

**ORDINANCE NO. 2026-20**

**AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 88, BUILDING REGULATIONS, AMENDING SECTION 3.4, UNSAFE STRUCTURES, IN ITS ENTIRETY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the governing body of the City of Venice (“City”) is authorized under the Laws of Florida to enact ordinances to protect the public health, safety, and welfare; and

**WHEREAS**, unsafe buildings pose a risk to the public health, safety, and welfare; and

**WHEREAS**, the City is committed to promoting public safety, protecting life and property, and preventing structural failures; and

**WHEREAS**, the City desires to revise the existing unsafe structure provisions in the City Code to provide a more streamlined process to protect the public; and

**WHEREAS**, it is in the public interest to establish clear procedures for inspection, notice, hearings, and appeals related to unsafe structures, while ensuring property owners are afforded due process of law; and

**WHEREAS**, updated standards for the repair, securing, or removal of unsafe structures support neighborhood stability, property values, and community revitalization; and

**WHEREAS**, the City desires to provide enforcement officials with the appropriate authority and guidance to address unsafe structures in a consistent, fair, and legally defensible manner; and

**WHEREAS**, adopting updated unsafe structures Code provisions will enhance public safety while balancing private property rights with the community’s interest in preventing hazardous conditions.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:**

**SECTION 1.** The Whereas clauses above are ratified and confirmed as true and correct.

**SECTION 2.** Chapter 88, Building Regulations, Section 3.4, Unsafe Structures, of the City Code of Ordinances, City of Venice, Florida, is hereby repealed in its entirety and replaced to read as follows:

**3.4. – Unsafe Buildings and Structures**

**A. Unsafe Structures Defined.** All buildings and structures which are unsafe, unsanitary, fail to provide proper egress, constitute a fire hazard, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are declared to be unsafe structures. All such unsafe structures are hereby declared to be public nuisances and illegal and may be abated by repair or/and rehabilitation or by demolition in accordance with the procedures of this section.

**B. Notice of Unsafe Structure; Manner of Service.**

- 1.** When the Building Official verifies the existence of an unsafe structure, the Building Official or his designee shall determine the owner of record of the property upon which the structure is located and shall send a Notice of Unsafe Structure (Notice) to the owner of record as evidenced by the most recent deed recorded in the public property records, and to all parties whose names appear on the county tax rolls for the parcel of property, that the structure is in violation of this section.
- 2.** The Notice shall describe the conditions rendering the structure unsafe, and shall indicate that these conditions must be corrected within a reasonable time frame as specified in the notice or else the structure shall be subject to abatement as provided in this section. The Notice shall also indicate that a building or demolition permit must be secured prior to the commencement of any corrective work including repair and/or replacement, rehabilitation, or demolition or removal. The decision of the Building Official may be appealed by the owner or any aggrieved parties to the City's Special Magistrate by filing a request for a hearing with the City Clerk's Office within the earlier of twenty (20) days after first receipt or posting of the Notice.
- 3. Method of Service.** The Notice shall be deemed properly served if posted in a conspicuous place in or about the structure affected by such Notice and a copy thereof is (a) delivered to the owner of record personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy of the Notice shall be sent by regular mail to the owner of record. Furthermore, service of the Notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of the Notice upon the owner.
- 4. Extension of Time to Comply with Notice of Unsafe Structure.** If the owner of record or interested parties are unable to complete the work by the date ordered in the Notice or to fully comply with the Notice, they may file a written request to the Building Official stating the reasons therefor, and if justifiable cause is demonstrated as merited by special hardship, unusual difficulty or unique problems such as preserving significant portions and features of a structure of historic or architectural value, the Building Official may grant a reasonable extension of time.

**C. Condemnation Order and Notice of Intent to Demolish.**

1. If the conditions rendering the structure unsafe are not corrected within the time specified in the Notice, the Building Official shall condemn the unsafe structure and send a Condemnation Order (Order) to the owner of record and other interested parties pursuant to subsection B.3., above. A copy of the Order shall also be posted in a conspicuous place upon the unsafe structure. The Order may be appealed by the owner or any aggrieved parties to the City's Special Magistrate by filing a request for a hearing with the City Clerk's Office within the earlier of ten (10) calendar days after first receipt of the Condemnation Order or the posting of the Condemnation Order.
2. In addition to the Condemnation Order, a Notice of Intent to Demolish shall be simultaneously sent to the owner of record and other interested parties and recorded in the public records of Sarasota County. At least ten (10) calendar days prior to the City authorizing the demolition of any unsafe structure, the Notice of Intent to Demolish shall be published in a newspaper of general circulation within Sarasota County. The Notice of Intent to Demolish shall be substantially in the following form:

**Notice of Intent to Demolish**

Pursuant to Chapter 88, Section 3.4 of the Venice City Code, the owner or other interested parties having failed to either repair or demolish the structure at (address) as ordered by the City of Venice are hereby notified that a Condemnation Order was issued by the City of Venice on (date) and the City of Venice will proceed to have the structure demolished on or after (date), and a lien will be placed against the property to recover all costs.

To appeal the Condemnation Order and Notice of Intent to Demolish, the owner or other aggrieved parties must file an appeal with (contact official, address, and telephone number) within the earlier of ten (10) calendar days of first receipt of the Condemnation Order or the posting or publication of the Notice of Intent to Demolish.

3. Any occupied structure condemned and placarded by the Building Official shall be vacated as ordered by the Building Official. Any person who shall occupy a placarded premises, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises, shall be liable for the penalties provided in this section.

**D. Trespass in a Condemned Structure.**

1. Whoever willfully enters or remains in any condemned structure commits the offense of trespass in a condemned structure, a misdemeanor of the second degree.
2. No person shall be found guilty under this section between the date on which a Notice

of Unsafe Structure is issued and the twentieth day following that date.

3. No person shall be found guilty under this section if they are the owner, authorized licensee of the owner, authorized agent of the owner, or authorized invitee of the owner, and the owner of the structure has obtained a building permit to repair or a building permit to demolish.
4. No person shall be found guilty under this section if they have appealed a Notice of Unsafe Structure.

#### **E. Appeal Procedures.**

1. At a minimum, a written appeal must contain the following information:
  - a. Identification of the building or structure by street address or legal description;
  - b. A statement identifying the legal interest of each appellant;
  - c. A statement of the specific order or portion of the order or section of the Code that is being appealed;
  - d. A statement detailing the issues the appellant desires to be heard;
  - e. A statement identifying the specific legal basis for the alleged grievance; and
  - f. The legal signature of all appellants and their mailing address.
2. Appeals taken pursuant to this section by an owner or any party who has been aggrieved shall be held by the Special Magistrate in compliance with Section 3-328 and 2-331 of the City Code. A notice of appeal hearing on a Condemnation Order shall be published once in a newspaper of general circulation in the County at least ten (10) days prior to the time and place of the hearing.
3. At the hearing, the owner and other aggrieved parties, if present, shall be afforded the opportunity to be heard concerning the structure or property, after which the Special Magistrate may hear testimony from the public concerning the status of the structure or property. Any owner of record or other aggrieved party may appear in person, by counsel, or by an authorized agent.
4. Following the public hearing on the appeal, the Special Magistrate may elect to:
  - a. Uphold the Building Official's order and decision; or
  - b. Modify the Building Official's decision, in whole or in part; or
  - c. Reverse the decision or interpretation by the Building Official; or
  - d. Authorize the entering into a compliance agreement with the owner of record for the abatement of the unsafe structure pursuant to certain agreed upon terms and subsection F. of this section.
5. In evaluating the merits of the appeal and determining whether to modify or reverse the Building Official's decision, the Special Magistrate shall evaluate whether the literal enforcement of the Code or decision by the Building Official would do manifest injustice

and would be contrary to the spirit and purpose of the Code or public interest, and consider the following;

- a. Any evidence presented by the appellant that the unsafe conditions do not exist; and
- b. Any evidence presented by the appellant that the unsafe structure does not present a danger to any persons or property nearby; and
- c. Whether the grant of a modification or reversal of the Building Official's decision will be in harmony with the general intent and purpose of the City Code; and
- d. Any evidence presented by the appellant that the grant of a modification or reversal of the Building Official's decision will not be detrimental to the public health, safety and general welfare.

6. Any substantially affected person may appeal an order rendered by the Special Magistrate pursuant to Section 3-330 of the City Code.

**F. Authority to Enter into a Compliance Agreement.**

1. The Building Official is authorized to enter into compliance agreements with the owner, in a form prepared and/or approved by the City Attorney, for the abatement of an unsafe structure. The compliance agreement shall establish dates for the submittal of permit documents and for the completion of the demolition, repair, and/or rehabilitation work. The compliance agreement shall provide for the demolition and removal of the unsafe structure by the City if the completion dates are not met. The cost of any demolition and removal performed by the City shall be assessed against the property in the form of a lien.
2. Any compliance agreement shall be controlling and will govern the subsequent course of action to abate the unsafe structure or unfit conditions through demolition, repair, and/or rehabilitation work. All repair and rehabilitation work shall conform to the Florida Building Code and the City Code.

**G. Authority to Act in Emergencies.**

1. In cases where there is imminent peril to the public health, safety, or welfare, or immediate danger to the life or safety of any person, or where the public is endangered by wind, storm, fire, or other natural disasters, or where the structure is in imminent danger of collapse from structural decay, the Building Official shall evacuate all person from the building or structure and shall promptly cause such structure to be made safe or cause its removal. For this purpose, the Building Official and the Fire Marshal may at once enter such a structure or the land on which it stands or abutting land or structures, to perform an inspection with such assistance and at such cost as may be deemed necessary.
2. Upon inspection, the Building Official with the assistance of the Fire Marshal shall determine whether or not the structure requires immediate emergency demolition or other measures to maintain the public's health, safety, and welfare. A written report will document the results of these inspections.

3. The Building Official may order the vacation of adjacent structures and may require the protection of the public by appropriate fencing or such other means as may be necessary, and for this purpose may close a public or private way.
4. Upon determination by the Building Official to proceed with demolition or other emergency actions, exterior and interior photographs of the structure will be taken when feasible. Written notification of intent to demolish the structure or perform other emergency measures will be sent by certified mail to the owner of record and interested parties. This written notification shall document the cause for demolition or other emergency actions. However, failure to effect personal notice upon the owner of record or interested parties shall not prevent the City from demolishing the structure or performing other emergency actions and placing a lien on the property for the City's cost.
5. In addition to the foregoing, the Building Official shall have the authority to authorize disconnection of utility service to the structure in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The Building Official shall notify the serving utility and, whenever possible, the owner and occupant of the structure of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the structure shall be notified by certified mail with return receipt requested and first class mail within five (5) calendar days of disconnection. The service utilities shall not thereafter be reconnected without approval from the Building Official. Any notice of appeal to the Special Magistrate filed relating to the utility disconnection order must be filed within ten (10) calendar days from receipt of the mailed notice and shall proceed as provided for in subsection E. of this section.

**SECTION 3.** To the extent of any conflict between the provisions of this ordinance, and any other ordinance, resolution, or agreement of the City, the provisions of this ordinance shall prevail.

**SECTION 4.** If any part, section, subsection or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, such part, section, subsection or other portion, or the prescribed application thereof, shall be severable and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

**SECTION 5.** This ordinance shall take effect immediately upon its adoption, as required by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 14<sup>TH</sup> DAY OF JULY 2026.**

First Reading: June 23, 2026

Second Reading: July 14, 2026

Adoption: July 14, 2026

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Nick Pachota, Mayor

ATTEST:

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Kelly Michaels, MMC, City Clerk

I, KELLY MICHAELS, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 14<sup>th</sup> day of July 2026, a quorum being present.

WITNESS my hand and the official seal of said City this 14<sup>th</sup> day of July 2026.

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Kelly Michaels, MMC, City Clerk

APPROVED AS TO FORM:

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Kelly Fernandez, City Attorney