

ORDINANCE NO. 2009- A26

AN ORDINANCE OF CITRUS COUNTY, FLORIDA AMENDING PART II, CHAPTER 20 ENTITLED NUISANCES OF THE CITRUS COUNTY CODE PERTAINING TO THE ABATEMENT OF PUBLIC NUISANCES WITHIN UNINCORPORATED CITRUS COUNTY BY AMENDING ARTICLE I ENTITLED IN GENERAL OF CHAPTER 20 BY AMENDING SECTION 20-2 ENTITLED PROHIBITION ; BY AMENDING SECTION 20-3 ENTITLED DEFINITIONS; BY AMENDING SECTION 20-4 ENTITLED INITIATION OF ENFORCEMENT PROCEEDINGS; BY AMENDING SECTION 20-6 ENTITLED ASSESMENT OF COSTS AND FEES; AND AMENDING ARTICLE II ENTITLED LITTER OF CHAPTER 20 AMENDING SECTION 20-21 ENTITLED ENFORCEMENT; CITATIONS; PROCEDURE; BY AMENDING SECTION 20-22 ENTITLED SOLID WASTE REMOVAL; AND AMENDING ARTICLE III ENTITLED ACCUMULATION OF JUNK AND DEBRIS OF CHAPTER 20 BY AMENDING SECTION 20-30 ENTITLED FINDINGS; BY AMENDING SECTION 20-31 ENTITLED VIOLATIONS; BY AMENDING SECTION 20-32 ENTITLED NOTICE; HEARING; AND AMENDING ARTICLE IV ENTITLED ABANDONED, UNSERVICEABLE, AND UNLICENSED VEHICLES OF CHAPTER 20 AMENDING SECTION 20-40 ENTITLED FINDINGS; BY AMENDING SECTION 20-44 ENTITLED NOTICE; HEARING; AND AMENDING ARTICLE V ENTITLED UNSAFE STRUCTURES AND/OR CONDITIONS OF CHAPTER 20 BY AMENDING SECTION 20-50 ENTITLED FINDINGS; BY AMENDING SECTION 20-52 ENTITLED PRODEDURE FOR DEMOLITIONS; BY AMENDING SECTION 20-53 ENTITLED CRITERIA; BY AMENDING SECTION 20-54 ENTITLED AUTHORITY; BY AMENDING SECTION 20-55 ENTITLED FINAL ORDER; ORDER BINDING; PENALTIES; BY AMENDING SECTION 20-56 ENTITLED NOTICES; HEARING; REMEDIAL ACTION; AND AMENDING ARTICLE VI ENTITLED EXCESSIVE GROWTH AND ACCUMULATION OF VEGETATION OF CHAPTER 20 BY AMENDING SECTION 20-62 ENTITLED AFFECTED PROPERTIES; BY AMENDING SECTION 20-63 ENTITLED NOTICE; HEARING; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, AS FOLLOWS:

SECTION 1. Part II, Chapter 20 of the Citrus County Code of Ordinances is hereby amended and reads as follows:

ARTICLE I. IN GENERAL

Sec. 20-1. Purposes and goals:

The purpose and intent of this chapter is to protect the health, safety and welfare, and to protect the aesthetic and property values of properties by providing for abatement of grossly unaesthetic, unsanitary or unsafe conditions that constitute a code violation on land subject to and in violation of this chapter.

(Ord. No. 2005-04, § II, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-2. Prohibition:

No person owning, leasing, occupying or having control of any property within the unincorporated area of the county shall maintain, keep or permit a public nuisance as further set forth herein. The county's agents may enter upon private property to abate a public nuisance when in the determination of the County Administrator or his/her designee the nuisance presents a threat to the health, safety or welfare of the public.

(Ord. No. 2005-04, § II, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-3. Definitions:

For the purposes of this chapter the following words, terms and phrases shall have the meanings ascribed to them as follows, except where the context clearly indicates a different meaning:

Abandoned property shall mean wrecked or derelict property having no value other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements, and shall include wrecked, inoperative, or partially dismantled vehicles, trailers, boats, machinery, plumbing fixtures, furniture, appliances or other similar articles which have no value other than nominal salvage value, if any, and which have been left abandoned and unprotected from the elements.

Code Compliance Officer shall mean any authorized county employee or agent of the county whose duty it is to assure compliance with county codes.

Construction and demolition debris shall mean nonhazardous material generally considered not to be water soluble, including, but not limited to, steel, concrete, glass, brick, asphalt material, pipe, gypsum wallboard or lumber from the construction, destruction, renovation or maintenance of a structure or site. Unless otherwise provided by law, the term includes rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project. Contamination of construction and demolition debris with any amount of other types of solid waste will cause it to be classified as other than construction and demolition debris.

Debris shall mean material which is stored externally, exposed to the elements, and is not otherwise completely enclosed by a walled, roofed structure and shall include, but is not limited to the following; discarded household items, inoperative machinery, appliance; refuse, rubbish, trash or junk, scrap or discarded lumber, pipe, steel, plastic, glass, paper, cardboard, plumbing fixtures, and other building material.

Junk shall mean any abandoned property, construction and demolition debris, litter, waste materials of any kind, used or unserviceable automobile or machinery parts, used or nonfunctional furniture or appliances, or used and nonfunctional tools, equipment and implements, but shall not include compost piles for normal, personal or commercial use, in their proper location.

Law Enforcement Officer shall mean any officer of the Florida Highway Patrol, Citrus County Sheriff's Office, a law enforcement department of any other local political subdivision, or the Fish and Wildlife Conservation Commission.

Litter shall mean any garbage; rubbish; trash; refuse; can; bottle; box; container; paper; tobacco product; tire; appliance; mechanical equipment or part; building or construction material; tool; machinery; wood; motor vehicle or motor vehicle part; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Motor vehicle shall mean an automobile, motorcycle, truck, trailer, semi-trailer, truck tractor, or semi-trailer combination or any other vehicle that is powered by a motor.

Owner or tenant shall mean any owner, lessee or person in possession of any lot, tract, or other parcel of land.

Person shall mean any individual, firm, sole proprietorship, partnership, corporation, or unincorporated association.

Private property shall mean property owned by any person as defined herein, including but not limited to yards, grounds, driveways, entrances or passageways, parking areas, storage areas, and any body of water, vacant land, and recreation facilities.

Public property or lands shall mean any area that is used or held out for use by the public, whether owned or operated by public or private interests, including but not limited to highways, streets, alleys, parks, recreation areas, sidewalks, medians, lakes, rivers, streams, ponds or other bodies of water.

Rubbish shall mean combustible and non-combustible waste material other than garbage.

Shielded from view shall mean completely precluding visibility of the nuisance condition and/or subject vehicle from all adjacent properties and roadways, by placing the junk debris, subject vehicle, or any other material that constitutes the nuisance condition, in a duly permitted, fully enclosed structure which has solid walls and a roof that precludes visibility into any portion of the interior thereof.

Street or highway shall mean the entire width between the boundary lines of any road, street, highway, alley or any part of which is open to the public for use purposes by vehicular traffic, within the unincorporated areas of the county.

Unserviceable vehicle or vehicles shall be defined as vehicles which have any of the wheels or tires dismantled or uninflated or which are missing any parts required by

motor vehicle law for travel on public streets, or which are in such condition that would render said vehicle incapable of normal operating under its own power, including being supported above existing grade level by any means whatsoever, including but not limited to concrete blocks, jacks, hoists, or similar devices.

Vehicle shall mean every device designed to be moved upon a street or highway, including a motor vehicle; or every device, including a motor vehicle, used off the streets or highways of this county and that is not registered and licensed for highway use pursuant to F.S. ch. 320; or public waterway, including any watercraft, boat, ship, vessel, barge or other floating craft; or which are used exclusively upon stationary rails or tracks; or which are exclusively used for agricultural purposes and not licensed pursuant to state law and are not operated on any public highway for purposes other than crossing such public highway or along such highway between two tracts. (Ord. No. 2005-04, § II, 4-12-05; Ord. No. 2008-A04, § 4, 2-26-08; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-4. Initiation of enforcement proceedings:

A county Code Compliance Officer shall determine the existence of a nuisance condition as set forth in this article upon complaint. A complainant may be any individual, any county Code Compliance Officer, County Commissioner, or officer of a homeowners' association or civic association that regulates the offending land and is registered with the Department of State, Division of Corporations. (Ord. No. 2005-04, § II, 4-12-05; Ord. No. 2008-A04, § 5, 2-26-08; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-5. Limitation of liability:

The county may remedy violations within this chapter pursuant to the provisions set forth herein. Any action taken by the county to abate such conditions shall not create a continuing obligation on the part of the county to take further action or to continue to maintain the property. In addition, any action taken by the county to remedy a violation shall not create liability against the county or any of its employees, provided such actions were completed in good faith. (Ord. No. 2005-04, § II, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-6. Assessment of costs and fees.

(a) Unless otherwise provided herein, upon completion of action by the county taken to remedy a violation of this chapter, the Code Compliance Division shall mail an invoice to the property owner requesting payment to the county for actual cost of the action. The property owner shall be required to pay the amount of the invoiced charges within 30 days.

(b) If the property owner fails to pay the charges within 30 days of the date of invoice, a lien shall be assessed on behalf of the county against the lands for the actual costs. The costs of the county's action in abating the violation, in addition to the necessary expenses for preparation, filing and recording of the lien, including any legal expenses incident thereto, shall be assessed against such lands and personal property, and the costs plus interest be a lien against all such property. A notice of the lien shall be filed in the office of the Clerk of the Circuit Court of the county and recorded.

(Ord. No. 2005-04, § II, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-7. Remedies:

In addition to any remedy provided for in this chapter, the county may enforce the provisions herein by any other lawful means.

(Ord. No. 2005-04, § II, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-8. Authority:

In the event of inconsistency between the provisions of this chapter and the Citrus County Land Development Code, this chapter shall control.

(Ord. No. 2005-04, § II, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Secs. 20-9--20-19. Reserved.

ARTICLE II. LITTER

Sec. 20-20. Generally:

(a) No person shall drop, deposit, discard, or otherwise dispose of litter in or upon any public property or private property of another person within the county, except when the litter is properly disposed of in a public collection container, a litter receptacle provided for public use, or a solid waste management facility.

(b) Any motor vehicle transporting litter or other items likely to fall or be blown from such motor vehicle shall be enclosed, covered, or secured with a close fitting tarpaulin or other appropriate cover or load securing device to prevent its contents from blowing, dropping, or falling from such vehicle.

(Ord. No. 2005-04, § II, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-21. Enforcement; citations; procedure:

(a) *Enforcement agents.* The Code Compliance Division shall have the primary responsibility for enforcing this section and any Code Compliance Officer employed by the county shall have the authority to issue citations under this section. Additionally, any Certified Law Enforcement Officer employed by the Citrus County Sheriff's Office or any municipal police agency located in the county shall have the authority to issue citations to enforce this section.

(b) *Presumptions.* The following presumptions shall apply in the enforcement of this Section, but may be rebutted by competent substantial evidence:

(1) Any person generating, transporting, or receiving litter shall be responsible for ensuring that such litter is managed, stored, handled, transported, and disposed of in accordance with the provisions of this chapter.

(2) When a violation of any provision of this section has been observed by any person, and the litter dumped or disposed of on a highway, right-of-way, property adjacent to a highway or right-of-way, private property, or body of water has been ejected from a

motor vehicle or vessel, that fact shall constitute prima facie evidence that the owner or operator of such motor vehicle or vessel was the person who ejected the litter.

(3) Any article of litter bearing a person's name or address found on the private property of another or on public property shall constitute prima facie evidence that the litter is the property of such person whose name or address appears thereon, and it shall constitute prima facie evidence that such person dumped or disposed of such article of litter.

(c) *Citation authorization.* Any county enforcement agent is hereby authorized to issue a citation to a person when, based upon personal investigation, the enforcement agent has reasonable cause to believe that the person has committed a violation of this article.

(d) *Procedures.* A citation issued by an enforcement agent shall be in a form prescribed by the county and shall contain:

- (1) The date and time of issuance.
- (2) The name and address of the person to whom the citation is issued.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting reasonable cause.
- (5) The number of the section of the code violated.
- (6) The name and authority of the enforcement agent.
- (7) The procedure for the person to follow in order to pay the civil penalty or contest the citation.
- (8) The applicable civil penalty if the person elects to contest the citation.
- (9) The applicable civil penalty if the person elects not to contest the citation.

(10) A conspicuous statement that, if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he or she shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(e) *Citations to be deposited with the County Court.* After issuing a citation, the enforcement agent shall deposit the original and one copy of the citation with the County Court, by filing same with the Clerk of the Court.

(f) *Penalties.*

(1) A violation of this article shall be deemed a civil infraction.

(2) A first violation shall be punished by a maximum fine of \$100.00.

(3) A second violation shall be punished by a maximum fine of \$250.00.

(4) A third and all subsequent violations shall be punished by a maximum fine of \$500.00.

(5) A civil penalty of less than the maximum civil penalty shall be assessed if the person who has committed the civil infraction does not contest the citation.

(g) *Judgment of court.* If a person fails to pay the civil penalty or request a hearing, fails to appear in court to contest the citation when a hearing has been requested, or fails to appear in court as may be required, the court may enter judgment for an amount not to exceed \$500.00 per infraction and/or may issue a rule to show cause upon the request of the county. The court rule shall require such person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such rule fails to appear in response to the court's directive, the person may be held in contempt of court. At any hearing pursuant to this article, the commission of a violation must be proved by a preponderance of the evidence. The Florida Rules of Civil Procedure and Florida Evidence Code shall be applicable.

(h) *Payment of penalties.* All civil penalties shall be paid to and collected by the clerk of the court as provided by law.

(i) *Refusal to sign or accept citation.* Any person who willfully refuses to sign and accept a citation issued by an enforcement agent shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083.

(j) Nothing in this section shall preclude the county from seeking enforcement of the Florida Litter Law pursuant to F.S. § 403.413(6).
(Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-22. Solid waste removal:

(a) Subject to the limitations contained herein, the Road Maintenance Division collects litter from the public right-of-way of collector and arterial roads maintained by the county transportation department. The Road Maintenance Division also collects solid waste from illegal dumping on such roads. The Road Maintenance Division is not responsible for collecting litter or solid waste on other roads or private property. The County Administrator or his/her designee may authorize the Road Maintenance to collect litter on public roads and public property when required for the public health, safety and welfare. The extent and frequency of such activities are subject to the county's budgetary constraints and weather conditions.

(b) Subject to the limitations contained herein, the county Road Maintenance Division may remove and dispose of litter, junk, and solid waste that was illegally dumped on a public right-of-way or other public property and then collected by a civic or community organization during a community clean-up project. The extent and frequency of the county's activities in support of a community clean-up project are subject to the county's budgetary constraints and other factors. Although the county supports community cleanup projects, the county does not remove or dispose of materials collected during a cleanup on private property.
(Ord. No. 2008-A23, § 1, 9-9-08)

Secs. 20-23--20-29. Reserved.

ARTICLE III. ACCUMULATION OF JUNK AND DEBRIS

Sec. 20-30. Findings:

(a) The Board of County Commissioners hereby finds that the accumulation of junk, debris, rubbish and vegetative matter on privately owned lands, except in lawfully established and maintained junkyards, garbage or waste disposal sites, or sanitary landfills, creates health hazards and attractive nuisances, interferes with the comfort of the public and the enjoyment of private property, and impairs the economic welfare of neighboring properties.

(b) To the extent that any portion of privately owned lands are or may reasonably become infested or inhabited by rats or other vermin, or may furnish a breeding place for mosquitoes, or may reasonably cause disease or create a fire hazard, or adversely affect and impair the economic welfare of the adjacent property, such condition is declared to be a public nuisance and is hereby prohibited.

(c) It shall be the duty of every owner or tenant of any lot, tract, or parcel of land within the unincorporated area of Citrus County to reasonably regulate and effectively control the accumulation of junk and debris.
(Ord. No. 2005-04, § III, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-31. Violations:

(a) It shall be unlawful for the owner or tenant of any land to permit, cause or have thereon any accumulation of junk, debris, rubbish and vegetative matter except for junk stored in enclosed litter receptacles or completely enclosed buildings; except for junk which will not fit into standard-sized litter receptacles and which is set out for no more than 48 hours for pickup and removal; except for recyclable material stored in receptacles provided for recycling such material; except junk stored in a lawfully established and maintained junkyard, garbage or waste disposal site or sanitary landfill; and except for accumulations of vegetative waste on agricultural lands.

(b) It shall be unlawful for any owner, agent, contractor, or other person in charge of a construction, demolition, or development site to cause or permit the accumulation of junk or construction and demolition debris thereon, except in enclosed litter receptacles; to fail to furnish on-site litter receptacles; or to leave unused construction materials on the site for more than seven days after the completion of the development, demolition, or construction, or the expiration of the permit therefore. (Ord. No. 2005-04, § III, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-32. Notice; hearing:

Whenever a Code Compliance Officer shall ascertain that a public nuisance shall exist as a result of a violation of section 20-31 hereof, the officer shall provide notice to the owner of the property that the property must be brought into compliance with the requirements of this section and that the junk and debris must be removed from the property or shielded from view within 30 days from the date of notice. If the violation continues beyond the 30-day limit specified above, the Code Compliance Officer shall notify the clerical staff of the Code Compliance Special Master and request a hearing. The clerical staff shall then schedule a hearing and send out written notice of the violation and the date of the hearing to the property owner via certified mail or hand delivery. At the option of the Code Compliance Special Master, notice may be additionally served by publication or posting as provided in F.S. § 162.12.

(Ord. No. 2005-04, § II, 4-12-05; Ord. No. 2008-A04, § 6, 2-26-08; Ord. No. 2008-A23, § 1, 9-9-08)

Secs. 20-33--20-39. Reserved.

ARTICLE IV. ABANDONED, UNSERVICEABLE, AND UNLICENSED VEHICLES

Sec. 20-40. Findings:

The Board of County Commissioners hereby finds that the abandonment of vehicles, and the storage of unlicensed, inoperable vehicles, on privately owned lands, except in lawfully established and maintained junkyards or other disposal facilities as allowable by law, creates health

hazards and attractive nuisances, interferes with the comfort of the public and the enjoyment of private property, and impairs the economic welfare of neighboring properties. Such abandoned, unserviceable or unlicensed vehicles in violation of this article are hereby declared to be a public nuisance.

(Ord. No. 2005-04, § IV, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-41. Violations:

It shall be a violation of this article for any person, firm or corporation to keep, dump, store, place or deposit abandoned, unlicensed, inoperable, junked, disabled, wrecked, discarded or otherwise unused vehicles on any property, street, or highway.

(Ord. No. 2005-04, § IV, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-42. Exceptions:

The following shall be exempt from this article:

(a) Vehicles upon the premises of a lawfully established and maintained junkyard, vehicle repair business, or other similar facility as allowable by law.

(b) Storage, service or repair of inoperable or unlicensed vehicle, when completely shielded from view or entirely within the confines of a completely enclosed garage, not to include open carports; provided the vehicle is the property of the owner or occupier of the land and that such use is not a commercial use of the property, unless such use is authorized by other ordinances of the county.

(Ord. No. 2005-04, § IV, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-43. Persons responsible:

Persons coming within the purview of this article shall include jointly and severally the owner of such vehicle and/or the owner of the property or person in

control or responsible for the property upon which such vehicle is located.

(Ord. No. 2005-04, § IV, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-44. Notice; hearing:

Whenever a Code Compliance Officer shall ascertain that an abandoned, unlicensed or inoperable vehicle, is unlawfully upon private property, the officer shall provide notice to the owner of the property that the vehicle must be brought into compliance with the requirements of this section and either licensed, repaired, removed from the property or shielded from view within 30 days from the date of notice. If the violation continues beyond the 30 day limit specified above, the Code Compliance Officer shall notify the clerical staff of the Code Compliance Special Master and request a hearing. The clerical staff shall then schedule a hearing and send out written notice of the violation and the date of the hearing to the property owner via certified mail or hand delivery. At the option of the Code Compliance Special Master, notice may be additionally served by publication or posting as provided in F.S. § 162.12.

Secs. 20-45--20-49. Reserved.

ARTICLE V. UNSAFE STRUCTURES AND/OR CONDITIONS

Sec. 20-50. Findings:

The Board of County Commissioners hereby finds that the existence of blighted or slum structures and conditions creates health hazards and attractive nuisances, interferes with the comfort of the public and the enjoyment of private property, and impairs the economic welfare of neighboring properties. Such structures or conditions are hereby declared to be a public nuisance.

(Ord. No. 2005-04, § VI, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-51. Definitions:

For the purposes of this section, the following definitions shall apply:

Blighted structure or condition means a deteriorated or deteriorating structure which endangers life or property by fire or other causes, unsanitary or unsafe condition(s) or deterioration of the site and its improvements, which condition(s) impair or arrest the sound growth of the county or are a menace to the public health, safety, morals or welfare.

Slum structure or condition means buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence cause inadequate provision for ventilation, light, air, sanitation or open spaces; the existence of condition(s) which endanger life or property by fire or other causes; or any combination of factors which contribute to ill health, transmission of disease, juvenile delinquency or crime, or are detrimental to the public health, safety, morals or welfare.
(Ord. No. 2005-04, § VI, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-52. Procedure for demolitions:

Due to a variety of reasons, including but not limited to abandonment, neglect, inadequate property management or obsolescence, the condition(s) constituting a danger or nuisance to the public cannot be made safe. Factors evidencing the determination that a property cannot be made safe may include, but not be limited to: a demonstrated history of the property owner's failure to exercise reasonable control over the property to keep it safe or secure; a demonstrated history of a proliferation of criminal activity on or around the property due to the property's dilapidated or unsecure conditions; a demonstrated history of the property remaining in a condition that is imminently dangerous to the health, safety and welfare of the public despite the reasonable efforts of the Citrus County Code Compliance Staff.

(a) Upon notice of a potential violation of this article, the Code Compliance Division shall issue an inspection request to each member of the Safety Evaluation Team (SET). The SET shall consist of the following employees or their designee:

1. The Certified Building Official;
2. A Fire Inspector;
3. A Code Compliance Officer; and
4. An Environmental Health Department Representative.

The Certified Building Official may request the participation of the Citrus County Engineer when the structure in question warrants an engineer's review.

(b) The SET shall visit, inspect, report and make recommendations to the Certified Building Official on all structures and/or conditions that are potential violations of this article. The SET shall respond no later than ten days from the date of issuance of an inspection request, unless an extension of time has been requested of the Certified Building Official, which extension shall not exceed ten days.

(c) The report shall establish whether any of the criteria set forth herein have been met, and provide a description establishing such violation(s). The report shall further provide recommendation as to the order(s) to be issued by the Certified Building Official.

(d) Upon notice by the Certified Building Official that an imminent threat may exist as set forth in subsection 20-54(6), the SET shall respond with its recommendation no later than five days from such notification.
(Ord. No. 2005-04, § VI, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-53. Criteria:

In determining whether structure(s) and/or condition(s) create slum or blight for the purposes of this section, the Certified Building Official must find the existence of one or more of the following:

(a) That the structure is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public.

(b) That the structure lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public.

(c) That the structure has any or all of the following defects:

1. Interior walls or other structural members list, lean, or buckle, or the support for which has become damaged or deteriorated, to such an extent that there is a reasonable likelihood that such walls or other structural members may fall or give way;
2. Improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;
3. Damaged by fire, wind or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or citizens of Citrus County;
4. Has become or is so dilapidated, decayed, unsafe, unsanitary, or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the health, safety, or general welfare of those living therein;
5. Have light, air and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may work therein;
6. Have inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of egress, affording to the standards in effect when the building was constructed;
7. Have parts thereof which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general;

8. Because of its condition is unsafe and unsanitary or dangerous to a degree that constitutes a hazard to the health, safety, or general welfare of the citizens of Citrus County;
9. Vacant and not sufficiently secured to prevent easy access to trespassers, loiterers and vagrants;
10. Untended or unkempt to the extent they pose a health or safety hazard;
11. The structure or portion thereof is obsolete, inadequately maintained, or abandoned;
12. The existence of any other condition(s) of slum or blight as defined herein.

(d) The criteria set forth above shall not be the exclusive criteria upon which the Certified Building Official may rely in determining whether a structure(s) and/or condition(s) create slum or blight within the meaning of this section.

(Ord. No. 2005-04, § VI, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-54. Authority:

Upon determination by the Certified Building Official that a structure(s) and/or condition(s) meets the criteria of slum or blight, the Certified Building Official may issue any one or more of the following order(s) as is warranted by the circumstances:

(a) *Order to repair.* Whenever the Certified Building Official determines that a structure does not meet the standards required by this article for demolition, he/she may order the repair, restoration or replacement of any part of the structure, including the removal of any work done in violation of the and Development Code and/or Code of Ordinances. In the event of default by the owner, occupant or operator repairing, restoring or replacing the structure or portion(s) thereof ordered repaired, restored or replaced within the time fixed in the order, the Certified Building Official may order the vacation, demolition or removal of the structure as a nuisance.

(b) *Order to designate building or dwelling as unfit for human habitation.* Whenever the Certified Building Official determines that any building or dwelling or any part thereof constitutes a hazard to the safety, health or welfare of the occupants or to the general public because it lacks maintenance, sanitary facilities or otherwise fails to comply with the standards established by this article, the Certified Building Official may issue an order designating such building or dwelling unfit for human habitation. Any building or dwelling or any part thereof designated as unfit for human habitation shall be posted with notice of the same.

(c) *Order to vacate.* Whenever the Certified Building Official designates a building or dwelling as unfit for human habitation, determines that an emergency exists, orders a building or dwelling to be demolished, or whenever there is a violation of a final order of repair, the Certified Building Official may order the affected building or dwelling vacated.

(d) *Order to secure.* Whenever the Certified Building Official determines that a structure may be made safe by securing such structure, the Certified Building Official may order such structure be boarded and sealed until such time as the structure is repaired or demolished.

(e) *Order to demolish.* Whenever the Certified Building Official determines that a structure constitutes a blight or slum structure as defined herein, or that such structure is damaged, deteriorated or defective to such an extent that the cost of restoration or repair thereof will exceed 75 percent of the assessed value thereof, the Certified Building Official may order the demolition or removal of the structure. If the owner does not demolish or remove the structure within 30 days, and no appeal has been requested, the Certified Building Official may cause the demolition or removal of the structure.

(f) *Emergency order.* Whenever, in the opinion of the Certified Building Official, any building or structure has become so unsafe as to imminently endanger life or limb by reason of the bad condition of walls, overloaded floors, defective construction, decay, conditions that are dangerous in case of fire or any other cause, the Certified Building Official shall notify the SET. If each member of the team concurs that the building or structure is so

unsafe as to endanger life or limb and that the danger to life or limb is so imminent as to require immediate action in response to an emergency, the Certified Building Official shall notify the owner, occupant, operator or other party having an interest in the building or structure of such decision. Immediately upon receipt of the notice, the owner, occupant, operator or other party shall cause the same to be made safe and secure or taken down. When public safety requires immediate action, the Certified Building Official may cause the structure to be secured or taken down without delay, at the expense of the owner, occupant, operator or other interested party.
(Ord. No. 2005-04, § VI, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-55. Final order; order binding; penalties:

(a) *Final order.* All orders of the Certified Building Official shall be final upon the expiration of 31 days from the date notice thereof is provided unless, prior to the expiration of such period, a written petition for appeal is filed with the Code Compliance Division.

(b) *Orders binding.* No order of the Certified Building Official issued pursuant to this article shall be diminished, cancelled or in any way affected by the conveyance of the title to any real property, building or other structure or of any interest in any real property, building or other structure. A person who acquires such an interest in any property or improvement while it is subject to an order of the Certified Building Official shall comply with that order to the same extent as if he/she had held the interest at the time the order was issued.

(c) *Penalties.*

(1) It shall be a second degree misdemeanor, punishable as set forth in F.S. §§ 775.082 and 775.083, to alter, deface or remove any notice posted pursuant to this article during the pendency of the order.

(2) It shall be a second degree misdemeanor punishable as set forth in F.S. §§ 775.082 and 775.083, to enter a building or structure under an order specified in this article, other than an order to repair, until a

written certificate of compliance is issued or until the order is rescinded or modified.
(Ord. No. 2005-04, § VI, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

Sec. 20-56. Notice; hearing; remedial action:

(a) Upon determining that a structure(s) and/or condition(s) meets one or more of the slum and blight criteria set forth herein, the Certified Building Official or his designee shall post a notice to owner of the Certified Building Official's order(s) at the entrance to the structure(s) or on the property where the condition(s) exists. The notice shall provide substantially as follows:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY:

SLUM OR BLIGHTED STRUCTURE(S) AND/OR CONDITION(S) HAVE BEEN FOUND TO EXIST AT THIS SITE located at (briefly describe location). Pursuant to Citrus County Code Chapter 20, it has been determined that the structure(s) and/or condition(s) located on this site pose a threat to the life, health, or safety of the general public.

By order of the Certified Building Official, this property (describe order). It is the responsibility of the property owner(s) to contact the Code Compliance Division and to take action to properly and legally comply with the order of the Certified Building Official and correct the slum or blighted structure(s) and/or condition(s) (within _____/thirty (30) days) of the date of this notice. If corrective actions have not been taken within this time period, demolition and/or clearance or basic remedial action to temporarily secure the structure(s) and/or site shall be taken by the county on the owner's behalf and at the owner's expense. Demolition and/or clearance may include all tangible personal property such as vehicles, appliances, etc., and other structure(s) that may pose a threat to the health and safety of the general public.

IT SHALL BE A SECOND DEGREE MISDEMEANOR TO ALTER, DEFACE OR REMOVE THIS NOTICE OR TO ENTER THIS BUILDING DURING THE PENDENCY OF THIS ORDER.

You have the right to a Code Compliance Hearing for the purpose of showing cause why this structure(s) and/or condition(s) should not be deemed slum or blight. You must request a hearing not later than (_____/thirty (30) days) from the date of this notice. If you do not request a hearing within such time, do not attend such hearing or if you do not show good cause, the county shall demolish the structure(s) and/or clear the condition(s). You as owner or the person responsible will be liable for the cost thereof.

Dated this _____ day of _____, 20_____. Signed (set forth name, title, address and telephone number of the Code Compliance Officer.

(b) *Notice to interested parties.* In addition to the posting of notice as herein set forth, a notice of violation providing substantially the same information shall also be provided by certified mail, return receipt requested, and first class mail to the owner of the property and all interested parties upon which such structure(s) and/or condition(s) exists. For the purpose of this article, an interested party shall be defined to include those parties whose interest in the property is recorded in the Official Records of Citrus County, Florida. A notice of the Certified Building Official's order shall also be published in a newspaper of general circulation.

The publication shall state the violation of Code, the parcel identification number, the legal description, the address of the site and the requirement for persons having a legal interest to contact the Certified Building Official or his/her designee within 30 days of the date of publication.

(c) Upon timely request for hearing of any person or entity claiming an interest in the structure(s) and/or site, such violation shall be set on the immediately following Code Compliance agenda. No action shall be taken until such hearing has been held. The purpose of such hearing is to provide an opportunity for the owner, or person or entity responsible, to demonstrate that the structure(s) and/or condition(s) do not meet the criteria for slum and blight and/or do not constitute a threat to the health or safety of the general public.

(d) Failure to remedy the violation, request a hearing or failure to attend a scheduled hearing shall constitute a waiver of the right to a hearing and consent to the demolition and/or clearing of the structure(s) and/or condition(s) as a public nuisance. If a hearing is waived or if it is determined pursuant to hearing that the structure(s) and/or condition(s) constitute slum and blight, such shall be ordered demolished, cleared, repaired, secured, vacated and/or unfit for human habitation, and shall be remedied as soon thereafter as practicable.

(e) Any salvage value received by the county pursuant to the demolition and/or clearing shall be retained by the county to be applied against the cost of removal and destruction thereof.

(Ord. No. 2005-04, § VI, 4-12-05; Ord. No. 2008-A23, § 1, 9-9-08)

ARTICLE VI. EXCESSIVE GROWTH AND ACCUMULATION OF VEGETATION

Sec. 20-60. Findings:

The Board of County Commissioners hereby finds that excessive growth or accumulation of vegetation increases the conditions leading to a haven or breeding place for snakes, rats, rodents or other vermin of like or similar character, may create a breeding place for mosquitoes, create a fire hazard to adjacent properties or adversely affect or impair the economic welfare of neighboring properties or may create a hazard at road intersections or rights-of-way within the county. Such conditions shall be deemed a public nuisance and are prohibited within the unincorporated areas of the county.

Sec. 20-61. Prohibition:

It shall be unlawful for any person owning, leasing, occupying or having control of any property subject to the provisions of this section to permit or maintain grass, weeds, brush and undergrowth in excess of 18 inches in height, or an accumulation of vegetative matter.

Sec. 20-62. Affected properties:

(a) The following properties are subject to the provisions of this article:

(1) Lands zoned residential within recorded and unrecorded subdivisions, as defined in the county's land development code;

(2) Lots within public/semi-public, professional service/office, commercial, industrial, and recreational zoning districts;

(3) Agricultural and rural residential lots of one acre or less; or

(4) Any other tract or parcel not zoned agricultural, to the extent the excessive growth lies within 100 feet of any improved property.

(b) The height provisions of this section shall not apply to parcels with natural vegetation, which shall be defined as any parcel of land considered naturally vegetated if the parcel has not been cleared or mowed subsequent to April 12, 2005.

(Ord. No. 2005-04, § V, 4-12-05)

Sec. 20-63. Notice; hearing

(a) Whenever a Code Compliance Officer shall ascertain that a violation of this section exists, the officer shall provide notice to the owner of the property that the property must be brought into compliance with the requirements of this section within 30 days from the date of the notice. If the violation continues beyond the 30 day limit specified above, the Code Compliance Officer shall notify the clerical staff of the Code Compliance Special Master and request a hearing. The clerical staff shall then schedule a hearing and send out written notice of the violation and the date of the hearing to the property owner via certified mail or hand delivery. At the option of the Code Compliance Special Master, notice may be additionally served by publication or posting as provided in F.S. § 162.12.

Secs. 20-64 - 20-99. Reserved.

SECTION 2. SEVERABILITY

If any article, section, paragraph, clause, provision or provisions of this ordinance shall be adjudged invalid, such adjudication shall apply only to the article, section, paragraph, clause, provision or provisions so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 3. INCLUSION INTO THE CODE OF ORDINANCES

It is the intent of the Board of county commissioners that the provisions of this ordinance shall become and be made part of the Citrus County Code of Ordinances and that the sections of this ordinance may be renumbered or relettered.

SECTION 4. MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective _____, 2009.

DONE AND ADOPTED in regular session this 17 day of November, 2009.

ATTEST:

for Theresa Stealy, sc
BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

BY: Gary Bartell
Gary Bartell, Chairman

APPROVED AS TO FORM FOR THE
RELIANCE OF CITRUS COUNTY ONLY:

[Signature]
COUNTY ATTORNEY

