



**BOARD OF COUNTY COMMISSIONERS**

DATE: July 27, 2004

AGENDA ITEM NO.

Consent Agenda

Regular Agenda

Public Hearing

54

**County Administrator's Signature:**

**Subject:**

Public Hearing on a Proposed Ordinance Relating to Litter and Weeds

**Department:**

Department of Environmental Management

**Staff Member Responsible:**

Will Davis, Director

**Recommended Action:**

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS ADOPT THE ATTACHED, PROPOSED ORDINANCE AFTER TAKING COMMENTS AT PUBLIC HEARING.

**Summary Explanation/Background:**

The Litter and Weeds ordinance was reviewed by the Code Enforcement Task Force and found to be generally effective. However, based upon a recommendation from the County Attorney's Office, the Code Enforcement Task Force is recommending the attached proposed revision as presented to the Board of County Commissioners on February 24, 2004. The revision moves a portion of the language currently contained within the prohibition section to a newly created intent section, thereby solving a minor enforcement glitch-type problem. As currently written, the ordinance technically requires County prosecutors to prove both that the accumulation of trash exists and that it creates one of the stated nuisance conditions. With this change, prosecutors need only prove the accumulation of trash exists.

**Fiscal Impact/Cost/Revenue Summary:**

There will be no fiscal impact to the County as a result of this ordinance's adoption.

**Exhibits/Attachments Attached:**

Proposed ordinance.

AN ORDINANCE OF THE COUNTY OF PINELLAS REVISING CHAPTER 58, ARTICLE VIII OF THE PINELLAS COUNTY CODE RELATING TO LITTER AND WEEDS; CREATING SECTION 58-300 RELATING TO INTENT; AMENDING SECTION 58-304 RELATING TO PROHIBITION AGAINST EXCESSIVE ACCUMULATION OF CERTAIN MATERIALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AMENDMENTS THAT MAY ARISE AT PUBLIC HEARING.

WHEREAS, the Board of County Commissioners felt the citizens of Pinellas County should have direct input into the regulation of their communities and therefore, appointed a task force to discuss community standards and make suggestions for changes to the code based upon current issues facing their communities; and

WHEREAS, each Commissioner appointed two individuals, residing within their district and from various backgrounds, to the task force, for a total membership of 14 citizens; and

WHEREAS, the task force met a total of eleven times over a period of seven months and discussed various code enforcement issues; and

WHEREAS, the citizen task force, by a majority vote, recommended the changes set forth in this ordinance.

NOW, THEREFORE, Be It Ordained by the Board of County Commissioners of Pinellas County, Florida:

SECTION 1: Section 58-300 of the Pinellas County Code is hereby created to read as follows:

Sec. 58-300. Intent.

It is hereby declared, due to the urban character and population density of the county, that the excessive growth or accumulation of weeds and similar plant material, or the accumulation of

debris or their noxious material upon property situate in the unincorporated area of the county is contrary to the public health, safety and welfare, in that such growth or accumulation creates a haven or breeding place for snakes, rats, rodents and other vermin of like or similar character, creates a fire hazard to adjacent properties, and creates a traffic hazard at road intersections within the county. It is therefore deemed in the best interest of the health, safety and welfare of the citizens of the county that such growth and accumulations be prohibited in accordance with this article.

SECTION 2: Section 58-304 of the Pinellas County Code is hereby amended to read as follows:

**Sec. 58-304. Prohibition against excessive accumulation of certain materials.**

No person shall dump or cause to be dumped, or place or cause to be placed, or leave or permit to accumulate any garbage, refuse, rubbish, junk, debris, or similar noxious material of any kind or cause or permit the untended growth or excessive accumulation of weeds or other plant material on any property situate in the unincorporated area of the county, whether improved or unimproved, ~~so that the same shall constitute a breeding place or haven for snakes, rats, rodents, or other vermin of similar kind or character, or mosquitoes; or constitute a fire hazard endangering the lives and property of citizens of the county; or constitute a traffic hazard by obstructing passage upon any road, or by obstructing the view of approaching traffic at any intersection of roads in the county.~~

SECTION 3: Severability

If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

#### SECTION 4: Effective Date

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners. This Ordinance shall become effective when the acknowledgment is received from the Secretary of State that the Ordinance has been duly filed.

#### SECTION 5: Inclusion Clause

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.