ORDINANCE NO. 04-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 14 OF THE LEON COUNTY CODE OF LAWS BY ADDING A NEW ARTICLE III ENTITLED "LOT MOWING"; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITED CONDITIONS, INCLUDING CERTAIN EXEMPTIONS; PROVIDING FOR THE CLEARING OF WEEDS, GRASSES AND SHRUBBERY; PROVIDING FOR INSPECTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CLEARING OF LOTS AND ASSESSMENT OF COST LIENS; AMENDING CHAPTER 6 OF THE LEON COUNTY CODE OF LAWS RELATED TO CODE ENFORCEMENT; AMENDING SECTION 6-31 REGARDING THE FUNCTIONS OF THE CODE ENFORCEMENT BOARD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

SECTION I. Chapter 14 of the Code of Laws of Leon County, Florida is hereby amended by adding a new Article to be numbered III, which Article shall read as follows:

ARTICLE III. LOT MOWING.

Sec. 14-40. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning.

Abate or abatement means the cessation or removal of a nuisance.

Agent means any person with valid oral or written authority to represent an owner of real property and to act on behalf of the owner, which may be evidenced by a notarized document signed by the owner.

Building means any structure having a roof supported by columns or walls.

Dilapidation means the substantial deterioration of a building or parts thereof, such that it is no longer adequate for the purpose for which it was originally intended, or has significant structural deficiencies.

Dwelling means any building, structure, trailer, mobile home, or rooming house which is wholly or partially used or intended to be used, in whole or in part, for living or sleeping by human occupants.

Garbage means:

(1) Any animal or vegetable waste materials resulting from the storage, handling, preparation, cooking, and serving of food;

(2) Market wastes;

(3) Trimmings and other discarded matter from meat or produce;

(4) Containers and packaging for any of the material identified in subsections (1) through (3) of this definition.

Lot means a tract, plot, parcel, or other portion of a subdivision or any other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.

Overgrowth means any herbaceous or woody plant life, including weeds, grasses, and shrubbery not being cultivated for ornamental purposes, which vegetation is more than 18 inches tall and is located in any residentially zoned district in the County.

Owner means the record owner of, whether one or more persons or entities, of fee simple title as set out in official records of the County to any lot or parcel of real property, their successors and assigns, but excluding those holding title merely as security for the performance of an obligation.

If a lot or parcel is jointly owned by two or more persons or entities, then such joint owners shall constitute a single owner for purposes of this article.

Parcel means a unit of real property within legally established boundary lines, or a lot, or contiguous group of lots in single ownership or under single control, and considered a unit for purposes of development.

Premises means a lot, plot, parcel, or tract of land, including the buildings, structures and improvements on such premises.

Residential Zoning Districts means any area designated as (RA) Residential Acre, (RP) Residential Preservation, (R-1) Single-Family Detached Residential District, (R-2) Single-Family Detached Residential District, (R-3) Single-and Two Family Residential District, (R-4) Single-, Two-Family and Multi-Family Residential District, (R-5) Manufactured Home and Single-Family Detached District, (OR-1) Office Residential District, (OR-2) Office Residential District, (OR-3) Office Residential District.

Responsible party means the owner, agent, or other person committing, creating, owning, keeping or maintaining a nuisance condition hereunder.

Sec. 14-41. Prohibited Conditions.

The excessive accumulation of weeds, grasses, and shrubbery upon any lot, tract, or parcel of land improved and unimproved within the unincorporated areas of Leon County for residentially zoning districts (RA), (RP), (R1-through R5) and (OR-1 through 3), which exceeds 18 inches in height, to the extent that such portion of the lot, tract, or parcel of land is 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 adjacent property, is declared to be a public nuisance and is hereby prohibited.

Sec. 14-42. Clearing land of weeds, grasses and shrubbery.

For the purpose of promoting the health, safety, and welfare of the community, owners of lands, improved and unimproved, in the unincorporated area of Leon County, Florida, are required to keep said lands cleared of weeds, brush, and any noxious material of any kind which tend to be breeding places or havens for snakes and vermin of all kinds and character, or tend to be breeding places for mosquitoes, or tend to create a fire hazard and endanger the lives and property of the citizens of Leon County, or tend to create a nuisance or other unsightly or unsanitary condition.

Sec. 14-43. Inspection of Land to Determine Violation.

Upon receipt of a valid complaint, the code inspector shall inspect land within the County to determine if a violation of this article exists; however, at no time shall the code inspector enter onto any premises without permission of the property owner.

Sec. 14-44. Enforcement and Penalties.

In addition to the general penalty section of the Leon County Code of Laws, the Leon County Code Enforcement Board is authorized to enforce this ordinance. If a code inspector shall determine that excessive growth of weeds, grasses, and shrubbery of a height exceeding 18 inches exists in accordance with the standards set forth in these sections on any lot, tract, parcel, or premises within the County, the inspector shall:

(a) Cause a certified notice with return receipt to be issued to the property owner of the premises or in accordance to Florida Statute Chapter 162. The notice shall describe the nature and location of the alleged noncompliance, specify what remedial steps are necessary to bring the premises into compliance with this article within a 14 day time frame from receipt of notice.

(b) If the property owner fails to complete the recommended remedial action within the 14 day time frame allowed, the office of code enforcement may cause the condition to be remedied by the County at the expense of the property owner.

Sec. 14-45. Clearing of lots; assessment of cost liens.

If after 14 days from receipt of notice, no response has been received and the condition described in the notice has not been remedied, the office of code enforcement may cause the condition to be remedied by the County at the expense of the property owner. The property will be abated pursuant to Section 14-5 and services performed through the abatement bid procedure pursuant to Section 14-6. According to Section 14-5, if after a hearing, the Code Enforcement Board determines that the conditions which exist on the property constitutes a public nuisance, the property owner shall have a reasonable time as described by Code Enforcement Board to correct the conditions at the expense of the property owner.

Sec. 14-46. Applicability.

This ordinance shall not be construed to require mowing, clearing or other maintenance of lots, or portions of lots encumbered by a conservation easement or where mowing, clearing or other maintenance conflicts with the requirements of a special development zone or buffer zone designated under Chapter 10 of this Code.

SECTION II. Section 6-31 of Chapter 6 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 6-31. Function.

The code enforcement board shall have the purpose of conducting hearings relating to the enforcement of the following provisions as now or hereafter amended:

(1) Chapter 10, article VII, divisions 1, 2, 3, 4, 5, 6, 7, and 8;

(2) Chapter 10, article X;

(3) Chapter 10, article XII;

(4) Chapter 14, articles I, ~~and~~ II and III;

(5) Chapter 5, article II and article III;

(6) Chapter 10, article XI;

(7) Chapter 10, article XVI; and

(8) Chapter 10, article XVIII.

SECTION III. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

SECTION IV. Severability. If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION V. Effective date. This Ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on this 11th day of May, 2004.

LEON COUNTY, FLORIDA

BY:_____
Jane G. Sauls, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court
Leon County Florida

BY:_____

Approved as to Form:
Leon County Attorney's Office

BY:_____
Herbert W.A. Thiele, Esq.
County Attorney