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Town of Lee Little but Proud

ARTICLE TEN. HAZARDOUS BUILDINGS REGULATIONS

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SECTION 10.1 SCOPE

- 10.1.1 Article Remedial. This Article is hereby declared to be remedial and shall be constructed to secure the beneficial interests and purposes thereof, which are public safety, health and general Welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises.
- 10.1.2 Scope. The provisions of this Article shall apply to unoccupied and unsafe buildings or structures as herein defined, and shall apply equally to new and existing conditions.
- 10.1.3 Alterations, Repairs or Rehabilitation Work. (1) Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of the Town Building Code provided that the alteration, repair or rehabilitation work conforms to the requirements of the Town Building Code for new construction. The Land Development Regulation Administrator shall determine, subject to appeal to the Board of Adjustment the extent, if any, to which the existing building shall be made to conform to the requirements of the Town Building Code for new construction; (2) Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in Section 2.1 of these land development regulations; (3) If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of the Town Building Code for the new occupancy classification as established by the Land Development Regulation Administrator; and (4) Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this Article or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed.
- 10.1.4 Special Historic Buildings and Districts. The provisions of this Article relating to the construction alteration, repair, enlargement, restoration, relocation, or moving buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the Town's Comprehensive Plan and these land development regulations as historic Buildings when such buildings or structures are judged by the Land Development Regulation Administrator to be safe and in the public interest of health, safety and welfare regarding

any proposed construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings within fire districts. The applicant shall be required to submit complete architectural and engineering plans and specifications bearing the seal of a registered professional engineer or architect.

SECTION 10.2 ORGANIZATION

- 10.2.1 Enforcement Officer. The Land Development Regulation Administrator shall be the enforcement officer of the provisions of this Article.
- 10.2.2 Restrictions on Employees. An officer or employee connected with the Town shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration, demolition, repair or maintenance of a building, or in the making of plans or of specifications therefore, unless he or she is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his or her duties or with the interests of the Town.
- 10.2.3 Records. The Land Development Regulation Administrator shall keep, or cause to be kept, a record of the actions related to this Article.

SECTION 10.3 POWERS & DUTIES OF THE LAND DEVELOPMENT REGULATION ADMINISTRATOR

- 10.3.1 Right of Entry. The Land Development Regulation Administrator shall enforce the provisions of this Article, and such Land Development Regulation Administrator, or their duly authorized representative upon presentation of proper identification to the owner, agent, or tenant in charge of such property, may enter any building, structure, dwelling, apartment, apartment house, or premises, during all reasonable hours, except in cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, in which case the above limitation shall not apply.
- 10.3.2 Inspections. The Land Development Regulation Administrator, and other authorized representatives are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Article.
- 10.3.3 Liability. Any officer or employee of the Town charged with the enforcement of this Article, acting for the Town in the discharge of their duties, shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the

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discharge of duties. Any suit brought against any officer or employee because of such act performed in the enforcement of any provision of this Article shall be defended by the Town Attorney until the final termination of the proceedings.

SECTION 10.4 APPEALS TO THE BOARD OF ADJUSTMENT 12.1.5 of these land (Refer to Section 12.1.5 of these land development regulations.)

SECTION 10.5 INSPECTIONS

- 10.5.1 General. The Land Development Regulation Administrator shall inspect or cause to be inspected any building, structure or portion thereof which is or may be unsafe.
- 10.5.2 Action Required. After the Land Development Regulation Administrator has inspected or caused to be inspected a building, structure or portion thereof and has determined that such building, structure or portion thereof is unsafe, he or she shall initiate proceedings to cause the abatement of the unsafe condition by repair or demolition.

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SECTION 10.6 NOTICE

- 10.6.1 Form. The Land Development Regulation Administrator shall prepare and issue a notice of unsafe building directed to the owner of record of the building or structure.
1. The notice shall contain, but not be limited to, the following information;
 - a. The street address and/or legal description of the building, structure, or premise.
 - b. A statement indicating the building or structure has been declared unsafe by the Land Development Regulation Administrator, and a report adequately documenting the conditions determined to have rendered the building or structure unsafe under the provisions of this Article.
 - c. The action required to be taken as determined by the Land Development Regulation Administrator.
 2. If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and the work commenced within sixty (60) days and continued to completion within such time as the Land Development Regulation Administrator determines. The notice shall also indicate the degree to which the repairs must comply with the provisions of the Town Building Code, in accordance with the provisions of this Article.

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3. If the building or structure is to be demolished, the notice shall require that all required permits for demolition be secured and that the demolition be completed within ninety (90) days except as provided under "Extension of Time," found within this Article.
 - a. A statement advising that any person having any legal interest in the property may appeal the notice by the Land Development Regulation Administrator to the Board of Adjustment; and that such appeal shall be in writing in the form specified by the Town and shall be filed with the Land Development Regulation Administrator within thirty (30) days from the date of the notice and that failure to appeal in the time specified will constitute a waiver of all rights to an appeal.
4. The notice and all attachments thereto shall be served

upon the owner of record and posted on the property in a conspicuous location. A copy of the notice and all attachments thereto shall also be served on any person determined from official public records to have a legal interest in the property. Failure of the Land Development Regulation Administrator to serve any person herein required to be served other than the owner of record shall not invalidate any proceedings hereunder nor shall it relieve any other person served from any obligation imposed on him or her.

5. The notice shall be served by certified mail, postage prepaid, return receipt requested to the property owner, as it appears on the official public records. If addresses are not available on any person required to be served the notice, the notice addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. The failure of any person to receive notice, other than the owner of record, shall not invalidate any proceedings under this section. Service by certified mail as herein described shall be effective on the date the notice was received as indicated on the return receipt, or returned refused or unclaimed.
6. Proof of service of the notice shall be by written declaration indicating the date, time and manner in which service was made and signed by the person served on by the return receipt.

SECTION 10.7 STANDARDS FOR COMPLIANCE When ordering the repair or demolition of an unsafe building or structure, the Land Development Regulation Administrator shall order that such work be done in accordance with the Town Building Code or demolished at the option of the owner.

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SECTION 10.8 COMPLIANCE

- 10.18.1 Failure to Respond. Any person who, after the order of the Land Development Regulation Administrator or the decision of the Board of Adjustment becomes final, fails or refuses to respond to the direction of such order, shall be prosecuted to the extent provided for by Article 15 of these land development regulations.
- 10.18.2 Failure to Commence Work. Whenever the required repair or demolition is not commenced within sixty (60) days after the effective date of any order, the building, structure or premise shall be posted as follows:

UNSAFE BUILDING
DO NOT OCCUPY

It shall be punishable by law to occupy this
building or remove or deface this notice Land
Development Regulation Administrator

- 10.8.3 Subsequent to posting the building, the Land Development Regulation Administrator may cause the building to be repaired to the extent required to render it safe or if the notice required demolition, to cause the building or structure to be demolished and all debris removed from the premise. The cost

of repair or demolition shall constitute a lien on the property and shall be collected in a manner provided by law.

- 10.8.4 Any monies received from the sale of a building or from the demolition thereof, over and above the cost incurred, shall be paid to the owner of record or other persons lawfully entitled thereto.

SECTION 10.9 EXTENSION OF TIME The Board of Adjustment may approve one (1) or more extensions of time as it may determine to be reasonable to initiate or complete the required repair or demolition. However, such extension or extensions shall not exceed a total of ninety (90) days. Such request for extensions shall be made in writing stating the reasons therefore.

SECTION 10.10 INTERFERENCE No person shall obstruct or interfere with the implementation of any action required by the final notice of the Land Development Regulation Administrator. Any person found interfering or obstructing such actions shall be prosecuted to the extent provided for by Article 15 of these land development regulations.

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SECTION 10.11 PERFORMANCE OF WORK The repair or demolition of an unsafe building as required in the notice by the Land Development Regulation Administrator or the final decision by the Board of Adjustment shall be performed in an expeditious and workmanlike manner in accordance with the requirements of this Article and all other applicable provisions of these land development regulations and accepted engineering practice standards.

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