

ORDINANCE NO. 2022-2221

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AMENDING THE CITY CODE RELATING TO THE MINIMUM STANDARDS CODE; PROVIDING FOR AMENDMENTS TO DIVISION 1 TITLED "IN GENERAL", 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 minimum standards governing the maintenance, appearance and condition of residential, rental properties, housing, commercial, business, and industrial premises within the City of Lake City, Florida (hereinafter the "City"); and

WHEREAS, Sections 22-161 through 2-163, Code, provide for the enforcement of violations of the provisions referenced above and said sections are incompatible with state law; and

WHEREAS, Section 1-10, Code, provides that any alterations to the minimum standards governing the maintenance, appearance, and condition of residential, rental properties, housing, commercial, business, and industrial premises within the City 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 1, Article VII, Chapter 22, Code, should be amended 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA:

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 1, Article VII, Chapter 22, Code, are hereby amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

Sec. 22-161. - Procedure where violation is discovered.

The provisions of this Division 1 (“In General”) and Chapter 22, shall be enforced in accordance with Article X, Chapter 2 of this Code.

~~Whenever the enforcing authority determines that there is a violation of this chapter, or that there are reasonable grounds to believe that there is a violation of any provision of this Code, he shall give notice of such violation or alleged violation to the person or persons responsible for the correction thereof. Such notice shall:~~

- ~~(1) Be in writing.~~
- ~~(2) Include a description of the real estate or address sufficient for identification.~~
- ~~(3) Specify the violation(s) by code citation and factual description and the remedial action required.~~
- ~~(4) Include a schedule as to the time allowed for completion of the required improvements necessary to bring the building into compliance with the minimum standards code.~~
- ~~(5) The written notice referred to above shall be served as provided for in chapter 2, article X, of this Code.~~
- ~~(6) The time given to comply with minor infractions as defined in this Code shall not exceed 120 days. The time given to comply with major violations shall not exceed 45 days.~~
- ~~(7) Any violation not corrected in the time and manner specified in the notice pursuant to this section may be referred to the code enforcement board. Major or cumulative minor violations which are deteriorating into hazardous or nuisance conditions may also be subject to proceedings under division 4 of the minimum standards code.~~

~~{Ord. No. 2007-1112, § 1, 5-21-07}~~

~~Sec. 22-162. Hearings.~~

~~Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Code or of any rule or regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the code enforcement board.~~

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

~~Sec. 22-163. Means of appeal.~~

~~Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 14 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.~~

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

Section 3. Conflicts. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are hereby repealed to the extent inconsistent herewith.

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.

(The remainder of the page has been left blank intentionally.)

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