

CITY OF SPRINGFIELD, FLORIDA

ORDINANCE NO.: 380

AN ORDINANCE OF THE CITY OF SPRINGFIELD AMENDING ORDINANCE 317 SETTING FORTH DEFINITIONS, ESTABLISHING PROHIBITION OF NUISANCES, ESTABLISHING AND MODIFYING CERTAIN SECTIONS FOR ABATEMENT OF NUISANCES AND REPEALING ALL OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SPRINGFIELD, FLORIDA that:

SECTION I. DEFINITIONS:

- A.** For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words immediately in the present tense include the future, words used in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- B. GARBAGE CONTAINER-** Shall mean a plastic or galvanized metal container of no more than thirty (30) gallon capacity specifically manufactured for and intended for use in discarding residential or commercial garbage and trash and including a lid or cover designed for securely closing and covering the base of the container.
- C. GARBAGE-** Shall mean any waste accumulation of animal, fruit or vegetable matter used or intended for food or that accompanies the preparation, use, cooking, processing, handling or storage of meat, fish, fowl, fruit or vegetables or any other matter which is subject to decomposition, decay, putrefaction and the generation of offensive and noxious gases or odors or which, during or after decay may serve as breeding areas or feeding material for flies, insects or animals.
- D. RESIDENTIAL GARBAGE-** Any waste defined as GARBAGE in this ordinance produced or accumulated and normally associated with a residence as commonly produced and accumulated by a residential household but excluding all body and animal excretion.
- E. COMMERCIAL GARBAGE-** Shall mean all putrid and non putrid solid waste, including but not limited to garbage, trash, paper, boxes, rubbish, yard and garden trash and industrial garbage emanating from a commercial establishment but excluding all body and animal excretion.

- F. TRASH-** Shall mean accumulations of paper, wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage or yard trimmings, which are usual to housekeeping and the normal operation of stores, offices, residences and business places.
- G. TRIMMINGS-** Shall mean residue from trimming limbs from trees, shrubs, tree trunks, stumps, bark, grass and weeds not to exceed four (4) feet in length and/or four (4) inches in diameter."
- H. BULKY YARD AND GARDEN WASTE-** Shall mean large tree or shrubbery cuttings, including but not limited to, limbs, logs, stumps, palm frongs, grass and weeds exceeding four (4) feet in length and/or four (4) inches in diameter.
- I. BULK GARBAGE CONTAINER OR DUMPSTER-** Shall mean a factory-built, leak-proof, steel or aluminum bulk container for covered storage, capable of being handled as a unit by a hoist truck.
- J. EXCAVATION, CONSTRUCTION AND DEMOLITION WASTE-** Shall mean building materials and rubble including, but not limited to, earth, stone, brick, concrete, cement blocks, flooring, lumber, plaster and other wastes resulting from construction, remodeling, repair or demolition of any building, pavement, structure, land clearing or excavation.
- F. LITTER-** Shall mean all garbage, waste materials, sand, gravel, slag, bricks, concrete, cement blocks, rubbish, tin cans, bottles, trash, debris, dead animals, or any other discarded, used or unconsumed substance which is not handled in accordance with the provisions of this ordinance.
- L. NUISANCE-** Shall mean the violation of any provision, in part or whole, of any Springfield City Ordinance. Such violations are hereby declared to be public nuisances and subject to abatement in accordance with Springfield City Ordinance 381, "Code Enforcement Hearing Officer System" or any other options available to the City as provided in FSS 162 or other State Statutes, County Codes or Springfield City Ordinances.
- M. REFUSE-** Shall mean garbage and trash, all rubbish, paper, glass, metal and discarded matter which the last owner intends to abandon to the City for disposal, excluding dead animals, industrial wastes, body or animal wastes or abandoned vehicles.

- N. RESIDENCE-** Shall mean structure of no more than four (4) dwelling units designed for occupancy of more or less permanent tenure including single family homes, garage apartments, duplexes, triplexes and quadraplexes. No distinction shall be drawn between dwelling units, the occupancy of which will be based on ownership, rental, lease, cooperative venture or any other means.
- O. COMMERCIAL RESIDENCE-** Shall mean two or more multi-family residential units including, but not limited to, multi-family units, apartments, townhouses, condominiums, public housing units, mobile home parks and mobile home lots geographically located on the same property.
- P. RUBBISH-** Shall mean any nonputrescible solid wastes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, yard clippings, glass, crockery, excelsior, cloth or similar materials.
- Q. SANITARY NUISANCE-** Shall mean a condition created by a person, or the keeping, maintaining, propagation, existence or permitting of anything by a person which the health or lives of individuals may be threatened or impaired, or by which disease may be caused or transmitted.
- R. SPECIAL WASTES-** Shall mean those wastes which require extraordinary handling and management. They include but are not limited to abandoned vehicles, large appliances, tires, waste oil, sludge, dead animals, agricultural and industrial wastes, septic tank pumping, furniture and infectious and hazardous wastes.
- S. UNAUTHORIZED ACCUMULATION-** Shall mean the accumulation of litter or garbage on residential or commercial properties in violation of the provisions of any City ordinance. This shall not include building materials used in construction or repairing a structure stored for that use in the near future as long as the materials are stored in a reasonable manner and do not qualify as a nuisance under any other City ordinance.
- T. HAZARDOUS WASTE-** Shall mean a solid waste identified by the Department of Environmental Regulation as a hazardous waste in F.A.C. Chapter 17-30 including but not limited to: explosives, pathological wastes, radioactive materials, acidic, caustic, toxic, highly flammable chemicals, solutions or substances; infected materials: offal; fecal matter: or' sewage sludge.
- U. INDUSTRIAL WASTE-** Shall mean all solid waste which result from industrial processes and manufacturing operations such as factories, processing plants, repair and cleaning establishments, refineries and rendering plants.

- V. INFECTIOUS WASTE-** Shall mean those wastes which may cause disease or which are reasonably suspected of harboring pathogenic organisms. Included are wastes resulting from the operation of medical clinics, hospitals, and other facilities producing wastes which may consist of, but are not limited to, pathological specimens, hypodermic needles, contaminated clothing, wrappings or bandages and surgical gloves.
- W. WASTE OIL-** Shall mean all types of waste oils, including waste automotive lubricants, industrial waste oils and petroleum compounds.
- X. WHITE GOODS-** Shall mean operative or inoperative appliances such as refrigerators, ranges, washers, dryers, water heaters, residential or commercial air conditioners and other similar domestic or commercial appliances.
- Y. WHITE GOODS WASTE-** Shall mean inoperable or operable discarded white goods.
- Z. DERELICT, JUNK, DISCARDED, UNREGISTERED VEHICLES-** Shall mean the following:
- a. Derelict vehicle- shall mean any temporarily or permanently abandoned vehicle left on any public or private property regardless of the condition, age or registration of the vehicle.
 - b. Junk vehicle- shall mean; any vehicle partially or fully dismantled, is not operational under it's own power and does not display a current Florida tag which is properly registered to that vehicle, any vehicle regardless of it's condition, from which the VIN number has been removed from viewable locations; or any vehicle from which the engine, transmission, two or more wheels, windshield, side or rear windows, or any doors have been removed.. A junk vehicle shall also include a vehicle which is being kept for it's parts and is being periodically or regularly striped of it's body or mechanical pans.
 - c. Discarded vehicle- shall mean any vehicle, regardless of condition or registration which has been discarded or placed aside from it's intended use on any public or private land in view or out of view of the public.
 - d. Unregistered vehicle- shall mean any vehicle, regardless of it's condition or age which is not displaying a current, legal tag.

- AA. STOP ORDER-** Shall mean a written order by the Code Inspector for the City of Springfield to any and/or all parties concerned or involved in any actions which are reasonably believed to cause or lead to the violation of any City ordinance which may present a serious threat to the public health, safety or welfare or is irreparable or irreversible in nature. Such notice shall serve as an order to immediately cease such actions. A violation of the Stop Order is hereby declared to be a violation of this City ordinance separate from the original cause of its issuance.
- BB. BUILDING INSPECTOR-** Shall refer to the Bay County Building Inspector or his designee.
- CC. CODE INSPECTOR-** Shall refer to the designated Code Inspector of the City of Springfield, Florida.
- DD. HEARING OFFICER-** Shall refer to the Code Enforcement Hearing Officer appointed for the City of Springfield as established in Ordinance 381 , Code Enforcement Hearing Officer System as adopted by the City of Springfield.
- EE. FIRST NOTICE-** Shall mean an optional notice to the violator which may be issued by the Code Inspector, conditions permitting and warranting, providing a first notice of violation of a Springfield City Ordinance.. It is intended as a courtesy warning to the violator affording him/her opportunity for voluntary compliance.
- FF. NOTICE OF CIVIL INFRACTION-** Shall be the form of notification prescribed by Ordinance - and used by the Code Enforcement Officer to notify the violator of an ordinance violation.
- GG. UNSAFE OR UNFIT DWELLING OR STRUCTURE-** Any dwelling or structure or any portion thereof, including accessory buildings, which are structurally 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 recognizable by a reasonable person because of inadequate maintenance, dilapidation, obsolescence or abandonment; dangerous to life or property of the occupant thereof or of the surrounding areas; an "attractive nuisance"; unfit for human habitation, if so intended or used; or otherwise in violation of the housing, building, electrical, plumbing, mechanical, sanitation and/or fire codes of the City, County or State.

SECTION II. PROHIBITED ACTIVITIES:

- A. **The following are hereby declared to be nuisances to the citizens of the City of Springfield, Florida and are prohibited:**
1. Improper disposal of commercial garbage.
 2. Improper disposal of Hazardous, industrial, infectious or oil waste.
 3. Creating, causing, allowing or maintaining a sanitary nuisance.
 4. Littering upon any public or private property.
 5. Unauthorized accumulation of any substance, materials, property or other items prohibited by any City ordinance.
 6. The violation of a "Stop Order" issued by the City of Springfield.
 7. Any accumulation of garbage trash, rubbish, junk, abandoned materials or property, unregistered, inoperative or junk vehicles, metals, lumber, construction debris, trimmings, yard and garden waste, litter, refuse or any other materials, serviceable or unserviceable on public or private property.
 8. Any grass, weeds or underbrush more than 12" in height in an untended state, whether shielded from the public view or not, in an area where the whole of the properties are improved and/or tended, or within 100 feet of any improved property.
 - a. **Special remedies for City abatement of Section II, A, 8 property overgrown by weeds, bushes, undergrowth and other vegetation wherein the property owner refuses or fails to comply:**
 - b. **At the discretion of the Code Inspector** a first notice of violation may be served on the property owner by posting such notice on the structure located on the property, by certified letter or in person to the property owner or a third party at the known residence or employment of the property owner.
 - c. The notice will inform the property owner of the violation and set a reasonable time for compliance in the maintenance of the property. **In no case will the time be more than two weeks.** If the violator does not respond a Notice of Civil Violation shall be served in the same manner.

- b. If the Code Inspector so elects a **Notice of Civil Violation** shall be served which will impose a fine and set a time limit for payment of the fine and compliance in maintenance of the property. **This time limit shall not exceed two weeks** but may be less, based upon the decision of the *Code Inspector*.
- c. If the violator does not comply with the requirements of the Notice of Civil Violation in the maintenance of the property or a timely appeal to the *Hearing Officer*, such failure to comply will be deemed a continuing violation and the **City of Springfield will abate the nuisance by performing the necessary maintenance of the property either with City resources or private contract bids.**
 - 1. There shall be no further notice required or provided to the violator nor shall there be a requirement for public notification through advertisement or posting of the City's intent to abate.
 - 2. If the City abates the nuisance as stated above the expenses and costs incurred by the City in the abatement of the nuisance shall be added to the penalty imposed by the Notice of Civil Violation.
- 9. Any dead or dying trees of any height within the proximity of another person's property which would endanger the safety of other people or the property of another person by falling over or dropping broken branches and limbs. This includes trees which, being dead or dying have a high potential of falling and damaging public utility wires or poles. This will be considered a public safety hazard.
- 10. Any unsafe, unfit, substandard dwelling or structure, either residential or commercial.
- 11. All unnecessary, unauthorized noise and annoying vibrations, including animal noises.
- 12. All disagreeable or obnoxious odors or stench as well as the conditions, substances or other causes which give rise to the emission or generation of such odors or stanches.
- 13. The carcasses of animals, fowl or fish not disposed of properly immediately after death.

14. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, dead animals, fowl or fish, industrial waste or other substances or actions by any person which causes such.
15. Any building, structure or other place or location where any activity which is violation of local, state or federal law is conducted, performed or maintained.
16. Any accumulation of any stagnant water permitted or maintained on any private or public lot or piece of ground.
17. Burning without a permit from the Springfield Fire Department Fire Chief.
18. Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities.
19. Improper use of water during emergency water restrictions.
20. Burning during local or state ban.
21. Unsheltered storage, for more than thirty (30) days within the corporate city limits of the City of Springfield of machinery, implements or equipment of any kind which is no longer safely usable for the purposes for which it was manufactured or that is in a discarded condition and/or not being maintained in operational order or in an unused status for more than thirty (30) days is hereby declared to be a nuisance and a danger to the public health, safety and welfare.
22. Garages and carports being used for storage purposes wherein items are accumulated and placed in an unsightly manner tending to cause an "eyesore" in the neighborhood and/or the City must be enclosed, i.e., the garage door closed except when in immediate use. Carports, free standing or attached to the house, must be enclosed in such a manner as not to detract from the appearance of the community. Carports not enclosed in such a manner shall not be used for excessive storage of property and materials.
23. The condition or use of any premises or of building exteriors, private or commercial, which is detrimental to the property diminution in the value of other property in the neighborhood or community in which the premises or structure is located. This includes, but is not limited to, the keeping or depositing on or scattering over or about the premises or structure or building any unsightly materials such as the following:

- a. Empty garbage containers, residential garbage, commercial garbage, trash, accumulate trimmings, bulky yard and garden waste, excavation, construction and demolition waste, litter, rubbish, lumber and other refuse and/or sanitary nuisances.
- b. Unsafe, unfit structures, junk of any kind, trash, debris, abandoned discarded, unused objects, equipment, furniture, appliances, structure or building parts, vehicles, cans, and other containers, toys and other such items or property, acts, conditions or other accumulations which are declared by this or other City ordinances to constitute a nuisance.
- c. Any and all items, materials, conditions or actions described or defined within this ordinance.

24. Derelict, junk, discarded, unregistered vehicles: It shall be unlawful to park, store or leave any vehicle of any type in an abandoned, wrecked, junked, untended, discarded, unregistered condition, whether attended or not, on public rights-of-way or other public or private property or for any person to cause, allow or permit such action.

1. Any vehicle which is undergoing repairs must be immediately under repairs and such repairs must be completed within ten (10) days. Any vehicles undergoing repairs over a duration of more than seventy-two (72) hours must be stored and repaired out of sight of the general public and not in the front yard of the residence or property.

1. It shall be unlawful for any person to conduct repairs of vehicles at their residence as a matter of occupation, either full time or part time, or for compensation of any kind without obtaining an occupational license, as per Ordinance 358.

2. Anyone having or keeping more than one vehicle, registered to different owners and which are in a state of undergoing mechanical or body repairs shall be deemed a motor vehicle repair service in violation of this ordinance and Ordinance 358, Occupational License.

3. This section shall not apply to lawfully licensed vehicle repair businesses.

25. Mobile homes, recreational campers and trailers:

- a. It shall be unlawful and a violation of this ordinance for any person to use or cause to be used any mobile home or recreational or travel trailer to be used for the purposes of storage of any property, materials or items within the city limits of Springfield.
- b. It shall be unlawful and a violation of this ordinance for any person to live in, stay in or abide in any manner within a recreational vehicle or trailer, or to cause or allow the same upon any property, commercial or private outside the confines of a recreational vehicle park or mobile home park with recreational vehicle accommodations.
- c. It shall be unlawful and a violation of this ordinance for any person to connect any recreational vehicle, camper or trailer to City utilities, including water or sewage, or to connect such vehicles to electrical power or to dump the facilities of such vehicles into the city sewage.
- d. It shall be unlawful and a violation of this ordinance for any person to park or place a mobile home, either permanently or temporarily, on any property within the city limits of Springfield without a permit to do so, issued by the City of Springfield. No mobile home shall be placed on any City right-of-way or City property under any circumstances.
- e. Abandoning a mobile home, RV, camper or trailer on commercial or private property.

Abandonment shall mean leaving without providing or continuing reasonable maintenance and allowing deterioration to the point that the property can no longer be reasonably used for the purpose for which it was intended.

SECTION III. POWERS AND DUTIES OF THE CODE INSPECTOR FOR THE CITY OF SPRINGFIELD.

- A. The Code Inspector shall be charged with the duty of administering the applicable standards and securing compliance therewith. In furtherance of this responsibility the Code Inspector shall:
 - 1. Make such inspections as may be necessary to effectuate the purpose and intent of this ordinance.

2. Conduct investigations of any complaints of alleged violations or of violations revealed by his inspections of this ordinance and making reports, records and logs reflecting the conduct of the investigation and the resolution of the complaints. However, only matters or conditions pertinent to the existence of a nuisance as defined in this or other City ordinances shall be considered by the Code Inspector.
3. The scope of the Code Inspector's duties shall include the enforcement of any and all Springfield City Ordinances, any County Ordinances or State Statutes
4. Confirmation of compliance with the requirements of the Notice of Civil Violation or of the decisions of the Hearing Officer shall be made by the Code Inspector. From time to time and/or whenever necessary, as determined by the Code Inspector, the Inspector shall call upon the expertise of professionals in whatever field may be available to him to assist him in making his determinations either in the issuance of Notices or of confirming compliance.
5. If the Code Inspector is unable to locate the owner or rental agent responsible for a given violation in which to serve a notice then the dwelling or structure shall be posted conspicuously with a Notice of Civil Violation which shall include a "Do not rent" order. Such structure posted in this a manner shall not be rented until compliance with the Notice of Civil Violation. The posting of the Notice of Civil Violation upon said dwelling or structure shall be considered proper service of the notice.
6. If the Code Inspector is able to locate the proper address at which to serve the Notice of Civil Violation but cannot make contact with the violator after reasonable attempt, the Code Inspector may leave the Notice of Civil Violation with any responsible person over fifteen (15) years of age, advising such person of the contents of the Notice. Delivery of the Notice in such a manner shall be deemed proper service of the Notice.

B. Notification process:

1. Upon determining a violation of a Springfield City Ordinance does exist the Code Inspector shall proceed as set forth in Ordinance 381 in the issuance of a notice of violation.
2. Dependant upon the circumstances and the decision of the Code Inspector, he may issue a "First Notice of Violation" which notifies the violator of

the civil violation, the Ordinance number and section of the violation, the location, date and time, time frame allotted for correction and the penalty for non conformance. This is a courtesy warning and does not carry a civil penalty but is binding in it's requirement for compliance.

3. If the Code Inspector deems it necessary or more applicable he shall issue the violator a "Notice of Civil Violation" as provided in Ordinance 381. The contents of the Notice of Civil Violation is set forth in this ordinance and in Ordinance 381 , *Code Enforcement Hearing Officer System*. The Notice of Civil Violation requires compliance and payment of a civil penalty.
4. If the Code Inspector has reason to believe the violation or the condition causing the violation presents a serious threat to the public health, safety and welfare and/or the violation is or may be irreparable or irreversible in nature the Inspector shall immediately issue a Notice of Civil Violation and, in addition, may serve the violator with a "Stop Order" intended to curtail, delay or prevent further public injury.
 - a. A Stop Order shall serve as a notice to the violator to immediately cease the action, work or other causation of the violation. Disregard of the Stop Order by the violator shall be, in itself and separately, a violation of this ordinance and shall constitute a violation in itself with separate punitive action.

SECTION IV. EFFECTIVE DATE AND REPEALER:

This ordinance shall become effective upon passage. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict

PASSED, APPROVED AND ADOPTED in regular session of the City Commission

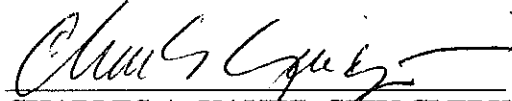
this the 7 day of DECEMBER, 1998.

CITY OF SPRINGFIELD



JERRE DEASON, MAYOR

ATTEST:



CHARLES A. YAUTZ, CITY CLERK

First Reading: 11-2-98
Second Reading: 12-7-98
Date Published: 11-16-98