

PROPOSED
ORDINANCE NO. 44-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 14-2-136 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, ENHANCING NOTICE REQUIREMENTS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pensacola adopted Ordinance No. 07-19 in March of 2019 amending the section of the code entitled, Demolition; and

WHEREAS, for the benefits of the citizens of Pensacola, public notice requirements within the code should be enhanced; and

WHEREAS, the placing of signage two weeks prior to the commencement of any work, allows for this enhancement;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 14-2-136 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 14-2-136. Demolition.

- (a) The demolition of buildings and structures shall be controlled by provisions of the Florida Building Code and the International Property Maintenance Code, as adopted herein, by those additional provisions, outlined for special review districts, contained in chapter 12-3 and those guidelines as established in this part.
- (b) No building or structure shall be demolished, razed, dismantled or removed in whole or in part without first obtaining a permit issued by the building official of the city. A permit issued for demolition shall be valid for 90 days. Extensions for periods not exceeding 30 days each may be granted in writing by the building official.
- (c) Applications for demolition permits must include written certification by the applicant that reasonable steps have been taken to provide notice to residents within a 300-foot radius of the property of the proposed demolition and the intended date upon which demolition will commence once a permit

is obtained. Prior to a permit being issued, signs shall be posted as indicated in subsection (d) below. The signs shall be posted by the applicant at their expense and shall remain continuously posted for two weeks prior to commencement of any work. This certification must be included in affidavit form, signed by the applicant or the property owner, also indicating that all gas, water and electrical utilities have been cut off or disconnected utilities shall be cut off at the property line or off premises when a building or structure is to be totally demolished.

- (d) ~~After~~ Prior to the issuance of permit, the permit holder shall be responsible for placing a sign on the property where demolition is to take place as indicated in subsection (c) above. The sign shall be a minimum of 11 inches by 17 inches in size and mounted at a minimum of four feet above the ground. The sign shall have black lettering with a contrasting white background, have block style lettering a minimum of three inches in height and shall state "NOTICE OF DEMOLITION" with a phone number for contact included. The sign shall be of a material that is durable, laminated or other weather resistant material. Also posted shall be the demolition permit or a copy thereof.
- (e) Demolition permits for structures larger than 3,000 square feet in floor area or over 35 feet in height at any point shall require a current certificate of insurance showing general liability coverage of at least \$300,000.00, per occurrence and per accident, for products and completed operations.
- (f) When required by the building official, the Florida Building Code, the International Property Maintenance Code, or city ordinance, as adopted herein, barricades and other shielding shall be used to protect adjacent property and the public; to include dust control and/or mediation. At the end of each working day the remainder of the structure shall be left in a stable condition with no dangerous unsupported roofs, walls or other elements. Fencing or continuous security guards may be required.
- (g) All footings, foundations, piers, etc., of one- and two-family dwellings which have been demolished, shall be removed to a depth of not less than 12 inches below the natural ground level. Utility supply and sewer piping shall be removed so as to be flush with grade level. The footings, foundations, utility supply and sewer piping and all pilings of structures larger than a one- or two-family dwelling shall be removed to not less than four feet below the natural ground level. Remaining sections of footings, foundations, pilings, and piping may be buried provided they have not been disturbed from their original position and are surrounded by compacted earth or other permitted backfill. All excavations are to be filled to the natural grade; unnatural hills or mounds of earth are to be leveled or removed.

- (h) Debris and waste materials shall not be allowed to accumulate or be buried on the premises. Usable, recyclable byproducts of demolition, including, but not limited to, steel beams and rip-rap, may be stored only where permitted by the provisions of chapter 12-3.
- (i) Demolition work shall be conducted in compliance with the noise regulations for construction as well as applicable nuisance ordinances contained in this Code.
- (j) The owner of a building or structure or his or her duly authorized agent may appeal a decision or requirement of the building official, concerning demolition, to the construction board of adjustment and appeals. Filing of an appeal will stay the work until a decision has been rendered by the board. When an appeal is made, the building official shall require appropriate safeguards to protect the public and adjacent buildings. If deemed necessary, an immediate meeting of the construction board of adjustment and appeals shall be called by the chair of the board.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

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

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
 President of City Council

Attest:

 City Clerk