

CITY OF SPRINGFIELD, FLORIDA

ORDINANCE NO. 525

AN ORDINANCE OF THE CITY OF SPRINGFIELD, FLORIDA, REPEALING AND AMENDING SECTIONS 34-61 THROUGH 34-73 OF THE SPRINGFIELD CODE OF ORDINANCES, TITLED ARTICLE III – UNFIT OR UNSAFE STRUCTURES; REPEALING SECTIONS 34-101 THROUGH 34-104 OF THE SPRINGFIELD CODE OF ORDINANCES, TITLED ARTICLE IV – NUISANCES; CREATING A NEW ARTICLE III OF THE SPRINGFIELD CODE OF ORDINANCES TITLED “NUISANCE ABATEMENT”, CONSISTING OF NEW SECTIONS 34-61 THROUGH 34-74; CREATING NEW DEFINITIONS; PROHIBITING NUISANCES WITHIN THE CITY; SPECIFYING POWERS OF THE ENFORCEMENT OFFICER; SETTING FORTH THE CONTENTS OF THE NOTICE AND ORDER OF ABATEMENT, METHOD OF SERVICE, AND TIME TO COMPLY; SPECIFYING ACTIONS AVAILABLE TO THE CITY UPON FAILURE TO COMPLY WITH A NOTICE AND ORDER OF ABATEMENT; PROVIDING THAT THE CITY MAY COLLECT THE COST OF ABATEMENT THROUGH IMPOSITION OF A LIEN OR THE LEVY OF A NON-AD VALOREM ASSESSMENT; PROVIDING THAT THE CITY MAY UTILIZE THE UNIFORM METHOD OF COLLECTION AUTHORIZED BY FLORIDA STATUTES; PROVIDING FOR APPEAL; PROVIDING FOR THE RIGHT TO COUNSEL; SPECIFYING DUTIES OF OTHER CITY DEPARTMENTS; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCE 317 AND ORDINANCE 380 AND ANY OTHER ORDINANCE OR PROVISIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

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

**Section 1.** From and after the effective date of this Ordinance, Article III – Unfit or Unsafe Structures, Sections 34-61 through 34-73 and Article IV – Nuisances, Sections 34-101 through 34-104 of the Springfield Code of Ordinances are hereby deleted and repealed and a new Article III – Nuisance Abatement,

Sections 34-61 through 34-74 of the Springfield Code of Ordinances is created to read as follows:

### ARTICLE III. – NUISANCES

#### Sec. 34-61. - Definitions.

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

*Construction debris* means any refuse generated by a contractor, subcontractor or other person or supplier during the course of repair, addition to, or construction of any building or structure whether such activity requires a building permit or not.

*Demolition debris* means any refuse generated through the cutting or trimming of trees, bushes or shrubbery for hire, or the destruction or demolition, in whole or in part, of any structure or building, or the clearing of land by any person, whether for hire or by the owner.

*Enforcement officer* shall mean any code enforcement officer or law enforcement officer of the city.

*Garbage* shall mean any putrescible animal and vegetable wastes resulting from the handling, storage, preparation, cooking, sale or consumption of food.

*Graffiti* means any unauthorized inscription, word, figure or design of any type that is marked, etched, scratched, drawn or painted on any surface of public or private property, including but not limited to building, structures or places.

*Graffiti implement* means an aerosol paint container, a broad tipped or felt tip marker, paint stick, graffiti stick, or etching tool or device capable of scarring glass, metal, concrete or wood.

*Inspector* means that officer or employee of the city designated by the city commission.

*Litter* means any garbage; rubbish; trash; refuse; cans; bottles; boxes; containers; paper; tobacco products; tire; appliances; mechanical equipment or part; building or construction material; tool; machinery; wood; motor vehicle or motor vehicle part; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility; water supply treatment plant or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

*Nuisance:* The term "nuisance" shall mean any of the following:

- (1) Any accumulation of litter, refuse, construction or demolition debris, garbage, trash, junk and other abandoned materials, metals, lumber or other things.
- (2) Any excessive accumulation of untended growth of weeds, underbrush or other dead or living plant life upon an improved lot, tract or parcel of land, 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 safety or may reasonably cause disease, or adversely affect and impair the economic well-being of adjacent property.

- (3) Any unfit or unsafe dwelling or structure.
- (4) Any weeds which exceed one foot in height upon an improved lot, tract or parcel or on an undeveloped lot, tract or parcel of land within a subdivision which has had its vegetation cleared.
- (5) All unnecessary or unauthorized noises and annoying vibrations, including but not limited to the following:
  - (a) All unnecessary or unauthorized noises and annoying vibrations, including but not limited to the following:
    - (i) All disagreeable or obnoxious odors and stenches, as well as the conditions, or other causes that give rise to the emission or generation of such odors and stenches.
    - (ii) The carcasses of animals or fowl not disposed of within a reasonable time after death.
    - (iii) The pollution of any public well or cistern, stream, lake, canal or body of water with sewage, dead animals, creamery, industrial wastes or other substances.
    - (iv) Any building, structure or other place of location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
    - (v) Any accumulation of stagnant water permitted or maintained or allowed to exist on any lot, piece of ground, or premises, including that water confined in a swimming pool or hot tub.
  - (b) Burning without a permit from the city fire department fire chief or burning in violation of city or state ban.
  - (c) Improper use of water during emergency water restrictions.
- (6) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.
- (7) Unsheltered storage for a period of 30 days or more within the corporate limits of the city (except in licensed junkyards) of old and unused stripped junk and other automobiles, trucks, trailers, boats, and other vehicles, machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purpose for which it was manufactured, is hereby declared to be a nuisance and a danger to public health, safety and welfare.
- (8) Improper disposal of commercial garbage, hazardous, industrial, infectious or radioactive waste.
- (9) For the purpose of this chapter, the term nuisance shall also include any condition 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.

neighborhood in which the premises are located. This includes, but is not limited to, the placing or depositing on or the scattering over the premises of any of the following:

- a. Litter, junk, trash, or construction or demolition debris; and
- b. Abandoned, discarded, unused objects or equipment such as, but not limited to, automobiles, furniture, stoves, refrigerators, freezers, cans or containers

(17) Any unauthorized obstructions to or interferences with the free public use of streets, rights-of-way and public thoroughfares including, but not limited to: (1) an annoyance to the public as to render the use of the street hazardous; (2) a hindrance or prevention of unobstructed use for travel which renders passage through the street more difficult or increases the danger of injury to persons or property; (3) skating, skateboarding, or other activities on structures in streets, rights-of-way and public thoroughfares.

(18) Any building, structure or other property which contains graffiti visible from the street location.

(19) Any public nuisance known at common law or in equity jurisprudence or as prohibited by the Statutes of the State of Florida or ordinances of the City of Springfield.

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

- a. Any vehicle which is undergoing repairs must be immediately under repair and such repairs must be completed within ten days.
- b. Any vehicles undergoing repairs over a duration of more than 72 hours must be stored and repaired out of sight of the general public and not in the front yard or on the residence or property.
- c. It shall be unlawful for any person to conduct repairs of vehicles on their residence as a matter of occupation, either full time or part time for any compensation of any kind without obtaining an occupational license, as required by Code.
- d. Anyone having or keeping more than one vehicle, registered to different addresses and which are in a state of undergoing mechanical or body repairs shall not be deemed a motor vehicle repair service in violation of this article.
- e. This section shall not apply to lawfully licensed vehicle repair businesses.

(21) Mobile homes, recreational campers and trailers.

- a. It shall be unlawful and a violation of this article for any person to use 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.
- b. It shall be unlawful and a violation of this article for any person to live in or abide in any manner within a recreational vehicle or trailer, or to allow the same upon any property, commercial or private outside the city limits.

a recreational vehicle park or mobile home park with recreational vehicle accommodations.

- c. It shall be unlawful and a violation of this article 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 article for any person to park or place a mobile home, either permanently or temporarily, on any property within the city limits without a permit to do so, issued by the city. 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.

(22) In regard to portable storage units:

- a. Any placement or the permitting of any placement of more than one portable storage unit in the front yard of a residential premises where there is a dwelling;
- b. Any placement of more than one portable storage unit on a vacant lot in a residential area;
- c. Any continuous keeping of a portable storage unit on residential premises which are vacant or in the front yard of a residential premises where there is a dwelling in excess of ten days in any 60-day period. In the event of damage to a premises caused by fire, storm, flood or declared government emergency, this period may be extended upon written approval of the City Clerk; or
- d. Any placement or the permitting of any placement on a residential premises of a portable storage unit exceeding eight feet in width, 20 feet in length, and nine feet in height.

*Portable storage unit* shall mean any container designed for the storage of personal property which is typically rented to owners or occupants of property for their temporary use and which is delivered and removed by truck. Examples of portable storage units include, but are not limited to, moving and storage containers, road and storage trailers and steel shipping containers.

*Refuse* means leavings, dregs, rubbish, trash or waste material.

*Trash* means all grass clippings, leaves, tree limbs, old furniture, mattresses, bed springs, small debris, nonputrescible solid waste, cloth, paper, cardboard, glass and other similar materials. The term "trash" shall not include anything weighing over 1,000 pounds, items over ten feet long or any debris or items generated by a contractor or individual through construction or demolition.

*Underbrush* means any undergrowth or brush conducive to the collection of insects and rodents.

*Unfit or unsafe dwelling or structure* means 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 area; 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 and/or county.

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

**Sec. 34-62. - Prohibited acts; penalty.**

Any owner or occupant of a premises knowingly creating or maintaining a nuisance within the city shall be guilty of an offense. Where the nuisance is maintained by a fictitious person owning or occupying the premises, a natural person serving as an officer, manager or other agent of the owner or occupant who knowingly permits the nuisance to be maintained shall be guilty of the same offense as the fictitious person.

**Sec. 34-63. - Powers and duties of the enforcement officer; determination of interested parties.**

(a) *Generally.* The enforcement officer shall be charged with the duty of administering the applicable standards and securing compliance therewith and in furtherance of this responsibility, the enforcement officer 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, as defined herein shall be considered or reported by the enforcement officer.

(b) *Preparation of notice and order generally.* When the Enforcement Officer verifies the existence of a nuisance, it shall be his duty to promptly prepare and submit to the City Clerk a proposed form of the notice and order required by this chapter. The City Clerk or his or her designee, shall review, approve or modify and execute the form of notice and order and, with assistance of the city attorney, shall determine the owner(s) of record of the real estate upon which the nuisance is located, and send the owner(s) a notice and order of abatement, referred to in this chapter as the notice and order. In addition, the notice and order shall be given to the record lessee(s), if any, and persons of record interest (including by way of example and not limitation mortgagee, contract purchaser, agent with power of attorney, and any person claiming an interest in the property) and, by the initial posting of notice upon the dwelling or structure in question, to any occupants of that dwelling or structure. All such persons are referred to as the "interested parties" in this chapter.

**Sec. 34-64. - Notice and order of Abatement.**

(a) The notice and order 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 may require the vacation, repair, restoration or replacement of any unfit or unsafe dwelling or structure or of any part or parts thereof, including accessory building(s); provided, however, that if the inspector shall determine that the cost to repair, restore or replace any such dwelling or structure or part thereof, including accessory building(s) in compliance with all applicable building and life safety codes, would exceed fifty percent (50%) of the value of such dwelling or structure or part thereof, including accessory building(s) (as determined by reference to the most recent, final ad valorem tax roll prepared by the Bay County Property Appraiser) he may only order the vacation and demolition and removal of the dwelling or structure.

(c) In addition, due to a variety of reasons, including but not limited to abandonment, neglect, inadequate property management, or obsolescence, the condition(s) constituting a danger or nuisance to the public cannot be made safe, the notice and order shall require the vacation of the dwelling or structure involved and order the demolition and removal of the dwelling or structure or any part or parts thereof, including accessory building(s), contributing to the nuisance. Factors evidencing a determination that a property cannot be made safe may include, but not be limited to: a history of unsecured or un-securable, dangerous conditions; a history demonstrating the property owner's failure to exercise reasonable control over the property to keep it secure or safe; a history showing that the property has become an attractive nuisance to children or transients; a history showing a proliferation of criminal activity due to dilapidated conditions and lack of management and control over the premises; a history showing that notwithstanding the reasonable efforts of law enforcement or code enforcement personnel, or both, the property remains in a condition which is imminently dangerous to the public health, safety and welfare.

(d) A notice and order requiring the repair, restoration or replacement of any dwelling, structure or part or parts thereof, including accessory building(s), shall require that the work meet the standards specified by all applicable building and life safety codes.

(e) The notice and order shall be in writing, signed by the City Clerk or his or her designee, with a description of the nuisance and a legal description of the realty where it is located, including the street address, and shall state what the City orders to be done about the condition and the date within which the work ordered to be done is to be completed. The notice and order shall state that it may be appealed within thirty (30) days by written application to the City Clerk. The notice and order shall describe the condition(s) found by the inspector to constitute a public nuisance pursuant to this chapter. If the notice and order requires demolition and removal of an unfit or unsafe dwelling or structure, or part or parts thereof, including an accessory building(s), it shall describe the condition(s) found by the inspector, upon consultation with the City Attorney, to constitute such a public nuisance pursuant to this chapter as to make demolition reasonable. A notice and order requiring demolition and removal shall also state that interested parties may elect to abate the nuisance by repair, restoration or replacement of the subject unfit or unsafe dwelling or structure, or part or parts thereof, including accessory building(s).

(f) In the case of an unfit or unsafe dwelling or structure or part or parts thereof, including accessory building(s), this notice and order shall require the owner or other interested parties within thirty (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 sixty (60) days from the date of the permit for repair or

demolition. Any demolition permit necessary as a result of any notice and order herein shall not require a fee.

(g) Except as otherwise provided in this chapter for unsafe or unfit dwellings or structures the City Clerk shall 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.

(h) When the county health officer or licensed pest control operator 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 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.

(i) An order to vacate, demolish and remove an unfit or unsafe dwelling or structure or any part or parts thereof, including accessory building(s), shall not preclude the immediate repair, restoration or replacement thereof by an interested party entitled to effect such work (herein collectively an applicant). In order to make the election available in this subsection and avoid the demolition and removal, within thirty (30) days after service of the notice and order of demolition, the applicant must submit a competent application for all or a material portion of the work needed to abate the nuisance and in good faith commence and diligently and continuously pursue all the work through completion. The work must meet the standards specified by all applicable building and life safety codes. In the event that the initial permit application does not cover all the work, the application must be accompanied by a description of the remainder of the work to be done and include a schedule of all the work with milestones reasonable and customary in the construction industry. The City Clerk shall either accept or reject the application as covering a material portion of the work, the overall work described as sufficient to abate the nuisance and the schedule of work/milestones as reasonable. Should the City Clerk find that the initial application does not cover a material portion of the work, that the overall work described is insufficient to abate the nuisance, or that the schedule of work/milestones is not reasonable, he or she shall advise the applicant who shall have ten (10) days to correct the deficiency in writing or appeal in writing to the City Commission which shall hear the matter at its next regular or special meeting. The only issues before the City Commission shall be whether to accept or reject the matter(s) rejected by the City Clerk. The City Commission may not amend the application, description of work or schedule without the written consent of the applicant. The appeal shall be conducted as a quasi-judicial, de novo hearing pursuant the city's Land Development Code, except that only the applicant and the City Clerk, or their respective designees, shall be entitled to present evidence. No other persons shall be considered adversely affected persons. Public comment, but only as commentary, shall be permitted. The applicant shall bear the burden of proof. If the applicant's position is accepted then the applicant shall be required to immediately commence and diligently and continuously pursue the work to abate the nuisance strictly in accord with the schedule upon penalty of demolition as provided in Section 34-67(b). If the applicant's position is not affirmed, the applicant shall have thirty (30) days after entry of the City Commission's order to comply with the initial notice and order of demolition and removal, and no permit to repair, restore or replace shall be issued.



**Sec. 34-65. - Service of notice and order.**

It shall be the duty of the City Clerk or his or her designee 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 notified, or by leaving such copy at his usual place of abode with some person of the age of or above fifteen (15) years of age and informing such person of the contents thereof, or by registered or certified United States mail with return receipt requested. If the name of the party to be notified or his place of residence or his post office address cannot be ascertained after diligent search, or in the event a notice and order sent by either registered or certified mail is returned undelivered, notice shall be made by publishing a copy thereof once a week for three 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 upon such dwelling or structure in question and in a conspicuous place at City Hall, and upon the City website. The subsequent re-posting of such notice and order shall not be deemed invalid.

**Sec. 34-66. - Extension of time to comply.**

(a) In the case of an unfit or unsafe building or structure if the interested parties successfully obtained a building or demolition permit within the thirty (30) day period and in good faith have begun work in due time to comply with the order and diligently pursue the work, but it is determined that they will not be able to complete the work by the date ordered, they may file a written request with the City Commission stating the reasons they have been unable to complete compliance. If reasonable grounds are shown therefor, the City Commission is authorized to issue an order authorizing an extension of time, not to exceed sixty (60) days, in order to complete compliance with the original notice and order. The City Commission shall consider such request at its next regular or a special meeting, give the requesting party an opportunity to be heard, and grant the request only for good cause shown.

(b) In the case of a nuisance which is not an unfit or unsafe dwelling or structure the City Clerk or his or her designee may grant extensions of up to 60 days to abate the nuisance if it is determined that it is reasonably necessary under the circumstances upon written request from the interested party stating the reasons they have been unable to complete compliance and showing reasonable grounds for such failure to complete compliance.

(c) Violations of this chapter which constitute a nuisance related to public streets, sidewalks, alleys, ways, and public thoroughfares shall be abated immediately.

(d) Should the interested parties, through no fault of their own, be unable to complete compliance by the date ordered in the original notice and order nor by any extensions granted pursuant to this section, the city commission, in exceptional cases, upon written request may extend the completion date as merited by special hardship, unusual difficulty, or unusual circumstances of the situation; however, in no event shall the completion date extend beyond a maximum period of 180 days.

**Sec. 34-67. - City action on failure to comply.**

(a) If the interested party(s) shall fail to comply with an order made pursuant to the provisions of this chapter within the time therein fixed or extended, the City, acting through the City Clerk, is authorized to abate the nuisance in accordance with the notice and order, either with City forces or by independent contractor(s) selected through the City's procurement process.

(b) If the interested party(s) respecting an unfit or unsafe dwelling or structure or any part or parts thereof, including accessory building(s) which are the subject of an order to demolish and remove shall timely elect to repair, restoration or replacement as provided in this chapter but fail to timely obtain the required permits, or fail to timely commence and continuously and diligently pursue the work, the City, acting through the City Clerk, is authorized to effect the ordered demolition and removal (including work in progress if work has been commenced) either with City forces or by independent contractor(s) selected through the City's procurement process.

(c) In the event of any failure to comply specified in this section or under this chapter, the City Clerk and the City Attorney are authorized to commence on behalf of the City an action in circuit court against the interested party(s) to determine the validity of this chapter on its face and as applied, to require the interested party(s) to comply with the notice and order and, in the absence of compliance within a time specified by the court, to authorize the City to abate the nuisance as specified in the notice and order or as pleases the court, and to determine the amount and validity of the lien or assessment to be imposed or levied against the subject property to pay the cost of abatement. In the event the City Commission shall by resolution determine to borrow the funds required to pay the cost of abatement and to pledge the proceeds of the lien or assessment to repay the loan, the City Clerk and City Attorney are authorized to seek on behalf of the City pursuant to Chapter 75, Florida Statutes, validation of the City's authority to incur the debt, issue the certificates or bonds evidencing the debt and the legality of all the proceedings in connection therewith. In the event validation proceedings are commenced, the City Clerk is directed to serve upon the interested parties notice of their right to intervene in those proceedings.

**Sec. 34-68. - 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 chapter, shall as often as may be convenient report the action taken toward abatement of the nuisance by the City and the City Commission shall assess the entire cost of such action against the real property, which assessment, when made shall constitute a lien upon said property in favor of the City. The lien of the City shall encompass costs of determining the nuisance, effecting the vacation, securing the property, removing or abating the nuisance, demolishing and removing the dwelling or structure and accessory building(s) when applicable, all administrative, legal, postal and publication expenses, as well as rodent extermination when employed, and the fees of independent experts offering opinions, reports or testimony concerning the nuisance or abatement, as well as all other direct or indirect costs associated therewith. All such costs and expenses are collectively referred to as the abatement cost. To the extent permitted by law, the lien upon the property for the abatement cost shall be superior to the interests of all others receiving notice and an opportunity to administratively appeal the notice and order, except taxes.

(b) The City Clerk shall record a notice and claim of lien in the County's Official Book showing the nature of such lien, the amount thereof, and a legal description of the including the street address, and the names of all interested parties known to the City. A municipal lien shall bear interest from said date at the rate of ten percent (10%) and enforceable by foreclosure against the property if unsatisfied after the expiration of three years from the date of recording the notice and claim of lien, or enforceable as other lien enforced by the City. Upon notice of an impending county tax deed sale, the tax collector shall request the Clerk of the Circuit Court to collect all monies due the City, including such lien with interest.

(c) In addition, the City may collect the abatement cost through the additional alternative method of levying a special assessment, sometimes called a non-ad valorem assessment, upon the subject property benefitted by the abatement. Collection shall be by the methods authorized by Ordinance No. 524, or any amending or succeeding ordinance. This shall include without limitation the method of collection specified in sections 197.3630, 197.3635, Florida Statutes, or any amending or succeeding statute. It is the legislative intent of this chapter to authorize the collection of abatement costs by assessment placed on the property as ad valorem taxes pursuant to applicable statutes and regulations promulgated thereunder. In the event this additional and alternative method of collection is used, the abatement collection shall include the fees incurred by the City for legal counsel, independent experts offering reports or testimony concerning the abatement benefit to the subject property or a matter related or useful to the levy. This method of collection is cumulative to any other method of collection available to the City at law or equity.

#### **Sec. 34-69. - Appeals generally.**

(a) Any interested party may appeal to the City Commission the interpretation or application of the code section, ordinance, statute, regulation or common law principle contained in the notice and order of the City Clerk by filing with the City Clerk, within thirty (30) days of service of the City Clerk's notice and order, setting forth the grounds for the appeal. Upon receipt of the notice of appeal, the City Clerk shall forthwith transmit a copy of the notice of appeal, together with all related documents of the Enforcement Officer's department, to the City Commission. Within ten (10) days after the filing of notice of appeal, the City Clerk 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 unusual circumstances shall the Clerk establish a hearing date beyond sixty (60) days from the filing of notice of appeal.

(b) All interested parties shall have 30 days within which to comply with the resolution of the commission.

(c) Nuisances related to public streets, rights-of-way, and public thoroughfares shall be abated immediately. However, offenders shall have the right to appeal decision of abatement to the city commission for determination of whether the conduct constituted a nuisance. If the city commission determines that such conduct did not constitute a nuisance, then any fines or penalties assessed against the alleged offender shall be forfeited by the city.

**Sec. 34-70. - Final appeal to circuit court.**

An interest party, having exhausted his administrative remedies before the city commission, may appeal to the circuit court the decision of the commission in like manner of appeals from county courts.

**Sec. 34-71. - Appearance by counsel, etc.; witnesses sworn.**

Any interested party appearing before the city commission 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 city commission in proceedings under this chapter shall be sworn by the mayor or in his absence, by the person acting in his stead, except counsel representing a client.

**Sec. 34-72. - Duties of other departments.**

(a) Members of the fire department, law enforcement, and public works department shall make written reports to the enforcement officer, of all dwellings or structures which appear to be substandard housing within the terms of this chapter. Such reports shall be submitted to the law enforcement as soon as practicable.

(b) In carrying out his responsibilities hereunder, the enforcement officer may request assistance from a health officer, to determine violations of municipal ordinances, or state law, and rules and regulations of a health officer.

**Sec. 34-73. - Entry powers of inspector.**

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

**Sec. 34-74. - Alternative Method.**

This chapter shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby, including without limitation the levy of assessments, sometimes called non-ad valorem assessments, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This chapter, being necessary for the health, safety, and welfare of the inhabitants of the City, shall be liberally construed to effect the purposes hereof.

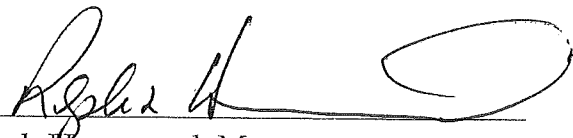
**Section 2. REPEALER.** Ordinance 317 and Ordinance 380 and all ordinances in conflict or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

**Section 3. SEVERABILITY.** In the event that any portion of this Ordinance shall be determined to be unconstitutional or invalid for any reason, the remaining provision shall remain in full force and effect.

**Section 4. EFFECTIVE DATE.** This Ordinance shall take effect upon passage.

**PASSED, APPROVED AND ADOPTED** this 2nd day of February, 2015.

**CITY OF SPRINGFIELD, FLORIDA**

  
\_\_\_\_\_  
Ralph Hammond, Mayor

ATTEST:

  
\_\_\_\_\_  
D. Lee Penton, City Clerk