

ORDINANCE NO. 3371

PROPOSED ORDINANCE NO. 92-37

All

AN ORDINANCE RELATING TO THE BUILDINGS AND BUILDING REGULATIONS; CREATING SECTIONS 9.01 THROUGH 9.03 OF THE CODE OF THE CITY OF LAKELAND; PROVIDING REGULATIONS RELATING TO OPEN, UNSECURED AND UNOCCUPIED BUILDINGS; MAKING FINDINGS; PROVIDING CONDITIONS; PROVIDING AN EFFECTIVE.

Whereas, open, unsecured and unoccupied buildings pose a potential threat to the health, safety and welfare of the citizens of the City of Lakeland, Florida; and

Whereas, in order to protect the citizens of the City of Lakeland, the City Commission has determined that it is necessary to establish regulations relating to open, unsecured and unoccupied buildings.

NOW, THEREFOR, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

SECTION 1. The foregoing findings are incorporated herein by reference and made part thereof.

SECTION 2. Sections 9.01 through 9.03 of the Code of the City of Lakeland, Florida, are hereby created to read as follows:

Section 9.01 SHORT TITLE: PURPOSE AND SCOPE

1. Sectins9.01 through 9.03 of this chapter shall be known and may be cited as “Regulations for Open Unsecured and Unoccupied Buildings”
2. In order to protect life and property and to ensure public safety, the City Commission of the City of Lakeland, Florida, does hereby provide for the prohibition and regulation of open, unsecured and unoccupied buildings within the City of Lakeland.

CODING: Words in struck through type are deletion to existing law; words underlined are additions.

Section 9.02 ADOPTION OF PROCEDURES

RELATING TO OPEN, UNSECURED
AND UNOCCUPIED BUILDINGS.

1. It shall be unlawful for any owner or owner's agent to permit a building, as defined within the Standard Building Code, to be open to all elements and unprotected as a result of the omission or disrepair of windows, doors, walls or other enclosures.
2. Temporary boarding up or securing of a building may be permitted for a limited time until required repairs are completed, but such repairs must be accomplished within a reasonable time. A "reasonable time" shall mean the time requires to repair such building to bring it into Code compliance, not to exceed one hundred and twenty (120) days.
3. The owner or owner's agent shall be given written notice to secure the described building within ten (10) days from the date of written notice.
4. The written notice required by this Section shall contain the date of the notice, the description of the violation, the time within which the building shall be boarded up and the effect of failure to correct violation.
5. In the event the building is not boarded up within the time allowed, the Code Enforcement Division shall notify the Code Enforcement Board and request a hearing.
6. Violations of this ordinance shall constitute a public nuisance and, in addition to such other remedies as may be provided herein, the City of Lakeland may seek abatement of any such nuisance in a court of competent jurisdiction, together with all costs and reasonable attorney fees.

Section 9.03. SPECIFICATION FOR SECURING OPEN,
UNSECURED

AND UNOCCUPIED BUILDINGS

1. Exterior plywood shall be CDZ plywood.
2. Plywood thickness shall be one-half (1/2) inch for window and door openings. Whenever large openings occur three-fourths (3/4) or five-eighths (5/8) inch plywood shall be used.
3. Plywood shall be secured as follows:
 - a. Plywood on the exterior side of openings and minimum of two by four (2 x 4) lumber in the interior side of the openings (See Exhibit). The 2 x 4 lumber shall be a minimum of sixteen (16) inches longer than the width of the plywood cover.
 - b. Upper bolt holes shall be placed no less than twelve (12) inches from the top edge.
 - c. All bolt holes shall be placed no less than twenty-five percent (25%) of the height of the plywood cover from either side.
 - d. Lower bolt holes shall be placed no less than twenty-five percent (25%) of the height of the plywood cover from the bottom edge and the same distance from the side as the top bolt hole.
 - e. Carriage bolts shall be mated with nut and one flat washer as more particularly depicted on the drawing attached hereto exhibit "A" and made a part hereof. The washer shall be of sufficient size of fully accept the square or octagon potion of the nut between the nut and plywood. Bolts and mating hardware shall be galvanized or zinc plated. Carriage bolts of three-eighths (3/8) in by twelve (12) inch may be used where the thickness of walls warrant it.
4. All windows inside concrete block openings shall be fitted with a maximum one-eighth (1/8) in clearance. The front or entry door must be secured in a manner satisfactory

to the requirements of a Code Enforcement Officer or Building Inspector.

5. All plywood covers must be painted with at least one coat of white primer and one coat of finish (exterior) paint to match the exterior wall of the structure.
6. All coverings shall be fabricated according to Exhibit "A" and such other drawings and specifications as may be required by a Code Enforcement Officer or Building Inspector. All coverings shall be maintained until the subject structure is in compliance with all Codes.

SECTION 3. All ordinances or parts of ordinances in the conflict herewith are hereby repealed.

SECTION 4. If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of the ordinance shall not be affected thereby.

SECTION 5. This ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 20th day of July. A.D. 1992.

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FRANK J O' REILLY, MAYOR

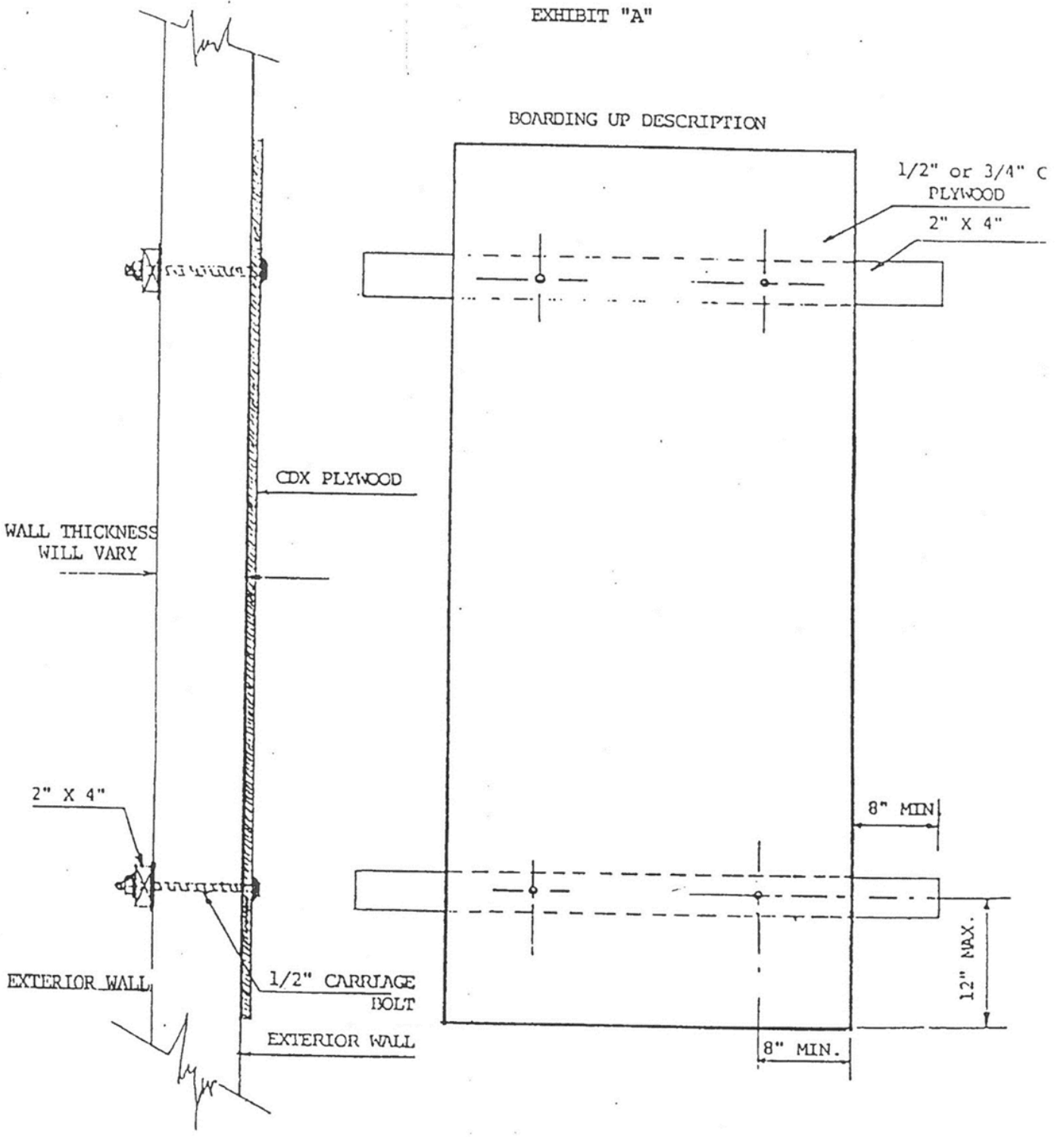
ATTEST: _____

PAULA KAY HOFFER
CITY CLERK

JOSEPH P MAWHINEY
CITY ATTORNEY

EXHIBIT "A"

BOARDING UP DESCRIPTION



CITY COMMISSION
CITY OF LAKELAND, FLORIDA

Amendment # 1

Proposed Ord. No. 92-37

Proposed Res. No. _____

Other _____

The following substantive amendment was offered by
Joseph P. Mawhinney, City Attorney

On Page 3, Line 10,

_____ strike:

- a. Plywood on the exterior side of openings and a min of two (2) pieces of two by four (2 x 4) lumber on the interior side of the openings (See Exhibit). The 2 x 4 lumber shall be a minimum of sixteen (16) inches longer than the width of the plywood cover.

Commissioner _____ moved the adoption of the amendment, second by Commissioner _____

Which was adopted

which failed of adoption.

Date: _____

City Clerk