

ORDINANCE 2012-35

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING NUISANCE ABATEMENT; AMENDING SECTION 2-403, JURISDICTION; PROVIDING FOR JURISDICTION FOR THE MUNICIPAL CODE ENFORCEMENT BOARD TO SIT AS THE NUISANCE ABATEMENT BOARD; AMENDING SECTION 42-62, COMPOSITION; PROVIDING FOR CHANGING THE COMPOSITION OF THE NUISANCE ABATEMENT BOARD FROM THE OCALA CITY COUNCIL TO THE MUNICIPAL CODE ENFORCEMENT BOARD; AMENDING SECTION 42-63, CLERK; PROVIDING FOR THE CLERK OF THE NUISANCE ABATEMENT BOARD; AMENDING SECTION 42-64, RULES; PROVIDING FOR THE RULES GOVERNING THE NUISANCE ABATEMENT BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Ocala, Florida as follows:

Section 1. That Section 2-403 of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 2-403. Jurisdiction.

(a) The enforcement board shall enforce and have jurisdiction over the following:

Chapter 10, article III (adult entertainment).

Chapter 10, article II (circuses, carnivals and exhibitions).

Chapter 10, article V, division 2 (teenage dances).

Chapter 14 (animals).

Chapter 18 (aviation).

Chapter 22, article II (fortunetellers).

Chapter 22, article III (security services).

Chapter 22, article V (sidewalk cafes).

Chapter 22, article VI (peddlers, solicitors and vendors).

Chapter 30, article II (alarm systems).

Chapter 34, article II (mosquito control).

Chapter 34, article III (rat control).

Chapter 34, article IV (nuisances generally).

Section 34-122 (abandoned or derelict vehicles) as to derelict or abandoned vehicles on private property only.

Section 34-127(b) (shopping cart identification sign required for retail establishments).

Section 34, Article VI (abandoned properties in foreclosure).

Section 34-151 (screening of storage areas for junked vehicles and equipment).

Section 34-201 (littering; use of recycling containers; removal of waste generated by owners and contractors).

Section 34-202 (distribution of handbills).

Chapter 38, article III, divisions 1, 2 and 3 (fire prevention standards; fire hydrants).

Chapter 42, article II, division 2 (nuisance abatement board).

Chapter 50 (secondhand goods).

Section 54-33 (collection of solid waste).

Chapter 54, article III (private collectors of solid waste).

Section 58-121 (sidewalk design and construction standards).

Chapter 58, article IV (use of city rights-of-way).

Chapter 59, (newspaper dispensers).

Chapter 62, article II (public service tax).

Chapter 62, article III (occupational license tax).

Chapter 70, article II (sanitary sewer system).

Chapter 70, article III (water system).

Chapters 78 through 122 (land development regulations).

(b) With the exception of Chapter 42 nuisance abatement board matters which shall be heard exclusively by the nuisance abatement board, the assignment of any action to either the enforcement board or the special magistrate for enforcement hearing and action shall initially be determined by the building department director or his designee.

Section 2. That Section 42-62 of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 42-62. - Composition.

The board established by this division shall consist of the members of the municipal code enforcement board.

Section 3. That Section 42-63 of the Code of Ordinances, City of Ocala, Florida, is hereby amended to

read as follows:

Sec. 42-63. - Clerk.

The nuisance abatement board clerk shall be the city clerk or appointed by the city clerk in the clerk's absence.

Section 4. That Section 42-64 of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 42-64. - Rules.

The rules for the organization of the board shall be those governing the municipal code enforcement board.

Section 5. Severability Clause: Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. This ordinance shall take effect upon approval by the mayor, or upon becoming law without such approval.

ATTEST:

By: Angel B. Jacobs
Angel B. Jacobs
City Clerk

CITY OF OCALA

By: Suzy Heinbockel
Suzy Heinbockel
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on 8/9, 2012.

By: Reuben Kent Guinn
Reuben Kent Guinn
Mayor

Approved as to form and legality:

By: Patrick G. Gilligan
Patrick G. Gilligan
City Attorney

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