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R -> City of Wildwood

ORDINANCE NO. O2013-27

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA, AMENDING SECTIONS 7-1; 7-2; 7-26; 7-27; 7-28 AND 7-29 OF THE CITY OF WILDWOOD CODE; PROVIDING FOR THE DEFINITION OF BUILDING OFFICIAL; PROVIDING THAT THIS ORDINANCE SHALL SUPERCEDE ANY APPLICABLE CODE WHEN LEGALLY PERMISSIBLE; PROVIDING FOR REMOVAL AND DEMOLITION; PROVIDING THAT THE CITY COMMISSION MUST APPROVE ANY REPAIR OR DEMOLITION BY THE CITY; PROVIDING FOR UNSAFE BUILDING ABATEMENT; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Wildwood, Florida, is proposing to require as follows:

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

SECTION 1. Section 7-1 of the City of Wildwood Code is amended as follows (cross throughs (-) shall indicate deletions and underlines ( ) shall indicate additions):

**Sec. 7-1. Definitions.**

When used in this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, word used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

*Building official:* The term "building official" as used in this chapter and as referred to in any standard codes adopted by this chapter is defined to mean the chief officer of the building services department of the city or his designee, or such other person who is properly qualified and designated by the City to act as its building official.

*Nuisance:* For purposes of this Code, the term "nuisance" shall be defined as provided in the standard codes adopted herein and shall also include what ever is determined to be a nuisance by the building official.

SECTION 2. Section 7-2 of the City of Wildwood Code is amended as follows (cross throughs (-) shall indicate deletions and underlines ( ) shall indicate additions):

**Sec. 7-2. Codes adopted.**

a. The following standard codes, as they may be amended from time to time, are hereby adopted and ordained as standard codes for the city:

- (1) Standard Unsafe Building Abatement Code, 1985 Edition.
- (2) Standard Existing Building Code, 1988 Edition.

b. To the extent it is legally permissible, if there is a requirement set out in this code which conflicts with that of the above referenced codes, the requirement of this ordinance shall supercede those of the applicable code.

SECTION 3. Section 7-26 of the City of Wildwood Code is amended as follows (cross throughs (-) shall indicate deletions and underlines ( ) shall indicate additions):

**Sec. 7-26. Definitions.**

The following definitions shall apply to words used in this article and the Standard Unsafe Building Abatement Code, 1985 Edition (as adopted in section 7-2 fo this chapter):

*Repair* means: ~~closing a dwelling, building or structure for~~ (1) the cleaning or removal of debris, trash and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building or structure; or (2) the repair of any portion or all of the building.

*Unfit building* means, in addition to any definition of unfit building found in the Standard Unsafe Building Abatement Code, 1985 Edition:

(1) Any dwelling, building or structure in which there is damage or deterioration of 33 percent or more of the supporting members or 50 percent or more of the non-supporting enclosing or outside walls, exclusive of the foundation.

(2) Any dwelling, building, or structure which has visible soil erosion adjacent to or under any structural support.

SECTION 4. Section 7-27 of the City of Wildwood Code is amended as follows (cross throughs (-) shall indicate deletions and underlines ( ) shall indicate additions):

**Sec. 7-27. Removal or demolition– ~~When required.~~**

a. ~~In no event shall~~ the city may require removal or

demolition of any dwelling, building, or structure ~~except~~ upon a finding that the cost of repair, alteration, or improvement thereof exceeds one-half the value of such dwelling, building, or structure.

b. "Value" shall mean the current tax assessment value unless either the city or a person with a property interest in the building requests use of an appraisal. Any such request shall be made in writing within ten days of receiving a condemnation notice. The appraisal shall be a certified appraisal of the property in its present condition at that time. Any property owner requesting use of appraisal shall be responsible for providing a copy to the city and for the cost of the appraisal.

c. All proceedings to require removal or demolition of any dwelling, building or structure shall be required to be reviewed by the City of Wildwood code enforcement special master. The procedure shall be governed by the procedures applicable to code enforcement procedures and powers granted to the Code Enforcement Board or Special Master.

d. Anytime the city is authorized by the Code Enforcement Board or Special Master to remove or demolish a dwelling, building or structure, the City Commission must approve such removal or demolition before such removal or demolition occurs.

e. Nothing herein shall be construed to negate the ability of the City to take actions necessary in an emergency when the public health, safety or welfare is immediately at risk.

SECTION 5. Section 7-28 of the City of Wildwood Code is amended as follows (cross throughs (-) shall indicate deletions and underlines ( ) shall indicate additions):

**Sec. 7-28. ~~Same~~—Failure of owner to comply with order.**

If the owner fails to comply with any order to remove or demolish a dwelling, building, or structure, the ~~public officer~~ City may cause such dwelling, building, or structure to be removed or demolished upon compliance with the requirements of this ordinance; ~~provided, however, that the duties of the public officer, set forth in chapter 6, section 601.2.2 of the Standard Unsafe Building Abatement Code, 1985 Edition, shall not be exercised until the court, a special master, or appropriate authority, shall have ordered the public officer to proceed to effectuate the purpose of the ordinance or the Standard Unsafe Building Abatement Code with respect to the particular property or properties which the public officer shall have found to be unfit for human habitation or unfit for its current commercial, industrial, or business use.~~

SECTION 6. Section 7-29 of the City of Wildwood Code is amended as follows

(cross throughs (-) shall indicate deletions and underlines ( ) shall indicate additions):

**Sec. 7-29. Cost of abatement by public officer to constitute lien.**

The amount of the cost of such vacating and closing or removal or demolition by the City ~~public officer~~ shall be a lien against the real property upon which such cost was incurred. Said lien shall attach to the real property upon the payment of all costs of demolition by the City ~~municipality~~ and the filing of an itemized statement of the total sum of said costs by the ~~public officer~~ City in the office of the clerk of the county on a lien docket maintained by said clerk for such purposes. If the dwelling, building, or structure is removed or demolished ~~by the public officer~~, and if it is financially and reasonably feasible to do so, ~~he~~ the City may sell the materials of such dwelling, buildings, or structures. If such a sale takes place, ~~he~~ the City shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court ~~by the public officer~~, shall be secured in such a manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

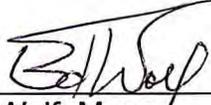
SECTION 7. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

SECTION 8. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

SECTION 9. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ORDAINED this 8<sup>th</sup> day of July, 2013, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

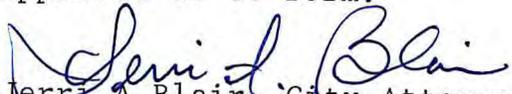
  
\_\_\_\_\_  
Ed Wolf, Mayor



ATTEST:   
Joseph Jacobs, City Clerk

First Reading: 6.24.13  
Second Reading: 7.8.13

Approved as to form:

  
Jerri A Blair, City Attorney