Meeting Date: June 15, 2011

Division: Growth Management

Bulk Item: Yes x No __

Department: Code Compliance
Staff Contact Person/Phone #: Ronda Norman 789-2520

AGENDA ITEM WORDING: Approve a Process and Procedure for the removal of unsafe, unoccupied, non-homestead structures to protect the health safety and welfare of Monroe County residents.

ITEM BACKGROUND: The overarching goal of Code Compliance is to protect the health safety and welfare of property owners within Monroe County by obtaining compliance with building and other codes established by the Commission. At times, the normal administrative hearing process for Code Compliance does not provide results which meet the ultimate goal.

Because the Code Compliance administrative hearing process doesn’t always produce compliance, due to its inherent limitations, which doesn’t achieve ultimate removal of unsafe structures, staff is requesting this policy be approved so the County can protect residents and citizens from unsafe conditions. This process would allow County attorneys to seek Board approval to proceed to a court to obtain a determination that existing unsafe, unoccupied, non-homestead properties should be demolished. The Board budgeted $60,000 to accomplish demolition of these types of structures when property owners will not demolish on their own. The cost of demolition would be liened against the property.

Attached is the final recommended Process and Procedure for the removal of unsafe, unoccupied, non-homestead structures.

PREVIOUS RELEVANT BOCC ACTION:
April 21, 2010 – BOCC authorized staff to formulate a process and procedure for the removal of unsafe, unoccupied and non-homesteaded structures.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: Approx. $60,000 annually  INDIRECT COST:    BUDGETED: Yes X No

DIFFERENTIAL OF LOCAL PREFERENCE: $6,000 per unit (estimated) – with lien filing on real property to assure future recapture of funds expended.
COST TO COUNTY: ____________  SOURCE OF FUNDS: ____________

REVENUE PRODUCING: Yes __ No X  AMOUNT PER MONTH __ Year __

APPROVED BY: County Attorney x  OMB/Purchasing  Risk Management

DOCUMENTATION: Included X  Not Required

DISPOSITION: ___________________________  AGENDA ITEM #__________

1|Page
MONROE COUNTY CODE COMPLIANCE
UNSAFE, UNOCCUPIED, AND NON-HOMESTEAD UNINHABITABLE
STRUCTURE REMOVAL PROCEDURE
DRAFT AS OF 4/30/11

Administrative Assistant

1. Monroe County Code Compliance receives or initiates a complaint of an unsafe structure

2. Code Compliance Administrative Assistant takes complaint and completes the "New Case" check list

3. Complaint is routed to the Code Compliance Director for review

Code Compliance Director

4. Director reviews complaint and assigns the case to appropriate inspector Code Compliance Inspector

Code Compliance Inspector

5. Code Compliance Inspector inspects property and documents conditions. Reports back to Code Compliance Director with Uninhabitable Structure Inspection Request/Referral

Code Compliance Director

6. Uninhabitable Structure Inspection Request and Referral given to the Building Official.

Building Official

1. Building Official makes an initial determination whether demolition will be required or if rehabilitation and/or repair of the structure would be a more reasonable approach to remedying the violation. If determination is made that the property may need to be demolished, the Building Official will make a site inspection with the Inspector

2. Building Official inspects property and completes Unsafe Structure Report for demolition if determined to be uninhabitable.

3. Building Official will make reference to the specific violations of the Florida Building Code, Monroe County Code, and/or any other relevant Code adopted by the County.

4. Building Official Posts NOTICE OF UNINHABITABLE STRUCTURE AT PROPERTY (includes language for appeal process, fines liens and Monroe County intent to Abate etc)

5. Building Official provides copy Uninhabitable Report to Code Compliance Director and County Attorney
Code Compliance and County Attorney

1. If violation presents an imminent threat to the health, safety, or welfare of the community, Assistant County Attorney and Code Compliance Director will confer with Chief Assistant County Attorney on whether to seek an injunction from the Circuit Court.
   
   a. If threat to health, safety, or welfare is so severe that time will not permit the County Attorney's Office to seek authority from the BOCC before seeking injunction, County Attorney will file petition for temporary injunction and inform the Commission and the Administrator by email.
   
   b. If the property poses a threat to health, safety, or welfare of the community but is not of such a severe nature that immediate action is required, the County Attorney will seek permission from BOCC at next regular BOCC meeting to file the suit for injunctive relief.
   
   c. The suit will seek an order requiring demolition of offending structure within 20 days after the order granting the injunction becomes final. The County will request authority from the Court to demolish the offending structure if the deadline imposed by the Court is not met. The County will also seek to recover all demolition costs as well as costs of suit from the property owner.

2. If the structure does not pose an imminent threat to the health, safety, and welfare of the community, the Code Compliance Department shall issue a notice of violation and proceed through the established process before the Code Compliance Special Magistrate.

   a. If the property is found in violation at the hearing, the Code Compliance Director, after consulting with the Assistant County Attorney, will request that the Special Magistrate enter an order authorizing the demolition of the offending structure(s) by the County at the expense of the property owner and set a compliance date.

   b. The Code Compliance Liaison shall file the demolition order with the Clerk of Court and send it to the property owner(s).

   c. All requests for extensions of time to comply must be done through the Special Magistrate at the hearing.
Demolition Process

1. Once an order of demolition has been granted by the Court or the Special Magistrate and that order has become final, the Code Compliance Director will place an item on the agenda for the next BOCC meeting requesting the authorization of expenditure of funds to demolish the offending structure.

2. Once the BOCC approves the expenditure of funds for the demolition of a property, the Code Compliance Department will issue a **RFO or RFP** for demolition contractors.

3. The **RFO or RFP** will include as a minimum the demolition of the offending structure and the hauling away of all associated debris. The Board may, at its sole discretion, may waive any dumping fees at the County’s transfer station.

4. The bid process shall be conducted pursuant to the County policy.

5. The successful bidder must obtain all necessary permits and completes demolition

6. **The Building Official shall conduct a final inspection of demolition.**

7. The contractor shall be paid after passing the final inspection.

Liaison

1. The **Liaison shall notify** the property owner in writing of costs due for demolition & prosecution

2. The **Liaison shall file liens** (if not paid in 30 days) in County Clerk’s office. The liaison shall notify the Code Compliance Director if the fines and costs have not been paid within 90 days of the lien being recorded.

3. **The Code Compliance Director shall initiate the process** for foreclosing on a property when notified by the liaison that the fines and costs have not been paid.