

ORDINANCE NO. 995-07

AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA, DEFINING A NUISANCE; PROHIBITING THE ABANDONMENT OF PARTIALLY DISMANTLED, WRECKED, JUNKED OR DERELICT VEHICLES; PROVIDING FOR PROCEDURES FOR ENFORCEMENT; PROVIDING FOR A LIEN THEREFORE AND FOR FORECLOSURE IF NOT PAID; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Zephyrhills, Florida finds this Ordinance necessary to promote the health, safety and well being of the residents of the City of Zephyrhills; and

WHEREAS, the City Council found that with the continuing increase in population and overall growth of Zephyrhills, the necessity of property maintenance becomes more important, in that property which is not secure and attractive destroys community pride, makes the City a less desirable place in which to live, and costs Zephyrhills citizens in the decline of property values in certain portions of the community; and

WHEREAS, Chapter 166, Florida Statutes, authorized City Council acting for the City of Zephyrhills, Florida, to adopt Ordinances and Resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of Ordinances in accordance with law.

SECTION 1. NUISANCE.

It shall be unlawful and considered a nuisance for the owner, agent, custodian, lessee or occupant of a residential or commercial building, structure, or property to utilize the premises of such residential property for the open storage of any inoperable or unlicensed vehicle, including boat or trailer, appliance, glass, scrap metals, glass, paper, waste, used bricks or cement block, or parts thereof, this shall not include more than one unlicensed vehicle that is roadworthy; parts of broken furniture, non-serviceable or discarded motor vehicles of all types and character, either in whole or in part; tin cans of all kinds and sizes; bottles of all kinds and sizes; whether made of glass or other substance, oil and grease cans and drums; broken or discarded articles of metal of all kinds; boards, lumber and boxes of all kinds, whether made of wood or other material(s); discarded appliances, building material, rubbish, trash or garbage.

It shall be the duty and responsibility of every such owner, agent, custodian, lessee or occupant to keep the premises of such property clean and to remove from the premises any such abandoned or stored items. As listed above, including, but not limited to weeds and or high grass exceeding twelve inches in height, dead trees, limbs, wood, etc, upon notice of code enforcement.

It shall be unlawful and a violation of this Ordinance for any person, including the officers of any corporation, to keep or store any of the previously mentioned nuisance items in the City, unless such items are kept or stored in a substantial approved building in such a manner and under such conditions that the keeping or storage of such items shall not constitute a menace to the public health, safety and general welfare of the inhabitant of the City and thereby become a nuisance.

SECTION 2. HEIGHT.

It shall be unlawful for any owner, agent, custodian, lessee or occupant to permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding twelve inches anywhere within the City; and such plants or weeds exceeding such height are hereby declared to be a nuisance. It shall be the responsibility of the owner, agent custodian, lessee or occupant to cut or cause to be cut and kept cut or cause to be kept cut any weed, grass or plants, to a height not to exceed twelve inches.

SECTION 3. ABANDONMENT OF PARTIALLY DISMANTLED, WRECKED, JUNKED OR DERELICT VEHICLES.

It shall be unlawful to keep, dump, store, abandon, place or maintain any partially dismantled, wreck, junked or derelict vehicles on any street, highway, public right of way, other public place, or upon any property located within the City limits, for a period longer than 24 hours, unless one or more of the following conditions are present:

- a. The same shall be within an enclosed building, upon such property; or
- b. Shall be upon the premises of a business enterprise lawfully situate and licensed, when necessary to the operation of such business enterprise, when said premises shall be enclosed in a sight-proof fence of at least six foot in height; or
- c. Is being offered for sale, with appropriate signage indicating same, and being stored upon the private property of the owner of said vehicle, for a period not to exceed 14 days; or
- d. In storage places maintained by the City as a depository for such vehicles.

SECTION 4. SEIZURE, IMPOUNDING AND STORAGE OF VEHICLES, BICYCLES, OR OTHER PERSONAL PROPERTY WHEN THE SAME:

- a. Appears to be abandoned on any street, highway, public right of way, or other public place of the city, or
- b. Is stolen property and the owner cannot be promptly found who claims the same, or
- c. Is illegally parked on any street or highway, other than a parking meter or overtime violation in a designated parking area.
- d. Is parked on the streets at night in violation of the Ordinances of the City, or
- e. Is a derelict, junk or nuisance vehicle on any property except where authorized by the provisions of Section 3 of this Ordinance.

The said vehicles, bicycles or other personal property shall be disposed on as provided by law pursuant to Florida Statutes Chapter 705, et seq. as amended.

SECTION 5. REMOVAL – NOTICE.

It shall be the duty of the Code Enforcement Officer, or his designee to serve or cause to be served a notice upon the owner or occupant of any premises on which a nuisance of the nature described in Section 1 exists and to demand the abatement of the nuisance within 10 days. Written notice posted on the premises shall be sufficient notice to the owner if the address of the owner is unknown.

SECTION 6. ABATEMENT.

If the person so served does not abate the nuisance within ten days the City may proceed to abate such nuisance, keeping an account of the expenses of the abatement, and such expenses shall be charged and paid by such owner or occupant. The City may perform the abatement itself, or hire the same to be done. The City shall assess an additional fee of \$100.00 to the actual costs of abatement, for administrative charges. For each subsequent abatement, the fee shall increase by an amount of \$25.00. The additional fee shall be designated for use by Code Enforcement to ensure the availability of funds necessary for the execution of their duties.

SECTION 7. CITATION.

The City reserves the right to issue citations in addition to or in lieu of abatement. Each day the nuisance continues shall be considered a separate offense.

SECTION 8. LIEN.

Charges for abatement may be a lien upon the premises. Whenever a bill for such charges remains unpaid for ten (10) days after it has been rendered, the City Manager or his designee may cause to be filed with the Clerk of Court of Pasco County a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred and the date the abatement was performed, and a notice that the City claims a lien for such amount.

Said liens not paid within ten (10) days shall accrue interest at maximum amount permitted by law, per annum thereafter, or the maximum amount allowed by law, from the date of the record of said lien and all costs of collections, shall continue to be a lien against said real property until paid, and collection thereof shall be enforced as provided by Chapter 173, Florida Statutes, for the collection and enforcement of taxes and assessments levied upon property.

Notice of such lien claim shall be made pursuant to Chapter 162, Florida Statutes.

The aforementioned lien shall be superior to all other liens except liens for taxes and other special assessment liens imposed by the City.

SECTION 9. FORECLOSURE OF LIEN.

Property subject to a lien for abatement of nuisance may be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in equity in the name of the City. The City shall also recover all court costs and a reasonable attorney's fee at a rate comparable to attorneys in private practice, practicing in the greater Tampa Bay area.

The City Attorney is hereby authorized and directed to institute such proceedings, subject to City Council approval, in the name of the City, in any court having jurisdiction over such matter, against any property for which such bill has remained unpaid ninety (90) days after it has been rendered.

SECTION 10. REPEALER.

Any ordinance or part of any ordinance, in conflict herewith is hereby repealed to the extent of any conflict.

SECTION 11. SEVERABILITY.

It is declared to be the intent of the City Council of the City of Zephyrhills, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision and shall not be affected by such holding.

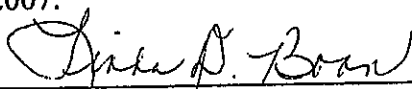
SECTION 12. INCLUSION IN CODE.

The provisions of this Ordinance shall become and be made part of the Code of the City of Zephyrhills, Florida. The sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such.

SECTION 13. EFFECTIVE DATE.

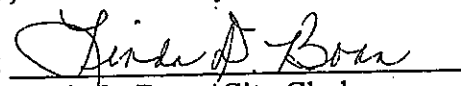
This Ordinance shall become effective upon passage on the third reading and signing by the Mayor.

The foregoing Ordinance No. 995-07 was read and passed on the first reading in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 8th day of October, 2007.

Attest: 
Linda D. Boan, City Clerk

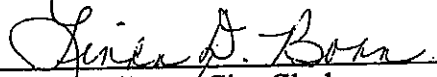

Kenneth V. Compton, Council President

The foregoing Ordinance No. 995-07 was read and passed on the second reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 22nd day of October, 2007.

Attest: 
Linda D. Boan, City Clerk

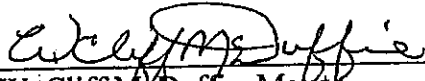

Kenneth V. Compton, Council President

The foregoing Ordinance No. 995-07 was read and passed on the third reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 26th day of November, 2007.

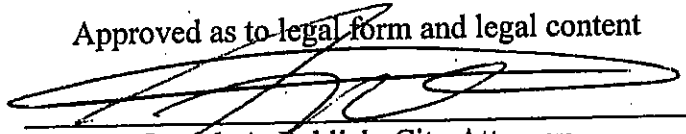
Attest: 
Linda D. Boan, City Clerk


Kenneth V. Compton, Council President

The foregoing Ordinance No. 995-07 was approved by me this 26th day of November, 2007.


W. Cliff McDuffie, Mayor

Approved as to legal form and legal content



Joseph A. Poblick, City Attorney