



LES W. BURKE °
ROB BLUE, JR.
EDWARD A. HUTCHISON, JR.
DOUGLAS L. SMITH +
NEVIN J. ZIMMERMAN
MICHAEL S. BURKE
WILLIAM S. HENRY *
JOY MARLER MASTERS ++
GRAHAM CLARKE °*+++◆
CLARK T. ROGERS
NATALIE A. MCSWANE
WILLIAM C. HENRY °**
SANDRA A. WILSON °
GREGORY J. PHILO
JESSICA L. STEWART

° OF COUNSEL
* ALSO ADMITTED IN GEORGIA
** ALSO ADMITTED IN NEW YORK
+ CERTIFIED CIRCUIT COURT
MEDIATOR
++ L.L.M. IN TAXATION
+++ CERTIFIED FAMILY MEDIATOR
◆ BOARD CERTIFIED MARITAL &
FAMILY LAW ATTORNEY

October 8, 2020

City Commission
501 Harrison Avenue
Panama City, FL 32401

RE: Ordinance 2762 – Related to Building Standards and Nuisances Generally

Dear Mayor and Commissioners:

Please find enclosed Ordinance 2672 for the first reading on October 13, 2020. Code Enforcement has been an integral part of the effort to clean up the City, especially in the wake of Hurricane Michael. During this time, there were several instances where the boarding of exterior openings on structures was common. The issue is that these temporary safeguards were only meant to be temporary and were never intended by the Code to be permanent or long lasting.

We have worked closely with staff, including Steve Stafford, the new Code Enforcement supervisor and structural engineer, to help clarify that the boarding of exterior openings on structures is only a temporary safeguard to use during the time the structure is being brought into compliance with the code, and, in no event, shall temporary safeguards remain longer than authorized. Please review the highlighted sections on p. 6 of the draft ordinance.

This Ordinance also includes amendments that update antiquated language and the fact that Code Enforcement uses the procedures of the Local Government Code Enforcement Boards Act, Florida Statutes Chapter 162.

Yours Truly,
BURKE BLUE

Nevin J. Zimmerman, Esq.

Encl. stated

ORDINANCE NO. 2762

AN ORDINANCE AMENDING CHAPTER 2 – ADMINISTRATION, ARTICLE IX. – CODE ENFORCEMENT BOARD TO INCLUDE AMENDMENTS TO THE LOCAL GOVERNMENT CODE ENFORCEMENT BOARDS ACT; AMENDING CHAPTER 6 – BUILDING AND FIRE SAFETY STANDARDS TO INCLUDE THE LATEST EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AMENDING CHAPTER 12 ENVIRONMENT TO PROVIDE DEFINITIONS OF UNFIT AND UNSAFE STRUCTURES AND GUIDANCE FOR SAFETY MEASURES; REPLACING APPEAL PROCESS GENERALLY; AND DEFINING PROHIBITED NUISANCES ALL AS MORE PARTICULARLY PROVIDED HEREINAFTER; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE SEVERABILITY OF ANY PART OF THIS ORDINANCE DECLARED INVALID; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City acknowledges the fundamental rule that “every person should so use his own property as not to injure that of another and that anything which annoys or disturbs one in the free use, possession or enjoyment of his property or which renders its ordinary use or occupation physically uncomfortable is a nuisance and may be restrained”ⁱ; and

WHEREAS, “the law of nuisance plies between two antithetical extremes: The principle that every person is entitled to use his property for any purpose that he sees fit, and the opposing principle that everyone is bound to use his property in such a manner as not to injure the property or rights of his neighbor”ⁱⁱ; and

WHEREAS, “the necessities of a social state, especially in a great industrial community, compel the rule that no one has absolute freedom in the use of his property, because he must be restrained in his use by the existence of equal rights of his neighbor to the use of his property”ⁱⁱⁱ;

WHEREAS, a nuisance “is a law of degree; it generally turns on the factual question whether the use to which the property is put is a reasonable use under the circumstances, and whether there is ‘a appreciable, substantial, tangible injury resulting in actual, material, physical discomfort, and not merely a tendency to injure. It must be real and not fanciful or imaginary, or such results merely in a trifling annoyance, inconvenience or discomfort...People who live in organized communities must of necessity suffer some damage, inconvenience and annoyance

from their neighbors. For these annoyances, inconveniences and damages, they are generally compensated by the advantages incident to living in a civilized state”;^{iv}

WHEREAS, “the test is not what the effect of the matters complained of would be on persons of delicate or dainty habits of living, or of fanciful or fastidious tastes; or on persons who are delicate, or invalids, afflicted with disease, bodily ills, or abnormal physical conditions; or on persons who are of nervous temperament, or peculiarly sensitive to annoyance or disturbance of the character complained of; or on persons who use their land for purposes which require exceptional freedom from deleterious influences”;^v

WHEREAS, throughout the passage of time, the State of Florida has enacted and amended building standards and health standards while the City has adopted long-range land use policies and zoning policies, all in efforts to protect the health, safety and welfare of property owners, invitees, passersby, adjacent property owners and inhabitants;

WHEREAS, the City began with adopting the Substandard Housing code in Ordinance 967 in 1976, to begin addressing structures that were no longer safe or fit, and the steps to take to bring the buildings and structures back into compliance;

WHEREAS, Florida Building Codes as amended were adopted by the City in Ordinance 2608 on June 13, 2017, following public and professional input, applying to the “construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such building or structures” as well as gas, mechanical, plumbing, fire prevention, energy, existing buildings, accessibility and manufactured buildings^{vi} within the City;

WHEREAS, buildings and structures may experience damage, decay, dilapidation which render the property of no useful purpose to either the public or the property owner in their current condition without repair or demolition. The minimum amount of repairs necessary to eliminate the nuisance could amount to a substantial reconstruction of the building. The City has previously determined that “Substantial Damage is determine to be damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred”^{vii};

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY, FLORIDA,

SECTION A.

1. Chapter 2 – Administration, Article IX. – Code Enforcement Board is hereby amended to read as follows:

Sec. 2-747.- Local Government Code Enforcement Boards Act adopted.

By reference, the city hereby adopts F.S. §§ 162.01—162.13, commonly referred to as the "Local Government Code Enforcement Boards Act" (a copy of the Act is set forth in the appendix to this Code) and as may be amended from time to time for enforcement of the Code and Ordinances of the City of Panama City.

2. Chapter 6 – Building and Fire Safety Standards, Article IV.- Property Maintenance Code is hereby amended to read as follows:

Sec. 6-92.- Adopted.

The International Property Maintenance Code (IPMC), ~~2003~~ 2018 edition, and as may be amended from time to time, is hereby adopted by reference.

3. Chapter 6 – Building and Fire Safety Standards, Article V.- Abatement of Unsafe Buildings is hereby stricken in its entirety:

~~Sec. 6-117.- Code adopted.~~

~~The 1985 Standard Unsafe Building Abatement Code as published by the Standard Building Code Congress, International, Inc., is hereby adopted by reference.~~

4. Chapter 12 – Environment, Article II – Nuisances Generally is hereby amended to read as follows:

Sec. 12-19. - Definitions.

As used in this chapter the following terms shall have the meanings respectively ascribed to them in this section:

Inspector shall mean the City Manager or the designee thereof.

Nuisance shall mean any of the following:

- (1) Any accumulation of rubbish, trash, junk and other abandoned materials, metals, lumber or other things.
- (2) Any excessive accumulation of untended growth of weeds, undergrowth or other dead or living plant life upon a lot, tract or parcel of land, improved or unimproved, ~~within 100 feet of any improved property within the city~~ to the extent and in the manner that such lot, tract or parcel of land ~~shall~~ becomes or may become infested or inhabited with rodents, vermin, ~~or~~ snakes or other wild animals; may become a breeding place for mosquitoes; threaten or endanger the public health and welfare; or may reasonably cause disease; or adversely affect and impair the economic welfare of the adjacent property.

- (3) Any refuse of a height of more than one foot.
- (4) Any underbrush which exceeds one foot in height.
- (5) Any unfit or unsafe dwelling or structure.
- (6) Any grass, ground-cover or weeds which exceed one foot in height.
- (7) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- (8) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
- (9) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (10) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- (11) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (12) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (13) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.
- (14) Any stagnant water which has been allowed to accumulate on any premises.
- (15) Unsheltered storage for a period of 30 days or more within the corporate limits of this city (except in licensed junkyards) of old and unused stripped junk and other automobiles not in good and safe operating condition; and of any other vehicles, machinery, implements, or equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, is hereby declared to be a nuisance and a danger to public health, safety and welfare.
- (16) For the purpose of this article, the term "nuisance" shall also include any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which the premises are located. This includes, but is not limited to, the keeping or depositing on or the scattering over the premises of any of the following:
 - a. Lumber, junk, trash, or debris.
 - b. Abandoned, discarded, unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.
- (17) Such other acts or conditions which are declared by other ordinances to be or constitute nuisances, as outlined by the Statutes of Florida, known at common law or in equity jurisprudence.

Refuse shall mean leavings, dregs, rubbish, trash or waste material.

Underbrush shall mean any undergrowth or brush conducive to the collection of insects and rodents.

~~*Unfit or unsafe dwelling* or structure shall mean any dwellings or structure or portions thereof and accessory buildings which are structurally unsafe, unstable, or unsanitary; inadequately provided with exit facilities; constitute a fire hazard; unsuitable or improper for the use or occupancy to which they are put; constitute a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; dangerous to life or property of the occupant thereof or of the surrounding areas; unfit for human habitation if so intended or used; or otherwise in violation of the housing, building, electrical, plumbing, mechanical, sanitation and fire codes of the city.~~

Unfit Structure is a structure unfit for human occupancy. A structure is unfit for human occupancy whenever the inspector finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Unsafe Structure is a structure that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Weeds shall mean any plants which are useless to men or injurious to crops, grasses or flowers.

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 12-20. - Prohibited.

~~Any owner or occupant of premises or other person maintaining a nuisance within the city shall be guilty of an offense. It shall be unlawful for any person owning, leasing, or occupying any premises in this City to maintain, or permit to exist, premises in such a manner as to constitute a nuisance by allowing any one (1) or more nuisances to exist thereon.~~

Sec. 12-21. - Powers and duties of the inspector; determination of interested parties.

- (a) The inspector shall be charged with the duty of administering the Policy and Procedures for Code Enforcement as adopted by the Commission and as may be amended from time to time, applicable standards and securing compliance therewith and in furtherance of this responsibility, the inspector shall:
- (1) Make such inspections as may be necessary to effectuate the purposes and intent of this chapter.
 - (2) Investigate any complaints of alleged violation of this chapter and maintain a log reflecting the resolution thereof; however, only matters or conditions

pertinent to the existence of a nuisance shall be considered or reported by the inspector.

(b) ~~When the inspector verifies the existence of a nuisance, the inspector will proceed with enforcement of the Code with the goal of obtaining a Special Magistrate's Order pursuant to section 2-747 and Chapter 162, Florida Statutes. involving an unfit or unsafe structure, it shall be his duty to promptly prepare and submit to the city manager the notice and order required by this article. The city manager, with the assistance of the city attorney, shall determine the owner of record of the real estate upon which the nuisance is located and send a notice and order of condemnation to such party. In addition, notice shall be given to the lessee or occupants, if any, and persons of record interest, including mortgagee, contract purchaser, agent with power of attorney, person claiming an interest under lis pendens and the like.~~

(c) ~~Where the inspector verifies the existence of a nuisance not involving an unsafe or unfit structure, the inspector shall serve the notice and order upon the record owner of the premises reflected by the latest tax rolls and upon any occupant of the premises, if other than the owner.~~ If the inspector verifies the existence of an unfit or unsafe structure and the structure is vacant and is not in danger of structural collapse, the inspector is authorized to post a placard of condemnation on the premises and order the structure closed up with temporary safeguards, such as boarding, locking, blocking or otherwise protecting the structure so as not to be an attractive nuisance and prevent unauthorized entry. Upon failure of the owner to close up the premises within the time specified in the order, the inspector may cause the premises to be closed and secured and the cost thereof may be charged against the real estate upon which the structure is located after obtaining a Special Magistrate's Order and shall be a lien enforceable by law.

(d) Notwithstanding other provisions of this code, whenever, in the opinion of the inspector, there is an imminent danger due to an unsafe condition, the inspector shall order the necessary work to be done, including the temporary boarding up of openings, to render such structure temporarily safe and may cause such other action to be taken as the inspector deems necessary to meet such emergency. Exterior and interior openings shall be temporarily safeguarded by boarding, locking, blocking or other protections by the owner to prevent entry by unauthorized individuals. Temporary safeguards shall remain in place until such time as the structure is brought into compliance but in no case longer than 180 days. Temporary safeguards, such as boarding of exterior openings shall in no event be considered compliant with this code, and shall not be used longer than authorized.

Sec. 12-22. - Notice and order of inspector.

- (a) The notice and order of the inspector may require the cutting of weeds or underbrush or the removal of rubbish or such other measures as are reasonably necessary to abate the nuisance.
- (b) The notice and order of the inspector may require the vacation, demolition or removal of any unfit or unsafe dwelling or structure, or may order the repair, restoration or replacement of any part of same; provided, however, that no building or structure shall be subject to repair, restoration or replacement where the cost of repairing, restoring or replacing any part

or parts thereof would exceed 50 percent of the value of such structure after repair, restoration or replacement.

- (c) The notice shall include:
- (1) The description of the location of the buildings and/or land involved either by street address or by legal description.
 - (2) A statement providing an accurate description of the nuisance for which the notice is issued.
 - (3) Specification of the sections of this chapter upon which the notice of violation is based.
 - (4) If the nuisance does not involve an unsafe or unfit structure, a statement ordering what shall be done to abate the nuisance.
 - (5) If the nuisance does involve an unfit or unsafe structure, a statement of the nature and extent of such repairs or alterations necessary to comply with this chapter.
 - (6) If the nuisance involves an unfit or unsafe structure and is of such a character that repairs or alterations cannot bring the building into compliance, a statement to this effect and an order of demolition of the building indicating fully the reason therefor.
 - (7) If abatement of the nuisance or demolition of a structure is necessary for compliance, a specification of time for performing such abatement or demolition shall be stated in the notice which shall not be less than ten days nor more than 120 days.
 - (8) The names of persons upon whom the notice is served.
 - (9) A statement advising that upon the owner's failure to comply with the notice, the City may vacate, demolish, or remove or otherwise abate the nuisance in accordance with ~~the~~ a Special Magistrate's order stated in the notice, and the expense of such performance by the City shall be charged against the real property and the assessment when made shall constitute a lien upon such property by the City.
 - (10) ~~A statement advising of the procedures for review of the action of the inspector as set out in section 12-28.~~
- (d) In the case of an unfit or unsafe dwelling or structure, this notice and order shall require the owner and other interested parties within 30 days after service to obtain a permit and begin specified repairs or improvements, or begin to demolish and remove the dwelling or structure or portion thereof. This work shall be completed within 60 days from the date of the permit for repair or demolition. Any demolition permit necessary as a result of any condemnation in this section shall not require a fee.
- (e) Except as otherwise provided in this article for unsafe or unfit dwellings or structures, the inspector may order such work to be completed within such time as he determines to be reasonable considering the nature of the nuisance, the danger to the public and the amount of work involved to abate the nuisance.
- (f) When the ~~city health officer~~ inspector verifies the existence of a rodent infestation in any dwelling or structure that is to be demolished and removed, in order to preclude the

migration of rodents, the notice and order of the ~~inspector building official~~ shall require that effective rodent extermination methods be employed by a licensed structural pest control operator prior to demolition. Extermination techniques shall include ectoparasite control measures.

- (g) In the case of an unfit and unsafe dwelling or structure, which after inspection is determined to be uninhabited, the inspector shall cause to be posted a "No Trespassing" sign to prevent entry into the premises by third parties who might be exposed to the risk of danger created by the unsafe structure.
- (h) When a structure is found to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of section 6-92.

Sec. 12-23. – Yearly Publication of notice.

The City Commission shall cause to be published in a newspaper regularly published and in general circulation within the city during the month of May in each year hereafter and once a week for two consecutive weeks a notice reading substantially as follows:

"Attention owners, agents, custodians, lessees and the occupants of real property within the city limits:

"You are hereby notified that you are required by law to cut and keep cut to a height not exceeding 12 inches all weeds, grass or underbrush; to remove any trash, debris, refuse or noxious matter located on any property owned, controlled or occupied by you in the City of Panama City; and also to repair, restore or demolish any unfit or unsafe structure located upon such property, and that upon your failure to do so, the City of Panama City will cause such nuisance to be abated, and the cost thereof will be assessed against the property upon which the nuisance is located."

Sec. 12-24. - Service of notice and order.

~~It shall be the duty of the city manager to see to it that the required notice and order is delivered to the interested parties by personal delivery of copy thereof to the party to be notified; by leaving such copy at his usual place of abode with some person of the family above 15 years of age and informing such person of the contents thereof; by either registered or certified United States mail with return receipt requested, or, if the name of any such party or his place of residence or his post office address cannot be ascertained after diligent search; or if a notice sent by either registered or certified mail shall be returned undelivered and the person to be notified is not residing within the city, by publishing a copy thereof once a week for two consecutive weeks in a newspaper of general circulation within the city. A copy of such notice and order shall be posted in a conspicuous place at city hall and the county courthouse and upon such dwelling or structure. All notices of violations and citation/summons for appearance in front of the Special Magistrate shall be provided in accordance with section 162.12, Florida Statutes, as may be amended from time to time.~~

Sec. 12-25. – Failure to comply with order of Inspector.

If the owner or other parties in interest fail to repair, restore or replace such parts of the dwelling or structure within the time permitted by the notice and order of the inspector, and in the absence of extenuating circumstances as would justify an extension of the time period therefor, the inspector may issue a citation and summonses to appear before the Special Magistrate pursuant to section 2-747.

Sec. 12-~~25~~26. - Extension of time to comply.

- (a) In the case of an unfit or unsafe building or structure, if the interested parties shall have obtained a building or demolition permit within the 30-day period and, in good faith and in due time, have begun work to comply with the order, but it appears that they will not be able to complete the work by the date ordered, they may file a written request stating the reasons they have been unable to complete compliance. If reasonable grounds are shown therefor, the building official, as defined in section 6-30, is authorized to issue an amended order authorizing provide an extension of time, not to exceed 60 days, in which to complete compliance with the original order.
- (b) In the case of a nuisance which is not an unfit or unsafe dwelling or structure, the building official may grant extensions of up to 60 days to abate the nuisance as are reasonably necessary under the circumstances upon written request from the interested parties stating the reasons they have been unable to complete compliance and showing reasonable grounds for such failure to complete compliance.
- (c) ~~The zoning board of adjustment~~ City Manager, in exceptional cases, upon written request, may extend the completion date of the building official as merited by special hardship, unusual difficulty, or uniqueness of the situation; however, in no event shall the completion date extend beyond a maximum period of 180 days.

Sec. 12-~~26~~27. - City action on failure to comply with Special Magistrate Order.

- (a) If the owner or other parties in interest fail to repair, restore or replace such parts of the dwelling or structure within the time permitted by the notice of the inspector and order of the ~~inspector-Special Magistrate~~, and in the absence of extenuating circumstances as would justify an extension of the time period therefor, the City Manager may order a vacation of the premises until compliance or a demolition of the structure is completed.
- (b) If the owner or other parties in interest shall fail to comply with an order made pursuant to the provisions of this chapter within the time therein fixed, the City, acting through the city manager, is authorized to vacate, demolish or remove or otherwise abate the nuisance in accordance with such order, either with city forces or by independent contractor submitting the lowest and best bid.

Sec. 12-~~27~~28. - Assessment of cost; lien.

- (a) Upon expiration of the 30-day appeal period, unless a shorter period has been ordered, with no appeal having been taken, the City Manager or designee, after proceeding under this

article, shall, as often as may be convenient, report the action taken toward abatement of the nuisance by the City, and the ~~City Commission~~ Special Magistrate shall assess the entire cost of such action against the real property, which assessment, when made, shall constitute a lien upon such property by the City. The lien of the City shall encompass, in addition to the abatement cost for the vacation or removal of the facility, all administrative, legal, postal and publication expenses, as well as rodent extermination when employed, as well as all other direct or indirect costs associated therewith. The lien upon the property shall be superior to all others except taxes.

- (b) The City Clerk-Treasurer shall file such lien in the County's Official Record book showing the nature of such lien, the amount thereof, an accurate legal description of the property, including the street address, which lien shall date from the date of the filing and recite the owners of the property. Such municipal lien shall bear interest from such date at the rate of ~~18~~ 10 percent per annum. The city may enforce the lien upon the real property of the owner, as provided for in F.S. Ch. ~~173~~ 162, as may be amended from time to time. ~~The City shall not commence any lien foreclosure action against any property for which a lien has been filed prior to the effective date of the ordinance from which this subsection is derived until such lien has been filed of record for a period of two years.~~

Sec. ~~12-2829~~. - Appeals generally.

- (a) Any interested party may appeal the decision of the Special Magistrate as outlined in section 162.11, Florida Statutes. ~~inspector or city manager to the zoning board of adjustment upon the filing, within 30 days after service of the inspector or city manager's notice and order, of an application to the building official, setting forth the grounds for the appeal. Upon receipt of the notice of appeal, the building official shall forthwith transmit a copy of the notice of appeal, together with all related documents of his department, to the zoning board of adjustment. Within ten days after the filing of notice of appeal, the zoning board of adjustment shall schedule a date for the hearing thereof and give notice of the date for the hearing to the interested parties, in a manner as would afford them not less than ten days' notice. Under no circumstances shall the board establish a hearing date beyond 60 days from the filing of the notice of appeal.~~
- (b) ~~—All appeals proceedings shall be public, and notice thereof published in a newspaper of general circulation within the city at least ten days prior to the date of the hearing. The findings of the board shall be encompassed in a resolution stating with particularity the grounds for the board's decision.~~
- (c) ~~—The resolution of the board shall be subject to the approval of the city commission and, upon approval thereof, all interested parties shall have 30 days within which to comply. The city commission shall have the right and power to modify, change or amend the resolution of the board as in their discretion is deemed best.~~

Sec. ~~12-29~~. - Final appeal to circuit court.

~~An interested party, having exhausted his administrative remedies before the zoning board of adjustment, may appeal to the circuit court the decision of the board, or alternatively, that of the city commission, in like manner of appeals from county courts.~~

Sec. 12-30- - Appearance by counsel, etc.; witnesses sworn.

Any interested party appearing before the ~~zoning board of adjustment~~ Special Magistrate may appear in person, by counsel, or by an agent possessing power of attorney, provided the agency's instrument appears in the County's Official Record Book, but may not appear through any person otherwise a stranger to the record. All witnesses appearing before the ~~board~~ Special Magistrate in proceedings under this chapter shall be sworn in by the Special Magistrate ~~by the chairman or, in his absence, by the person acting in his stead, except counsel representing a client.~~

Sec. 12-31. - Duties of other departments.

- (a) Members of the fire department, police department, public works and sanitation departments shall make written reports to the ~~building official~~ inspector of all dwellings or structures which appear to be substandard housing within the terms of this chapter. Such reports shall be submitted to the ~~building official~~ inspector as soon as practicable.
- (b) In carrying out his responsibilities pursuant to this chapter, the ~~building official~~ inspector may request assistance from the ~~city health officer~~ building official to determine violations of municipal ordinances, state law, and rules and regulations of the ~~city health officer~~ building official.

Sec. 12-32. - Entry powers.

The inspectors are hereby authorized to enter upon private property in order to enforce the provisions of this chapter. When necessary to obtain such entry, the inspector may institute appropriate proceedings to obtain a warrant.

Sec. 12-33. - Article supplemental.

The provisions of this article shall be supplemental to all other ordinances of the city.

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

SECTION C. This Ordinance shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED at the regular meeting of the Commission of the City of Panama City, Florida, this 27th day of October, 2020.

CITY OF PANAMA CITY, FLORIDA

BY: Greg Brudnicki, Mayor

ATTEST:

Brandy Waldron, Interim City Clerk-Treasurer

ⁱ Jones v. Trawick, 75 So. 2d 785, (Fla.1954)

ⁱⁱ Beckman v. Marshall, 85 So. 2d 552, (Fla. 1956)

ⁱⁱⁱ Ibid.

^{iv} Ibid.

^v Ibid.

^{vi} Florida Building Code, 2017, Section 101.2

^{vii} Ordinance 2608, City of Panama City, June 13, 2017