

Sec. 17-242. - Creation of nuisance abatement board; membership.

There is hereby created and established the city nuisance abatement board consisting of five members, appointed by the commission, who shall reside or maintain a business in the city.

(Ord. No. 2010-03, § 2, 4-13-2010; Ord. No. 2010-09, § 2, 8-10-2010)

Sec. 17-243. - Term of members.

Terms of membership of the city nuisance abatement board shall be for two (2) years except that two of the initially appointed members shall serve initial terms of one (1) year. Any member may be reappointed by the commission for not more than three (3) complete consecutive terms. Appointments to fill a vacancy shall be for the remainder of the unexpired term. Any member who fails to attend two (2) or three (3) successive meetings without prior approval of the chair shall automatically forfeit his appointment, and the mayor shall promptly fill such vacancy for the remainder of the term.

(Ord. No. 2010-03, § 3, 4-13-2010; Ord. No. 2010-09, § 3, 8-10-2010)

Sec. 17-244. - Quorum; compensation.

The presence of three (3) or more members of the nuisance abatement board shall constitute a quorum. Members of the nuisance abatement board shall serve without compensation.

(Ord. No. 2010-03, § 4, 4-13-2010; Ord. No. 2010-09, § 4, 8-10-2010)

Sec. 17-245. - General procedures.

- (a) Any employee, officer or resident of the county or of the city may bring a complaint before the board by requesting prosecution by the city regarding the existence of any premises located in the city of a public nuisance as defined in section 17-241.
- (b) When a request for prosecution has been received, the city attorney shall prepare a complaint and shall promptly request a hearing on such complaint before the board.
- (c) The secretary to the board shall schedule the complaint for hearing upon no less than three (3) days' written notice of the hearing on such complaint to the owner of the place or premises at his last known address.

(Ord. No. 2010-03, § 5, 4-13-2010; Ord. No. 2010-09, § 5, 8-10-2010)

Sec. 17-246. - Conduct of hearings; orders.

- (a) The board shall adopt rules for the conduct of its hearings.
- (b)

The city shall provide clerical and administrative personnel to the board as may be reasonably required for the proper performance of the board's duties. Minutes of hearings shall be promptly recorded and all hearings shall be open to the public.

- (c) The city attorney or his designee shall present complaint to the board. The board may consider any evidence including evidence of the general reputation of the place or premises. The owner of the place or premises shall have an opportunity to present evidence in his defense.
- (d) If the board declares the premises, place or building to be a public nuisance, it may enter an order requiring the owner of such premises, place or building to adopt such procedure as may be appropriate under the circumstances to abate such nuisance, or it may enter an order immediately prohibiting:
 - (1) The maintenance of the nuisance;
 - (2) The operating or maintaining of the place or premises, including the closure of the place or premises or any part thereof; or
 - (3) Discontinuance of the conduct, operation or maintenance of any business or activity on the premises which is conducive to such nuisance.
- (e) An order entered under subsection (d) of this section shall expire after one year or at an earlier time as stated in the order.
- (f) An order entered under subsection (d) of this section may be enforced pursuant to the procedures contained in F.S. § 120.69. This subsection does not subject the city or the board created by the city to any other provisions of F.S. ch. 120.
- (g) The board may bring a complaint under F.S. § 60.05 seeking temporary and permanent injunctive relief against any public nuisance described in section 1.

(Ord. No. 2010-03, § 6, 4-13-2010; Ord. No. 2010-09, § 6, 8-10-2010)

Sec. 17-247. - Appeals.

An aggrieved party, including the city attorney, may appeal a final administrative order of the board to the circuit court of the Fifteenth Judicial Circuit. Such appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the board. An appeal shall be filed within 30 days of the date of the written order appealed.

(Ord. No. 2010-03, § 7, 4-13-2010; Ord. No. 2010-09, § 7, 8-10-2010)

Sec. 17-248. - Enjoining of nuisances, additional remedy.

- (a) When any nuisance as defined in F.S. ch. 823 exists on any premises within the city, the city attorney or any citizen of the city may sue the owner or the operator to enjoin a public nuisance.
- (b)

This article constitutes an additional remedy for use by the city and is not to be construed to eliminate or alter or serve as a prerequisite for the city to pursue any other remedy that is legally available. All other remedies at law or in equity are hereby authorized for use by the city.

(Ord. No. 2010-03, § 8, 4-13-2010; Ord. No. 2010-09, § 8, 8-10-2010)

Sec. 17-249. - Rights preserved.

This article does not restrict the right of any person to proceed under F.S. § 60.05 against any public nuisance.

(Ord. No. 2010-03, § 9, 4-13-2010; Ord. No. 2010-09, § 9, 8-10-2010)

Sec. 17-250. - Penalties.

- (a) In addition to the remedies provided under section 17-246(d), the board may enter an order providing penalties on any place or premises that has been or is declared to be a public nuisance, including, but not limited to:
- (1) Providing for a fine not to exceed two hundred fifty dollars \$250.00 per day.
 - (2) Providing for a fine not to exceed five hundred dollars \$500.00 per day for recurring public nuisances.
 - (3) Providing for the payment of reasonable costs, including reasonable attorney fees associated with the investigation of and hearings on public nuisance.
 - (4) Provide for continuing jurisdiction over such place or premises for a period of one (1) year.
- (b) Any order on public nuisance entered by the board shall be recorded in the public records of the county so that notice will be given to subsequent purchasers, successors in interest, or assigns of the real property that is the subject of the order.
- (c) A recorded order on public nuisance shall constitute a lien against the real property that is the subject of the order.
- (d) Where the city seeks to bring an administrative action, based on a stolen property nuisance, against a property owner operating an establishment where multiple tenants, on one site, conduct their own retain business, the property owner shall not be subject to a lien against his property or the prohibition of operation provision, if the property owner evicts the business declared to be a nuisance within ninety (90) days after notification by registered mail to the property owner of a second stolen property conviction of the tenant.
- (e) The total fine imposed pursuant to the authority of this section shall not exceed fifteen thousand dollars (\$15,000.00).

(Ord. No. 2010-03, § 10, 4-13-2010; Ord. No. 2010-09, § 10, 8-10-2010)

Sec. 17-251. - Authority to foreclose liens.

- (a) The city attorney is hereby authorized and directed to institute foreclosure proceedings to foreclose any and all liens imposed pursuant to section 17-250(c).
- (b) The city shall be entitled to recover all costs, including reasonable attorney fees, associated with the recording of order and foreclosure of liens.
- (c) No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under section 4, article X of the state constitution.

(Ord. No. 2010-03, § 11, 4-13-2010; Ord. No. 2010-09, § 11, 8-10-2010)

Secs. 17-252-17-275. - Reserved.