

ORDINANCE NO. 317

AN ORDINANCE AMENDING SECTION 5-10, CODE OF ORDINANCES AND AMENDING ORDINANCE 299 RELATING TO NUISANCES, INCLUDING UNFIT AND UNSAFE BUILDINGS, DWELLINGS OR STRUCTURES; PROVIDING PROCEDURES FOR THE ABATEMENT OF NUISANCES; PROVIDES FOR NOTICES FOR REPAIR OR DEMOLITION; ASSESSMENT OF LIENS AND MINIMUM PENALTIES FOR VIOLATIONS THEREOF, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND RECITING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SPRINGFIELD IN BAY COUNTY, FLORIDA:

SECTION 1. DEFINITIONS

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

a: Inspector: The inspector shall be the chief building official of the City or his assistants or persons designated from time to time by the City Commission.

b. Nuisance: The term "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 one hundred (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 or may become infested or inhabited with rodents, vermin or snakes, or may become a breeding place for mosquitoes, or 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 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, 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. Unsheltered storage for a period of thirty (30) days or more within the corporate limits of this City including any 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.

15. 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; and
 - b. abandoned, discarded, unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.
16. Such other acts or conditions which are declared by other ordinances to be or constitute nuisances.
- c. Refuse: Leavings, dreags, rubbish, trash or waste material.

d. Underbrush: Any undergrowth or brush conducive to the collection of insects and rodents.

e. Weeds: Any plants which are useless to men or injurious to crops, grasses or flowers.

f. Unfit or Unsafe Dwelling or Structure: 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.

SECTION 2. PROHIBITED

Any owner or occupant of premises maintaining a nuisance with the City shall be guilty of a second degree misdemeanor, punishable as provided by Florida Statutes.

SECTION 3. POWERS AND DUTIES OF THE INSPECTOR; DETERMINATION OF INTERESTED PARTIES.

a. The inspector shall be charged with the duty of administering the 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 violations of this chapter and maintain a log reflecting the resolution thereof; however, only matters or conditions pertinent to the existence of a nuisance as defined in this ordinance, shall be considered or reported by the inspector.

b. When the inspector verifies the existence of a nuisance involving an unfit or unsafe structure, it shall be his duty to

promptly prepare and submit to the City Clerk the notice and order required by this article. The City Clerk, with 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 said party. In addition, notice shall be given to the lessee or occupants, if any, and persons of record interest, including mortgage, 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.

SECTION 4. 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 fifty (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 building 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 section or 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 same shall be stated in the notice which shall not be less than ten (10) days nor more than one hundred twenty (120) days.
8. The name or names of persons upon whom the

notice is served as stated in Paragraph B of Section 2.

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 order stated in the notice, and at 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 said property by the City.

10. A statement advising of the procedures for review of the action of the inspector.

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 thirty (30) days after service to obtain a permit and begin specified repairs or improvements, or to demolish and remove the dwelling or structure or portions thereof. This work shall be completed within sixty (60) days from the date of the permit for repair or demolition. Any demolition permit necessary as a result of any condemnation herein 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 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 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 or 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.

SECTION 5. PUBLICATION OF NOTICE

a. 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 (2) consecutive weeks, a notice reading substantially as follows:

Attention owner, agents, custodians, lessees, and the occupants of real property within the city limits of the City of Springfield.

"You are hereby notified that you are required by law to cut and keep cut to a height of not exceeding twelve (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 Springfield 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 Springfield will cause said nuisance to be abated, and the costs thereof will be assessed

against the property upon which the nuisance is located.

SECTION 6. SERVICES OF NOTICE AND ORDER.

a. It shall be the duty of the City Clerk 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, or by leaving such copy at his usual place of abode with some person of the family above fifteen (15) years of age and informing such person of the contents thereof, or 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 in the event a notice sent by either certified mail or registered mail shall be returned undeliverable and the person to be notified is not residing within the City, by publishing a copy thereof once a week for two (2) 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.

SECTION 7. 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 thirty (30) day period and in good faith and in due time 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 and if reasonable grounds are shown therefor, the building official is authorized to issue an amended order authorizing an extension of time, not to exceed sixty (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 sixty (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.

SECTION 8. CITY ACTION ON FAILURE TO COMPLY.

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 and order of the inspector, and in the absence of extenuating circumstances as would justify an extension of the time period therefor, the City Clerk may order a vacation of the premises until compliance or demolition of the structure.

b. In the event that an owner or other parties in interest shall fail to comply with an order made pursuant to the provisions of this article within the time therein fixed, the City, acting through the City Clerk, 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.

SECTION 9. ASSESSMENT OF COST; LIEN.

a. Upon expiration of the thirty (30) day appeal period with no appeal having been taken, the City Clerk, 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 legislative body shall assess the entire cost of such action against the real property, which assessment, when made shall constitute a lien upon said 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 line upon the property shall be superior to all others except taxes.

b. The City Clerk 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 said date at the rate of eighteen percent (18%) per annum. The City may enforce the lien upon the real property of the owner as provided for in Chapter 173, of the Florida Statutes (1987) as 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 this subsection until said lien has been filed of record for a period of two (2) years.

SECTION 10. APPEALS GENERALLY

a. Any interested party may appeal the decision of the inspector or City Clerk to the legislative body upon the filing, within thirty (30) days after service of the inspector or City Clerk'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 legislative body. Within ten (10) days after the filing of the notice of appeal, the legislative body 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 (10) days notice. Under no circumstances shall the board establish a hearing date beyond sixty (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 (10) days prior to the date of the hearing.

SECTION 11. FINAL APPEAL TO CIRCUIT COURT.

a. An interested party, having exhausted his administrative remedies before the legislative body, may appeal to the circuit court the decision of the body, in like manner of appeals from the County Court.

SECTION 12. ENTRY POWERS.

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

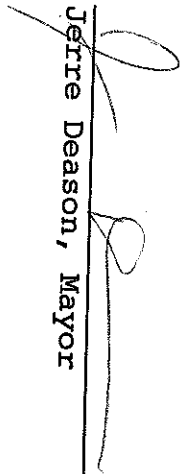
SECTION 13. ARTICLE SUPPLEMENTAL.

a. The provisions of this article shall be supplemental to

all other ordinances of the City.

SECTION 14. This Ordinance shall take effect as provided by law.

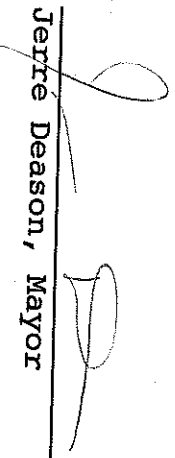
PASSED in regular Session of the City Commission of the City of Springfield in Bay County, Florida, this 6 day of DECEMBER, 1993.


Jerre Deason, Mayor

Attest:


J.C. Scalf, City Clerk

EXAMINED AND APPROVED by me this 6 day of DECEMBER, 1993.


Jerre Deason, Mayor