



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: December 6, 2022

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager, and D. Langley, City Attorney

Subject: Request for Authorization to Take Necessary Legal Action to Resolve Septic Tank Issue at 1615 Idaho Avenue.

Background: The City has received and verified complaints regarding a broken and leaking septic system located at 1615 Idaho Avenue. While the City itself has initiated code enforcement action against the property owners and the State of Florida has issued its own notice to abate a sanitary nuisance to the owners, these actions have merely resulted in the imposition of fines and liens. Regardless of the fines and liens imposed against the property, the owners have yet to take appropriate corrective actions with regard to the broken septic system, which has continued to result in the flow of raw sewage from the property onto the streets and into the local stormwater systems.

Staff Recommendation: Authorize the City to undertake legal action to enforce the City's Code and abate the sanitary nuisance located at 1615 Idaho Avenue, including the filing of a lawsuit for injunctive and other appropriate relief.

Suggested Motion: I move that we approve the City's filing of a lawsuit to enforce the City's Code and seek abatement of the sanitary nuisance at 1615 Idaho Avenue.

Alternatives: Do not authorize lawsuit to cause abatement of nuisance at 1615 Idaho Avenue (no action by the Council is required if the Council does not authorize legal action).

Fiscal Impact: Expenditure of attorney's fees to file and prosecute lawsuit for nuisance abatement.

Attachments: Packet including documents describing the unsanitary conditions at 1615 Idaho Avenue, the City and State's documentation with regard to code enforcement and administrative actions taken against the owners of 1615 Idaho Avenue, and correspondence among concerned citizens, the City's code enforcement personnel, and state and county health department officials.
