



**BOARD OF COUNTY COMMISSIONERS**

DATE: July 27, 2004  
AGENDA ITEM NO.

Consent Agenda

Regular Agenda

Public Hearing

55

**County Administrator's Signature:**

A handwritten signature in black ink, appearing to be "Sue".

**Subject:**

Public Hearing on a Proposed Ordinance Relating to Lot Clearing

**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 attached proposed ordinance effectuating the Code Enforcement Task Force's recommendations as presented to the Board of County Commissioners on February 24, 2004 contains revisions to the lot clearing ordinance that are geared toward repeat violators. The Code Enforcement Task Force's recommendation was to provide "repeat violators" with a shorter time frame within which to comply, prior to the County taking action to clear the property. The term "repeat violator" is defined to basically include any property owner that has had his/her property previously cleared by or at the direction of the County. The time frame for such repeat violators to comply has been shortened from 10 days to 3 days. All of the revisions appearing in the attached ordinance are related to this single change.

**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 IX OF THE PINELLAS COUNTY CODE, RELATING TO LOT CLEARING; AMENDING SECTION 58-326 RELATING TO DEFINITIONS; AMENDING SECTION 58-331 RELATING TO PROHIBITIONS; AMENDING SECTION 58-334 RELATING TO NOTICES OF VIOLATION; AMENDING SECTION 58-336 RELATING TO POWERS OF THE DEPARTMENT; AMENDING SECTION 58-337 RELATING TO CLEARANCE OF PROPERTY; 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 58-326 of the Pinellas County Code is hereby amended to read as follows:

**Sec. 58-326. Definitions.**

The following words, terms and phrases, when used in this article, shall have the

meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Debris* means material which is stored externally and is not otherwise covered and shall include, but not be limited to, the following: discarded household items; inoperative or discarded machinery, automobiles or appliances; refuse, rubbish, trash or junk; and used, scrap or discarded lumber, pipe, steel, plumbing fixtures, insulation, and other building material.

*Department* means the county department of environmental management.

*Excessive growth* means the growth of weeds or plants, which are not cultivated or landscaped or regularly tended, which reach a height in excess of 12 inches.

*Owner* means the person, corporation, partnership, company, trust, estate or any combination or other business or legal entity, singular or plural, which is the record owner or owners as recorded on the current tax rolls of Pinellas County.

*Property* means any individual platted parcel of real property, or any portion thereof, as it is recorded in the public records of the county, whether or not such parcel is contiguous to any other platted parcel, or any individual parcel of real property described by metes and bounds in the public records of the county.

Repeat violation means a property that has been cleared by or at the direction of the County pursuant to the procedures set forth in this Article.

SECTION 2: Section 58-331 of the Pinellas County Code is hereby amended to read as follows:

**Sec. 58-331. Prohibitions.**

(a) No person, nor any other business entity, shall permit the excessive growth or accumulation of weeds or other similar plant material, or the accumulation of debris or other similar material which is untended and which creates or may create a haven and breeding place

for snakes, rats, rodents or other vermin of similar kind or character, upon property situate in the unincorporated areas of Pinellas County.

(b) No person, nor any other business entity, shall permit the excessive growth or accumulation of plant material or the accumulation of debris or other similar material which is untended and which creates or may create a hazard of fire, endangering nearby structures or other flammable materials, upon property situate in the unincorporated area of Pinellas County.

(c) No person, nor any other business entity, shall permit the excessive growth or accumulation of plant material or the accumulation of debris or other similar material upon property situate in the unincorporated area of Pinellas County, which creates or may create a traffic hazard by obstructing passage upon any road, or by obstructing the view of approaching traffic at any intersection of roads in the unincorporated area of the county.

SECTION 3: Section 58-334 of the Pinellas County Code is hereby amended to read as follows:

**Sec. 58-334. Notice of violation.**

(a) Upon receipt of a complaint and completion of a field investigation which indicates that a violation of this article has occurred, and failing voluntary compliance by the owner with the provisions of this article, the department shall make a written demand to the property owner for immediate compliance with the provisions of this article. Such written demand shall be made by (1) certified mail, return receipt requested, directed to the property owner as shown on the current tax rolls of the county, and (2) the posting of a placard for at least ten days in two locations, one of which shall be the property on which the violation exists and the other of which shall be at the front door of the county courthouse.

(b) The written demand referenced in subsection (a) of this section shall also include a notice that in the event the property owner does not achieve compliance with the provisions of

this article within 10 days from the date of the written demand, or in the case of repeat violations, within three (3) days from the date of the written demand, the violation of this article will be abated by, or at the direction of, the county. The notice shall include an estimate of the administrative costs, mowing and clearing costs to be incurred by the county to achieve compliance with the provisions of this article. No property shall be cleared by, or at the direction of, the county until at least ten days after the date of the written demand, except in the case of repeat violations.

(c) The written demand and placard referenced in subsection (a) of this section shall also include a notice that the affected property owner may, within ten days of the date of the written demand, or in the case of repeat violations, within three (3) days from the date of the written demand, request a hearing before the board of county commissioners in accordance with the provisions of section 58-335. If a request for such a hearing is not received ~~within ten days of the date of the written demand by the property owner~~ the appropriate time frame, then the right to the hearing is waived.

SECTION 4: Section 58-336 of the Pinellas County Code is hereby amended to read as follows:

**Sec. 58-336. Powers of the department.**

Upon conclusion of the investigation held pursuant to this article, the department shall have the power to find that property is or is not in violation of this article. With respect to property found to be in violation of this article, the department shall have the following powers:

- (1) To authorize clearance of property by the county or its agents.
- (2) To require payment by the owner of administrative costs, as set forth in this section, to defray the cost of investigation, inspection, and expenses incurred to provide the notices required in this article. Such administrative costs may only be

imposed by the department against each property owner who was noticed of the violation and who failed to clear such property within the ~~ten-day~~appropriate notice period.

- (3) To require payment by the owner of actual costs incurred for mowing and clearing the property to achieve compliance with the provisions of this article.
- (4) To grant an extension of time to any property owner within which such property may be cleared.
- (5) To waive the imposition of administrative costs against any property owner found to be in violation of this article.

SECTION 5: Section 58-337 of the Pinellas County Code is hereby amended to read as follows:

**Sec. 58-337. Clearance of property.**

After an investigation and upon a finding by the department that certain property is in violation of this article, the department shall reinspect such property in order to verify whether compliance with this article has been achieved. The department shall reinspect such property no earlier than ten days after the date of notice of violation, or three (3) days after the date of the notice of violation in the case of a repeat violation. If, upon reinspection, the department determines that compliance has not been achieved, the department shall cause the property to be cleared by the county or its agents.

SECTION 6: 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 7: 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 8: 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.