ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 18 -04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING CHAPTER 74 OF THE ALACHUA COUNTY CODE OF ORDINANCES, ENTITLED "NUISANCES;" EXTENDING THE JURISDICTION OF CHAPTER 74 TO THE INCORPORATED LIMITS OF THE TOWN OF LACROSSE; PROVIDING FOR REPEALING CLAUSE; PROVIDING FOR MODIFICATION AT PUBLIC HEARING; PROVIDING FOR INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Alachua County enforces provisions of the Alachua County Code to protect the public health, safety, and welfare, and ensure compliance with the standards therein; and

WHEREAS, Alachua County on May 25, 1993, adopted ordinance 93-16 creating and adopting a new chapter 74 entitled "Nuisances," providing for applicability within the unincorporated areas of Alachua County; and

WHEREAS, the Town of LaCrosse is located within the County of Alachua, Florida; and

WHEREAS, on March 13, 2017, the Town Council of the Town of LaCrosse adopted Resolution No. 2017-01 requesting that Alachua County amend Ordinance 93-16 to extend the applicability of Chapter 74 of the Alachua County Code to the incorporated territory of the Town of LaCrosse; and

WHEREAS, the Alachua County Board of County Commissioners wishes to amend Chapter 74, Nuisances, in the County Code of Ordinances to provide applicability thereof to the incorporated territory of the Town of LaCrosse; and

WHEREAS, a legal advertisement was placed in a newspaper of general circulation notifying the public of this proposed Ordinance and of the public hearing to be held on January 23, 2018 in Room 209, Alachua County Administration Building, which was at least ten calendar days after the day the legal advertisement was published; and

WHEREAS, a duly noticed public hearing was conducted on such proposed amendments on January 23, 2018, by the Board of County Commissioners, with the hearing being held after 5:00 o'clock p.m.;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

SECTION 1. Administrative Code. The Administrative Code of the Alachua County Code of Ordinances Part II, Chapter 74, "Nuisances," is amended as follows:

ARTICLE I. - GENERALLY

Sec. 74.13. - Territorial Jurisdiction.

The terms and provisions of this chapter shall apply within the unincorporated areas of Alachua County and the incorporated areas of the Town of LaCrosse.

Sec. 74.23. - Prohibited conditions.

The excessive accumulation of rubbish, trash, white goods, construction and demolition debris, unserviceable vehicles, and abandoned property, as defined in section 74.15, upon any lot, tract, or parcel of land subject to this Chapter~~within the unincorporated area of Alachua County~~ to the extent that such portion of the lot, tract, or parcel of land is or may reasonably become infested or inhabited by rats or other vermin, or may furnish a breeding place for mosquitos, or may reasonably cause disease or create a fire hazard, or adversely affect and

impair the economic welfare of adjacent property, is declared to be a public nuisance and is hereby prohibited.

Sec. 74.24. - Duty of property owners.

It shall be the duty of every owner of any lot, tract, or parcel of land subject to this Chapter~~within the unincorporated area of Alachua County~~ to reasonably regulate and effectively control the accumulations described in section 74.23.

Sec. 74.29. - Prohibited.

It shall be unlawful for any owner of real property subject to this Chapter~~in the unincorporated area of Alachua County~~ to create, keep, maintain, or allow the existence of any hazardous land or dangerous structure, as defined in section 74.15, in or on such real property.

Sec. 74.31. - Right of entry of enforcing officials.

The enforcing official or his/her agent is authorized and directed to lawfully enter and inspect all structures and to lawfully go upon and inspect all lands subject to this Chapter~~within the unincorporated areas of Alachua County~~ at reasonable times to determine their condition in order to safeguard the health, safety and welfare of the public, or upon receipt of complaints or when he has cause to believe a violation of this article exists.

SECTION 2. Repealing Clause**.** All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

SECTION 3. Modification. It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.

SECTION 4. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made part of the Code of Ordinances of Alachua County, Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate designation. The correction of typographical errors that do not affect the intent of the ordinance may be authorized by the County Manager or designee, without public hearing, by filing a corrected or re-codified copy of the same with the Clerk of the Circuit Court.

SECTION 5. Ordinance to be Liberally Construed. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 6. Severability. If any word, phrase, clause, paragraph, section, or provision of this ordinance, or the application hereof to any person or circumstance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof which can be given effect without the invalid or unconstitutional provisions or application, and to this end, the provisions of this ordinance are declared severable.

SECTION 7. Effective Date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners, and shall take effect upon filing with the Department of State.

DULY ADOPTED in regular session, this _____ day of _____, 2018.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

ATTEST:

By: _____
Lee Pinkoson, Chair

_____
J. K. "Jess" Irby, Clerk
(SEAL)

APPROVED AS TO FORM:

_____
County Attorney

APPROVED AS TO CONTENT

_____
Steven Lachnicht, Director
Growth Management