

## **ORDINANCE NO. 449**

**AN ORDINANCE AMENDING ORDINANCE NO. 242 SECTION 7.11.00 NUISANCES, UNLAWFUL ACCUMULATIONS, AND GROWTHS, BY ADDING ADDITIONAL DEFINITIONS UNDER SUBSECTION 7.11.01, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING PENALTIES FOR VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council has determined that it is in the best interest of the City that this Ordinance be enacted, therefore:

**BE IT ORDAINED BY THE CITY COUNCIL OF MEXICO BEACH, FLORIDA:**

SECTION 1. The following Codes are hereby adopted as an essential part of the Mexico Beach Code of Ordinances.

### **Definitions of Public Nuisances.**

- (9) No dog or cat shall be permitted to habitually chase after or otherwise harass persons or vehicles.
- (10) No dog or cat shall be permitted to trespass on school grounds or other public or private property, except that this restriction does not apply to dogs utilized by law enforcement agencies in law enforcement activities or to dogs trained to assist a blind, deaf, or physically handicapped person when in the company of that person.
- (11) No dog, cat, or other pet shall be permitted to destroy or damage private or public real or personal property of another or cause serious annoyance to a neighboring premises by interfering with the reasonable use and enjoyment of the property.
- (12) Except as otherwise authorized in the Storm water Management Regulations, any wholly or partially manmade pool, pond, other body of water; depressed or excavation, or any other condition on the premises wherein water may accumulate and stand in such a manner as to make possible the propagation or production of disease vectors, biting insects, pests, or the like.
- (13) Any accumulation of stagnant water.
- (14) Any of the conditions that occurs or exists in or upon any structure, lot, tract, or parcel in the City to an extent manner that may reasonably infested with or inhabited by rodents, vermin, reptiles, or wild animals, or that may create a

breeding place for such in a manner that and/or may threaten or endanger the public health, safety, or welfare.

(15) Any condition, which may constitute a hazard.

(16) The storage of any vehicle, boat or parts thereof, without a valid license plate shall be prima facie evidence that said property is worn out, scrapped, non-operative, unusable, or discarded.

(17) Any vehicles undergoing repairs of 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.

(18) Any condition, which provides harborage for rats, mice, snakes, and other vermin.

(19) Any animal, fowl, bird that frequently utters, causes emits or creates a noise or offensive odor, which disturbs the comfort, or repose of any resident.

(20) Any dead or dying trees of any height within the proximity of another's property which would endanger the safety of other people or the property of another person by falling over or dropping over 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.

**(21) Unlawful accumulation of lumber, boxes, etc.**

Its shall be unlawful for any person to permit to accumulate on any premises, anywhere within the corporate limits of the City, improved or vacant, and on all open lots and alleys in the City any lumber, boxes, barrels, bricks, stones, or similar material that may be permitted to remain thereon unless such materials shall be placed on open racks that are elevated not less than 18 inches above the ground and evenly piled or stacked so that these will not afford harborage for rats or other. Any exception to this regulation shall ensure only with approval of the Code Enforcement Officer and such approval can be given by the officer only when the owner or occupant of the property carries on a continuous rat or other eradication program that meets the approval of the officer on such property where such unlawful accumulation exists.

**(22) Unlawful accumulations of dirt or similar materials.**

(1) It shall be unlawful for any person to permit to accumulate on any premises, anywhere within the corporate limits of the City, improved or vacant any piles of dirt or similar materials that may be permitted to remain thereon unless such materials are to be used immediately thereafter for lawful development purposes.

(2) The purpose and intent of the regulation is to prevent any accumulation for any extended time, which creates a public eyesore.

**(23) Construction of Structures; as defined:** Sheds, Utility Buildings, Lean-tos, Tiki Huts, Bamboo Structures, Tents, Portable or Temporary Vehicle/Vessel covered structures, or any other that has one or more vertical supporting members which support any type roof covering.

(a) No person shall construct or erect any of these defined structures or any other covered structures within the City without first obtaining an approved permit.

(b) Any such Structures as defined here or any other structures must be constructed of an approved material, which blends with, or matches surrounding structures and does not lend itself to becoming a neighborhood eyesore.

(c) Any such structures as defined here or any other structures must conform to all existing Codes, and be physically located in accordance with existing setback requirements.

**(24) Operation of vehicles.**

It shall be unlawful for any person to drive or operate a motor vehicle upon the public beach; provided with exception that this provision shall not apply to regular employees of the City working under the direction and supervision of the City or those persons authorized by the City Administrator or his designee for specific purposes such as City contractors, outside maintenance crews or special event work crews under the terms and conditions contained in such organizations.

**(25) Soliciting, collecting, etc. upon streets.**

(1) No person shall approach a motor vehicle being operated on a public street open for vehicular traffic for any of the following purposes:

(a) Soliciting or attempting to solicit donations of money or of property of any kind of charitable, religious, educational, benevolent, or any other purposes from any occupant of the motor vehicle.

(b) Collecting or attempting to collect donations of money or of property of any kind for charitable, religious, educational, benevolent, or any other purposes from any occupant of the motor vehicle.

(c) Soliciting or attempting to solicit employment or the purchase of property or of services of any nature whatsoever from any occupant of the motor vehicle.

(2) Is for the purpose of this section:

Public Street means those publicly owned streets upon which the public has the right to travel by use of motor vehicle, including the travel lane of City-owned garages and parking lots.

**(26) Use of skateboards, roller skates, and in-line skates prohibited on specified public or private property.**

(1) It is unlawful for any person to operate or ride a skateboard, roller skates or inline skates in or upon any of the following locations:

(a) In any public parking garage, including the access/ egress ramp;

(b) In any public access ramps or access ramps for handicapped persons providing pedestrian access to any building;

(c) On any publicly owned benches, railings, planters, ceramic-tiled walkways, steps, and curbs; and

(d) On any public or private property where prohibited by conspicuously located signs having lettering at least two inches high and containing a minimum words stating; "No skating," " No skateboarding," or a substantially similar message.

(2) It is unlawful for operators or riders of skateboards, roller skates, or in-line skates to fail to yield the right-of-way to any other pedestrians or to otherwise endanger or interfere with pedestrian traffic on any street or sidewalk within the City.

**(27) Fish cleaning, swimming, diving restricted.**

(a) It shall be unlawful for any person to clean any fish upon the piers, seawalls or walks, or upon any other portion of City owned Piers or marina property within the City. All persons having fish, bait or fish parts, in their possession shall dispose of such fish, bait or fish parts, by sanitary methods, and in such a manner as will not create a health hazard, pollution hazard or public nuisance. The cleaning of fish is permitted aboard a watercraft or designated cleaning station only, and such cleaning shall be done in a neat, sanitary manner, and it shall be the responsibility of the person, watercraft owner or operator to properly dispose of fish, bait or fish parts. No fish, fish parts, or bait shall be disposed of in any water body including the canal within the corporate City limits.

(b) It shall be unlawful for any person to swim or dive from any City owned piers, seawalls or walkways of the marina property, or from any watercraft docked at the marina. The provisions of the subsection shall not be applicable to any City employee, watercraft owner or his agent from entering into the waters in or around the marina to inspect or clean the bottom of any watercraft

docked in the marina or maintenance any seawall or dock.

**(28) Retrieval and disposal of animal excrement; exceptions.**

(a) All pet animal owners within the City shall be responsible for and have available to them a means of retrieving and disposing of, in a sanitary manner, all excrement from any pet animal under the owner's temporary or permanent custody and control.

(b) All pet owner's who have knowledge or reasonable cause or believe that a pet animal who is under his custody has defecated on public or private property within the City shall immediately retrieve all such excrement and dispose of such excrement in sanitary fashion.

(c) This section shall not apply to a pet animal which defecates on it's owner's property; provided, however that this exception is not intended to permit the accumulation of pet animal excrement on private property in a manner which creates a health hazards or public nuisance.

**(29) False Alarm Calls.**

(a) The City will allow three (3) false alarms that result in a call be dispatched to law enforcement within any 60 day period.

(b) The City will charge a fee of one hundred (\$100.00) dollars for every call that is dispatched after the third false alarm.

**(30) Fireworks;** Any person who is involved in the use of fireworks which have been determined illegal by the State of Florida, shall be guilty of a violation under this section.

(a) Any person who is involved in the use of fireworks which are illegal and results in a response by law enforcement or creates a public nuisance by the use of such.

(b) Exception: Any approved public display as approved by the City Administrator.

**All authorized City Officials as determined by the City Administrator shall enforce these adopted Codes. These Codes are also enforced by all City Law Enforcement Officers.**

**SECTION 2.** All Ordinances or parts of Ordinances thereof in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 3.** Violation: Any person or persons violating this Ordinance are subject to the maximum penalties as prescribed by law.

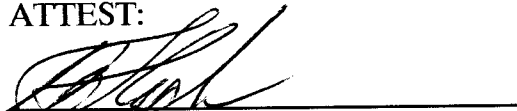
**SECTION 4.** This Ordinance shall become effective immediately upon passage.

INTRODUCED at a regular meeting of the City Council on the 12<sup>th</sup> day of August, 2003, and ADOPTED by the City Council on the 9<sup>th</sup> day of September 2003.


CITY OF MEXICO BEACH, FLORIDA

  
Kathy Kingsland, Mayor

ATTEST:

  
Henry Flack, City Clerk

Approved As To Form:

  
Paul Komarek, City Attorney