

1 ALACHUA COUNTY
2 BOARD OF COUNTY COMMISSIONERS
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4
5 **ORDINANCE 19-**
6 **(Alachua County Code Amendments)**
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8
9 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA
10 COUNTY, FLORIDA, AMENDING THE ALACHUA COUNTY CODE OF ORDINANCES
11 AMENDING CHAPTER 74, NUISANCES ARTICLE I – III; REPEALING CHAPTER 74,
12 ARTICLE IV, LOT CLEARING AND REPLACING WITH ARTICLE IV PUBLIC
13 NUISANCE; AND AMENDING ARTICLE V HAZARDOUS LANDS/DANGEROUS
14 STRUCTURES; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR
15 MODIFICATION AT PUBLIC HEARING; PROVIDING FOR SEVERABILITY;
16 PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE
17

18 **WHEREAS**, the Alachua County Board of County Commissioners has broad authority to
19 enact ordinances and prescribe penalties for violations of those ordinances; and

20 **WHEREAS**, pursuant to its police powers, the Alachua County Board of
21 County Commissioners has the authority to adopt and enforce code enforcement and nuisance
22 abatement regulations; and

23 **WHEREAS**, the County adopted its initial Nuisance Ordinance on May 25, 1993, with
24 updates in 2018 ; and

25 **WHEREAS**, the County now desires to make amendments to the Alachua County Code
26 to create a Nuisance Abatement Ordinance ; and

27 **WHEREAS**, the Board of County Commissioners has determined that the Alachua County
28 Code amendments that are the subject of this ordinance are consistent Florida Statutes; and,

29 **WHEREAS**, a duly noticed public hearing was conducted on such proposed amendments
30 on November 12, 2019, by the Board of County Commissioners, with the hearing being held after
31 5:00 o'clock p.m.;

1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA
2 COUNTY, FLORIDA:

3 Section 1. Legislative Findings of Fact. The Board of County Commissioners of Alachua
4 County, Florida, finds and declares that all the statements set forth in the preamble of this ordinance
5 are true and correct.

6 Section 2. Alachua County Code. The Alachua County Code is hereby amended as shown
7 in Exhibit A and attached hereto, including the repeal of Chapter 74, Article IV, Lot Clearing, and
8 the adoption of Chapter 74, Article IV, Public Nuisance, in its place.

9 Section 3. Modification. It is the intent of the Board of County Commissioners that the
10 provisions of this ordinance may be modified as a result of considerations that may arise during
11 public hearings. Such modifications shall be incorporated into the final version of the ordinance
12 adopted by the Board and filed by the Clerk to the Board.

13 Section 4. Repealing Clause. All ordinances or parts of ordinances in conflict herewith
14 are, to the extent of the conflict, hereby repealed.

15 Section 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of
16 County Commissioners of Alachua County, Florida, and it is hereby provided that, at such time as
17 the amendments are codified, the provisions of this ordinance shall become and be made part of
18 the Code of Ordinances of Alachua County, Florida; that the sections of this ordinance may be
19 renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed
20 to "section," "article," or other appropriate designation. The correction of typographical errors that
21 do not affect the intent of the ordinance may be authorized by the County Manager or designee,
22 without public hearing, by filing a corrected or re-codified copy of the same with the Clerk of the
23 Circuit Court.

1 Section 6. Ordinance to be Liberally Construed. This ordinance shall be liberally
2 construed in order to effectively carry out the purposes hereof which are deemed not to adversely
3 affect public health, safety, or welfare.

4 Section 7. Severability. If any section, phrase, sentence or portion of this ordinance is for
5 any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion
6 shall be deemed a separate, distinct and independent provision, and such holding shall not affect
7 the validity of the remaining portions thereof.

8 Section 8. Effective Date. A certified copy of this ordinance shall be filed with the
9 Department of State by the Clerk of the Board of County Commissioners within ten days after
10 enactment by the Board of County Commissioners, and shall take effect upon filing with the
11 Department of State.

1 DULY ADOPTED in regular session, this 12th day of November, A.D., 2019.

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5 BOARD OF COUNTY COMMISSIONERS OF
6 ALACHUA COUNTY, FLORIDA
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8 By:_____

9 Chair

10 ATTEST:

11 _____ APPROVED AS TO FORM

12 J. K. 'Jess' Irby, Esq.
13

14 _____

15 (SEAL)

Alachua County Attorney

16
17 DEPARTMENT APPROVAL

18 AS TO CORRECTNESS
19

20 _____
21 Department of Growth Management

22 Authorized Designee
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Exhibit A

CHAPTER 74. - NUISANCES

ARTICLE I. - GENERALLY

Sec. 74.13. - Territorial jurisdiction.

Unless otherwise provided herein, the terms and provisions of this Chapter shall apply within the unincorporated areas of Alachua County and the incorporated areas of the Town of LaCrosse.

Sec. 74.14. - Personal liability of enforcement officers.

No codes enforcement officer, law enforcement officer, agent or employee of Alachua County shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties under this Chapter. Any suit brought against any officer, agent, or employee of the county as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the county attorney until the final determination of the proceedings therein. Authorized personnel of Alachua County designated to enforce the provisions of Article IV, Public Nuisance~~Lot~~ Clearing, and Article V, Hazardous Lands/Dangerous Structures, shall be immune from prosecution, civil or criminal, for reasonable good-faith trespass upon real property while in the discharge of duties of this Chapter.

Sec. 74.15. - 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 motor vehicles, trailers, boats, machinery, plumbing fixtures, furniture, and 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.

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 roofing material, or lumber from a construction or demolition 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.

Dangerous structure shall mean any dwelling or dwelling unit which has any of the following defects:

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

3 (2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect
4 the health or safety of the occupants or the public.

5 (3) All buildings or structures which have any or all of the following defects shall also
6 be considered dangerous structures:

7 a. Those whose interior walls or other structural members list, lean, or buckle, or
8 the support for which has become damaged or deteriorated, to such an extent that
9 there is a reasonable likelihood that such walls or other structural members may fall
10 or give way;

11 b. Those which have improperly distributed loads upon the floors or roofs or in
12 which the same are overloaded or which have insufficient strength to be reasonably
13 safe for the purpose used;

14 c. Those which have been damaged by fire, wind or other causes so as to have
15 become dangerous to life, safety, or the general health and welfare of the occupants
16 or the people of Alachua County;

17 d. Those which have become or are so dilapidated, decayed, unsafe, unsanitary,
18 or which so utterly fail to provide the amenities essential to decent living that they
19 are unfit for human habitation, or are likely to cause sickness or disease, so as to
20 work injury to the health, safety, or general welfare of those living therein;

21 e. Those having light, air and sanitation facilities which are inadequate to protect
22 the health, safety, or general welfare of human beings who live or may work
23 therein;

24 f. Those having inadequate facilities for egress in case of fire or panic, or those
25 having insufficient stairways, elevators, fire escapes, or other means of egress,
26 according to the standards in effect when the building was constructed;

27 g. Those which have parts thereof which are so attached that there is a reasonable
28 likelihood they may fall and injure members of the public or property in general;

29 h. Those which, because of their condition, are unsafe and are unsanitary or
30 dangerous to a degree that constitutes a hazard to the health, safety, or general
31 welfare of the people in Alachua County;

1 i. Those which are vacant and not sufficiently secured to prevent easy access to
2 trespassers, loiterers and vagrants;

3 j. Those which are untended or unkept to the extent that they pose a health or
4 safety hazard.

5 Emergency public nuisance shall mean any property that creates or contains an emergency threat
6 to life, safety, and welfare of the general public or neighboring properties, (as determined by the
7 County Manager) even if the property has not been found in violation of the County Code by the
8 Codes Enforcement Board, Special Magistrate, or other court of competent jurisdiction.

9 Enforcing official or codes enforcement officer shall mean any authorized personnel of the Alachua
10 County Office of Codes Enforcement agent or employee of the county whose duty it is to assure
11 code compliance.

12 Hazardous lands shall mean lands unoccupied as well as occupied upon which there exists a
13 condition or conditions which are dangerous to the health, welfare, or safety of the public
14 generally, or of the occupants of surrounding properties, or of the occupants of such lands,
15 including, but not limited to, lands upon which there exists a fire hazard, unsanitary conditions, or
16 a dangerous nuisance attractive to children; lands upon which there exist or are maintained
17 dangerous chemicals, explosives, or other hazardous substances without sufficient protection or
18 control of same; lands from which there emanate noxious odors or harmful fumes or particulates;
19 lands upon which there exist trash, junk, and debris of such nature and quantity as to pose a danger
20 to the health or safety of persons upon such lands, and lands which serve as breeding or nesting
21 place for mosquitos, rats, mice, poisonous snakes, dangerous wild animals, or insect vermin in
22 such manner and to such extent as to pose an immediate danger to the public health and safety.

23 Junk shall mean any litter, debris, waste materials of any kind, dead or decaying vegetation or
24 vegetative refuse, dead animals, used or unserviceable automobile and machinery parts, used and
25 nonfunctional furniture and appliances, and used and nonfunctional tools, equipment, and
26 implements, but shall not include compost piles for normal, personal noncommercial use.

27 Law enforcement officer shall mean any officer of the Florida Highway Patrol, county sheriff's
28 office, municipal law enforcement departments, or the Florida Game and Fresh Water Fish
29 Commission.

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

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

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

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

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

11 *Rubbish* shall mean waste material other than garbage, which material is usually attendant to
12 domestic households or housekeeping, and the premises upon which such household is located,
13 and shall include, but not be limited to, paper, sweepings, rags, bottles, cans, or other similar waste
14 material of any kind.

15 *Trash* shall mean debris such as paper, cardboard, cloth, glass, vehicle tires, and other similar
16 matter.

17 *Unserviceable vehicle* shall mean any vehicle required to be licensed by the state if used on public
18 streets which remains for a period of 30 calendar days in such condition that it cannot be started
19 or moved under its own power, or in its normal and usual manner, without repair or the addition
20 of parts, and/or which is unlicensed for a period of 30 calendar days, or does not have a valid tag
21 displayed in plain view, but does not include any licensed automobile which is more than 20 years
22 old which is undergoing active repair or restoration for display, use, or sale as an antique.

23 *Vehicle* shall mean every device capable of being moved upon a public highway or public
24 waterway and in, upon, or by which any person or property may be transported or drawn upon a
25 public highway or public waterway, including any watercraft, boat, ship, vessel, barge, or other
26 floating craft, or which is used exclusively upon stationary rails or tracks, or which is used
27 exclusively for agricultural purposes and not licensed pursuant to state law and is not operated on
28 any public highway for purposes other than crossing such public highway or along such highway
29 between two tracts.

30 *White goods* shall mean inoperative or discarded refrigerators, ranges, washers, water heaters, and
31 other similar domestic and commercial appliances.

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1 **ARTICLE II. – LITTERING**

2 **Sec. 74.16. - Violations.**

3 (a) It is unlawful for any person to drop, deposit, discard, or otherwise dispose of litter in or
4 upon any public or private property including, but not restricted to, any street, sidewalk, park, body
5 of water, vacant parcel, or occupied lot, except in public litter receptacles or in authorized private
6 litter receptacles provided for public use, or in an area lawfully established and maintained as a
7 garbage or waste disposal site, sanitary landfill or permitted junkyard.

8 (b) It shall be unlawful to drive or move any vehicle on any street or highway unless such vehicle
9 is constructed or loaded to prevent any of its load from dropping, sifting, leaking, or otherwise
10 escaping therefrom; provided, however, that sand or any substance to increase traction, or water,
11 or other substance, may be applied on a roadway by the state or local government agency having
12 such responsibilities.

13 (c) It shall be unlawful to drive, move, stop, or park on any street or highway any vehicle being
14 used to transport litter or other items likely to fall or be blown from such vehicle, unless such
15 vehicle is covered to prevent its contents from blowing, dropping, or falling from such vehicle.

16 **Sec. 74.16.5. - Signs on county property.**

17 Unauthorized or unpermitted signs located on property owned by Alachua County, including
18 county owned rights-of-way, are hereby declared to be litter and may be removed and disposed of
19 as such. This section is applicable countywide, including within those municipalities that do not
20 opt-out of this section.

21 **Sec. 74.17. - Enforcement.**

22 It shall be the duty of all codes enforcement officers and law enforcement officers as defined in
23 section 74.15 to enforce the provisions of this ~~a~~Article. Violations of this ~~a~~Article may be ~~referred~~
24 ~~to the Alachua County Codes Enforcement Board~~ enforced pursuant to chapter 24 section 10.08
25 of the Alachua County Code of Ordinances.

26 **Sec. 74.18. - Penalty.**

27 Persons cited for violations of this ~~a~~Article shall, upon adjudication of guilt~~conviction~~, be punished
28 as provided in section 10.08 of the Alachua County Code of Ordinances. ~~The court shall impose~~
29 ~~an additional penalty of picking up litter or performing other community service work.~~

1 **ARTICLE III. - ACCUMULATION OF JUNK; UNSERVICEABLE VEHICLES**

2 **Sec. 74.19. - Findings.**

3 The Board of County Commissioners of Alachua County, Florida, hereby finds that the
4 accumulation of junk and/or the storage of unserviceable vehicles on privately owned lands, except
5 in lawfully established and maintained junkyards, garbage or waste disposal sites, or sanitary
6 landfills, creates health hazards and attractive nuisances and impairs the economic welfare of
7 adjoining properties. Such accumulation of junk and/or storage of unserviceable vehicles in
8 violation of this ~~a~~Article is hereby prohibited and declared to be a public nuisance.

9 **Sec. 74.20. - Violations.**

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

17 (b) It shall be unlawful for any person, including the owner of any land, to cause, permit or have
18 stored thereon any unserviceable vehicle, except for unserviceable vehicles stored on the premises
19 of a lawfully established and maintained junkyard, vehicle repair business, garbage or waste
20 disposal site, or sanitary landfill; and except for vehicles stored within a completely enclosed
21 building.

22 (c) It shall be unlawful for any owner, agent, contractor, or other person in charge of a
23 construction, demolition, or development site to cause or permit the accumulation of junk or litter
24 thereon, except in enclosed litter receptacles; to fail to furnish on-site litter receptacles; or to leave
25 unused construction materials on the site for more than seven calendar days after the completion
26 of the development, demolition, or construction, or the expiration of the permit therefor. Open
27 burning of litter on construction sites shall be prohibited, except for the burning of vegetative
28 debris as approved and permitted by the Florida Division of Forestry.

29 **Sec. 74.21. - Enforcement.**

30 ~~It shall be the duty of the Alachua County Office of Codes Enforcement to enforce the provisions~~
31 ~~of this article. Violations of this article may be referred to the Alachua County Codes Enforcement~~
32 ~~Board for enforcement pursuant to chapter 24 of the Alachua Code of Ordinances. In addition, the~~
33 ~~office of codes enforcement may enforce this article through the use of citation powers in~~

1 ~~accordance with Ordinance No. 93-14 (chapter 24, article II of this Code), as amended, and as~~
2 ~~provided for in F.S. ch. 162, pt. II (F.S. § 162.21 et seq.).~~

3 It shall be the duty of all codes enforcement officers and law enforcement officers, as defined in
4 section 74.15, to enforce the provisions of this Article. Violations of this Article may be enforced
5 pursuant to section 10.08 of the Alachua County Code of Ordinances.

6 **Sec. 74.22. - Penalty.**

7 ~~Persons cited for violations of this aArticle shall, upon conviction, be subject to the corrective~~
8 ~~action required by the Alachua County Codes Enforcement Board, or shall be subject to fines as~~
9 ~~provided for in cChapter 24 of the Alachua County Code. In addition, persons issued citations for~~
10 ~~violations are subject to fines as provided for in Ordinance No. 93-14 (cChapter 24, aArticle II of~~
11 ~~this Code), as amended by the board of county commissioners.~~

12 Persons cited for violations of this Article shall, upon adjudication of guilt, be punished as provided
13 in section 10.08 of the Alachua County Code of Ordinances.

14 **ARTICLE IV – PUBLIC NUISANCE**

15 **Section 74.23 – Public Nuisance Abatement Criteria**

16 This Article applies within the unincorporated area of Alachua County. Any property within
17 unincorporated Alachua County that creates or contains an emergency threat to life, safety, and
18 welfare of the general public or neighboring properties is hereby declared a public nuisance, even
19 if the property has not been found in violation of the County Code by the Codes Enforcement
20 Board, Special Magistrate, or other court of competent jurisdiction. Additionally, any property
21 within unincorporated Alachua County that has an ongoing code violation of any section of the
22 Alachua County Code and poses a risk to the health, safety, and welfare of the general public or
23 neighboring properties, including the economic welfare of adjacent properties, is hereby declared
24 a public nuisance. The County may utilize this Article to correct the violations on a property
25 constituting a public nuisance and levy a non-ad valorem special assessment to recover the costs,
26 as provided herein.

27 **Section 74.24 – Duty of the Property Owners of Nuisance Property**

28 It shall be the duty of every owner of any lot, tract, or parcel of land subject to this Article to
29 reasonably avoid violations and mitigate existing violations described in section 74.23 of the
30 Alachua County Code.

1 **Section 74.25 – Public Nuisance Constituting an Emergency Threat**

2 For all public nuisances that pose an imminent threat to life, safety, or welfare, the County, its
3 authorized representatives, and its contractors may enter onto the nuisance property to remedy the
4 nuisance in a manner sufficient to address the emergency threat to life, safety, or welfare posed by
5 the nuisance property. When considering whether there is an imminent threat, the County should
6 consider whether the condition creates an attractive nuisance, whether there is a potential for the
7 spread of disease, whether there is structural instability that threatens the safety of occupants or
8 neighbors, and other relevant factors. Under this section, the County, its authorized representatives,
9 and its contractors may only enter the property with prior authorization of the County Manager
10 and may remedy the condition of the property posing the emergency threat to the minimum extent
11 necessary to abate the immediate threat to life, safety, or welfare. If unable to notify the property
12 owner, or responsible person, prior to abating the nuisance posing a threat, the County should
13 notice the record property owner in accordance with section 74.27 of this Article as soon thereafter
14 as practicable and may recover the full cost of the abatement from the owner or responsible party
15 by sending an invoice to the property owner, responsible person(s), or both, if applicable. If the
16 invoice remains unpaid 90 calendar days after receipt, the County may proceed with the process
17 for levying a non-ad valorem special assessment on the property in accordance with this Article to
18 recover the full costs already incurred by the County. After abating the emergency threat posed by
19 the nuisance property, the County may follow the process for non-emergency public nuisance
20 properties in section 74.26 of this Article. The total costs incurred by the County in abating the
21 public nuisance constituting an emergency threat to life, safety, or welfare may be recovered by
22 the County after the emergency threat is abated. The County may take any action available at law
23 or equity to collect the costs incurred under this Article, including the imposition and collection of
24 non-ad valorem assessments levied pursuant to this Chapter and Chapter 197, Florida Statutes.

25 **Section 74.26 – Public Nuisances Not Constituting an Emergency Threat**

26 For all public nuisances that do not pose an imminent threat to life, safety, or welfare, the County,
27 its authorized representatives, and its contractors may enter onto the nuisance property to remedy
28 the nuisance in a manner sufficient to address the threat to life, safety, or welfare posed by the
29 condition of the subject property. Under this section, the County, its authorized representatives,
30 and its contractors may only enter the property with prior authorization of the Alachua County
31 Board of County Commissioners and may remedy the condition of the property creating the
32 nuisance to the extent necessary to completely abate the nuisance. Prior to abating the public
33 nuisance on the property under this section, the County must notice the record property owner in
34 accordance with section 74.27 of this Article.

1 **Section 74.27 – Notice of Public Nuisance Prohibited Conditions**

2 (a) If the County finds and determines at any time that a public nuisance, as described in
3 section 74.23 of this Article, exists it shall notify the record owner of the property in writing
4 and demand that the owner remedy the condition in accordance with the provisions of this
5 Article. This notice should provide that if the property owner does not remedy the noticed
6 conditions within 30 calendar days from the date thereof, County staff may request
7 authorization from the Board of County Commissioners to enter onto the public nuisance
8 property and completely abate the nuisance to address the threat to life, safety, and welfare
9 posed by the property. The notice should also inform the record property owner that if the
10 Board of County Commissioners authorizes County staff and contractors to abate the
11 nuisance, the County may recover the cost thereof, including through a non-ad valorem
12 special assessment on the property. This notice is not required prior to abatement of a public
13 nuisance constituting an emergency threat pursuant to section 74.25 of this Article.

14 (b) The County shall mail the notice certified mail return receipt requested to the address listed
15 in the tax collector's office for tax notices or to the address listed in the county property
16 appraiser's database. The County may also provide an additional notice to any other
17 address it may find for the property owner. For property owned by a corporation, notices
18 may be provided by certified mail to the registered agent of the corporation. If any notice
19 sent by certified mail is not signed as received within 7 calendar days after the postmarked
20 date of mailing, or if such notice is returned as undeliverable, notice may be provided by
21 any of the following:

22 (1) Hand delivery to the occupant of the property or upon any agent of the owner thereof,
23 by the sheriff or other law enforcement officer, codes enforcement officer, or other
24 person designated by the County;

25 (2) Leaving the notice at the owner's usual place of residence with any person residing
26 therein who is above 15 years of age and informing such person of the contents of the
27 notice;

28 (3) In the case of commercial premises, leaving the notice with the manager or other person
29 in charge.

30 (4) Posting. Notice may be accomplished by physically posting the notice upon such
31 property and the Civil Courthouse. The notice, when posted on the property, may not
32 be less than eight inches by ten inches and must be sufficiently weatherproofed to
33 withstand normal exposure to the elements. Proof of posting the property and the
34 Courthouse shall be by affidavit of the person posting the notice, which affidavit shall
35 include a copy of the notice posted and the date and places of its posting.

1 (5) Notice by publication or posting may run concurrently with, or may follow, an attempt
2 or attempts to provide notice by hand delivery or by mail.

3 Evidence that an attempt has been made to hand deliver or mail notice, together with proof
4 of publication or posting, shall be sufficient to show that the notice requirements of this
5 part have been met, without regard to whether or not the alleged violator actually received
6 such notice.

7 (c) If the property owner fails to abate the nuisance by addressing the conditions described in
8 the notice within the 30 calendar days provided, County staff shall send a separate notice
9 to the property owners with the date and time at which the Board of County Commissioners
10 will consider whether to authorize the County to abate the public nuisance. The process for
11 notice of the Board of County Commissioner's meeting must be provided in accordance
12 with the process for notice provided in this section.

13 **Section 74.28 – Nuisance Abatement on Property by County – Authorized; Assessment of**
14 **Costs; Notice of non-ad valorem Special Assessment**

15 (a) For all non-emergency public nuisances, if the nuisance condition has not been remedied
16 within 30 calendar days of mailing, serving, or posting the notice required under this
17 Article, whichever occurs last, the Board of County Commissioners, at a public meeting
18 may authorize County staff, authorized representatives, and contractors to enter the
19 property and cause the condition to be remedied at the expense of the property owner. At
20 the public meeting, the Board should consider whether there is an ongoing code violation
21 of any section of the Alachua County Code on the property and whether the condition of
22 the property poses a risk to the health, safety, and welfare of the general public or
23 neighboring properties, including the economic welfare of adjacent properties. At the
24 County's option, nuisance abatement may be performed either by the County or by service
25 contract for the County. Any articles of property removed by the County during the process
26 of nuisance abatement may be destroyed or sold for salvage and the County may retain the
27 salvage value, if any, of such article or articles, to be applied against the cost of removal
28 and destruction thereof.

29 (b) After causing a nuisance to be abated, the County shall certify to the director of Finance
30 and Accounting the expense incurred in remedying the condition, which should include
31 any incidental expenses. Once certified, the County will provide an invoice to the property
32 owner and any additional responsible person. The property owner and additional
33 responsible person(s) will be permitted 90 calendar days to remit payment for the invoice
34 to the County, after which the Board of County Commissioners, at a public meeting, may
35 authorize the levying of a non-ad valorem special assessment on the property for the unpaid
36 costs incurred by the County in abating the nuisance. Any non-ad valorem special

1 assessment levied pursuant to this Article is equal in dignity with a lien for ad valorem
2 taxes, provided, however, that no such non-ad valorem assessment may become effective
3 until the procedure for levying non-ad valorem assessments, as provided in Chapter 197,
4 Florida Statutes, is satisfied. If publication is necessary for individual properties, the cost
5 of such publication may be added to the amount of such assessment.

6 (c) The County must comply with the requirements of Chapter 197, Florida Statutes, and, as
7 applicable, Chapter 37 of the Alachua County Code, to levy and collect a non- ad valorem
8 assessment on the property, imposed under this Article.

9 **Section 74.28.1 - Collection**

10 The County may take any action available at law or equity to recover the total costs incurred to
11 abate the nuisance, including actions necessary to collect any non-ad valorem assessment levied
12 pursuant to this Article.

13 **ARTICLE V. - HAZARDOUS LANDS/DANGEROUS STRUCTURES**

14 **Sec. 74.29. - Prohibited.**

15 It shall be unlawful for any person, including any owner of real property subject to this eChapter,
16 to create, keep, maintain, or allow the existence of any hazardous land or dangerous structure, as
17 defined in section 74.15, in or on such real property.

18 **Sec. 74.30. - Standards for repair, vacation, demolition, boarding and sealing, or abatement.**

19 The following minimum standards shall be followed by the enforcing official in ordering repair,
20 vacation, demolition, board and seal, and abatement:

21 (1) The owner of a dangerous structure shall be given the option, wherever possible, of
22 either demolishing the building or repairing it so that it will no longer exist in violation of
23 the terms of this aArticle.

24 (2) If a dangerous structure is in such condition as to make it dangerous to the health,
25 safety, or general welfare of its occupants, it shall be condemned as unfit for human
26 habitation and declared to be a nuisance and shall be so designated and placarded by the
27 enforcing official. The structure shall be ordered to be vacated and may be boarded and
28 sealed until such time as the dangerous structure is repaired so that it is no longer in
29 violation of the terms of this aArticle. The following minimum vacant property standards
30 shall be adhered to when board and seal is ordered:

1 a. Exterior grade sheathing plywood of three-eighths of an inch thickness or
2 greater shall be used to fully cover all windows, doors and other openings which
3 may allow access to the interior of the building.

4 b. Plywood covers shall be nailed, screwed or bolted firmly over each opening.
5 No splices or joints of any kind shall occur over openings. Plywood shall not project
6 beyond the outside edges of casings around openings, or, in the absence of casing,
7 shall project no further than six inches beyond the openings.

8 c. Nails shall be a minimum of 8D common hot dip galvanized nails. Screws
9 shall be a minimum of no. 10 wood screws. Bolts shall be approved by the enforcing
10 official prior to use.

11 d. Nails or screws shall not be spaced more than 12 inches on center along edges
12 nor more than one inch from each corner.

13 e. The exterior surfaces of all structures shall be protected against the elements
14 and loss of aesthetic value by the application of paint or other approved protective
15 materials applied in accordance with the manufacturer's specifications.

16 (3) In any case where hazardous lands exist, the hazardous conditions existing upon the lands
17 shall be declared a nuisance and shall be ordered to be abated by the means least expensive
18 and least detrimental to the owner's property and to the public environment.

19 (4) Whenever the certified building official determines that a structure is damaged,
20 deteriorated or defective to such an extent that the cost of restoration or repair thereof
21 will exceed 50 percent of the assessed value thereof, the certified building official may
22 order the demolition or removal of the structure. If the owner does not demolish or
23 remove the structure within 30 calendar days, and no appeal has been requested, the
24 certified building official may cause the demolition or removal of the structure.

25 (5) Emergency order. When public safety requires immediate action, the certified building
26 official may cause the structure to be secured or taken down without delay, at the expense
27 of the owner, occupant, operator or other interested party. The County may then recover
28 the costs in accordance with Article IV of this Chapter.

29 **Sec. 74.31. - Right of entry of enforcing officials.**

30 The enforcing official or ~~designated his/her~~ agent is authorized and directed to lawfully enter and
31 inspect all structures and to lawfully go upon and inspect all lands subject to this Chapter at
32 reasonable times to determine their condition in order to safeguard the health, safety and welfare
33 of the public, or upon receipt of complaints or when there is reasonable cause to believe a
34 violation of this Article exists.

1 **Sec. 74.32. - Enforcement procedures.**

2 (a) Designation of unfit dwellings as dangerous structures and legal procedure for the
3 condemnation of such structures shall be in accordance with the Standard Housing Code,
4 1991 edition, as adopted by Ordinance No. 92-13. The Standard Housing Code, 1991
5 edition, provides for form of notice, service of notice, time requirements for vacation of a
6 condemned building, prohibition of occupancy of a condemned and placarded building,
7 and prohibition of removal of placards from condemned buildings.

8 (b) If the office of codes enforcement determines the existence of hazardous lands, it shall so
9 notify the record owner of the property in writing and demand that the owner cause the
10 condition to be remedied or abated in accordance with the provisions of this ~~a~~Article, unless
11 the condition is a public nuisance that poses an imminent threat to health, safety, or welfare
12 and the County Manager authorizes the abatement of the nuisance in accordance with this
13 Chapter.

14 **Section 74.33 – Appeals Collection**

15 ~~Appeals for this article shall be made before the housing board of adjustments and appeals as~~
16 ~~provided for in the Standard Housing Code, 1991 edition, as adopted by Ordinance No. 92-13.~~

17 The County may take any action available at law or equity to collect the costs incurred under this
18 Article, including the imposition and collection of non-ad valorem assessments levied pursuant to
19 this Chapter and Chapter 197, Florida Statutes.

20 **Sec. 74.34. - Penalty.**

21 ~~Persons cited for violations of this article shall, upon conviction, be subject to the corrective action~~
22 ~~required by the Alachua County Codes Enforcement Board, or shall be subject to fines as provided~~
23 ~~for in chapter 24 of the Alachua County Code.~~ Article may be subject to the penalties as provided
24 in section 10.08 of the Alachua County Code, or any other remedy available at law or equity.