

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: May 21, 2008 (Key Largo)

Division: County Attorney

Bulk Item: Yes X No       

Department: County Attorney

Staff Contact Person: Cynthia Hall 3174

---

**AGENDA ITEM WORDING:**

Approval to advertise a public hearing for an ordinance amending Sec. 6-4 of the Monroe County Code.

---

**ITEM BACKGROUND:** The intent of this ordinance is to update Section 6-4 of the Monroe County Code. Section 6-4 of the Monroe County Code defines unsafe buildings, structures and systems and provides that unsafe buildings, structures and systems must be repaired. The Code section was last updated in 2002.

---

**PREVIOUS RELEVANT BOCC ACTION:** Section 6-4 was revised in 2002 via Ordinance No. 010-2002.

---

**CONTRACT/AGREEMENT CHANGES:** Not applicable.

---

**STAFF RECOMMENDATIONS:** Approval to advertise for June 18, 2008 public hearing in Marathon.

---

**TOTAL COST:** N/A

**BUDGETED:** Yes        No       

**COST TO COUNTY:**       

**SOURCE OF FUNDS:**       

**REVENUE PRODUCING:** Yes        No X

**AMOUNT PER MONTH**        **Year**       

**APPROVED BY:** County Atty X <sup>CLH</sup> OMB/Purchasing        Risk Management       

**DOCUMENTATION:** Included        To Follow        Not Required       

**DISPOSITION:**       

**AGENDA ITEM #**

ORDINANCE NO. -2008

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING SECTION 6-4, MONROE COUNTY CODE (UNSAFE BUILDING); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, on April 17, 2002, the Board of County Commissioners passed Ordinance 10-2002 adopting the 2001 version of the Florida Building Code; and

**WHEREAS**, Section 2 of Ordinance 10-2002 ("Unsafe Buildings") provided that all unsafe buildings would be abated using a standard unsafe building abatement code promulgated by the Southern Building Code Congress International, Inc.; and

**WHEREAS**, the Southern Building Code Congress International, Inc. merged with several other regional code councils and became the International Code Council (ICC), and it is therefore necessary to update this reference in the Monroe County Code.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AS FOLLOWS:**

Section 1. Existing Section 6-4 of the Monroe County Code is hereby repealed in its entirety.

Section 2. A new Section 6-4 is hereby created, as follows:

**Section 6-4. Unsafe buildings.**

- (a) *Definitions:* All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire or windstorm hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health shall be deemed to be unsafe structures and a permit shall be obtained to demolish the structure or where specifically allowed by this section, to bring the building into compliance with the applicable codes as provided herein.
- (b) *Physical Criteria.*
  - (1) A building shall be deemed a fire hazard and/or unsafe when:
    - (a) There is an accumulation of debris or other material therein representing a hazard of combustion.

- (b) The building condition creates hazards with respect to means of egress and fire protection.
- (2) A building, or part thereof, shall be presumed to be unsafe if:
- (a) There is a falling away, hanging loose or loosening of any siding, block, brick, or other building material.
  - (b) There is a deterioration of the structure or structural parts.
  - (c) The building is partially destroyed.
  - (d) There is an unusual sagging or leaning out of plumb of the building or any parts of the building and such effect is caused by deterioration or over-stressing.
  - (e) The electrical, plumbing or mechanical installations or systems create a hazardous condition contrary to the standards of the Florida Building Code and the National Electric Code.
  - (f) An unsanitary condition exists by reason of inadequate or malfunctioning sanitary facilities or waste disposal systems.
  - (g) There is no potable water service or electrical service.
  - (h) The construction of the building or construction or the installation of systems or components within the building has been commenced or completed without a permit having been obtained or where the permit has expired prior to appropriate inspections and completion and the issuance of a Certificate of Occupancy or Certificate of Completion.
  - (i) The building or structure is vacant and abandoned, and covered at doors or windows with materials not previously approved by the Building Official.
  - (j) By reason of illegal or improper use, the occupancy or maintenance does not comply with the Building Code, or the code in effect at the time of construction.
  - (k) The building or part thereof meets the physical criteria of an unsafe structure set forth above and has not been repaired and brought into compliance with the Building Code following the expiration of the reasonable periods after notice to the property owner by the Code Enforcement Inspector, Fire Marshal, or Building Official.
- (3) *Abatement Required:*
- (a) All unsafe buildings, structures or systems are hereby declared illegal and shall be abated by repair and rehabilitation or demolition.
  - (b) All swimming pools or spas that contain stagnant water or do not conform with Sec. 424.2.17 of the Florida Building Code are

deemed unsanitary and/or dangerous to human life and public welfare. If the stagnant water is not removed and/or all repairs made and brought into full compliance with the Building Code within a reasonable period of time, then these swimming pools or spas will be demolished.

Section 3. If any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected such invalidity.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 5. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances in the County of Monroe, Florida, as additions or amendments thereto, and the Monroe County Code shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 6. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the \_\_\_ day of June, 2008.

Mayor Charles McCoy \_\_\_\_\_  
Mayor Pro Tem Mario Di Gennaro \_\_\_\_\_  
Commissioner George Neugent \_\_\_\_\_  
Commissioner Dixie Spehar \_\_\_\_\_  
Commissioner Sylvia J. Murphy \_\_\_\_\_

(SEAL)  
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY  
COMMISSIONERS OF MONROE  
COUNTY, FLORIDA

By: Deputy Clerk

By: Mayor/Chairperson

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
*Cynthia L. Hall*  
CYNTHIA L. HALL  
ASSISTANT COUNTY ATTORNEY  
Date 4-20-2008