

ORDINANCE NO. 23

AN ORDINANCE OF THE TOWN OF GREENWOOD, FLORIDA TO MAKE PROVISIONS FOR THE REGULATION OF NUISANCES ON PRIVATE PROPERTY; PROVIDING FOR A DEFINITION OF NUISANCE TO INCLUDE, AMONG OTHER THINGS: ACCUMULATED JUNK, TRASH, OR DEBRIS, ABANDONED OBJECTS SUCH AS MOBILE HOMES, VEHICLES, UNSANITARY MATTERS AND CONDITIONS, AND GRASS OR WEEDS OF EXCESSIVE HEIGHT; PROVIDING FOR A DUTY TO MAINTAIN PRIVATE PROPERTY FREE OF SUCH NUISANCE; PROHIBITING THE EXTERIOR STORAGE OF CERTAIN VEHICLES; PROVIDING FOR ENFORCEMENT PROVISIONS, INCLUDING NOTICE OF NON-COMPLIANCE, EFFECT OF FAILURE TO ABATE AFTER NOTICE, DUTIES OF TOWN COUNCIL AND IMPOSITION OF LIEN; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING EXCEPTIONS, SEVERABILITY AND EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENWOOD, JACKSON COUNTY, FLORIDA:

SECTION 1. DEFINITION OF "NUISANCE": For the purposes of this ordinance, the term "nuisance" is defined to mean any condition or use of premises which is detrimental to the health, welfare, and safety of any resident of the Town of Greenwood, Florida. This includes, but is not limited to, the keeping of, the depositing on, or the scattering over the premises any of the following:

- (a) Accumulated junk, trash, or debris;
- (b) Abandoned, discarded or unused objects or equipment such as mobile homes, automobiles, furniture, stoves, refrigerators, freezers, cans or containers;
- (c) Any accumulation of materials or animals which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects;
- (d) Any unsanitary matters or conditions or any deleterious or septic material unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents and animals;
- (e) Any growth of grass or weeds to a height exceeding twelve (12) inches which constitutes a menace to public health and

safety of the town and its inhabitants by concealing filthy deposits or containers that collect water in which mosquitoes breed, or produces diseases and otherwise adversely affects the health of the residents of the town or serves as a breeding place for flies, rats and other pests, or becomes a dangerous fire hazard or fosters the accumulation of trash and filth on the premises where located.

SECTION 2. DUTY OF MAINTENANCE OF PRIVATE PROPERTY: No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon.

SECTION 3. EXTERIOR STORAGE OF CERTAIN VEHICLES

PROHIBITED:

No person in charge of or in control of a premises, whether as owner, lessee, tenant, occupant or otherwise, shall allow wrecked, junked, or discarded motor vehicles to remain on such property longer than thirty (30) days; and no person shall leave any such vehicle on any property within the town for a longer time than thirty (30) days. This ordinance shall not apply with regard to any vehicle, object, or equipment in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. Nor shall this ordinance apply with regard to any vehicle, object or equipment on the premises of a business enterprise operated in a lawful manner, when the keeping or maintenance of such vehicle, object or equipment is necessary to the operation of such business enterprise; nor with regard to a vehicle, object or equipment in an appropriate storage place or depository maintained in a lawful manner by the town or any other public agency or entity.

SECTION 4. ENFORCEMENT OF ORDINANCE: Enforcement of this ordinance may be accomplished by the town in the manner as hereinafter provided, and in addition, any person who by reason of

another's violation of any provision of this ordinance, suffers special damage to himself different from that suffered by other property owners throughout the town generally, may bring an action to enjoin or otherwise abate an existing violation:

(a) NOTICE OF NON-COMPLIANCE: All persons owning, leasing, occupying or having charge of any premises within the corporate limits of the Town of Greenwood upon which a violation of any provisions of this ordinance shall have been determined to exist by the Town Council of the Town of Greenwood shall be notified in writing by the Town Clerk of such violation by registered or certified mail, return receipt requested. Such notice shall describe the premises in violation and shall also specify in as much detail as possible the violations involved as hereinabove set forth. Such person shall be given a reasonable time not to exceed fifteen (15) days from the date of the mailing of said notice in which to remove or abate the nuisance from said premises.

(b) EFFECT OF FAILURE TO ABATE AFTER NOTICE: Upon failure of any such person owning, leasing, occupying or having charge of any premises to remove or abate any nuisance found to be existing upon said premises within the time period provided in sub-section (a) above, the Mayor shall report the same in writing to the Town Council and shall appear at all hearings conducted by the Town Council to testify and present photographs showing the nuisance or nuisances involved.

(c) DUTIES OF TOWN COUNCIL: The Town Council shall upon receipt of the written report of the Mayor as provided for in sub-section (b) hereof, give written notice by certified or registered mail, return receipt requested, to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said premises as shown by the tax assessment rolls for Jackson County, Florida, to appear on the hearing date specified in the

notice to show cause why the circumstances or situation reported to be a nuisance should not be removed or abated from the premises. The Town Council shall hold a hearing and hear such evidence as the Chief of Police or the owner, occupant, mortgagee, lessee, or any other person having an interest in said premises shall offer relative to the nuisance. The Town Council shall make findings of fact from the evidence offered as to whether or not a nuisance does exist on the premises as hereinabove defined. If a nuisance is found to exist, a written order shall be issued by the Town Council allowing the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said premises to remove or abate said nuisance within a specified reasonable time which shall in no event be less than fifteen (15) days from the date of the hearing. The Town Council's order shall fairly and adequately notify the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said premises of the possible consequence of their failure to comply with said order.

(d) IMPOSITION OF LIEN: If the owner, occupant, mortgagee, or lessee fails to comply with the order of the Town Council within the time specified in the order, the Town Council may cause such nuisance to be removed or abated as the facts may warrant, and shall with the assistance of the Town Attorney, cause the reasonable costs and expenses incurred by the town for any such removal or abatement to be charged against the land on which the nuisance existed. For the costs and expenses so assessed, the town may issue lien certificates bearing interest at the rate of six per cent (6%) per annum in payment of such costs and expenses of such work, payable to the town within six (6) months from the date of issue. The lien as evidenced by the lien certificate so issued, upon nonpayment after the expiration of the said six (6) months, shall be enforceable in equity against the property

described therein and such lien may be foreclosed in a suit in equity as a mortgage and the costs and expenses of such foreclosure, including a reasonable attorney's fee, shall be an additional charge and lien against the property, and shall be collected at the same time and in the same proceeding for the collection of the amount for which the lien was originally issued.

SECTION 5. EXCEPTIONS: This Ordinance shall not apply with regard to any mobile home or vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. Nor shall this ordinance apply with regard to any vehicle, object or equipment on the premises of a business enterprise operated in a lawful manner, when the keeping or maintenance of such vehicle, object or equipment is necessary to the operation of such business enterprise; nor with regard to a vehicle, object or equipment in an appropriate storage place or depository maintained in a lawful manner by the town or any other public agency or entity.

SECTION 6. PENALTIES FOR VIOLATIONS: The owner, occupant, lessee or other persons having an interest in said premises who shall violate this article by failing to comply with any written order issued by the Town Council as hereinabove provided shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred (\$500.00) dollars or by imprisonment for a term not exceeding sixty (60) days, or by both such fine and imprisonment as provided by law.

SECTION 7. SEVERABILITY: If any section, subsection, sentence, paragraph, clause or phrase in this ordinance shall be determined to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, said determination shall not affect the remaining provisions of this ordinance.

SECTION 8. EFFECTIVE DATE: This ordinance shall take effect

upon its adoption and approval as provided by law.

PRESENTED at a regular meeting of the Town Council of the Town of Greenwood, Florida, and read in full on this 11<sup>th</sup> day of February, 1992.

PASSED by the Town Council of the Town of Greenwood, Florida, at a meeting assembled on this 10<sup>TH</sup> day of March, 1992.

TOWN OF GREENWOOD, FLORIDA

Charlie B. Runaway  
MAYOR

ATTEST: Constance Dain  
TOWN CLERK

APPROVED by me on this 10 day of March, 1992.

Charlie B. Runaway  
MAYOR

