

ORDINANCE 2023-04

AN ORDINANCE OF THE CITY OF BELLEAIR BLUFFS, FLORIDA, AMENDING ARTICLE XXI OF CHAPTER 102 – LAND DEVELOPMENT BY AMENDING THE DEFINITION OF DEFECTIVE CONSTRUCTION IN SECTION 102-57-A; PROVIDING A HEIGHT LIMITATION FOR EXCESSIVE GROWTH OF WEEDS OR GRASSES AND REMOVING THE REFERENCE TO DAILY PENALTY IN SECTION 102-159B; REPLACING THE REFERENCE TO SECTION 102-157 WITH SECTION 102-158 IN SECTIONS 102-163 AND 102-169A; DELETING THE REQUIREMENT OF SECTION 102-165 RELATING TO SERVICE OF NOTICE TO ABATE A NUISANCE ON RESIDENTS WITHIN 200 FEET OF THE NUISANCE SITE; AND PROVIDING FOR CONFLICT, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, the City Attorney has reviewed the current provisions of Article XXI (Nuisances) of Chapter 102 (Land Development) of the Code of Ordinances of the City of Belleair Bluffs and has recommended that certain revisions be made; and

WHEREAS, the recommendations of the City Attorney have been found meritorious by the City Commission; and

WHEREAS, the City Commission has received input from the public at two public hearings.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BELLEAIR BLUFFS, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That the definition of Defective Construction in Section 102-157.A of Article XXI of Chapter 102 (Land Development) of the Code of Ordinances of the City of Belleair Bluffs shall be amended to read as follows:

DEFECTIVE CONSTRUCTION – Any construction which does not conform to the standards stated in the Florida Building Code.

Section 2. That Section 102-159 of Article XXI of Chapter 102 (Land Development) of the Code of Ordinances of the City of Belleair Bluffs shall be amended to read as follows:

Sec. 102-159. Unlawful acts.

- A. The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is hereby declared to be and constitute a nuisance;

provided, however, that this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (1) Excessive growth of weeds or grasses exceeding 12 inches in height.
- (2) An intermixed or dense uncared-for growth of trees, plants, vines or brush.
- (3) Junked or inoperative vehicles.
 - (a) Any worn-out or scrapped or partially dismantled or nonoperative vehicle; unusable or discarded materials or objects such as automobiles or parts thereof; lumber, building materials, machinery, metal, rubbish, refuse, wastepaper, rags, glassware, tinware, vehicles, boats or part thereof; or other items of junk or abandoned materials, except as otherwise allowed by law.
 - (b) "Nonoperative vehicle" shall mean any vehicle which is:
 - [1] Without a currently valid license plate or other registration certificate showing said vehicle or part thereof to be titled in the name of the owner or occupier of the property upon which said vehicle or part thereof is located;
 - [2] Allowed to remain on said property although titled in the name of another;
 - [3] Wrecked, discarded, dismantled or partially dismantled; or
 - [4] Physically or mechanically incapable of being or legally not permitted to be operated on the public streets.
 - (c) Exception: This section shall not apply with regard to such vehicles or parts thereof, building materials, machinery metal, rubbish, refuse, wastepaper, rags, glassware, tinware, boats or parts thereof or other items of junk or materials when kept or stored in an enclosed building.
 - (d) In addition to the restrictions in this section, §§ 140-2 through 140-5 of the code of the City of Belleair Bluffs shall apply to abandoned or wrecked vehicles.
- (4) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (5) Any building or structure in which any of the following conditions are found to exist:
 - (a) An unlawful use.
 - (b) Defective construction.
 - (c) A state of deterioration or a state of dilapidation.
 - (d) A fire hazard or a violation of fire district regulations.
 - (e) Unsafe.

- (f) Unsanitary.
 - (g) A menace to public health or safety.
 - (h) Emission of obnoxious odors or fumes.
 - (i) Being in a state of repair or maintenance as to structural conditions or grounds condition which falls below the standard of the community and has the effect of lowering property values in the surrounding area.
- (6) Abandonment of a home or property.
 - (7) Accumulation of sand, grass, weeds or other debris in roadway gutter. It shall be the responsibility of property owners to see that the roadway gutter adjacent to their property is cleaned to the extent that sand, grass, weeds or other debris does not impede the flow of water.
 - (8) Litter. Sections 106-1 through 106-18 of the code of the City of Belleair Bluffs shall regulate the control of litter within the city.

Section 3. That Section 102-163 of Article XXI of Chapter 102 (Land Development) of the Code of Ordinances of the City of Belleair Bluffs shall be amended to read as follows:

Sec. 102-163. – Notice to Abate.

When any of the conditions of § 102-158, 102-159, or 102-160 exist on private property, the owner of record as listed in the Pinellas County Tax Collector's Office shall be given written notice by registered or certified mail of a violation and given not less than seven calendar days after receipt of the notice that a public hearing will be conducted before the City Commission to allow the alleged offender to be heard. The time and date of the hearing will be stated in the notice.

Section 4. That Section 102-165 of Article XXI of Chapter 102 (Land Development) of the Code of Ordinances of the City of Belleair Bluffs shall be amended to read as follows:

Sec. 102-165. – Service of Notice.

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

Section 5. That Section 102-169A of Article XXI of Chapter 102 (Land Development) of the Code of Ordinances of the City of Belleair Bluffs shall be amended to read as follows:

- A. For the abatement of conditions as set forth in § 102-158, 102-159, or 102-160:

- (1) The charge shall be as established by resolution of the City Commission; or
- (2) The actual cost of contracting the work out to a private agency.

Section 6. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

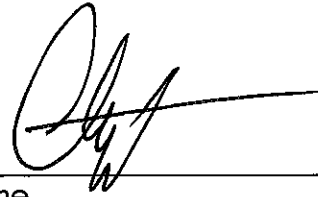
Section 7. For purposes of codification of any existing section of the Belleair Bluffs Code herein amended, words **underlined** represent additions to original text, words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 8. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 9. The Codifier shall codify the substantive amendments to the Land Development Code of the City Belleair Bluffs contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

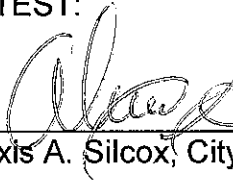
Section 10. Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BELLEAIR BLUFFS, FLORIDA, THIS 18th DAY OF SEPTEMBER, 2023.



Mayor Chris Arbutine

ATTEST:



Alexis A. Silcox, City Clerk



PASSED ON FIRST READING: August 21, 2023 Unanimously

PLANNING BOARD: September 18, 2023 Unanimously

PASSED ON SECOND READING: September 18, 2023 Unanimously

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