

1 ALACHUA COUNTY  
2 BOARD OF COUNTY COMMISSIONERS  
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4  
5 **ORDINANCE 19-**  
6 **(Alachua County Code Amendments)**  
7

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 12<sup>th</sup> 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  
23  
24  
25  
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27  
28

1 **Exhibit A**

3 **CHAPTER 74. - NUISANCES**

4 **ARTICLE I. - GENERALLY**

5 **Sec. 74.13. - Territorial jurisdiction.**

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

8 **Sec. 74.14. - Personal liability of enforcement officers.**

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

19 **Sec. 74.15. - Definitions.**

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

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

27 *Construction and demolition debris* shall mean nonhazardous material generally considered not to  
28 be water soluble, including, but not limited to, steel, concrete, glass, brick, asphalt roofing material,  
29 or lumber from a construction or demolition project. Contamination of construction and demolition  
30 debris with any amount of other types of solid waste will cause it to be classified as other than  
31 construction and demolition debris.

32 *Dangerous structure* shall mean any dwelling or dwelling unit which has any of the following  
33 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;

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

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

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

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

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

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

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

*Litter* shall mean any garbage, rubbish, trash, refuse, can, bottle, 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.

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 ~~e~~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~~he has~~ cause to believe a  
34 violation of this ~~a~~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.