

Clerk of the Circuit Court and Comptroller  
Regular Public Meeting  
April 7, 2015

6. Miscellaneous items received for filing:

- a. Pinellas Suncoast Fire and Rescue District Resolution No. 2015-01 adopted February 17, 2015, fixing the rate of non-ad valorem assessments in compliance with the Charter of the District.
- b. City of Clearwater Ordinances Nos. 8635-15, 8638-15, 8641-15, 8644-15, 8647-15, 8651-15, and 8674-15 adopted February 5, 2015, annexing certain property.
- c. City of Seminole Ordinance No. 01-2015 adopted February 24, 2015, relating to nuisances.
- d. Notification by Homeowners Association of Highland Lakes, Inc. of its 2015 Board of Directors.

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*If a copy of a report or CD is desired, please check the web page of the organization/municipality or contact Board Records at 464-3465.*



# CITY OF SEMINOLE

*Achieving Service Through Dedication*

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March 9, 2015

Office of Ken Burke, Clerk of the Circuit Court  
c/o Constance Daniels, Director Court and Operational Services  
315 Court Street  
Clearwater, FL 33756

RE: City of Seminole Nuisance Ordinance No. 01-2015

Dear Ms. Daniels,

Enclosed is a certified copy of the City of Seminole amendment to Code Chapter 22 that deals with nuisances.

The City has established a \$25.00 citation amount, a citation that can only be issued by PCSO deputies. From our prior discussions, the City designates these offenses all the same in severity, with the same \$25.00 fine amount, so as to make citation issuance simple.

We understand that to the base \$25.00 dollar City citation amount must be added an additional Clerk of Court (CoC) charge of \$13.00, and for animal violations, and additional \$5.00 must be added to the \$13.00 CoC charge. This will result in total citation amounts of \$38.00 and \$43.00, respectively.

The City needs to coordinate with your office to get our ordinance into the CoC system, so that our PCSO deputies can implement the enforcement of the ordinance. Any guidance in this regard would be helpful.

If you have any questions or need additional information, please contact me at 398-3108 ext. 106, or e-mail me at [mely@myseminole.com](mailto:mely@myseminole.com).

Regards,

  
Mark Ely

Community Development Director

Enclosure

RECEIVED  
ADMINISTRATION  
2015 MAR -9 AM 10:34  
KEN BURKE, CLERK OF THE CIRCUIT COURT

RECEIVED  
BOARD OF  
2015 MAR 17 AM 8:50  
BOARD OF COUNTY  
COMMISSIONERS  
HILLS COUNTY FLORIDA

**ORDINANCE NO. 01 - 2015**

**AN ORDINANCE OF THE CITY OF SEMINOLE, FLORIDA, AMENDING CHAPTER 22, OFFENSES, CREATING SECTION 22-1, INTENT AND PURPOSE; CREATING SECTION 22-2, PROHIBITED ACTIVITY, ACT, OR PRACTICE; CREATING SECTION 22-3, PROHIBITED ACTIVITY, ACT OR PRACTICE SUBJECT TO CODE ENFORCEMENT; CREATING SECTION 22-4, CITATION/FINE AUTHORITY AND SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, City staff in cooperation and coordination with the City's local law enforcement provider has identified activities that are not conducive to a desirable quality of life for the residents, businesses and visitors; and,

**WHEREAS**, the City Council reviewed the issue of the revising the code related to undesirable activities; and,

**WHEREAS**, the proposed amendments to the Code of Ordinances have been determined to allow for the City to be proactive in maintaining and protecting the health, safety and welfare within the City from certain specified activities; and,

**WHEREAS**, the City Council recognizes that the protection of residential neighborhoods is paramount to protecting and enhancing property values, the City tax base and creating and sustaining economic development and growth; and

**WHEREAS**, the City Council recognizes that the primary function of yards on single-family residential lots is to provide access to light and air and to provide circulation, recreation, and landscaping around the primary single-family dwelling building, which are beneficial to the general health and welfare of the community; and

**WHEREAS**, regulating nuisances within non-residential areas and properties, within residential yards and adjacent public rights-of-ways, and within residential neighborhoods is to protect the general health and welfare of the community; and

**WHEREAS**, nuisances in general present grave health, safety and welfare concerns, where the persons responsible for such nuisances and nuisance properties fail to take corrective action to abate the nuisance condition have a tremendous negative impact upon the property values, quality of life, safety and health of the City and the neighborhoods where they are located; and

**WHEREAS**, the intent and purpose of this ordinance is to identify nuisances and enact regulations and procedures to remedy nuisance activities that are particularly disruptive to quality of life and repeatedly occur or exist at properties by providing a process for corrective actions and fines; and,

**WHEREAS**, repeated nuisance calls for code enforcement or law enforcement service can be a financial burden to the City because of the nuisance activities that repeatedly occur or exist and that this ordinance is a means to ameliorate those conditions and hold accountable those persons or entities that are responsible for such nuisance property or activity; and,.

**WHEREAS**, the City Council finds and determines that the proposed ordinance does not impinge upon fundamental rights, and that the Courts concur. *See, Proctor v. City of Coral Springs*, 396 So.2d 771, 772 (Fla. 4th DCA 1981) (Hurley, J., concurring). *Stanglin*, 490 U.S. at 24, 109 S.Ct. 1591; *Roberts v. U.S. Jaycees*, 468 U.S. 609, 617, 104 S.Ct. 3244, 82 L.Ed.2d 462 (1984). *Kuvin V. City of Coral Gables*, 45 So.3d 859 (Fla. 3d DCA 2010); and,

**WHEREAS**, the City Council finds and determines that the proposed ordinance does not impinge upon intimate relationships, and that the Courts concur. *See, Bd. of Dirs. of Rotary Int'l v. Rotary Club of Duarte*, 481 U.S. 537, 546, 107 S.Ct. 1940, 95 L.Ed.2d 474 (1987); *Wallace v. Texas Tech Univ.*, 80 F.3d 1042, 1051 (5th Cir.1996).” *Duarte*, 481 U.S. at 545, 107 S.Ct. 1940 (quoting *Roberts*, 468 U.S. at 619–20, 104 S.Ct. 3244). *Kuvin V. City of Coral Gables*, 45 So.3d 859 (Fla. 3d DCA 2010); and,

**WHEREAS** the City Council finds and determines that the proposed ordinance does not impinge upon expressive association, and that the Courts concur. *See, Roberts*, 468 U.S. at 622, 104 S.Ct. 3244; *Boy Scouts of Am. v. Dale*, 530 U.S. 640, 648, 120 S.Ct. 2446, 147 L.Ed.2d 554 (2000); *Dale*, 530 U.S. at 650, 120 S.Ct. 2446; *Kuvin V. City of Coral Gables*, 45 So.3d 859 (Fla. 3d DCA 2010); and,

**WHEREAS**, the City Council finds and determines that the proposed ordinance is adopted on a rational basis and enjoys the presumption of constitutionality, and that the courts concur. *See, Stanglin*, 490 U.S. at 23, 109 S.Ct. 1591; *Orange County v. Costco Wholesale Corp.*, 823 So.2d 732, 737 (Fla.2002); *State v. Hanna*, 901 So.2d 201, 204 (Fla. 5th DCA 2005); *Dep't of Cmty. Affairs v. Moorman*, 664 So.2d 930, 933 (Fla.1995); *Harrell's Candy Kitchen, Inc. v. Sarasota–Manatee Airport Auth.*, 111 So.2d 439, 443 (Fla.1959); *City of Coral Gables v. Wood*, 305 So.2d 261, 263 (Fla. 3d DCA 1974); *Albright v. Hensley*, 492 So.2d 852, 856 (Fla. 5th DCA 1986) (Coward, J., dissenting); *Kuvin v. City of Coral Gables*, 45 So.3d 859 (Fla. 3d DCA 2010); and,

**WHEREAS**, the City Council finds and determines that the proposed ordinance to the Code is substantially related to a legitimate purpose, and that the courts concur. *See, Fox v. Town of Bay Harbor Islands*, 450 So.2d 559, 560 (Fla. 3d DCA 1984); *Kuvin v. City of Coral Gables*, 45 So.3d 859 (Fla. 3d DCA 2010); and,

**WHEREAS**, the City Council finds and determines that the proposed ordinance is a regulation based on aesthetics and nuisance control and is a valid exercise of the City’s police power, and that the courts concur in that cases establish clear and binding precedent of the Florida Supreme Court and other courts upholding zoning regulations that tend to preserve the residential character of a neighborhood and/or to enhance the aesthetic appeal of a community. *See, City of Sunrise v. D.C.A. Homes*, 421 So.2d 1084, 1085 (Fla. 4th DCA 1982) (emphasis added); *City of Lake Wales v. Lamar Adver. Ass'n of Lakeland, Fla.*, 414 So.2d 1030, 1032 (Fla.1982); *Westfield Motor Sales Co. v. Town of Westfield*, 129 N.J.Super. 528, 324 A.2d 113, 119 (1974)); *Int'l Co. v. City of Miami Beach*, 90

So.2d 906, 906 (Fla.1956); *Metro Dade County v. Section 11 Prop. Corp.*, 719 So.2d 1204 (Fla. 3d DCA 1998); *Campbell v. Monroe County*, 426 So.2d 1158, 1160 (Fla. 3d DCA 1983); *Lamar–Orlando Outdoor Adver. v. City of Ormond Beach*, 415 So.2d 1312, 1316 (Fla. 5th DCA 1982); *Moviematic Indus. Corp. v. Bd. of County Comm'rs of Metro. Dade County*, 349 So.2d 667, 669 (Fla. 3d DCA 1977); *Wood*, 305 So.2d at 263; *Rotenberg v. City of Fort Pierce*, 202 So.2d 782 (Fla. 4th DCA 1967); *State ex rel. Boozer v. City of Miami*, 193 So.2d 449 (Fla. 3d DCA 1967); *Kuvin v. City of Coral Gables*, 45 So.3d 859 (Fla. 3d DCA 2010); and,

**WHEREAS**, the City Council finds and determines that the proposed ordinance will be related to maintaining the aesthetics of the City and is rationally related to the welfare of the City. The courts in this state and other states have recognized that aesthetics can be an important factor in ensuring the economic vitality of an area and that the separation of the commercial from residential not only affects the health and hazards of the community, it impacts the welfare of the community and the value of property within its borders. The “attractiveness of a community [is] of prime concern to the whole people and therefore affect [s] the welfare of all.” *See, Merritt v. Peters*, 65 So.2d 861, 862 (Fla.1953); *United Adver. Corp. v. Borough of Metuchen*, 42 N.J. 1, 198 A.2d 447, 449 (1964); *Kuvin v. City of Coral Gables*, 45 So.3d 859 (Fla. 3d DCA 2010); and,

**WHEREAS**, ordinances prohibiting certain types of trucks, trailers, and campers from being parked in residential neighborhoods have withstood constitutional challenges and have been upheld by various Florida courts and that the common thread appears to be the intent to preserve the residential feel and look of the residential areas of the communities that have enacted these ordinances, which Florida's courts have determined is a legitimate governmental interest. *See, Kuvin v. City of Coral Gables*, 45 So.3d 859 (Fla. 3d DCA 2010).

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Seminole, Florida, that Chapter 22, Section 22-2, Section 22-3, and Section 22-4, Code of Ordinances, City of Seminole, Florida, are hereby created to read as follows:

**Section 1. Intent and purpose., is created to read as follows:**

Sec. 22-1 Intent and purpose. It is the intent and purpose of the City to promote the public health, safety, general welfare, aesthetics, property values, and to control nuisances, by providing for the limitation and control of certain enumerated activities, acts, or practices.

**Section 2. Chapter 22-2. Prohibited Activity, Act, or Practice., is created to read as follows:**

Sec. 22-2. Prohibited activity, act, or practice subject to civil citation/fine.

The following activities, acts or practices are hereby declared to be nuisances, are therefore prohibited within the City limits, and are considered as violations of the Code. Said violations may be subject to a civil citation/ticket/fine to be issued only by a sworn law enforcement officer, for the following enumerated offenses:

- (1) Human urination or defecation in public.
- (2) Sleeping in a public place, but does not include camping on private property with the permission of the property owner, or within a public lodging establishment.
- (3) Removing wildlife, including fish, from posted City property.
- (4) Skateboarding on City property, when posted "No Skateboarding".
- (5) Dog not on leash when on City property, when City property is so posted.
- (6) Itinerant vending, when not part of a special event permit.
- (7) Possession of an open container of alcohol off of private property, when not part of a City Council approved special event.
- (8) Commercial soliciting in residential areas without a current County Home Solicitation Permit or City Solicitation Permit, as may be applicable.
- (9) Selling, or advertising for sale, vehicles, goods, or services, from an abandoned non-residential property, or from an abandoned residential property, or from within the public right of way.
- (10) Dog at large, after a first notice to dog owner.
- (11) Dog owner, or dog custodian/agent, not picking up the dog's waste when the dog's waste is not deposited on the dog owner's, or dog custodian/agent's, property.
- (12) Allowing or permitting the entry into a public or private roadway or into a public or private waterway/waterbody of grass cuttings, chemicals (not including fertilizer legally applied on private/public property or used to treat/maintain a swimming pool), paint, oil, commercial car wash runoff, or commercial pressure washing runoff.
- (13) Construction site related excavation/fill, soil, or debris/material entering into a public or private roadway, a public or private waterway/waterbody, or onto adjacent, non-construction related property.
- (14) Inoperable vehicle parked or stored within the public right of way.
- (15) Blocking or obstructing a sidewalk located within a publicly owned or publically dedicated right of way, including the sidewalk portion of a driveway approach, with a vehicle, vessel, trailer, semi-trailer, or commercial vehicle.
- (16) In residential zoning districts, the overnight parking, between the hours of 10:00 pm and 7:00 am within a public right of way, of a commercial vehicle, a trailer, a vessel, a piece of construction equipment when not used as part of a current building permitted project, a cargo vehicle rated in excess of  $\frac{3}{4}$  ton carrying capacity, a privately owned fire engine, a privately owned school bus or passenger bus, a bucket truck, or any other similar or like vehicle.
- (17) In residential zoning districts, when not stored or parked within a fully enclosed structure, the overnight parking on private property, between the hours of 10:00 pm and 7:00 am, of a privately owned fire engine, a privately owned school bus or passenger bus, a bucket truck, or a cargo vehicle rated in excess of  $\frac{3}{4}$  ton carrying capacity, or any other similar or like vehicle.

**Section 3. Chapter 22-3. Prohibited Activity, Act, or Practice subject to code enforcement., is created to read as follows:**

Sec. 22-3. Prohibited activity, act or practice subject to code enforcement under Chapter 2 of the City Code.

The activities, acts or practices listed in Section 22-2 are hereby prohibited within the City limits and may be subject to code enforcement per Chapter 2 of the City Code through the Special Magistrate code enforcement process.

**Section 4. Chapter 22-4. Citation/Fine Authority and Schedule., is created to read as follows:**

Sec. 22 – 4. Citation/Fine authority and schedule.

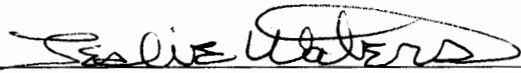
A citation/fine levied by a sworn law enforcement officer for a violation of Section 22-2 shall be against the party or parties in violation of Section 22-2, or against the registrant or registrants of a vehicle or property in violation of Section 22-2, as may be applicable to the enumerated violation.

The citation/fine levied for each offense resulting from a civil infraction/ticket issued by a sworn law enforcement officer shall be twenty-five (\$25.00).

**Section 5. Severability.**

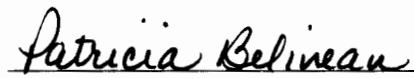
The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

APPROVED ON FIRST READING: January 13, 2015  
PUBLISHED: February 13, 2015  
PASSED AND ADOPTED ON  
SECOND AND FINAL READING: February 24, 2015

  
LESLIE WATERS, MAYOR

I, Patricia Beliveau, City Clerk of the City of Seminole, Florida, County of Pinellas, State of Florida, a municipal corporation do hereby certify the foregoing and hereto attached is a true and correct copy of Ordinance No. 01-2015 which is on file in the City Clerk's Office:

IN WITNESS WHEREOF, I hereunto set my hand and affixed the seal of the City of Seminole, Pinellas County, Florida, this 4 day of March, 2015.

  
Patricia Beliveau, City Clerk

