

CITY OF FORT PIERCE

Rules of Procedure for Condemnation & Demolition Of Structures



The history of condemnations

- ▶ The City Charter provides the City Commission the power to condemn and demolish structures that are unsafe or that are declared a nuisance.
- ▶ The prior condemnation procedure was ineffective as ALL condemnations - including those eligible to be rehabilitated - were placed before the City Commission for approval.
- ▶ All continuations, extensions and updates were heard by the Commission.
- ▶ The minutes reflect meetings that were often contentious and exceedingly lengthy.
- ▶ November 2002, Ordinance K-168 was adopted transferring the authority for condemnations and demolition to staff with appeals being heard by the Construction Board of Adjustments and Appeals.
- ▶ January 2017, the City Commission adopted the International Property Maintenance Code, which clearly gives the authority for demolition to the 'Code Official', supplementing and supporting Ordinance K-168.

Why change and what will change?

- ▶ Prior to commencing demolitions under the CSI, I wanted a written set of procedures, approved by the City Commission. These procedures will provide the guidance for both current and future staff to follow.
- ▶ In conducting research to write the procedures, I reviewed Section 14(9) of the City Charter in reference to the City's authority to remove structures.
- ▶ It was the consensus of the City Manager, the City Attorney and the City Clerk that the Charter must be followed.
- ▶ The established procedures must address the problems and issues faced by previous Commissions, so as not to become a burden but still comply with the Charter.

Why change and what will change?

- ▶ Change #1 - only condemnations where actual demolition is the recommended action will be placed before the Commission. Condemnation with Rehabilitation as a remedy will stay at the staff level.
- ▶ Change #2 - the Charter requires a reasonable time be established for the owner to commence with demolition prior to the City taking action. Instead of setting a date, the time frames are established in the procedures, which will be referenced in the Resolution. Therefore, once the decision is made by the Commission, it will be given to staff to administer fully without multiple reviews by the Commission.
- ▶ Change #3 - in presenting properties for condemnation and demolition to the Commission, a detailed report including supporting documentation will be provided to the Commission.

Proposed Rules of Procedure Summary

- ▶ Section 1 - Condemnation with Rehabilitation. This section will be administered by staff only and will not be placed before the Commission unless no action is taken by the owner after 24 months. It will then be addressed by either foreclosure or the demolition procedures of Section 2.
- ▶ Section 2 - Condemnation with Demolition. This section will address properties that have been determined to be unsafe and can only be mitigated through demolition. The procedures adhere to the Charter. Two resolutions are required - the first to establish the date of hearing and the second to condemn and order demolished.
- ▶ Section 3 - Condemnation - Declaration of Nuisance. This section addresses properties that do not meet the criteria of an unsafe building, but due to their condition constitute a menace to the community. Action under this section must be initiated by a written request from the FPPD. Other than the initiating procedure, the procedures are the same as Section 2.