

ORDINANCE NO. 178

AN ORDINANCE REPEALING ORDINANCE NO. 78; PROHIBITING NUISANCES, UNLAWFUL ACCUMULATIONS, AND GROWTHS; DEFINING SUCH NUISANCES, UNLAWFUL ACCUMULATIONS AND GROWTHS; PROVIDING FOR NOTICE TO ABATE; PROVIDING PROCEDURES FOR ABATING NUISANCES; PROVIDING A PENALTY FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Mexico Beach, Florida, has determined that it is to the best interests to the health and welfare of the citizens that an ordinance prohibiting unlawful accumulations, and prohibiting nuisances, and growths shall be passed: Now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF MEXICO BEACH:

Section 1. Definitions.

As used in this article the following term shall have the meanings ascribed to it in this section:

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

- (1) Any accumulation of rubbish, trash, junk, and other abandoned materials.
- (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 twenty (20) feet of any improved property within the city.
- (3) Any underbrush or weeds which exceed 36 inches in height.
- (4) Any unsafe dwelling or structure.
- (5) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (6) 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.
- (7) Unsheltered storage for a period of thirty (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.
- (8) For the purpose of this article, the term nuisance shall include, but is not limited to, any of the following:
abandoned, discarded, unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.

Section 2. Criminal Penalties.

(a) It shall be unlawful for any landowner to suffer, maintain or permit to remain any accumulation of rubbish or trash, abandoned vehicles, boats, refrigerators, stoves, household articles, other appliances, furniture, junk, abandoned equipment or other nuisances as defined in Section 1.

(b) It shall be unlawful for the owner of any lot, tract, or parcel of land located within twenty (20) feet of the property line of any residence or improved property to suffer, maintain or permit to remain dangerous trees or any accumulation of weeds or undergrowth as defined in Section 1.

(c) Any person violating the provisions of this section is guilty of a misdemeanor of the second degree punishable by a term of imprisonment not to exceed sixty (60) days, or a fine not exceeding Five Hundred (\$500.00) Dollars, or both.

Section 3. Duty to Remove.

It shall be the duty of the owner of any lot, tract or parcel of land described in Section 2 above to remove or cause to be removed from such lot, tract or parcel of land all excessive growth of weeds, underbrush or dangerous trees, and to remove or cause to be removed all debris, rubbish, trash, abandoned vehicles, refrigerators, and other articles as defined in Section 1.

Section 4. Determination of Nuisance.

The City will investigate any complaint of nuisance. It may be assisted by any other department or agency with expertise in the area in question.

Section 5. Notice to Abate Nuisance - To Be Given.

Should the owner of any lot, tract, or parcel of land described in Section 1 and 2 above, fail, refuse or neglect to remove or cause to be removed therefrom any accumulation of debris, rubbish, trash, abandoned vehicles, refrigerators and other household items, or dangerous trees, or should the owner of any lot, tract or parcel of land in the City fail, refuse or neglect to remove or cause to be removed therefrom all excessive growth of weeds, underbrush, or dangerous trees, such owner, if the real estate is unoccupied, or such owner and occupant of occupied real estate, shall be served with a sixty (60) day notice in writing directing such owner to abate the nuisance. Such notice shall further state that, in default of the performance of the above condition, the City may, as set forth in Section 7, cause the same to be done, and charge the cost and expense incurred in doing or having such work done, to the owner of such property, and that suit may be filed seeking all such costs and expenses, as well as injunctive relief, and all attorney's fees and costs incurred in such litigation.

Section 6. Same - Service.

Service upon the owner of the sixty (60) day notice provided in Section 5 shall either be by personal service or by mailing the notice to the addressee's last known address as the same appears on the records of the City. In the event the lot, tract, or parcel of land is unoccupied and the address of the owner is unknown, service of the notice shall be made upon the owner by posting the same on such lot, tract, or parcel of land, with a like notice to be published in a newspaper of general circulation.

Section 7. City Action with Failure to Comply.

(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 ordinance within sixty (60) days, the City, acting through the City Administrator or Mayor, 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.

