

***ARTICLE I. PUBLIC NUISANCES<sup>1</sup>***

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<sup>1</sup>Editor's note(s)—Ord. No. C-09-18, § 2, adopted July 7, 2009 , repealed Art. I, §§ 18-1 and 18-2, which pertained to general nuisance provisions. Section 2 of said ordinance enacted provisions designated as a new Art. I, §§ 18-1—18-12 to read as herein set out. See also the Code Comparative Table.

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### **Sec. 18-1. Conditions declared public nuisances.**

It is declared unlawful and a public nuisance for any owner of any property in this city to maintain such property or to permit such property to be maintained in such a manner that the property is or may reasonably become infested or inhabited by rodents, vermin or wild animals, or may furnish a breeding place for mosquitoes, or threatens or endangers the public health, safety or welfare, or may reasonably cause disease, or adversely affects and impairs the economic welfare of adjacent property.

( Ord. No. C-09-18, § 2, 7-7-09 )

### **Sec. 18-2. Authority to interpret; and to make, alter and repeal rules.**

The director is authorized to interpret this chapter and to make, alter and repeal rules in conformity to this chapter as deemed necessary to implement the requirements hereof, subject to the appeal process specified herein.

( Ord. No. C-09-18, § 2, 7-7-09 )

### **Sec. 18-3. Definitions.**

The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section:

*Abandon* shall mean to give up or leave without intending to return or claim again any motor vehicle or vessel on public property or on private property without the permission of the property owner.

*Abandoned dwelling* shall mean any residential building or structure which is a vacant dwelling and is under a current notice of default or notice of mortgagee's sale by lender or trustee for lender or a pending tax assessor's lien sale or subject of a foreclosure sale when the title was retained by the beneficiary of a mortgage involved in the foreclosure and any properties transferred under deed in lieu of foreclosure or sale.

*Code* means the Code of Ordinances of the City of Fort Lauderdale, as existing, or as may be amended from time to time.

*Director* means the Director of the sustainable development department of the City of Fort Lauderdale or a duly authorized designee.

*Derelect* means any motor vehicle or vessel which is in a state of evident disuse, neglect or abandonment; is wrecked or partially dismantled having no motor, engine, transmission, or other major parts necessary for operation; has vegetation underneath as high as the body or frame; has refuse or debris collected underneath; is being used solely for storage purposes; does not have all tires inflated; does not display a current valid license tag; or which threatens or endangers public health, safety and welfare.

*Evidence of vacancy* shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to, overgrown or dead vegetation; stagnant and unsanitary pool water; nonfunctioning electric, water or gas utilities; accumulation of abandoned personal property; statements by neighbors, passers-by, delivery agents, or government agents; or any other evidence that the property is vacant.

*Foreclosure* shall mean the process by which a property, placed as security for a real estate loan, is sold at public sale to satisfy the debt upon a default by the borrower.

*Garbage* means every waste accumulation of animal or vegetable matter which attends the preparation, use, cooking, processing, handling or storage of meats, fish, fowl, fruits, vegetables or other matter which is subject to

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decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors or which, during or after decay, may serve as breeding or feeding material for flies, insects or animals.

*Mortgagee* shall mean the creditor, including, but not limited to, service companies, lenders in mortgage agreement, trustees, and any agent, servant, or employee of the mortgagee, or any successor in interest or assignee of the mortgagee's rights, interest, or obligations under the mortgage agreement.

*Motor vehicle* means any motorized vehicle, motorcycle, moped, motorized scooter, bus, trailer, truck, semitrailer, house trailer, road tractor, or truck tractor as defined in F.S. § 316.003, as may be amended from time to time.

*Overgrowth* means lawn, grass or weeds in excess of six (6) inches in height.

*Owner* shall mean any person, persons, or entity having legal or equitable title, or any real or contingent interest in any real property; being shown to be the property owner in the records of the Broward County Property Appraiser's Office; being identified on the abandoned real property registration form pursuant to this article; or being a mortgagee in possession of real property. Any such person, persons, or entity shall have joint and several obligations for compliance with the provisions of this chapter.

*Property management company* shall mean a local property manager, property maintenance company, or similar person or entity responsible for maintenance and security of abandoned dwellings.

*Private property* means any real property within the city which is not public property as defined herein.

*Public property* means any real property in the city which is owned by the City of Fort Lauderdale and includes buildings, parking lots, parks, streets, sidewalks, swales, rights-of-way, easements and other similar property.

*Repeat violation* means a violation of this chapter by a person or entity who has previously been issued a notice to abate and failed to comply, resulting in abatement of the nuisance by the city, or has previously been found by the special magistrate to have violated the same provision of the Code within five (5) years prior to the violation, or has previously been issued a citation violation notice that was uncontested pursuant to Chapter 11.

*Solid waste* means useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including, but not limited to, any and all bulk trash, commercial trash, rubbish, building materials, garbage, household trash, commercial and industrial waste, litter, cigars and cigarettes and parts thereof, whether combusted or intact, refuse, scrap materials, appliances, motor vehicle parts, furniture, tree trimmings, yard waste, construction debris, demolition debris or any other similar solid material or waste that is unwanted or discarded or surrendered for collection disposal, but shall not include sludge from air or water pollution control facilities, septic tank sludge or agricultural or unacceptable waste.

*Stagnant water* means any accumulation of water which lacks flow; which may be a breeding or feeding place for mosquitoes, rodents, snakes, or other species of insect or animal; which constitutes a habitat for disease bearing organisms; or which is a host for algae and other growth indicative of water that is not disinfected.

*Swimming pool* means any structure intended for the collection of water for the purpose of immersion or partial immersion therein of human beings, including but not limited to spas, hot-tubs, and similar structures.

*Swale area* means that area immediately adjacent to a roadway between the driving surface of the roadway and the adjacent private property line.

*Vacant dwelling* is any building or other structure which is neither occupied nor used by persons authorized by the owner of the property on which such building or structure is located, or where utility services have been terminated.

*Vegetation* means all natural growth upon a lot or parcel of ground, including grass, weeds, trees, vines, bushes, underbrush and the waste material arising there from.

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*Vessel* means any airboat, canoe, houseboat, motorboat, personal watercraft, recreational vessel, or sailboat as defined in F.S. § 327.02, as may be amended from time to time.

*Yard waste* means plant material, grass cuttings, tree trimmings, seeds, fruit, leaves or vegetative matter from grass, shrubs, bushes, hedges, palms, trees, or mulch created as a result of the care and maintenance of plants or trees which is conducive to disposal in a yard waste cart and is free of dirt, rocks and other solid waste or foreign materials.

( Ord. No. C-09-18, § 2, 7-7-09 ; Ord. No. C-12-38, § 1, 10-2-12 ; Ord. No. C-17-28 , § 90, 9-13-17)

#### **Sec. 18-4. Abandoned or derelict motor vehicles or vessels prohibited.**

It is declared unlawful and a public nuisance for any owner of any motor vehicle or vessel to violate any of the provisions in this section or for any property owner or occupant to allow a violation of this section to exist.

- (a) No person shall abandon any motor vehicle or vessel upon any public property within the city for a period of time in excess of twenty-four (24) hours.
- (b) No person shall abandon any motor vehicle or vessel upon any private property for a period of time in excess of ten (10) days.
- (c) No person shall park, leave or store any derelict vehicle or vessel upon any public or private property except as otherwise provided in the Unified Land Development Regulations.
- (d) It shall be the duty of the registered owner of the motor vehicle or vessel or the property owner or property occupant to remove the abandoned or derelict vehicle or vessel.
- (e) This section shall not apply to a motor vehicle or vessel in an enclosed garage.

( Ord. No. C-09-18, § 2, 7-7-09 )

#### **Sec. 18-5. Notice to abate; abandoned or derelict motor vehicles or vessels.**

- (a) *Notice, public property.* Notice of a violation of this article shall be served by affixing a written notice on the motor vehicle or vessel.
- (b) *Notice, private property.* Notice of a violation of this article shall be served by either affixing a written notice on the motor vehicle or vessel or by posting the written notice in a conspicuous place on the property, or by hand delivering the written notice to the owner, lessee or occupant of the property.
- (c) *Content.* The notice shall include:
  - 1. Request for removal from any public property within twenty-four (24) hours or any private property within ten (10) days;
  - 2. That upon failure to comply with the notice of removal, the violation may be referred to the special magistrate as a violation of this article pursuant to Chapter 11, and/or the motor vehicle(s) and/or vessel(s) may be removed by the city with the cost of removal to be levied against the owner of the motor vehicle or vessel;
  - 3. The process for the right to contest the violation.

( Ord. No. C-09-18, § 2, 7-7-09 )

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**Sec. 18-6. Abatement; abandoned or derelict motor vehicles or vessels.**

- (a) If the abandoned or derelict motor vehicle or vessel is not removed within the time specified in the notice, and if the violation has not been contested, the director may refer the case to the special magistrate as a violation of this article pursuant to Chapter 11, and/or the director may authorize the removal of the motor vehicle or vessel.
- (b) Assessed costs associated with the removal of any motor vehicle or vessel in violation of this article shall be levied against the owner of the motor vehicle or vessel.

( Ord. No. C-09-18, § 2, 7-7-09 )

**Sec. 18-7. Vacant dwellings or buildings: nuisances specified.**

It is declared unlawful and a public nuisance for any owner of any property in this city to maintain such property or to permit such property to be maintained in such a manner that any one (1) or more of the conditions described in the following subsections are found to exist:

- (a) Vacant and unoccupied building, or portion thereof, whose doors, windows, or other openings are broken, missing or unsecured, so as to allow access to the interior; or
- (b) Vacant and unoccupied building, or portion thereof, whose doors, windows, or other openings are secured by boarding or otherwise secured by a means other than the conventional method used in the original construction and design of the structure, which there is no current and valid boarding certificate as required by this article; or
- (c) Vacant and unoccupied building, or portion thereof, whose doors, windows, or other openings are secured by boarding or otherwise secure by a means other than the conventional method used in the original construction and design of the structure which is not secured in compliance with this article.

( Ord. No. C-09-18, § 2, 7-7-09 )

**Sec. 18-8. Boarding certificate; requirements.**

- (a) All buildings that must be secured by boarding pursuant to this article shall require a board up permit and subsequent boarding certificate issued by the sustainable development department of the City of Fort Lauderdale. The board up permit fee shall be charged pursuant to section 9-48 and the boarding certificate fee shall be sixty-five dollars (\$65.00).
- (b) No person, firm, association or corporation shall erect, install, place, or maintain boards over the doors, windows, or other openings of any building or structure or otherwise secure such openings by a means other than the conventional method used in the original construction and design of the building or structure without first applying for a board up permit and, within thirty (30) days of application, completing all steps necessary for the issuance of a boarding certificate and thereafter having a valid and current boarding certificate therefore from the sustainable development department of the City of Fort Lauderdale.
- (c) The sustainable development department of the City of Fort Lauderdale shall issue a boarding certificate required by subsection (a) upon the submission of a written board up permit application by the owner of the property, his/her authorized representative or contractor, or a contractor hired by the city, upon payment of the required board up permit and boarding certificate fees, and upon the confirmation through inspection by a city building inspector that the boarding or other method of securing the building or structure has been done in compliance with this article.

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- (d) A boarding certificate shall authorize the boarding or other securing of a building or structure for a period of no greater than one (1) year from the date of issuance.
  - (e) The boarding certificate may be renewed after the initial one (1) year, for an additional six (6) months subject to the owner or the owner's authorized agent or contractor completing all of the required steps in subsection (c) and the following:
    - (1) Submit a detailed plan for correction, repair or rehabilitation of the property which would comply with all violations of state or local building and housing standards and the securing of doors, windows and other openings by the conventional method used in the original construction and design of the building or structure or, alternatively, a detailed plan for demolition of the property or sale of the property to another person or entity with provision in the sale of correction, repair, rehabilitation, or demolition; and
    - (2) Submit a timeline for applying for appropriate permits for such work and for completing such work prior to the expiration of the renewal certificate, or alternatively, a timeline for the sale of the property; and
    - (3) Confirmation through inspection by a city building inspector that the boarding or other method of securing the building or structure has been done in compliance with this article.
  - (f) The renewal boarding certificate may be revoked by the sustainable development department of the City of Fort Lauderdale if the owner fails to comply with the plan for such work or fails to adhere to the timeline submitted.
  - (g) A boarding certificate may not be extended beyond the six-month renewal period nor may a new application for the same property be accepted by the sustainable development department of the City of Fort Lauderdale within one (1) year of the date of expiration of the prior certificate, except upon demonstration that "good cause" for the renewal exists. "Good cause" shall require a showing by the owner that the certificate renewal is made necessary by conditions or events beyond the owner's control, such as inability to obtain financing for repair or rehabilitation, inability to locate a suitable buyer, unanticipated delays in construction, rehabilitation, or demolition, or unanticipated damage to the property. In addition, where appropriate, "good cause" shall also require a showing by the owner that the owner has exercised reasonable and due diligence in attempting to complete the needed repair, rehabilitation or demolition or is attempting to sell the property. In the event that the sustainable development department of the City of Fort Lauderdale determines that there exists good cause to renew the certificate and that all other conditions in subsection (e) above are met, the certificate may be renewed by the sustainable development department of the City of Fort Lauderdale for a period of up to, but not more than, an additional six (6) months, subject to all of the same conditions imposed on the original renewal certificate.

( Ord. No. C-09-18, § 2, 7-7-09 ; Ord. No. C-17-28 , §§ 91—95, 9-13-17)

### **Sec. 18-9. Exceptions: boarding certificate.**

A boarding certificate shall not be required in the following circumstances:

- (a) Temporary emergency situations, including but not limited to, damage caused by vandalism, fire, theft, accident, or act of God. Any boarding or securing of openings under a temporary emergency situation shall not exceed sixty (60) days.
- (b) Weather and hurricane preparation when a hurricane or tropical storm watch or warning has been issued by the National Weather Service.
- (c) Unoccupied residences secured with storm shutters.

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- (d) Properties for which there is an order of the unsafe structures board.
  - (e) Properties which have a valid building permit which requires the contractor or owner to secure the property.

( Ord. No. C-09-18, § 2, 7-7-09 )

### **Sec. 18-10. Standards for securing building.**

- (a) The boarding of the doors, windows or other openings of any building or structure or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, shall comply with the following minimum standards:
  - (1) *Windows and similar openings* shall be boarded with one (1) continuous piece of pressure treated or exterior grade plywood of a minimum thickness of five-eighths (  $\frac{5}{8}$  ) inch nominal or its equivalent. A minimum of six and one-half (6½) inch vent holes are required. The plywood shall be secured in place by two (2) two-inch by four-inch horizontal cross-members, on the interior and two (2) two-inch by four-inch vertical bracing on the exterior, cross-members and bracing shall be secured to the plywood by three-eighths (  $\frac{3}{8}$  ) inch plated carriage bolts with fender washers at each end threaded to the correct length to penetrate the exterior bracing, the plywood, and the interior cross-members and shall be installed a minimum of two (2) inches and a maximum of four (4) inches from the side edges of the opening. The bolts must be tightened enough to slightly deflect the wood. The bolts shall sit flush against the exterior bracing to prevent the use of any tool for prying or removal of the plywood. A minimum of four (4) carriage bolts, two (2) crossmembers, and two (2) exterior braces shall be used on each window and, depending on the size of the opening, additional bolts, cross-members or braces may be required. Each cross-member shall be a continuous piece of lumber, and each must extend at least one (1) foot past the window opening in each direction.
  - (2) *Exterior doors* shall be boarded with one (1) continuous piece of pressure treated or exterior grade plywood of a minimum thickness of five-eighths (  $\frac{5}{8}$  ) inch nominal or its equivalent, fitted to the entry door jamb with maximum one-eighth (  $\frac{1}{8}$  ) inch clearance for each edge. The existing door should be removed and stored inside the building. The plywood shall be secured in place by three (3) two-inch by four-inch wooden horizontal cross-members on the interior and two (2) two-inch by four-inch vertical bracing on the exterior. Cross-members and bracing shall be secured to the plywood by three-eighths (  $\frac{3}{8}$  ) inch plated carriage bolts with fender washers at each end threaded to the correct length to penetrate the exterior bracing, the plywood, and the interior cross-members and shall be installed a minimum of two (2) inches and a maximum of four (4) inches from the side edges of the opening. The bolts must be tightened enough to slightly deflect the wood. Bolt heads must fit tightly against the wood. The bolts shall sit flush against the exterior bracing to prevent the use of any tool for prying or removal of the plywood. A minimum of six (6) carriage bolts, three (3) cross-members, and two (2) exterior braces shall be used on each door and, depending on the size of the opening, additional bolts, cross-members or braces may be required. On at least one (1) entry door, the plywood shall be attached to the door entry with three (3) case hardened strap hinges of the types specified by the sustainable development department. On all other doors the cross-members must extend at least one (1) foot past the door opening in each direction. Where there is no door jamb, a wood frame shall be installed in the opening for purposes of securing the plywood and cross-members. The wood frame shall be constructed with two-inch by four-inch pressure treated lumber and shall be anchored with one-quarter (  $\frac{1}{4}$  ) inch tapcon or woodscrew with a minimum one and one-half (1½) inch embedment.
  - (3) *Painting of boarded openings*: All boarded openings shall be painted with a minimum of one (1) coat of exterior paint which is of a color compatible with the exterior color of the building or structure.

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- (4) *Alternative methods of securing a building:* Upon application for a board up permit the sustainable development department of the City of Fort Lauderdale may approve alternative methods of securing a vacant and unoccupied building or structure when the requirements of subsections (1), (2) and (3) can not be met. In making the determination to approve any alternative method, the city shall consider the aesthetic and other impacts of such method on the immediate neighborhood and the extent to which such method provides adequate and long-term security against the unauthorized entry to the property.

( Ord. No. C-09-18, § 2, 7-7-09 ; Ord. No. C-17-28 , §§ 96, 97, 9-13-17)

### **Sec. 18-11. Swimming pools; nuisances specified.**

- (a) It is declared unlawful and a public nuisance for any owner or occupant of any property in this city to maintain or permit to be maintained any swimming pool, spa, hot tub or similar structure in such a manner that the pool equipment is not being maintained in proper operating condition; or that it contains water which is stagnant; or which has any accumulation of garbage or solid waste; or where the water clarity is not sufficient so that the deepest point is not clearly visible from the pool or structure's edge.
- (b) It is declared unlawful and a public nuisance for any owner or occupant of any property in this city which has an active and valid permit for the construction of a swimming pool, or any owner of any unoccupied property without utility services connected to maintain or permit to be maintained any swimming pool, spa, hot tub or similar structure without the appropriate safeguards to prevent any human being or animals from falling into or otherwise having access to the swimming pool; or which contains water which is stagnant; or which has any accumulation of garbage or solid waste.

( Ord. No. C-09-18, § 2, 7-7-09 )

### **Sec. 18-12. Property clearing; nuisances specified.**

- (a) It is declared unlawful and a public nuisance for any owner or occupant of any real property, including any lot, tract or parcel of land, improved or unimproved in this city to maintain such property, including swale areas, sidewalks and waterways abutting such real property, or permit such property to be maintained in such a manner that there is any accumulation or untended growth of weeds, undergrowth or other dead or living plant life; any overgrowth of lawn, grass, weeds or foliage; any trash, rubbish, paper, refuse, garbage, yard waste, or debris; any abandoned or derelict motor vehicle or vessel; any discarded machinery, appliances, furniture or similar article; any stagnant water; any other objectionable, unsightly, or unsanitary matter; or to allow any of the conditions as described in section 18-1 to exist.

( Ord. No. C-09-18, § 2, 7-7-09 )

#### **Sec. 18-12.1. Registration of abandoned dwellings.**

- (a) Upon default by the mortgagor, any mortgagee holding a mortgage on residential real property located within the City of Fort Lauderdale shall perform an inspection of the property that is the security for the mortgage prior to the issuance of a notice of default to determine if said property is vacant or shows evidence of vacancy. If the property is vacant, it shall be deemed an abandoned dwelling and the mortgagee shall, within ten (10) days of inspection, register the property with the director or a duly authorized designee on forms provided by the department.
- (b) If the residential real property is occupied but remains in default, it shall be inspected by the mortgagee, or designee, on a monthly basis until either the default is remedied or is found to be vacant or shows evidence



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of vacancy at which time it is deemed an abandoned dwelling and the mortgagee shall, within ten (10) days of the inspection, register the abandoned dwelling with the director on forms provided by the department.

- (c) Registration pursuant to this section shall, at a minimum, contain the name of the mortgagee, the direct mailing address of the mortgagee, a direct contact name and telephone number of the mortgagee, a facsimile number or email address for the mortgagee, and, in the case of a corporation or out-of state area mortgagee, the name, address and contact information for the local property management company responsible for maintenance and security of the property.
- (d) A non-refundable annual registration fee in the amount of two hundred dollars (\$200.00) per property shall accompany the registration form(s) pursuant to this section. The renewal of the registration shall be the responsibility of the mortgagee.
- (e) The provisions of this article shall also apply to properties that have been the subject of foreclosure sale, where the title was transferred to the mortgagee, trustee or beneficiary of a mortgage involved in the foreclosure, and to any properties transferred under a deed in lieu of foreclosure sale.
- (f) Property subject to the provisions of this article shall remain under the annual registration requirement, maintenance requirements, and security requirements of this article as long as the property remains an abandoned dwelling.
- (g) Any person or entity that has registered a residential property under this article shall report to the director any change of required information contained in the registration form within ten (10) days of the change.

( Ord. No. C-12-38, § 2, 10-2-12 )

### **Sec. 18-12.2. Property management sign requirements.**

A sign shall be posted on the abandoned dwelling, with the name, address, and an emergency twenty-four-hour contact telephone number of property management company. The posted sign shall be a minimum size of eight (8) inches by ten (10) inches, and shall be of a font that is clearly visible and legible from the abutting sidewalk or street of the abandoned dwelling. The posted sign shall either be placed on the interior of the window facing the abutting street of the front of the abandoned dwelling or secured to the exterior of the abandoned dwelling and constructed of water-resistant materials.

( Ord. No. C-12-38, § 2, 10-2-12 )

### **Sec. 18-12.3. Inspections required.**

The local property management company shall inspect the abandoned dwelling on a bi-weekly basis to ensure that the property is in compliance with this chapter. Upon the request of the director, or designee, the local property management company shall provide a copy of all inspection reports of the abandoned dwelling to the department.

( Ord. No. C-12-38, § 2, 10-2-12 )

### **Sec. 18-12.4. Specific maintenance requirements.**

- (a) Abandoned dwelling surrounding property shall be kept free of any accumulation or untended growth of weeds, overgrowth, or dead or living plant life; overgrowth of lawn, grass, weeds or foliage; trash, rubbish, paper, refuse, garbage, yard waste, solid waste, or debris; any abandoned or derelict motor vehicle or vessel; any discarded machinery, appliances, furniture or similar article; any stagnant water; and any other objectionable, unsightly, or unsanitary matter.

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- (b) Abandoned dwelling shall be maintained free of graffiti or similar markings.
  - (c) Abandoned dwelling which has a swimming pool, spa, hot tub or similar structure on its property shall be maintained in a proper operating condition so that the water is not stagnant and the water clarity is sufficient so that the deepest point is clearly visible from the pool or water's edge. It must also remain clear of any accumulation of garbage or solid waste.
  - (d) Abandoned dwelling shall be maintained in a secure manner. All doors, windows or other openings shall remain intact and secure from the unauthorized entrance to the interior of the structure.

( Ord. No. C-12-38, § 2, 10-2-12 )

### **Sec. 18-12.5. Responsibility for compliance.**

It is the responsibility of the owner to maintain the owner's real property in accordance with the provisions of this chapter. A mortgagee that is in violation of this article shall be a responsible party for the compliance with this article upon the filing of a lis pendens and/or legal action, the purpose of which is to foreclose upon the mortgage or similar instrument that secures debt upon the residential real property. The mortgagee's responsibility for compliance with the provisions of this article shall only be effective during periods of time that the abandoned dwelling is in existence and in foreclosure. The responsibility of the mortgagee shall remain until such time as the subject real property is sold or transferred to a new owner, or the foreclosure action is dismissed. The mortgagee and owner are jointly and severally liable for all violations of this chapter.

( Ord. No. C-12-38, § 2, 10-2-12 )

## ***ARTICLE II. ENFORCEMENT<sup>2</sup>***

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<sup>2</sup>Editor's note(s)—Ord. No. C-09-18, § 2, adopted July 7, 2009 , repealed Art. II, §§ 18-26—18-31, which pertained to lot clearing. Section 2 of said ordinance enacted provisions designated as a new Art. II, §§ 18-13—18-16 to read as herein set out. See also the Code Comparative Table.

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**Sec. 18-13. Notice to abate.**

- (a) Whenever the director finds a violation of section 18-1, 18-7, 18-11, or 18-12 to exist, he shall cause notice to be posted on the property upon which the public nuisance exists. The posted notice shall state:
- (1) A description of the public nuisance;
  - (2) That the nuisance shall be corrected within ten (10) days from the date on the notice;
  - (3) That upon failure to correct the public nuisance as specified in the notice, the case may be referred to the special magistrate as a violation of this chapter pursuant to Chapter 11, and/or the city may take all necessary steps to abate the violation;
  - (4) The procedure for the violator to follow to request an administrative hearing to contest the violation;
  - (5) That all abatement actions performed by the city or a private contractor hired by the city shall cause a special assessment and lien for the total costs thereof to be placed on the property;
  - (6) That the owner, custodian, agent, lessee, trustee or occupant of the property is subject to prosecution pursuant to section 1-6, City Ordinance for a violation of Chapter 18; and
  - (7) That the city, notwithstanding the above, reserves the right to proceed with an action foreclosing the lien in the manner provided by law and to hold the owner of the property personally liable for the cost of correcting the violation.
- (b) In addition to the posting of the property, notice shall also be provided pursuant to section 11-16.
- (c) Notice by posting as provided in subsection (a), together with evidence that an attempt has been made to mail notice in subsection (b), shall be sufficient to show that the notice requirements of this section have been met.
- (d) If a repeat violation is found to exist, the director shall provide notice to the alleged repeat violator, but is not required to give the repeat violator time to correct the violation. The city may proceed directly by taking all necessary steps to abate the violation with all associated costs being the responsibility of the owner, custodian, agent, lessee, trustee, or occupant.

( Ord. No. C-09-18, § 2, 7-7-09 )

**Sec. 18-14. Abatement of public nuisance.**

- (a) If the public nuisance is not corrected within the time specified on the notice, or if an administrative hearing has not been requested pursuant to section 18-16, the director may either refer the case to the special magistrate as a violation of this article, and/or the city may abate the public nuisance.
- (b) Nothing in this section shall be construed to prohibit the director from immediately abating nuisances on an emergency basis. The property owner shall be notified as immediately as possible regarding such abatement, however, this notice shall not cause for delaying such abatement of an imminent public health hazard. An emergency is defined as a hazard imminently dangerous to the health, safety or welfare of the public.

( Ord. No. C-09-18, § 2, 7-7-09 )

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**Sec. 18-15. Lien for costs of abatement, notice.**

- (a) The total expense incurred by the city in causing a public nuisance to be abated under this article and administrative costs shall be considered a special assessment and lien upon the property upon which the public nuisance was abated.
- (b) A statement of the assessed expenses and administrative costs shall be served upon the property owner pursuant to section 11-16.
- (c) The property owner shall have thirty (30) days from the date of the statement of assessed expenses and administrative costs within which to pay to the city the full amount due. Failure to timely pay the amount due or serve upon the director a written letter to contest the statement of assessed expenses and administrative costs will result in the matter being scheduled before the city commission for consideration and adoption of a resolution assessing against the property the expenses and administrative costs associated with the city's abatement of the nuisance. The resolution may also impose a special assessment lien against the property for the expenses and costs so assessed. A notice of the special assessment lien assessed by the city commission for the unpaid expenses and costs as stated above may be recorded in the public records of Broward County. The assessed costs and liens provided for herein may be foreclosed in the manner provided by law.
- (d) Where the property owner remits payment in full directly to the City for all expenses and costs assessed in a special assessment lien, the city manager or designee may administratively amend the nuisance abatement non-ad valorem tax roll.

( Ord. No. C-09-18, § 2, 7-7-09 ; Ord. No. C- C-18-42 , § 1, 12-4-18)

**Sec. 18-16. Administrative hearing.**

- (a) A violator shall file a written request for an administrative hearing by filing a written request for such hearing with the director, or the director's designee, no later than ten (10) days after the date of the violation notice. The request shall include the name, address and phone number of the violator, the case number, and the address where the violation exists.
- (b) Upon receipt of the violator's timely request for an administrative hearing, the director, or the director's designee, shall schedule the administrative hearing on the next available regularly scheduled special magistrate hearing date, or as soon thereafter as possible.
- (c) The notice of hearing shall be sent by certified mail and regular mail to the violator at the address provided by the violator on the request for an administrative hearing.
- (d) The notice of an administrative hearing shall be pursuant to section 11-20(c).
- (e) The administrative hearing shall be conducted as provided in section 11-13. The fact-finding determination of the special magistrate at the administrative hearing shall be limited to whether the alleged public nuisance exists and, if so, shall command the city to abate the public nuisance immediately or shall command the violator to take whatever steps are necessary to abate the public nuisance. The order shall be announced orally at the hearing and shall be reduced to writing and served on the violator at the hearing or subsequent to the hearing shall be reduced to writing and served as provided in section 11-16.

( Ord. No. C-09-18, § 2, 7-7-09 )

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**Secs. 18-17—18-50. Reserved.**