessary repairs over windows, doors or any other openings;
(2) interior walls, exterior walls and roof structures which list, lean, are deflected or buckled;
(3) 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 a substantially increased risk the same may fail or give way;
(4) shutters, roof penetrations, or required hurricane protections insufficiently attached or maintained to serve the function for which that are intended, including to the extent they reasonably can be expected to fail to prevent, as designed, damage to the building or structure to which they are attached or in which they are incorporated;
(5) 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;
(6) 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;.
(7) 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 residents of adjacent property;
(8) 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
(9) vacancy or abandonment of such building or structure without sufficient steps taken to prevent easy access by trespassers and vagrants;
(10) incomplete or unmatched roof repair work or exterior wall repairs (patches of uncovered roofing cement, unmatched shingles, mismatched siding or stucco repairs etc.)

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

(1) The property has thereon, or physically connected thereto, 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,including derelict vehicles and derelict vessels as defined hereinafter;
(2) 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) debris, garbage, lumber, sawdust, or other waste materials; or (iii) 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;
(3) 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, brazillian 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.

(g) A vessel shall be considered derelict if it is in a wrecked, junked, or substantially dismantled condition.
   a. A vessel is "wrecked" if it is sunken or sinking; aground without the ability to extricate itself absent mechanical assistance; or remaining after a marine casualty, including, but not limited to, a boating accident, extreme weather, or a fire.

b. A vessel is "junked" if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator.
c. A vessel is "substantially dismantled" if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken:(1) The steering system; (2) The propulsion system; or (3) The exterior hull integrity.

(h) A vehicle shall be considered derelict if:
a. It does not display a current license tag;
b. It is unserviceable or inoperable, including for lack of an engine, the full number of wheels, including tires, required for operation installed and in operable condition, all doors, or other parts required to legally and safely operate on public streets and roads.

(i) This foregoing lists are 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. These lists are not to be interpreted as exclusive lists. Factors not mentioned in the lists shall be considered within the context of the objectives stated herein. With the exception of buildings structures, or properties 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 or property is determined to be unsafe, dilapidated, uninhabitable, unsightly or inadequately maintained.

Sec.6-48. Derelict Vehicles and Vessels.

No derelict vehicle or vessel shall be parked, stored upon, or moored to any property within the town limits except in a fully enclosed, legally constructed building, part of a business or within an enclosed rear yard with a minimum six foot high privacy fence or opaque hedge or other vegetative barrier and covered with a professional vessel or vehicle cover that is in good repair.

Sec. 6-49. Notice to owners to reconstruct, repair, remedy or remove.

Upon determination, after personal investigation, of the zoning official, code enforcement official, or code inspector as defined in sections 2-51 or 18- that probable cause exists to believe a building or structure is dilapidated or inadequately maintained, or a vehicle or vessel is derelict and not in compliance with section 6-48, the zoning official, code enforcement official, or code inspector shall give, or cause to be given, written notice to the owner of the building, structure, vehicle or vessel directing the owner thereof to construct, reconstruct, maintain, repair or remove as the cause may be, the building, structure, vehicle or vessel which shall advise the owner of the appeal privilege afforded by section 6-50.

(Code 2015, ch. 6, art. III, § 6-6)

Sec. 6-50. Appeal procedure.

Any person aggrieved by an adverse decision of the zoning official is entitled to meet with the zoning official and discuss his grievance. Upon reaching an impasse, the person aggrieved may appeal to the town council for consideration of the matter at the next regularly-scheduled town council meeting.

(Code 2015, ch. 6, art. III, § 6-7)

Sec. 6-51. Reconstruction to be according to original development site plan.

When a dilapidated or inadequately maintained building or structure was originally built according to a development site plan or building permit approved by the town council, requirements of the development site plan or building permit must be met in the reconstruction or repair, unless an exception is granted by the town council.

(Code 2015, ch. 6, art. III, § 6-8)

Sec. 6-52. Contents of notice; service; publication.

(a) The notice required by section 6-49 shall direct the property owner to commence within 30 days, or a longer time determined by the zoning official, after the date of such notice,(the "Commencement Date") and thereafter diligently pursue and complete the construction, reconstruction, repair, or remedial work, or removal of the applicable structure, building, vehicle or vessel as appropriate. The notice shall include:

(1)The date and time of issuance.

(2) The name and address of the person to whom the citation is issued.

(3) The date and time the violation was committed.

(4) The facts constituting probable cause.

(5) The number or section of this Code or ordinance violated.

(6) The name and authority of the town official providing the notice.

(7) The procedure for the person to follow in order to contest the violation.

(8) The applicable civil penalty if the person elects to contest the violation which shall be fifty dollars ($50.00) per day commencing on the Commencement Date if the owner does not by that date commence the construction, reconstruction, repair, or remedial work, or removal of the applicable structure, building, vehicle or vessel, and that the same may be increased thereafter by the county court or the code enforcement special master.

(10) A conspicuous statement that if the person fails to appear in court to contest the alleged violation, he shall be deemed to have waived his right to contest the violation, and that, in such case, judgment may be entered against the person for the penalty determined by the court, without in any regard relieving the owner of his obligation to cure the violation.

(b) Such notice shall be mailed to the address of the property owner as shown by the tax rolls of the town by certified mail, return receipt requested. If such notice is returned unclaimed, then a copy of such notice directed to the owner shall be published in a newspaper of general circulation in the town once each week for two consecutive weeks directing the owner to forthwith commence, and within the 30 days after the last publication of such notice, or such longer time determined by the zoning official complete the construction, reconstruction or repair or remedial work, or removal of the applicable structure, building, vehicle or vessel. Whenever a notice is mailed, a copy of such notice will be posted on the front door of the building, structure, vehicle or vessel or on a

prominent place on the building, structure, vehicle or vessel. It will be a violation of this article for anyone other than an owner to remove a posted notice, and the posted notice will so state.

When the owner's address is not the same as the property, an occupant, if any, but not more than one, will be notified by certified mail, return receipt requested. If the occupant's name cannot be ascertained, the notice will be addressed "Legal Notice—Occupant."

After issuing a citation to an owner, the town officer shall deposit the original notice and one copy of the notice with the county court and the same shall thereupon constitute a citation as provided for in Chapter 2, Article III, Code Enforcement.

(Code 2015, ch. 6, art. III, § 6-9)

Sec. 6-53. Work performed by town upon failure of owner to comply; recovery of costs.

(a) If a property owner fails or refuses to perform the construction, reconstruction, repair, or remedial work, or removal, on or with regard to owner's building, structure, vehicle or vessel within the designated time prescribed in the notice, the zoning official shall cause the required repairs to be made, the building or structure razed, or the vehicle or vessel junked or otherwise removed, upon the prior approval of the town council of such expenditures. The zoning official will determine that the dilapidated or inadequately maintained building or structure will be razed if the cost of the required repairs is equal to or greater than the value of the structure, such value to be determined by the zoning official in zoning official's reasonable discretion calling upon the zoning official's expertise in the field. If the cost of the required repairs will be less that the value of the building, the zoning official will cause the required repairs to be made.

(b) Upon the determination of the zoning official that it is appropriate under the terms of this section to raze a building or structure, or to junk or otherwise remove a vehicle or vessel, the zoning official will notify the town attorney. The town attorney will cause a title check on the property, vehicle or vessel to be run and the town will notify all interest holders of record, including mortgagees or other lien holders, by certified mail, return receipt requested, that such interest holders have 30 days from the date of the notification to notify the zoning official that they intend to repair the building or structure or remove the vehicle or vessel, that they have 45 days to commence repair or complete removal, and the designated time to complete the required repairs or removal. If the time schedule is not met, the building will be razed or vehicle or vessel removed.

(c) The cost of razing the building or removing the vehicle or vessel will be charged as a lien against the property just as the costs of repair will be charged as a lien, and, further, every provision herein applying to repair, including, but not limited to, appeal provisions, the liens' priority, costs to be included in the lien, and attorney's fees apply likewise when a building or structure is razed or a vehicle or vessel removed.

(Code 2015, ch. 6, art. III, § 6-10)

Sec. 6-54. Lien foreclosure.

When the zoning official causes repairs to be made or causes a building or structure to be razed, or a vehicle or vessel to be removed, upon the failure of the owner to do the same, all costs of the repair or razing or removal and all related administrative, advertising, attorney's fees and notice costs will be charged against the owner of the property and be established as a lien against the property by resolution of the town council. When costs are ascertained and work is complete, this lien will be foreclosed as special assessments are foreclosed pursuant to state statutes. The town clerk will keep a docket of these liens, as special assessments are kept, and will notify the town attorney of assessments which are not paid in the same manner as special assessments. Such liens will be equal with the liens of all state, county and municipal taxes, superior in dignity to all other liens, titles and claims. Should the town foreclose a lien, the owner will pay all costs and attorney's fees, including those on appeal.

Interest will be charged running from the date of the passage of the resolution assessing the lien at the interest rate set forth in F.S. § 170.09, for special assessment liens or successor amendatory provision.

(Code 2015, ch. 6, art. III, § 6-11; Ord. No. 99-07, § 1, 6-28-1999)

Sec. 6-55 Supplemental Enforcement Authority.

The provisions of this article are an additional and supplemental means of enforcing the town codes and ordinances by any other means, including, without limitation, the means specified in Chapter 2, Article III Code Enforcement.

Secs. 6-56—6-79. Reserved.