

- A. In the event that the owner or other parties in interest shall fail to comply with an order made pursuant to the provisions of this Code, the City, acting through the City Administrator or Mayor, is authorized to vacate, demolish, or otherwise abate the nuisance in accordance with such order, either with City forces or by independent contractor.
- B. Summary Abatement. In addition to the remedies prescribed by this Code, and cumulative thereof, if it shall be brought to the attention of the City Council, and it shall be determined that any such nuisance, or nuisances, are likely to have an immediate adverse effect upon the public health, comfort or safety, then and in that event, the City Council may, by appropriate resolution or motion, order such nuisance or nuisances summarily abated by the City in a reasonably prudent manner.

7.11.06 Recovery by City of Expenses of Nuisance Removal

- A. The City is damaged by the creation of a nuisance within the city, and the cost of nuisance removal has become a significant expense of the City. It is intended that persons responsible for such expenses shall bear the costs of same. In order to recover the costs of nuisance removal, the City may bring a civil action against any person believed to be responsible for creation of a nuisance. The City may, in order to avoid the necessity of the institution of such action, make an offer of settlement to any person believed to be responsible for creation of a nuisance. If the settlement offer is accepted, no action will be instituted by the City.
- B. If such action is brought, all costs and expenses of nuisance removal shall be recoverable, as well as injunctive relief to prevent such actions in the future, and further, the City shall be entitled to recover all reasonable and actual attorney’s fees and costs incurred in said litigation, including appellate attorney’s fees and costs.

7.11.07 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.

**7.12.00 PROVISIONS FOR CERTAIN TYPES OF CONSTRUCTION CONCERNING NON-CONFORMING DWELLING UNITS RESIDENTIAL AND NON-RESIDENTIAL STRUCTURES**

All uses existing on the effective date of this Regulation of any amendment hereto, that preexisted or were permitted pursuant to the 1991 Mexico Beach Land Development Regulations and have continued pursuant to the standards for nonconforming uses shall be considered nonconforming under the terms of this Regulation. Uses not legally permitted by this Regulation or the 1991 Mexico Beach Land Development Regulations or which did not preexist the 1991 Mexico Beach Land Development Regulations shall be considered illegal. This section is to protect the rights of property owners who have lawfully established and continuously maintained a use prior to the effective date of this Regulation. These non-conforming uses may continue in their present condition, but shall not

be enlarged, expanded, extended, or used for adding other structures or uses prohibited elsewhere in the same classification. In addition, the following regulations apply to non-conforming uses:

- A. Lots. ~~In those situations where a~~Lots in a subdivision that has been platted and approved by either the Mexico Beach Planning and Zoning Board and Mexico Beach City Council and recorded in the Official Records of Bay County shall be allowed to continue the use of the parcel as of October 10, 2018, or, if the structure(s) located on the lot are damaged in excess of 50% of their fair market value, shall be allowed to be rebuilt to the density and intensity existing on the lot as of October 10, 2018.
  
- B. Structure. In any part of the City, a lawful dwelling unit in use on the effective date of this Code, or amendment of this Regulation, but not permitted thereafter, may continue or be occupied, provided:
  - 1. If the structure is damaged in excess of 50% of its fair market value, any reconstruction shall comply with the Mexico Beach Land Development Regulations. An exception to this Regulation shall be in effect if the structure is damaged by hurricane, flood, or any Act of God. Permitting for reconstruction may then be recommended by the Mexico Planning and Zoning Board and approved by the Mexico Beach City Council.
  - 2. If changes are going to be made to a non-conforming structure, it may be necessary to remove non-structural attachments (porches, decks, etc.) to make the structure comply with this Code.
  - 3. Additions may be constructed on non-conforming structures however, these additions may not exceed the setback or otherwise compound the cause of the non-conforming infringement.
  - 4. Any legally existing residential ~~dwelling unit or non-residential structure~~, existing as of ~~the date of adoption of this Code~~October 10, 2018, shall be deemed consistent with the community character, and if destroyed by fire, natural disaster, or other calamity, may be rebuilt to the density and intensity as existing prior to said destruction but shall otherwise be required to meet all regulations and construction codes in effect. For purposes of this section, “destroyed” and “destruction” shall mean that the structure is damaged in excess of 50% of its fair market value. The provisions of this subparagraph shall expire on December 31, 2021, and thereafter any residential and non-residential structure must meet the density and use requirements applicable to the zoning district in which it is located.
  
- C. Review. In all situations where a building permit is to be issued for a non-conforming structure, the permit application must be reviewed and approved in accordance with the requirements of the Minor Residential Development Order, Section 7.02.02(A)(1)(b)(3) of this Code.

Legally authorized residential and non-residential structures existing as of October 10, 2018 shall be allowed to continue or to be rebuilt to the density that was existing on October 10, 2018, but shall otherwise be required to meet all regulations and construction codes in effect. The provisions of this subparagraph shall expire on December 31, 2021, and thereafter any residential or non-residential structure must meet the density, intensity, and use requirements applicable to the zoning district in which it is located.