

11-30-10

ORDINANCE NO. 1409

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AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, REPEALING SECTION 91.20 OF THE CODE OF ORDINANCES ENTITLED "UNSAFE BUILDING"; AMENDING SECTIONS 91.75 THROUGH 91.99 OF THE CODE OF ORDINANCES ENTITLED: "PROPERTY MAINTENANCE REQUIREMENTS"; PROVIDING FOR A NEW SECTION 91.75 - 91.78 TO BE ENTITLED "PROPERTY MAINTENANCE CODE" TO PROVIDE A PROCEDURE FOR DEMOLITION, ETC.; AMENDING AND RENUMBERING SECTION 91.99 TO 91.79 TO ELIMINATE REPETITION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, due to revisions to the Standard Unsafe Building Abatement Code 1985 Edition and after a review of the International Property Maintenance Code 2006 Edition, it has been determined to be in the best interest of the City of Lake Mary to revise the code provisions to address dilapidated, unsanitary or unsafe buildings or structures; and

WHEREAS, the City Commission desires to provide for Code Officials who can inspect and enter a structure or premises during reasonable times that evidence a danger to health and public safety and to order condemnation of such structure; and

WHEREAS, the Commission desires to amend the code to provide that mortgagees register abandoned or foreclosed property with the City Clerk instead of the City Manager and to increase the fee for registration to One Hundred Dollars per property which is in line with what other cities are charging, and is reflective of the City's administrative expense; and

**WHEREAS**, words with underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text, and asterisks (\* \* \*) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

IT IS HEREBY ENACTED BY THE CITY OF LAKE MARY AS FOLLOWS:

**SECTION I.** Section 91.20 of the Code of Ordinances is hereby repealed.

**SECTION II.** Sections 91.75 - 91.99 of the code of Ordinances is amended as follows:

~~Property Maintenance Requirements~~

1 ~~§ 91.75 PURPOSE AND INTENT.~~

2 ~~—It is the purpose and intent of the city to establish a process to address the minimum~~  
3 ~~standards for maintenance of real property located within the city. It is the city's further~~  
4 ~~intent to specifically establish guidelines to protect residential neighborhoods from~~  
5 ~~becoming blighted through the lack of adequate maintenance.~~

6 ~~—(A) Definitions. The following words, terms and phrases, when used in this~~  
7 ~~subchapter, shall have the meanings ascribed to them in this section, except where the~~  
8 ~~context clearly indicates a different meaning.~~

9  
10 **LAKE MARY PROPERTY MAINTENANCE CODE**

11  
12 **§91.70 Intent and Definitions**

13  
14 (A) These regulations shall be known as the Property Maintenance Code of the City of  
15 Lake Mary, hereafter referred to as this code.

16  
17 This code shall be construed to secure its expressed intent, which is to ensure  
18 public health, safety and welfare in so far as they are affected by the continued  
19 occupancy and maintenance of structures and premises.

20  
21 (B) Definitions. The following words, terms and phrases, when used in this chapter,  
22 shall have the meanings ascribed to them in this section, except where the context  
23 clearly indicates a different meaning:

24  
25 ***Abandoned real property*** means any improved property that is vacant and violates the  
26 provisions of this chapter including, but not limited to, property under a current notice of  
27 default and/or notice of mortgagee's sale by the lender or a pending tax assessor's lien  
28 sale and/or properties that have been the subject of a foreclosure sale where the title  
29 was retained by the beneficiary of a mortgage involved in the foreclosure and any  
30 properties transferred under a deed in lieu of foreclosure or sale.

31  
32 ***Accessible property*** means a property that is accessible through a  
33 compromised/breached gate, fence, wall, etc.

34  
35 ***Accessible structure*** means a structure/building that is unsecured and/or breached in  
36 such a way as to allow access to the interior space by unauthorized persons.

37  
38 ***Code Official*** means any enforcement officer, including the Code Enforcement Officer,  
39 the Police Chief, the Fire Chief, the Fire Marshal, the Building Official, or their designee  
40 within their respective areas of responsibilities or other person employed by the City of  
41 Lake Mary and designated by the City Manager.

1 ~~Enforcement Officer means any full-time law enforcement officer, code enforcement~~  
2 ~~officer or other person employed by the City of Lake Mary and designated by the City~~  
3 ~~Manager.~~

4  
5 **Evidence of vacancy** means any condition that on its own, or combined with other  
6 conditions present, would lead a reasonable person to believe that the property is  
7 vacant. Such conditions may include, but not be limited to, overgrown and/or dead  
8 vegetation, accumulation of abandoned personal property, statements by neighbors,  
9 passers-by, delivery agents or government agents, among other evidence that the  
10 property is vacant.

11  
12 **Foreclosure** means the process by which a property, placed as security for a real  
13 estate loan, is sold at public sale to satisfy the debt if the borrower defaults.

14  
15 **Occupied** means to dwell or reside within.

16  
17 **Private Property** means all lands and improvements other than public lands and  
18 improvements.

19  
20 **Property Management Company** means a local property manager, property  
21 maintenance company or similar entity responsible for the maintenance of real  
22 property.

23  
24 **Public Nuisance** means any circumstance where a structure is found to be unsafe,  
25 unfit for human occupancy or dangerous to the public health, safety and welfare of the  
26 community.

27  
28 **Public Property** means canals, all waterways, lands and improvements owned by a  
29 governmental body or any governmental agency including but not limited to, easements  
30 and rights-of-way, but excluding the campus of any institution of the state university  
31 system.

32  
33 **Residential building** means any improved real property, or portion thereof, situated in  
34 the City, designed or permitted to be used for dwelling purposes, including rental  
35 property and the buildings and structures located on such improved real property.

36  
37 **Vacant** means any building/structure that is not legally occupied.

38  
39 **§91.71 Duties and Powers of the Code Official**

40  
41 The Code Official shall make all of the required inspections, or shall accept  
42 reports of inspections by approved agencies or individuals. All reports of such  
43 inspections shall be in writing and be certified by a responsible officer of such approved  
44 agency or by the responsible individual. The Code Official is authorized to engage such

1 expert opinion as deemed necessary to report upon unusual technical issues that arise,  
2 subject to the approval of the City Manager.

3  
4 **§91.72 Right of Entry**

5  
6 In accordance with the requirements of applicable federal and state law, the Code  
7 Official or his designee, upon presentation of proper identification to the owner, agent,  
8 or tenant in charge of such property, may enter any structure regulated by this Code,  
9 during all reasonable hours, to enforce this Code, except in cases of emergency where  
10 extreme hazards are known to exist which may involve the potential loss of life or  
11 severe property damage, in which case the above limitations shall not apply.

12  
13 **§91.73 Structures to be Condemned**

14  
15 (A) When a structure is found by the Code Official to be unsafe, or when a structure is  
16 found unfit for human occupancy, or is found unlawful, such structure shall be  
17 condemned pursuant to the provisions of this code.

18  
19 (B) Unsafe Structures: An unsafe structure is one that is found to be dangerous to the  
20 life, health, property or safety of the public or the occupants of the structure that is so  
21 damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or  
22 unstable foundation, that partial or complete collapse is possible.

23  
24 (C) Structure unfit for human occupancy: A structure is unfit for human occupancy  
25 whenever the code official finds that such structure is unsafe, unlawful, or because  
26 of the degree to which the structure is in disrepair or lacks maintenance, is  
27 unsanitary, vermin or rodent infested or contains filth and contamination.

28  
29 (D) Unlawful structure: An unlawful structure is one found to be, in whole or in part,  
30 erected, altered or occupied contrary to law.

31  
32 **§91.74 Demolition**

33  
34 (A) The Code Official shall condemn any premises upon which is located any structure,  
35 which in the Code Official's judgment, in consultation with professional staff, is so  
36 old, dilapidated or has become so out of repair to be dangerous, unsafe, unsanitary  
37 or otherwise unfit for human habitation or occupancy, such that it is a threat to the  
38 health, safety, and welfare of the occupants of such structure, the public, or adjacent  
39 premises or structures.

40  
41 (B) If it is unreasonable to repair the structure, the Code Official must order the owner  
42 to obtain appropriate permits and demolish and remove such structure; or if the  
43 structure is capable of being made safe by repairs, the Code Official must order the  
44 owner to obtain any required permits to repair and make safe and sanitary or to

1 demolish and remove the structure, at the owner's option. Where there has been a  
2 cessation of normal construction of any structure for a period of more than two  
3 years, the Code Official must order the owner to demolish and remove such  
4 structure.

5 (C) Condemnation notice. Whenever the Code Official condemns a structure, a  
6 condemnation notice must be posted in a conspicuous place in or about the  
7 structure affected by such notice and must be served, in the manner provided by this  
8 code for service of a code enforcement citation, on the owner and all other persons  
9 responsible for the structure and all occupants and other persons with any interest in  
10 the premises, including all mortgagees.

11 (D) Contents of notice. The condemnation notice must be in writing and include the  
12 following:

13  
14 (1) Description of the real property sufficient for identification.

15  
16 (2) Brief factual description of the nature of the defect or defects and why the  
17 notice is being issued.

18  
19 (3) An order to vacate and secure the dwelling unit, structure or premises  
20 when deemed necessary and appropriate by the Code Official under the  
21 existing conditions and circumstances.

22  
23 (4) Notice to repair or demolish the condemned structure, allowing a  
24 reasonable time to make the repairs, corrections, and improvements  
25 required to bring the dwelling unit or structure into compliance with the  
26 provisions of this code and the applicable provisions of all other codes,  
27 regulations, and laws.

28  
29 (5) Notice that if the defects are not corrected pursuant to the order or a  
30 hearing is not requested within the time allowed, the City may cause  
31 correction of the defects and charge the reasonable costs and expenses  
32 incurred by the City for such corrections against the property, to include  
33 and not be limited to, a property lien. Coequal with the lien of all state,  
34 county and municipal taxes, superior in dignity to all other liens until paid.

35  
36 (6) Date of issuance.

37  
38 (7) Name of the Code Official issuing the notice and order.

39  
40 (8) Instructions and due date for filing an appeal of the notice and correction  
41 order.

1           (9) Notice that the costs of the administrative hearing may be assessed  
2           against the appellant if the notice and determination of the Code Official  
3           are upheld after the hearing.

4  
5           (10) Notice that failure to file an appeal within twenty (20) days after service of  
6           the order, excluding Saturdays, Sundays, and legal holidays, shall  
7           constitute a waiver of the right to an appeal of the determination of the  
8           Code Official.

9  
10 (E) Placarding. In addition to posting and serving the condemnation notice, the Code  
11 Official shall cause the posting of a placard of condemnation at each entrance to the  
12 condemned structure. The placard shall read substantially as follows or in words of  
13 similar effect, to the extent applicable:

14  
15                   "CONDEMNED

16                   This Structure is Unsafe and Unfit for Human  
17                   Habitation And Must Be Vacated And Secured By:  
18                   [DATE].

19  
20                   Occupancy of This Structure After Such Date is  
21                   Unlawful.

22  
23                   The Unlawful Occupation of this Structure and/or the  
24                   Removal, Obstruction, or Defacement of this Placard  
25                   is Punishable by a Fine of Up to \$500 and/or 60 Days  
26                   Imprisonment.

27  
28 (F) Means of Appeal: Any person directly affected by the condemnation notice and  
29 order shall have the right to appeal to the Code Enforcement Board, provided that a  
30 written application for appeal is filed within 20 days of the time the order was served.  
31 At least 10 days before the hearing, the City Clerk shall send a notice of hearing to  
32 the person requesting the hearing. An application for appeal shall be based on a  
33 claim that this code has been incorrectly interpreted, the provisions of this code do  
34 not fully apply, or the requirements of this code are adequately satisfied by other  
35 means. Appeal of the Code Enforcement Board decision shall be to the Circuit  
36 Court.

37  
38 (G) Failure to Comply: If the owner of a premises fails to comply with a demolition order  
39 within the time prescribed, the Code Official shall cause the structure to be  
40 demolished and removed, and the cost of such demolition and removal shall be  
41 charged against the real estate upon which the structure is located and shall be a  
42 lien upon such real estate coequal with the lien of all state, county and municipal  
43 taxes, superior in dignity to all other liens until paid.

1  
2 **§91.75 PROPERTY MAINTENANCE REQUIREMENTS**  
3

4 **(A) Purpose and Intent**  
5

6 It is the purpose and intent of the City to establish a process to address the minimum  
7 standards for maintenance of real property located within the City. It is the City's  
8 further intent to specifically establish guidelines to protect residential neighborhoods  
9 from becoming blighted through the lack of adequate maintenance.  
10

11 **(B) Applicability**  
12

13 This subchapter shall be considered cumulative and not superseding or subject to any  
14 other law or provision for same, but shall rather be an additional remedy available to the  
15 City above and beyond any other state, county and/or local provisions for the same.  
16

17 **(C) Penalties**  
18

19 Any person who shall violate the provisions of this chapter shall, upon conviction, be  
20 punished as provided in Section 91.99 of the Code of Ordinances.  
21

22 **(D) General Maintenance Requirements**  
23

24 (1) The existence of excessive accumulation or untended growth of weeds,  
25 undergrowth, or other dead or living plant life or stagnant water, rubbish, debris, or  
26 trash, including but not limited to, household furnishing and all other objectionable,  
27 unsightly, or unsanitary matter upon any lot, tract, or parcel of land within this City, be it  
28 uncovered or under open shelter, to the extent and manner that such lot, tract, or parcel  
29 of land is or may reasonably become infested or inhabited by rodents, vermin, or wild  
30 animals, or may furnish a breeding place for mosquitoes, or threatens or endangers the  
31 public health, safety, or welfare, or otherwise adversely affects and impairs the general  
32 health, safety, or welfare of the general public or creates, extends, or aggravates urban  
33 blight is hereby prohibited and declared to be a public nuisance and unlawful, unless  
34 neatly arranged for removal.  
35

36 (2) Properties shall be kept free of weeds, overgrown brush, dead vegetation,  
37 trash, junk, debris, building materials, or any accumulation of newspapers, circulars,  
38 flyers, notices, except those required by federal, state, or local law, discarded personal  
39 items including, but not limited to, furniture, clothing, large and small appliances, printed  
40 material or any other items, that give the appearance that the property is abandoned.  
41

42 (3) The property shall be maintained free of graffiti or similar markings by  
43 removal or painting over with an exterior grade paint that matches the color of the  
44 exterior structure.

1  
2 (4) Consistent with the provisions of the Florida Building Code, swimming  
3 pools and spas shall be maintained so that the water remains free and clear of  
4 pollutants and debris. ~~Pools and spas shall comply with the enclosure requirements of~~  
5 ~~the City Code of Ordinances and Florida Building Code, as amended from time to time.,~~  
6 and in good repair. Private swimming pools, hot tubs and spas containing water  
7 more than 24 inches in depth shall be completely surrounded by a fence or  
8 barrier at least 48 inches in height above the finished ground level, measured on  
9 the side of the barrier away from the pool. Gates and doors in such barrier shall  
10 be self closing and self latching. Where the self latching device is less than 54  
11 inches above the bottom of the gate, the release mechanism shall be located on  
12 the pool side of the gate. Self closing and self latching gates shall be maintained  
13 such that the gate will positively close and latch when released from an open  
14 position of 6 inches from the gatepost.  
15

16 (5) Failure of the mortgagee and/or property owner of record to properly  
17 maintain the property ~~may~~shall result in a violation of the City Code and issuance of a  
18 citation or notice of violation/notice of hearing by ~~an Enforcement Officer~~ the Code  
19 Enforcement Officer. Pursuant to a finding and determination by the Code  
20 Enforcement Board, the City may take the necessary action to ensure compliance with  
21 this section.  
22

### 23 (E) Public Nuisance

24  
25 All property within the City of Lake Mary determined to be in violation of the property  
26 maintenance requirements, as defined by this subchapter, may be declared a public  
27 nuisance, the abatement of which pursuant to the police power is hereby declared to be  
28 necessary for the health, welfare and safety of the residents of the City.  
29

### 30 (F) Abandoned Real Property

31  
32 (1) Any mortgagee who holds a mortgage on real property located within the  
33 City, which violates the provisions of this subchapter, and is abandoned or vacant or  
34 unoccupied and not maintained, shall perform an inspection of the property that is the  
35 security for the mortgage, upon default by the mortgagor, prior to the mortgagee's  
36 issuance of a notice of default. If the property is found to be vacant or shows evidence  
37 of vacancy, it shall be deemed abandoned, and the mortgagee shall, within ten (10)  
38 days of the inspection, register the property with the ~~City Manager~~ City Clerk or his/her  
39 designee, on forms provided by the City. A registration is required for each vacant  
40 property found to be in violation of this chapter.  
41

42 (2) If the property is occupied but remains in default, it shall be inspected by the  
43 mortgagee or his designee monthly until (1) the mortgagor or other party remedies the  
44 default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is

1 deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection,  
2 register the property with the ~~City Manager~~ City Clerk, or his/her designee, on forms  
3 provided by the City.  
4

5 (3) Registration pursuant to this section shall contain the name of the  
6 mortgagee, the direct mailing address of the mortgagee, a direct contact name and  
7 telephone number of the mortgagee, facsimile number, and e-mail address and, in the  
8 case of a corporation or out-of-area mortgagee, the local property management  
9 company responsible for the security and maintenance of the property.  
10

11 (4) An annual registration fee in the amount of ~~twenty-five dollars (\$25)~~ one  
12 hundred dollars (\$100) per property shall accompany the registration form(s).  
13

14 (5) This section shall also apply to properties that have been the subject of a  
15 foreclosure sale where the title was transferred to the beneficiary of a mortgage  
16 involved in the foreclosure, and to any properties transferred under a deed in lieu of  
17 foreclosure/sale.  
18

19 (6) Properties subject to this section shall remain under the annual registration  
20 requirement, security and maintenance standards of this section as long as they remain  
21 vacant.  
22

23 (7) Any person or corporation that has registered a property under this section  
24 must report any change of information contained in the registration within ten (10) days  
25 of the change.  
26

## 27 **(G) Security Requirements for Abandoned Real Property**

28

29 (1) Abandoned or vacated properties subject to this section shall be maintained  
30 in a secure manner so as not to be accessible to unauthorized persons.  
31

32 (2) A "secure manner" shall include, but not be limited to, the closure and  
33 locking of windows, doors, gates and other openings of such size that may allow a child  
34 to access the interior of the property and/or structure. Broken windows shall be secured  
35 by re-glazing or boarding of the window.  
36

37 (3) If the property is owned by a corporation and/or out of area mortgagee, a  
38 local property management company shall be contracted to perform monthly  
39 inspections to verify compliance with the requirements of this section and any other  
40 applicable laws.  
41

42 (4) The property shall be registered with the City with the name and twenty-four  
43 (24) hour contact phone number of the local property management company.  
44

1 (5) The local property management company shall inspect the property on a  
2 monthly basis to ensure that the property is in compliance with this chapter. Upon the  
3 request of the City, the local property management company shall provide a copy of the  
4 inspection reports to the Office of Code Enforcement.

5  
6 (6) Failure of the mortgagee and/or property owner of record to properly  
7 maintain the property may result in a violation of the City Code and issuance of a  
8 citation or notice of violation/notice of hearing by the Code Enforcement Officer.  
9 Pursuant to a finding and determination by the Code Enforcement Board, the City may  
10 take the necessary action to ensure compliance with this section.

11  
12 **(H) Opposing, Obstructing Enforcement Officer; Penalty**

13  
14 Whoever opposes obstructs, or resists any ~~Enforcement Officer~~ Code Official in the  
15 discharge of duties as provided in this chapter, upon conviction shall be punished as  
16 provided by Florida law.

17  
18 **(I) Immunity of ~~Enforcement Officer~~ Code Officials**

19  
20 ~~Any Enforcement Officer~~ Code Officials shall be immune from prosecution, civil or  
21 criminal, for reasonable, good faith trespass upon real property while in the discharge of  
22 duties imposed by this subchapter.

23  
24 **(J) Additional Authority**

25  
26 The City Manager, or his/her designee, shall have authority to require the mortgagee  
27 and/or owner of record of any property affected by this section to implement additional  
28 maintenance and/or security measures including, but not limited to, securing any and all  
29 door, window or other openings, employment of an on-site security guard, or other  
30 measures as may be reasonably required to help prevent further decline of the property.

31  
32 **(K) Adoption of Rules; Expenditure of Funds; Declaration of City Purpose**

33  
34 The City Manager, consistent with his/her duties and authorities under the City Charter,  
35 including those duties and authorities relating to emergency situations, is authorized  
36 and empowered to ~~adopt~~ promulgate rules and regulations and expend City funds as  
37 may be reasonably necessary and available to carry out the terms of this chapter, the  
38 expenditure of such funds being declared a proper City purpose.

39  
40 **§ 91.76 DUTY OF OWNER**

41  
42 It shall be the duty of the owner of each lot, tract, or parcel of land within the City to  
43 reasonably regulate and effectively control excessive growths and accumulations. It  
44 shall also be the duty of the owner not to create or allow to be created thereupon any

1 condition which shall be unsanitary, or have stagnant water or any condition prohibited  
2 herein.

3  
4 **§ 91.77 EXCEPTIONS**

5  
6 The provisions of this subchapter shall not apply with respect to untended growth of  
7 weeds, undergrowth, or other dead or living plant life to those portions of any lot, tract,  
8 or parcel of land within the City to the extent that said portions of any lot, tract, or parcel  
9 of land shall remain in its natural state. This exception is intended to recognize that  
10 from time to time persons who own or are in charge of a lot, tract, or parcel of land  
11 choose not to fully develop or landscape said lot, tract, or parcel of land but rather to  
12 leave portions of the lot, tract, or parcel of land in their natural state. This exception,  
13 however, does not pertain to previously cultivated and improved or developed property  
14 and shall not permit said portions of any lot, tract, or parcel of land to be used for the  
15 accumulation of rubbish, debris, or trash thereupon.

16  
17 **§ 91.78 NOTICE PROVISIONS**

18  
19 (A) If ~~the Enforcement Officer~~ a Code Official determines that a prohibited condition  
20 or public nuisance as described herein exists, the ~~Enforcement Officer~~ Code  
21 Official shall so notify the record owner of the property where the condition exists  
22 and order that the owner cause the condition to be removed or corrected. The  
23 notice shall be given by certified mail to the record owner as that name and address  
24 is shown upon the records of the County Property Appraiser. Notice shall be  
25 deemed complete when personally delivered or mailed.

26  
27 (B) The notice required by subdivision (A) shall contain the following:

- 28  
29 (1) The name and address of the owner of the property according to the  
30 records of the County Property Appraiser for the most current year.  
31  
32 (2) The location of the property on which the violation exists.  
33  
34 (3) A statement by the ~~Enforcement Officer~~ Code Official that the property  
35 has been inspected pursuant to this subchapter and that a violation of this  
36 subchapter has been determined to exist on the property.  
37  
38 (4) A description of the condition which causes the property to be in violation of  
39 this subchapter.  
40  
41 (5) A requirement that the record owner of the property remedy, correct, or  
42 remove the violation within 15 days from the date of notice, or alternatively  
43 file an application for a hearing on the issue of the existence of the alleged  
44 violation before the City Code Enforcement Board.

1  
2 (C) In the event that the record owner fails to comply with the requirement to remedy,  
3 correct, or remove the violation within 15 days of notice, or fails to request a hearing  
4 on the issue of the violation before the City Code Enforcement Board, then and in  
5 that event, the City is hereby authorized to enter upon said property and remedy,  
6 correct, or remove the violation and assess the cost thereof together with an  
7 administrative charge of \$100 against the property. That **special assessment** shall  
8 constitute a ~~lawn maintenance~~ lien, coequal with the lien of all state, county, and  
9 municipal taxes, **superior in dignity to all other liens until paid**, against the  
10 property and shall be recorded upon the public records of the county.  
11

12 (D) If and in the event said lien shall be deemed by law to be unenforceable against said  
13 property by reason that said property shall constitute homestead property, then and  
14 in that event said violation shall be declared a public nuisance, and the City is  
15 hereby authorized without further action to commence appropriate proceedings in an  
16 appropriate Court of the State to enjoin or otherwise terminate said nuisance.  
17

18 **§91.799 PENALTY**  
19

20 (A) Any violation of ~~this Chapter §§ 91.30 through 91.57~~ and any rules and regulations  
21 promulgated thereunder, except those establishing fees, rates, or charges shall be  
22 unlawful and an offense against the City, punishable as provided in § 10.99 and §  
23 30.39 of this Code. ~~by a fine not to exceed \$500, or by imprisonment not to exceed~~  
24 ~~60 days, or both. If such violation is of a continuing or recurring nature, each day for~~  
25 ~~which the violation continues or reoccurs shall be a separate offense.~~  
26

27 ~~(B) Any person violating any of the provisions of §§ 91.05 through 91.08 shall be~~  
28 ~~deemed guilty of a misdemeanor and upon conviction be fined an amount not~~  
29 ~~exceeding \$200 or imprisoned in jail for a period not exceeding 30 days, or both.~~  
30 ~~Each day the violation is committed or permitted to continue shall constitute a~~  
31 ~~separate offense and shall be punishable as such.~~  
32

33 ~~(C) Violation of §§ 91.20 through 91.22 shall, in addition to the remedy~~  
34 ~~provided in those sections, be punishable by a fine not exceeding \$300 or~~  
35 ~~imprisonment not exceeding 60 days, or both. Each day of any such violation~~  
36 ~~shall constitute a separate offense.~~  
37

38 (D) It shall be a public nuisance for any person to allow any condition described in §§  
39 **91.75 91.70** through 91.78 to exist on any lot, tract, or parcel of land within the City.  
40 The penalty for said violation shall be as provided in § 10.99 and §30.39 of this  
41 Code, which is hereby adopted by reference and made a part of this section.  
42

43 (E) (1) Any person who violates any provision of § 91.15 et seq. (Noise Control)  
44 shall be given the following penalties:

- 1 (a) Warning for the first violation.
- 2 (b) \$50 for the second violation
- 3 (c) \$150 for the third violation
- 4 (d) \$250 for any subsequent violation

5  
6 (2) Any person who willfully or knowingly violates a notice of noise abatement  
7 issued by ~~a police officer or a Code Official, or an order of~~ a Court or the Code  
8 Enforcement Board ordering abatement of noise shall be fined, for each day of violation  
9 of said notice or order, a sum of \$250.

10  
11 **SECTION III.** Codification. It is the intention of the City Commission that the  
12 provisions of this Ordinance shall become and be made part of the Code of Ordinances  
13 of the City of Lake Mary, Florida and the word "ordinance" may be changed to "section",  
14 "article", or other appropriate word or phrase and the sections of this Ordinance may be  
15 renumbered or re-lettered to accomplish such intention.

16  
17 **SECTION IV.** Conflicts. All ordinances or resolutions or parts of ordinances or  
18 resolutions in conflict herewith are hereby repealed to the extent of any conflict.

19  
20 **SECTION V.** Severability. If any section, sentence, phrase, word or portion of this  
21 Ordinance is determined to be invalid, unlawful or unconstitutional, said determination  
22 shall not be held to invalidate or impair the validity, force or effect of any other section,  
23 sentence, phrase, word, or portion of this Ordinance not otherwise determined to be  
24 invalid, unlawful, or unconstitutional.

25  
26 **SECTION VI.** Effective date. This Ordinance shall take effect immediately upon  
27 passage and adoption.

28  
29 PASSED AND ADOPTED this 16 day of December, 2010.

30 FIRST READING: December 2, 2010

31 SECOND READING: December 16 2010

32 CITY OF LAKE MARY, FLORIDA

33  
34  
35  
36   
MAYOR, DAVID J. MEALOR

37 ATTEST:

38  
39   
40 CITY CLERK, CAROL A. EOSTER  
41

1 Approved as to form and legality:

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4  
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CITY ATTORNEY, CATHERINE REISCHMANN

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