

Chapter 12

NUISANCES*

Sec. 12-1. DEFINITION

For the purposes of Chapter 12, the word "nuisance" is hereby defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- 1) Injures or endangers the comfort, repose, health or safety of others; or
- 2) Offends decency; or
- 3) Is offensive to the senses; or
- 4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
- 5) In any way renders other persons insecure in life or the use of property; or
- 6) Essentially interferes with comfortable enjoyment of life and property, or tends to depreciate the value of the property of others. (Code 1971, § 11-16)

Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 12-2. ILLUSTRATIVE ENUMERATION

*Cross references-Garbage and trash, Ch. 9; junk, abandoned property, Ch. 10; offenses and miscellaneous provisions, Ch. 13; police, Ch. 16; privies declared a nuisance, § 21-56

*State law references-Abatement of nuisances by injunction, F.S. § 60.05; nuisances injurious to health, F.S. Ch. 386; public nuisances, F.S. Ch. 823.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- 1) Noxious growth and other rank vegetation to a height of twelve (12) inches or more upon any premises or land within the City, regardless of whether such premises or land are occupied or unoccupied, which has, in the past thirty-six months, been cleared of weeds, grass, vines, palmetto scrub or other rank or noxious vegetable growth which may have previously grown or accumulated to a height of twelve (12) inches or more. Nothing in this provision shall be construed to require the removal of vegetable growth from virgin land which has not previously been cleared of such weeds, grass, vines, palmetto scrub or other rank or noxious vegetable growth which may have previously grown or accumulated to a height of twelve (12) inches or more; (Ordinance 4-2001 § 2; July 9, 2001)
- 2) Accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, dead or decayed fish, fowl, meat or other animal matter; fruit, vegetables, offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature;
- 3) Any condition which provides harborage for rats, mice, snakes and other vermin;
- 4) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;
- 5) All unnecessary or unauthorized noises and annoying vibrations, including animal noises;

- 6) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches;
- 7) The carcasses of animals or fowl not disposed of within a reasonable time after death;
- 8) 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;
- 9) 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;
- 10) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground;
- 11) Dense smoke, noxious fumes, gas, soot, or cinders, in unreasonable quantities.
- 12) Neglect or failure to keep in a state of good repair any sidewalk, footway or foot pavement situated upon any public lands lying immediately adjacent to the abutting private property by the party owning, occupying or having the custody of such abutting premises.
(Code 1971, § 11-17)

Sec. 12-3. NOTICE TO ABATE

Whenever it shall come to the attention of the health officer that there exists on any lot or parcel of land in the city any of the conditions enumerated in this chapter, he shall notify the city manager of such condition. Upon such notification by the health officer, the city manager shall issue notice to the owner or occupant of the lot or premises upon which such condition exists to

remove and abate the same within a time, not exceeding ten (10) days, to be specified in such notice. (Code 1971, § 11-18)

Sec. 12-4. SERVICE OF NOTICE

The notice to abate any condition prohibited by the provisions of this chapter shall be served by the chief law enforcement officer by delivering a copy thereof to the owner or occupant of the property upon which such condition exists; provided however, that if such property be unoccupied and the owner thereof a nonresident of the City, such notice may be served by mailing the same to such owner at his last known address. (Code 1971, § 11-19)

Sec. 12-5. ABATEMENT BY CITY

If the owner or occupant of the premises upon which any condition prohibited by this chapter exists fails to remove or abate the same within the time specified in the notice to abate, the chief law enforcement officer shall proceed to have such condition described in such notice removed and abated for such property; and report the costs thereof to the city manager.

(Code 1971, § 11-20)

Sec. 12-6. OWNER, OCCUPANT TO PAY COSTS

When the City shall abate or remove any nuisance found to exist on any premises within the City, the costs or expenses of such removal shall be paid by the owner or occupant of such premises. If such costs and expenses shall not be paid within ten (10) days after such abatement and removal, the same shall be collected from such owner or occupant by special assessment.

(Code 1971, § 11-21)

Sec. 12-7. RECOVERY OF COSTS NOT TO AFFECT PENALTY

The recovery of any costs or expenses in enforcing the provisions of this chapter by the City shall not affect or bar any other penalty which may be imposed for the violation of the provisions of this Code. (Code 1971, § 11-22)