

ORDINANCE NO. 387

AN ORDINANCE OF THE CITY OF PORT ST. JOE, REPEALING SECTIONS 30.27 AND 30.28 OF THE CODE OF ORDINANCES IN THEIR ENTIRETY, PROVIDING FOR NEW DEFINITION, PROVIDING FOR PROHIBITION OF NUISANCES, PROVIDING FOR ENFORCEMENT OPTIONS, PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Now, therefore, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORT ST.

JOE, FLORIDA:

Section 1: Section 30.27, and Section 30.28 are repealed in their entirety.

Section 2: Section 30.27. Definitions is replaced as follows:

Section 30.27: Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Inspector means the building official, codes inspector pursuant to Ordinance #393, or other employee designated by the City Manager as an environmental inspector.

Nuisance means any of the following:

- (1) Any accumulation of rubbish, trash, junk and other abandoned materials, metals, lumber or other things,
- (2) Any excessive accumulation of untended growth of weeds, undergrowth or other dead or living plant life upon a lot, tract or parcel of land, improved or unimproved, within the City in the manner that such lot, tract or parcel of land shall or may become infested or inhabited with rodents, vermin or snakes; may become a breeding place for mosquitoes; threaten or endanger the public health and welfare; or may reasonably cause disease; or adversely affect and impair the economic welfare of the adjacent property.
- (3) Any refuse of a height of more than one foot.
- (4) Any refuse placed in the street, alley or other public place or upon any private property unless the refuse is placed for collection or under express approval granted by the City's public works department.
- (5) Scattering of refuse anywhere within the City in such a manner that it may

be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the City.

- (6) Throwing or depositing any refuse in any stream or other body of water.
- (7) The placement or scattering of yard clippings, tree limbs and/or other refuse in or upon street surface.
- (8) Any underbrush which exceeds one foot in height.
- (9) Any unfit, unsafe, or dangerous dwelling or structure.
- (10) Any weeds which exceed one foot in height.
- (11) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- (12) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other cause which give rise to the emission or generation of such odors and stenches.
- (13) The carcasses of animal or fowl not disposed of within a reasonable time after death.
- (14) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- (15) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (16) Any accumulation of stagnant water maintained on any lot or piece of ground.
- (17) Dense smoke, noxious fumes, gas soot or cinders, in unreasonable quantities.
- (18) Unsheltered storage for a period of 30 days or more within the corporate limits of this City (except in licensed junkyards) of old and unused stripped junk and other automobiles not in good and safe operating condition; and of any other vehicles, machinery, implements, or equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured
- (19) Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which the premises are located. This includes,

but is not limited to, the keeping or depositing on or the scattering over the premises of any of the following:

- a. Lumber, junk, trash, or debris.
- b. Abandoned, discarded, unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.

(20) Any activity by a person upon any parcel of land whose sole purpose is the buying, selling, trading, bartering, exchanging or storing of any new, secondhand or used chattels or personality, commonly called "flea market". Flea markets licensed by the City are not included. This activity does not include establishments licensed by the City as "antique malls" or "antique dealers" or what is commonly called "junk," rummage," "garage" or "yard" sales of chattels or personality owned by the occupant of the premises for which a license has been obtained from the City and upon such premises no prior similar activity has occurred within the past 12 successive calendar months. Nothing contained in this subsection is to be interpreted to allow "grand-fathered" businesses to change location or expand in physical size.

(21) Unfit or unsafe dwelling or structure: any dwelling or structure or any portion thereof, including accessory buildings, structurally unsafe, unstable, unsanitary, inadequately provided with exit facilities, constituting a fire hazard, unsuitable or improper for the use or occupancy to which they are put, constituting a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment, dangerous to life or property, or, by reason of fire, age, decay, deterioration, structural defects, improper design, unstable foundation, termites, acts of God or other causes, dangerous to the occupants thereof or to surrounding buildings and the occupants thereof, or a menace to the public health, or a fire hazard, or so unsafe as to endanger life or property or render the use of the public streets dangerous, or otherwise in material violation of the housing, building electrical, plumbing, mechanical, health or fire codes of the city;

(22) Such other acts or conditions which are declared by other ordinances to be or constitute nuisances.

Occasion means that an enforcement official:

- (1) Issued a notice to appear, as provided by state statute;
- (2) Made a physical arrest pursuant to F.S. § 901.15; or
- (3) Issued a citation pursuant to this Code.

Refuse means leavings, dregs, rubbish, trash or waste material.

Special Magistrate means the person designated and given authority by the local governing body to hold hearings and assess fines against violators of the municipal codes and ordinances.

Underbrush means any undergrowth or brush conducive to the collection of insects and rodents.

Weeds means any plants which are useless top men or injurious to crops, grasses, flowers.

Section 3: Section 30-28 is replaced as follows:

Section 30.28: Nuisances Prohibited:

(a) All nuisances are prohibited within the City of Port St. Joe. No owner or occupant of property within the City of Port St. Joe shall create, maintain, or allow any nuisance within the City. Any owner or occupant of premises who maintains a nuisance within the City shall be guilty of an offense punishable as set forth in Chapter 1 of this Code.

(b) The City of Port St. Joe may abate any nuisance within the city limits utilizing:

- (1) Code Enforcement provisions contained in Ordinance #343; or
- (2) The procedure contained in Sections 30-30 et seq. and/or
- (3) Citing the person committing or allowing the nuisance to exist, for a misdemeanor with punishment as prescribed in Chapter 1, Code of Ordinance.

Section 4: Severability. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

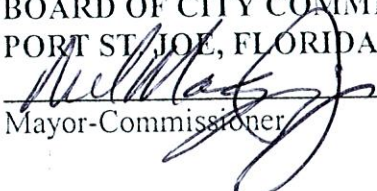
Section 5. Repeal: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 6. Effective Date: This Ordinance shall become effective upon adoption as provided by law.

THIS ORDINANCE ADOPTED this 2nd day of October,

2007.

BOARD OF CITY COMMISSIONERS
PORT ST. JOE, FLORIDA



Mayor-Commissioner

ATTEST:



City Clerk