

CITY COUNCIL ORDINANCE NO. 2022-2214

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AMENDING THE CITY CODE RELATING TO THE CLEANING OF LOTS; PROVIDING FOR AMENDMENTS TO DIVISION 5 TITLED “LOT CLEANING CODE”, OF ARTICLE VII, OF CHAPTER 22 OF THE CITY CODE; PROVIDING FOR COMPATIBILITY WITH THE FLORIDA STATUTES; PROVIDING FOR THE REPEAL OF CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Code of the City of Lake City, Florida (hereinafter the “Code”), establishes regulations concerning the cleanliness of lot parcels within the City of Lake City, Florida (hereinafter the “City”); and

WHEREAS, Section 1-10, of the City Code, provides that any alterations to the regulations concerning the cleanliness of lot parcels must be made by ordinance; and

WHEREAS, Chapter 162, Florida Statutes, is intended to promote, protect, and improve the health, safety, and welfare of the citizens of the counties and municipalities of this state and to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force in counties and municipalities; and

WHEREAS, the City Council finds that Division 5, Article VII, Chapter 22, Code, is in need of an amendment to increase the compatibility with Chapter 162, Florida Statutes, to protect the health, safety and general welfare of the residents of the City.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are all true and accurate and are hereby incorporated herein and made a part of this ordinance.

Section 2. The following Sections of Division 5, Article VII, Chapter 22, Code, are hereby amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

DIVISION 5. - LOT CLEANING CODE

Sec. 22-201. - Accumulation of weeds, rubbish, and other matter upon land prohibited as public nuisances.

The existence of excessive accumulation or untended growth of weeds, undergrowth or other dead or living plant life; or stagnant water, rubbish, garbage, refuse, debris, trash, including but not limited to household furnishings, and all other objectionable, unsightly or unsanitary matter upon any lot, tract or parcel of land within this city be it uncovered or under open shelter, to the extent and in the manner that such lot, tract or parcel of land 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, is hereby prohibited and declared to be a public nuisance and unlawful unless neatly arranged for removal in accordance with directions of the department of growth management.

Sec. 22-202. - Duty of property owners generally.

It shall be the duty of the owner of each lot, tract, or parcel of land within the city to reasonably regulate and effectively control excessive growths and accumulations, as enumerated in [section 22-201](#), on the property and on the portion of the adjoining public right-of-way between the property and the street. It shall also be the duty of the owner to drain, regrade, or fill any lot, tract, or parcel, including swimming pools thereon, which shall be unwholesome or unsanitary, have stagnant water thereon, or be in such other condition as to be susceptible to producing disease.

Sec. 22-203. - ~~Notice to remove and appeal process~~ Enforcement.

The provisions of this Division 5 (Lot Cleaning Code) shall be enforced in accordance with Article Two, Chapter X of this Code.

~~(a) If the director of growth management or his designee finds and determines that a public nuisance as described and declared in sections [22-201](#) and [22-202](#) hereof exists, he shall so notify the record owner of the offending property and demand that such owner cause the condition to be remedied. The notice shall be given by both physical posting on the property in the name of the property owner and by certified mail or personal delivery to the owner or owners as their names and addresses are shown upon the records of the county tax assessor. Notice shall be deemed~~

complete and sufficient when so physically posted and personally delivered or mailed.

~~(b) The notice required by subsection (a) shall contain the following:~~

~~(1) Name(s) and address(es) of the owner(s) of the property, according to the public records of the county.~~

~~(2) Location of the property on which the violation exists.~~

~~(3) A statement by the code inspector that the property has been inspected pursuant to [chapter 22](#) of this Code and that a violation of sections [22 201](#) and [22 202](#) has been determined to exist on the property, which violation constitutes a public nuisance.~~

~~(4) A description of the condition which causes the property to be in violation.~~

~~(5) A requirement that the record owner of the property remedy the violation within 15 days from the date of the notice, failing which the city will remedy the condition and assess against the record owner the costs thereof plus an administrative charge.~~

~~(6) A statement that, if the costs and administrative charge are not paid within 30 days of invoice date, a lien will be placed on the property which is enforceable by foreclosure on the property.~~

~~(7) A schedule of the charges which may be assessed against the record owner if the city has to remedy the violation.~~

~~(8) An estimate of the total cost, based on the schedule of charges, if the violation is remedied by the city. Such estimate is not to be interpreted or construed as the final cost which may be assessed, but only as a good faith approximation of such cost. The final assessable cost may be greater or lesser than the estimate.~~

~~(9) A statement that the record owner of the property may, within 15 days from the date of the notice, submit a written appeal, from the determination of a public nuisance, which must contain all reasons, evidence and argument that the cited condition does not constitute a violation.~~

~~(c) Within 15 days from the date of the notice, the owner of the property may appeal the determination of nuisance by submitting a written appeal to show that the condition does not constitute a public nuisance. Such appeal shall be addressed to the code enforcement board and shall state~~

~~the name of the property owner, the location of the cited property, and the specific grounds upon which the owner relies in order to show that the cited condition does not constitute a public nuisance.~~

~~(Ord. No. 2007-1112, § 1, 5-21-07)~~

~~Sec. 22-204. Removal by city.~~

~~(a) If after 15 days from the date of the notice no written appeal has been filed and the condition described in the notice has not been remedied, the director of growth management or his designee shall cause the condition to be remedied by the city at the expense of the property owner. If a written appeal has been filed and the finding of public nuisance is upheld, the director of growth management or his designee may cause the condition to be remedied by the city at the expense of the property owner unless the city council otherwise directs.~~

~~(b) If a written appeal has been filed and the finding of public nuisance is reversed, the city will not assess any costs or administrative penalties against the property, although such administrative penalties would otherwise be authorized by [section 22-206](#) of this Code.~~

~~(c) In cases involving major nuisance conditions requiring immediate, direct action to abate hazards immediately dangerous to the health, welfare or safety of the public, the city may, upon the growth management director authorization, cause the conditions to be immediately remedied by city authorized lot cleaning. Notice of said lot cleaning shall be given within five days after the lot cleaning and according to the procedures detailed in [section 22-203](#) above, except that the notice shall explain that the property contained hazards requiring immediate remedy, that the lot has already been cleaned, and that the property owner has 15 days from the date of the notice to apply to city council to show cause why costs of cleaning should not be assessed against his property. Said emergency lot cleaning shall be at the expense of the property owner; however, the property owner may make a written request for a hearing before city council as above provided within 15 days from the date of notice that his lot had to be cleaned and that a charge is being assessed therefore.~~

~~(Ord. No. 2007-1112, § 1, 5-21-07)~~

~~Sec. 22-205. Collection of costs and records; secured property.~~

~~After causing the condition to be remedied, the director of growth management shall certify to the director of finance the expense incurred in remedying the condition whereupon such expense, plus a charge to cover city administrative expenses, plus any administrative penalty as provided in [section](#)~~

~~22-206~~, shall become payable within 30 days, after which a special assessment lien and charge will be made upon the property, which shall be payable with interest at the rate of eight percent per annum from the date of such certification until paid.

~~Such lien shall be enforceable in the same manner as a tax lien in favor of the city and may be satisfied at any time by payment thereof including accrued interest. Notice of such lien may be filed in the office of the clerk of the circuit court and recorded among the public records of the county.~~

~~If the subject property is secured by locks or otherwise, the city shall have the authority to enter said property for purposes of remedying the violation, and any additional costs incurred by the city in gaining access to the property or in re-securing the property after cleaning shall be considered expenses of remedying the condition.~~

~~(Ord. No. 2007-1112, § 1, 5-21-07)~~

~~Sec. 22-206. Administrative charge; administrative penalty.~~

~~(a) In addition to the actual cost of remedying the violation cited under sections 22-201 and 22-202, the city may also assess a charge to cover administrative expenses incurred in securing and monitoring the services of a private contractor to remedy the violation. Said administrative charge shall be reviewed and approved by city council.~~

~~(b) If a second violation of sections 22-201 and 22-202 is cited against the same property and property owner within 12 months from the date of the first citation, an administrative penalty of \$100.00 shall additionally be assessed five days after the second citation. If the condition is abated by the owner during that five day period, the penalty will not be assessed. If a third violation of sections 22-201 and 22-202 is cited against the same property and property owner within 12 months from the date of the first citation, an administrative penalty of \$200.00 shall additionally be assessed five days after the third citation. If the condition is abated by the owner during that five day period, the penalty will not be assessed. Subsequent violations cited against the same property and property owner shall be referred to the city's legal council for appropriate legal action including, but not limited to, injunctive relief, in addition to enforcement as provided in this chapter.~~

~~(Ord. No. 2007-1112, § 1, 5-21-07)~~

Sec. 22-207. Definitions.

~~In addition to the definitions provided in [section 22-164](#), the following additional definitions shall apply for the purposes of this division:~~

~~Director of growth management. The director of growth management of the city, or his designee.~~

~~Hazardous trees. Trees containing limbs larger than three inches in diameter which are broken and hanging or broken and lodged/wedged in such a fashion that they present an immediate threat to adjoining properties. A hazard exists when, collectively, a substantial number of smaller limbs threaten adjoining properties as described above.~~

~~Trash/debris. Items which are not usable in their present condition as intended by the manufacturer by reason of being broken, discarded, unmaintained, or abandoned. Items include, but are not limited to: mechanical equipment, automobiles, trailers, trucks, or any parts thereof, household furnishings, toys.~~

~~Weeds. Plants that by reason of abandonment, lack of care or lack of maintenance, choke out growth of other plant material in the area. Dead, dying, or unattended plant life, named or unnamed, which is abandoned or overgrown, shall, for the purpose of this Code, be defined as a weed.~~

~~(Ord. No. 2007-1112, § 1, 5-21-07)~~

Section 3. Conflicts. All ordinances or parts of ordinances in conflict herewith are and the same are hereby repealed.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this ordinance or the particular application thereof shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining section(s), subsection(s), sentences(s), clause(s) or phrases(s) under application shall not be affected hereby.

Section 5. Codification. It is the intention of the City Council of the City of Lake, City, Florida, that the provisions of this ordinance shall become and be made part of the Code of the City of Lake City, Florida.

Section 6. Effective Date. This ordinance shall take effect immediately upon its adoption.

PASSED upon first reading the ____ day of _____ 2022.

NOTICE PUBLISHED on the ____ day of _____ 2022.

PASSED AND ADOPTED on second and final reading the ____ day of _____ 2022.

CITY OF LAKE CITY, FLORIDA

By: _____
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

By: _____
Audrey E. Sikes, City Clerk

By: _____
Frederick L. Koberlein, Jr.,
City Attorney