

CITY OF LYNN HAVEN, FLORIDA

ORDINANCE NO. 1103

AN ORDINANCE OF THE CITY OF LYNN HAVEN, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES REGARDING NUISANCES; AMENDING THE DETERMINATION OF ASSESSED VALUE FOR UNSAFE OR UNFIT DWELLINGS; REPEALING THE REQUIREMENT THAT CERAIN PROHIBITED CONDITIONS BE NOTICED BY PUBLICATION; PROVIDING THAT THE CITY MAY UTILIZE THE UNIFORM METHOD OF COLLECTION AUTHORIZED BY FLORIDA STATUTES; REPEALING PROVISIONS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND RECITING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LYNN HAVEN, FLORIDA:

SECTION 1. Section 26-51 of the City of Lynn Haven Code of Ordinances is hereby amended to read as follows (new text bold and underlined, deleted text ~~struckthrough~~):

Sec. 26-51. - Contents; authority of inspector.

- (a) The notice and order of the inspector may require the cutting of weeds or underbrush or the removal of rubbish or such other measures as are reasonably necessary to abate the nuisance.
- (b) The notice and order of the inspector may require the vacation, demolition or removal of any unfit or unsafe dwelling or structure, or may order the repair, restoration or replacement of any part of such unfit dwelling or structure; provided, however, that no building or structure shall be subject to repair, restoration or replacement where the costs of repairing, restoring or replacing any part or parts thereof would exceed 50 percent of the value of such structure or part thereof after repair, restoration or replacement. For the purposes of this section the value of an unfit or unsafe dwelling or structure shall be determined by reference to the most recent, final ad valorem tax roll prepared by the Bay County Property Appraiser.
- (c) The notice shall include:
 - (1) The description of the location of the buildings and/or land involved either by street address or by legal description.
 - (2) A statement providing an accurate description of the nuisance for which the notice is issued.
 - (3) Specifications of the section or sections of this article upon which the notice of violation is based.

- (4) If the nuisance does not involve an unsafe or unfit structure, a statement ordering what shall be done to abate the nuisance.
 - (5) If the nuisance does involve an unfit or unsafe structure, a statement of the nature and extent of such repairs or alterations necessary to comply with this article.
 - (6) If the nuisance involves an unfit or unsafe structure and is of such a character that repairs or alterations cannot bring the building into compliance, a statement to this effect and an order of demolition of the building indicating fully the reason therefor.
 - (7) If abatement of the nuisance or demolition of a structure is necessary for compliance, a specification of time for performing same shall be stated in the notice which shall not be less than ten days nor more than 120 days.
 - (8) The names of persons upon whom the notice is served, as stated in section 26-36(b).
 - (9) A statement advising that upon the owner's failure to comply with the notice, the city may vacate, demolish, or remove or otherwise abate the nuisance in accordance with the order stated in the notice, and at the expense of such performance by the city shall be charged against the real property and the assessment when made shall constitute a lien upon the property by the city.
 - (10) A statement advising of the procedures for review of the action of the inspector as set out in this article.
- (d) In the case of an unfit or unsafe dwelling or structure, the notice and order shall require the owner and other interested parties within 30 days after service to obtain a permit and begin specified repairs or improvements, or begin to demolish and remove the dwelling or structure or portion thereof. This work shall be completed within 60 days from the date of the permit for repair or demolition. Any demolition permit necessary as a result of any condemnation pursuant to this article shall not require a fee.
 - (e) Except as otherwise provided in this article for unsafe or unfit dwellings or structures, the inspector may order such work to be completed within such time as he determines to be reasonable considering the nature of the nuisance, the danger to the public and the amount of work involved to abate the nuisance.
 - (f) When the inspector verifies the existence of a rodent infestation in any dwelling or structure that is to be demolished and removed, in order to preclude the migration of rodents, the notice and order of the inspector shall require that effective rodent extermination methods be employed by a licensed structural pest control operator prior to demolition. Extermination techniques shall include ectoparasite control measures.

SECTION 2. Section 26-52 of the City of Lynn Haven Code of Ordinances is hereby repealed:

~~Sec. 26-52. Publication.~~

~~The city commission shall cause to be published in a newspaper regularly published and in general circulation within the city during the month of May in each year hereafter and once a week for two consecutive weeks a notice reading substantially as follows:~~

~~Attention owners, agents, custodians, lessees and the occupants of real property within the city limits of the City of Lynn Haven:~~

~~You are hereby notified that you are required by law to cut and keep cut to a height of not exceeding 12 inches all weeds, grass or underbrush; to remove any trash, debris, refuse or noxious matter located on any property owned, controlled or occupied by you in the City of Lynn Haven; and also to repair, restore or demolish any unfit or unsafe structure located upon such property; and that upon your failure to do so, the City of Lynn Haven will cause the nuisance to be abated, and the cost thereof will be assessed against the property upon which the nuisance is located.~~

SECTION 3. Section 26-56 of the City of Lynn Haven Code of Ordinances is hereby amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 26-56. - Assessment of cost of abatement; lien.

- (a) Upon expiration of the 30-day appeal period with no appeal having been taken, the city manager-clerk, after proceeding under this article, shall as often as may be convenient report the action taken toward abatement of the nuisance by the city, and the legislative body shall assess the entire cost of such action against the real property, which assessment, when made shall constitute a lien upon the property by the city. The lien of the city shall encompass in addition to the cost of abatement ~~of cost~~ for the vacation or removal of the facility, all administrative, legal, postal and publication expenses, as well as rodent extermination when employed, as well as all other direct or indirect costs associated therewith. The lien upon the property shall be superior to all others except taxes.
- (b) The city manager-clerk, after giving notice to the city tax collector, shall file such lien in the county's official record book showing the nature of such lien, the amount thereof, and an accurate legal description of the property, including the street address, which lien shall date from the date of filing and recite the names of all persons notified or interested parties. Such municipal lien shall bear interest from such date at the rate of ten percent per annum for individuals and 15 percent for corporation owners and shall be enforceable if unsatisfied after the expiration of two years from the date of filing such notice of lien, as other liens may be enforced by the city. All such recorded liens shall be included in a municipal tax deed sale, and no such deed shall be issued by the city manager-clerk unless full payment of principal and interest is received. Upon notice of an impending county tax deed sale, the tax collector shall request the clerk of the circuit court to collect all monies due the city, including such municipal lien with interest.
- (c) In addition, the City may collect the abatement cost through the additional and alternative method of levying a special assessment, sometimes called a non-ad valorem assessment, upon the subject property benefitted by the abatement. Collection shall be through the methods authorized by this Code, or any amending or succeeding ordinance, and shall include without limitation the method of collection specified in sections 197.3632 and 197.3635, Florida Statutes, or any amending or succeeding statute. It is the legislative intent of this chapter to authorize the collection of abatement

costs by assessment placed on the same bill as ad valorem taxes pursuant to applicable statutes and regulations promulgated thereunder. In the event this additional and alternative method of collection is used, the abatement cost shall include the fees incurred by the City for legal counsel, independent experts offering opinions, reports or testimony concerning the abatement benefit to the subject property or any other matters related or useful to the levy. This method of collection is cumulative to any other method of collection available to the City at law or equity.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. If any phrase, clause, sentence, paragraph, section, or subsection of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining phrases, clauses, sentences, paragraphs, sections or subsections of this Ordinance.

SECTION 5. It is the intention of the Commission that the provisions of this Ordinance shall become a part of the City's Code of Ordinances. The provisions of this Ordinance may be renumbered or re-lettered with cross-references corrected and the word "ordinance" may be changed to "section," "article", "division" or other appropriate word to accomplish such intention.

SECTION 6. This Ordinance shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Lynn Haven, Florida, this 9 day of February, 2021.

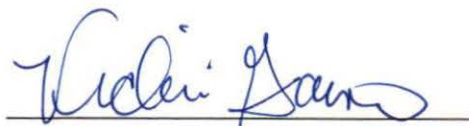
1st reading 1/12/21
2nd reading

CITY OF LYNN HAVEN, FLORIDA



Dan Russell, Mayor Pro Tem

ATTEST:



Vickie Gainer, City Manager-Clerk