

ORDINANCE 87-7

AN ORDINANCE DEFINING AND PROHIBITING NUISANCES AND UNSANITARY CONDITIONS WITHIN THE CITY LIMITS OF ST. LUCIE VILLAGE FLORIDA.

WHEREAS: The City of St. Lucie Village is primarily an area of residential development; and

WHEREAS: The City of St. Lucie Village is located in an area forecasted for rapid growth and development; and

WHEREAS: To maintain the unique residential qualities of the City of St. Lucie Village, it requires that reasonable attention be given to activities carried out within and around the City of St. Lucie Village and to the aesthetic appeal of properties within the City of St. Lucie Village; and

WHEREAS: The Board of Aldermen desire to prohibit any nuisances, unsanitary conditions, activities, or conditions within the City of St. Lucie Village which threaten or endanger the public health of the residents of this city or which adversely affect or impair the economic welfare of adjacent property owners within this city; and

WHEREAS: It is the intent and purpose of this ordinance to define and eliminate nuisances within the City of St. Lucie Village.

NOW, THEREFORE, be it ordained by the City Council of the City of St. Lucie Village as follows:

SECTION 1: ANIMAL NUISANCES:

1. It shall be unlawful for any person to keep cattle, calves, horses, mules, donkeys, goats, live chickens, ducks, geese or any other animals or fowl except cats, dogs and homing pigeons in the city unless the pen, poultry run or other place where said animals or fowl are allowed to roam is at least two hundred feet from any residence in the city, without first obtaining the written consent of the resident, owner or occupant of said residence; provided, however, that no person shall keep or harbor at any time said animals or fowl when an unsanitary condition or nuisance exists.

2. Every vicious dog or cat shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner. Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with other animals except for planned breeding purposes.

3. (a). No owner shall fail to exercise proper care and control of his dog or cat to prevent it from becoming a nuisance animal.

(b). A nuisance animal shall be defined as any dog or cat which:

- (1). Molests passersby or passing vehicles.
- (2). Attacks other animals.
- (3). Trespasses on school grounds.
- (4). Damages private or public property.
- (5). Barks, whines or howls in an excessive continuous or untimely fashion.
- (6). Causes an annoyance in the neighborhood by acts such as overturning garbage cans, digging holes upon other than its owner's property or other acts that are generally regarded as creating public nuisances.

SECTION 2: LOUD NOISES AND ACTIVITIES NUISANCES:

1. It shall be unlawful for any person to operate, play or cause to be operated or played within that portion of the city which has been zoned and designated for commercial purposes, between the hours of 11:00 p.m. and 7:00 a.m. of each day, and on Sunday from 7:00 a.m. to 1:00 p.m., and within those sections of the city which have been zoned as residential districts, between the hours of 10:00 p.m. and 7:00 a.m., any radio, phonograph, talking machine, piano, electric piano, music box or other machine, instrument or appliance for making music or noise, in such manner that the music or noise produced by the same may be heard at a greater distance than fifty (50) feet therefrom.

2. It shall be unlawful for any person to commit any type of noise, disorder or to create any disturbance calculated to disturb the peace or quiet of this city.

3. The distribution of posters, handbills or other advertising matter by scattering same in the streets of the city, or by depositing or leaving same in or on doorways, automobiles or lawns, within the limits of the city is hereby declared a nuisance per se tending to annoy and disturb the comfort of a considerable number of persons in the city.

SECTION 3: STORAGE AND DISPOSAL OR SCRAP AND WASTE:

1. It shall be unlawful for any person to cause or permit junk, scrap metal, scrap lumber, wastepaper products, discarded building materials or any unused and inoperative or abandoned vehicle or abandoned parts, machinery or

machinery parts, worn out tires, rims, household appliances or waste materials to be in or upon any lot, yard, garden, lawn or premises in the city for more than ten (10) days.

2. No person shall permit any accumulation of any such waste materials to be in or upon any lot, yard, lawn, garden or premises in the city if the same constitutes a fire hazard, a hazard to the safety of persons or property or any unsanitary or unsightly condition.

3. It shall be unlawful for any person to cause or permit storage of any commodity (to include but not be limited to junk metal, lumber, wastepaper products, building materials, motor vehicles or parts, machinery, appliances and tires) in any motor vehicle or part of any motor vehicle to include but not be limited to semi-trailers, busses and vans, even though properly licensed and inspected, anywhere within the limits of the city, for a period exceeding ten (10) days except on construction projects in process.

4. It shall be unlawful for any person to leave outside or inside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight door, snap lock or other lock which may not be released for opening from the inside of such icebox, refrigerator or container without first removing the lock or doors therefrom.

5. It shall be unlawful for any person to discharge or dispose of any crude oil or petroleum products into any of the storm sewers or sanitary sewer system of the city.

6. No person shall litter, throw, or deposit, or cause or permit the same on the sidewalk, boulevard median, or upon any street, lane, alley or other public property or in any gutter, catch basin, storm sewer, storm drain or drainage ditch, any trash, garbage, refuse or other waste matter or material.

SECTION 4: SANITARY NUISANCES:

1. A sanitary nuisance in the city is hereby declared to be the commission or any act, by any person, or the keeping, maintaining, propagation, existence or permitting anything, by any person, by which the life or health of any person, or the health or lives of persons, may be threatened or impaired, or by which or through which, directly or indirectly, disease may be caused or the environment of any person rendered unclean or unwholesome by an act of another or others.

2. There shall be no overnight camping permitted within the city limits.

3. Due to the sensitive environment of the Indian River, the city will not permit any persons to reside on any type of water craft within the waters of the Indian River within the City of St. Lucie Village.

SECTION 5: NUISANCES ON PRIVATE PROPERTY:

1. The existence of excessive accumulation of untended growth of weeds, undergrowth or other dead or living plant life upon any lot, tract or parcel of land, improved or unimproved, within one hundred (100) feet of the boundary line of any improved property within the incorporated areas of the city to the extent and in the manner that such lot, tract or parcel of land is or may reasonably become infested or inhabited by rodents, vermin or wild animals, or may furnish a breeding place for mosquitoes, or threatens or endangers the public health, safety or welfare, or may reasonably cause disease or adversely affects and impairs the economic welfare of adjacent property, is hereby prohibited and declared to be a public nuisance. Provided, however, this section shall not prohibit the use of tree limbs, palm fronds, grass or other such material to reduce or eliminate erosion on riverbanks, canal banks or other locations where erosion does or might occur.

2. If the marshall finds and determines that a public nuisance as described and declared in the preceding paragraph exists, he shall notify the record owner of the offending property in writing and demand that such owner cause the conditions to be remedied. The notice shall be given by hand delivery or by registered or certified mail, addressed to the owners of the property described as their names and addresses are shown upon the tax records and shall be deemed complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid. In the event that such notice is returned by postal authorities, the marshall shall cause a copy of the notice to be served upon the occupant of the property or upon any agent of the owner thereof. In the event that personal service upon the occupant of the property or upon any agent of the owner thereof cannot be performed after reasonable search by the marshall, the notice shall be accomplished by physical posting on the said property. The notice shall be in substantially the following form:

"NOTICE OF PUBLIC NUISANCE"

Name of owner _____

Address of owner _____

Our records indicate that you are the owner(s) of the following property in the City of St. Lucie Village, Florida:

(describe property)

An inspection of this property discloses and I have found and determined that a public nuisance exists thereon so as to constitute a violation of the City of St. Lucie Village Nuisance Ordinance in that:

(describe here condition which places the property in violation)

You are hereby notified that unless the condition above described is remedied so as to make it nonviolative of the St. Lucie Village Ordinances within twenty (20) days from the date hereof, the City of St. Lucie Village will proceed to remedy this condition, and the cost of the work, including advertising costs and other expenses will be imposed as a lien on the property if not otherwise paid within thirty (30) days after receipt of billing.

ST. LUCIE VILLAGE, FLORIDA

BY: _____
MARSHALL

3. Within twenty (20) days after the mailing or hand delivery of notice under this article to the owner of the property, he may make written request to the mayor for a hearing before the Board of Aldermen to show that the condition alleged in the notice does not exist or that such condition does not constitute a public nuisance.

4. If within twenty (20) days after the mailing of the notice, no hearing has been requested and the condition described in the notice has not been remedied, the mayor shall cause the condition to be remedied by the city at the expense of the property owner. If a hearing has been held and has concluded adversely to the property owner, the mayor shall cause the condition to be remedied by the city at the expense of the property owner.

5. After causing the condition to be remedied, the mayor shall mail a copy of the bill for remedying the condition whereupon such expense shall become payable within thirty (30) days, after which a special assessment lien and charge will be made upon the property, which shall be payable with interest at the rate of 6% per annum from the date of such certification until paid.

6. Such lien shall be enforceable in the same manner as a tax lien in

favor of the city and may be satisfied at any time by payment thereof including accrued interest. Upon such payment the clerk of the circuit court shall, by appropriate means, evidence the satisfaction and cancellation of such lien upon the record thereof and notify the mayor of such satisfaction. Notice of such lien may be filed in the office of the clerk of the circuit court and recorded among the public records.

SECTION 6: STREETS, SIDEWALKS AND PARKING NUISANCES:

1. No street, alley or way shall be closed, abandoned, relinquished or narrowed except by ordinance.

2. It shall be unlawful for any person to block or obstruct any street in the city for more than five (5) minutes at any one time unless a permit has been obtained from the mayor to do so. Such obstruction shall comply with all rules, regulations and orders that the mayor may require.

3. No excavation shall be made in any street except by permission of the mayor, upon such terms as he may impose. Injuries of any kind must be repaired as soon as possible and at the expense of the person causing the condition requiring repair.

4. It shall be unlawful for any person to congregate, ride or drive upon or otherwise obstruct, block, injure or remove any public sidewalk except as duly authorized or sanctioned by this Code or any law or ordinance of the city. It shall be unlawful to willfully tear up, mutilate or damage any pavement, sidewalk, park or the poles, trees and plants thereon, or any other public property of any kind, or to cause or permit it to be done in any manner whatsoever.

5. No person shall operate or park any vehicles on any public park or the median strip of any boulevard within the City of St. Lucie Village. There shall be no parking of vehicles or loitering upon any property east of North Indian River Drive without the consent of the property owner thereof.

6. Operation of any vehicles in excess of one ton is not permitted on any public roadway east of Old Dixie Highway except when absolutely necessary to make a local delivery.

7. No person shall operate any type of motor cycle, dirt bike, or ATC on any private property within the city without the consent of the owner of the subject property.

SECTION 7: ABANDONED PROPERTY ON PRIVATE OR PUBLIC PROPERTY:

1. It shall be unlawful for any person to maintain any type of abandoned, unused or inoperative vehicles, boats, or machinery within the City of St. Lucie Village.

2. Any vehicle, machinery or water craft shall be considered to be abandoned if it is left abandoned upon public or private property, unprotected from the elements and whether operative or not, only has nominal value for salvage.

3. Any water craft which is not seaworthy and is left upon any drums, horses, cradles, boatways or any other stand or support for thirty (30) days or more, without any visible repairs or improvements being made, shall be presumed to be inoperative and abandoned.

4. Whenever the marshall, city council or Code Enforcement Board shall ascertain that an article or articles of junk or junked or abandoned vehicles as described above, are present on private property within the city, they shall cause a notice to be placed upon such article or articles in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY.

This property to wit: _____
located at _____ is improperly stored and
is in violation of Ordinance _____ and must be removed within ten (10) days
from the date of this notice. All persons, firms, or corporations, owning,
having or claiming any interest in, or lien upon, this property have the right to
a pre-taking hearing before the attached property is removed and destroyed. A
demand for hearing must be filed in writing with the mayor of the City of St.
Lucie Village within ten (10) days of the date of this notice or be forever
waived. If no demand for a hearing is filed, this property shall be presumed to
be abandoned property and will be removed and destroyed by order of
_____. Dated this _____ day of _____, 19____.

5. Such notice shall not be less than eight inches by ten inches and shall be sufficiently weather proofed to withstand normal exposure to the elements for a period of ten (10) days. In addition to posting, the marshall shall

mail a copy of the notice to the owner of the abandoned article or articles and to the owner of the real property upon which the abandoned article or articles are located. As shown by real estate tax records of the County on the date of posting of such notice.

6. If at the end of ten (10) days after the posting of such notice, the owner or any person interested in the abandoned article or articles described in such notice has not removed the article or articles and complied with the ordinance or regulation cited in the notice, or demanded a pre-taking hearing, the marshall may cause the article or articles of abandoned property to be removed and destroyed, and the salvage value, if any, of such article or articles shall be retained by the City Council to be applied against the cost of removal and destruction thereof.

7. In the event a demand for a pre-taking hearing is filed by any person, firm or corporation owning, having or claiming an interest in, or lien upon, the abandoned article or articles described in such notice, a formal hearing shall be scheduled before the Board of Aldermen of the City of St. Lucie Village, at which time the interested person, firm or corporation shall have the opportunity to present evidence and contest the enforcement officer's determination. The decision of the Board of Aldermen shall be binding on all interested persons.

SECTION 8: ENFORCEMENT:

1. The marshall of St. Lucie Village shall issue a warning or citation to any person found not to be in compliance with the provisions of this Ordinance.

2. In the event the property owner fails to bring his property into compliance or if there is a repeated violation of this Ordinance, the marshall shall report the matter to the mayor.

3. The marshall of St. Lucie Village or his agent shall be immune from prosecution, civil or criminal for reasonable good faith trespass upon real property while in the discharge of duties imposed by this Ordinance.

4. The Code Enforcement Board of the City of St. Lucie Village shall have authority to enforce any of the terms and provisions under this Ordinance which have no other specified means of enforcement.

5. The terms and provisions of this Ordinance shall supercede the terms and provisions of any prior ordinance or resolution enacted by the City of St.

Lucie Village, which are in conflict with the terms and provisions of this Ordinance.

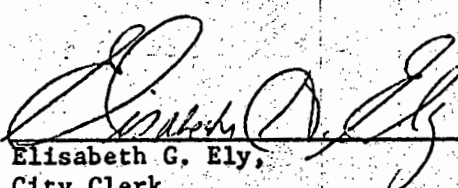
6. This Ordinance shall become effective the 24th day of November, 1987.

APPROVED:

BOARD OF ALDERMEN
CITY OF ST. LUCIE VILLAGE

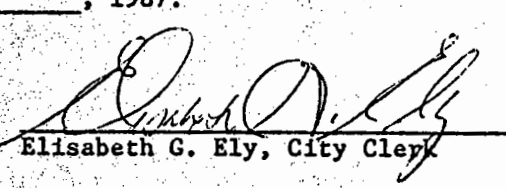
BY: 
R. HARRINGTON, Mayor (Acting)
11/24/87

ATTEST:


Elisabeth G. Ely,
City Clerk

I, ELISABETH G. ELY, Clerk of the CITY OF ST. LUCIE VILLAGE, FLORIDA, do hereby certify that this is a true and accurate copy of Ordinance 87-7, which was duly introduced, read and adopted at the regular meeting of the Board of Aldermen of the CITY OF ST. LUCIE VILLAGE, FLORIDA, held the 24th day of November, 1987.

WITNESS my hand and official seal of the CITY OF ST. LUCIE VILLAGE, FLORIDA, this 24th day of November, 1987.


Elisabeth G. Ely, City Clerk