

Chapter 11

HEALTH AND SANITATION*

* **Cross References:** Administration, Ch. 2; alcoholic beverages, Ch. 3; animals, Ch. 4; buildings and building regulations, Ch. 5; fire limits, § 5-2; building slab elevations, § 5-43; code enforcement, Ch. 6; fire prevention, Ch. 8; flood prevention, Ch. 9; litter on private property prohibited, § 11-6; junked, wrecked, abandoned property, Ch. 12; streets, sidewalks, bridges and other public places, Ch. 23; traffic and vehicles, Ch. 25; utilities, Ch. 26; zoning, Ch. 27; marine structures, wharfs and activities, Ch. 15; littering in waterways prohibited, § 15-22; public nuisances, § 15-36; backflow and cross connections regulations and prohibitions, § 26-101 et seq.; waste water systems, § 26-121; utility systems in subdivisions, § 26-146 et seq.

State Law References: Public health, F.S. Ch. 381; state sanitary code, F.S. § 381.031(1)(g); mosquito control, F.S. Ch. 388; municipal regulations, F.S. §§ 381.071, 381.101, 381.311; sanitary nuisances, F.S. § 386.01 et seq.

Sec. 11-1. Nuisances.

The city shall have the power to compel the abatement and removal of all nuisances within the city or upon property owned by the city beyond its limits, at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be. The city shall have the power and authority to affix, impose and record liens on real property for the cost and expenses incurred by the city in removing and abating all nuisances which are located or have been located thereon or caused by the owners or occupants thereof; to require all lands, lots and other premises within the city to be kept clean, sanitary and free from weeds, or to make them so at the expense of the owners or occupants thereof; to regulate or prevent slaughterhouses, canning factories, or other noisome or offensive businesses within the city; to provide for inspecting and regulating the sanitary condition of all dairies, butcher pens and slaughterhouses within the city limits; and to provide penalties for the violation of such regulations; to regulate or prohibit the keeping of animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust; to prevent unnecessary noise therein; to regulate the location of stables and the manner in which they shall be kept and constructed; and to generally define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city.

(Ord. No. 1038, § 5(19), 2-10-82)

Sec. 11-2. Firearms, fireworks, other combustible or inflammable materials.

The city shall have the power to license, regulate, suppress or prohibit the sale and discharge of firearms and fireworks, and to prevent the carrying on of manufacturing of a nature tending to produce offensive noises or fires; to regulate the storage of tar, pitch, rosin, saltpeter, gun cotton, kerosene, gasoline, oils and all other combustibles, explosives and inflammable materials, and the use of candles, lamps, electric wires, steam pipes in dwellings, shops and all other places.

(Ord. No. 1038, § 5(22), 2-10-82)

Sec. 11-3. Weights, meters, measures.

The city shall have the power to inspect, test, measure, and weigh any commodity or article for

consumption or use within the city and to fix a standard for any such commodity or article, and to establish, regulate, license and inspect weights, meters, measures and scales.
(Ord. No. 1038, § 5(20), 2-10-82)

Sec. 11-4. Adoption of sanitary code.

The sanitary code of the city is composed of Chapter 10 of this Code, which deals with garbage disposal, as it now exists or may be amended, and sections 11-4 through 11-10, or subsequent section as may be created, and the rules and regulations promulgated by the Florida Department of Health and Rehabilitative Services pursuant to F.S. Chapter 381, known as "The Sanitary Code of Florida." Further, any act, failure to act, or failure to maintain which would give the city the right to take remedial action under sections 11-7, 11-8, and 11-9 will be violations of the sanitary code punishable as provided in this section or as otherwise provided in this Code.

(Code 1964, § 14-1)

State Law References: State Sanitary Code, F.S. § 381.061(9).

Sec. 11-5. Littering generally.

It shall be unlawful for any person to place, sweep or scatter or cause to be placed, swept or scattered, any trash, rubbish, paper, fruit peelings, debris, refuse or filth upon any street, lot, tract, parcel of land, sidewalk, parkway or bank of any river, stream or waterway, alley, or any vacant lot or upon any improved property, regardless of ownership, and to dump or deposit in any stream, watercourse, or pool within the limits of the city, any trash, debris, refuse, paper, oil, vegetable and mineral matter or other substances that will pollute or tend to pollute the waters of such stream, watercourse or pool.

(Code 1964, § 14-2)

State Law References: Florida Litter Law, F.S. § 403.413.

Sec. 11-6. Litter on private property--By nonowner.

No person shall place or cause to be placed on any lot or parcel of land within the city limits, without the consent of the owner thereof, any debris, refuse, trash or rubbish, and no person shall dump debris, refuse, trash and rubbish at any place or places within the city limits of the city except at a place or places which have been previously designated by the city council as a public dump.

(Code 1964, § 14-4)

Cross References: Garbage and refuse, Ch. 11; junked, wrecked, abandoned property, Ch. 12; streets, sidewalks, bridges and other public places, Ch. 23; traffic and vehicles, Ch. 25; utilities, Ch. 26.

Sec. 11-7. Same-Accumulations allowed by owner; abatement.

No person shall allow to remain upon his own property or property he occupies any accumulation of debris, refuse, trash or rubbish which becomes or causes a safety or health hazard, or which causes a practical difficulty or impediment in connection with the clearing and mowing of the property of weeds, grass, brush, or other growth, as set forth in section 11-8. If any person violates the provision of this section, then in addition to the other penalties set forth in this Code, the lot or parcel of land shall be subject to the special assessment for the cost of the city cleaning such debris, refuse, trash or rubbish therefrom in the same manner and under the same procedure as set forth in section 11-8.

(Code 1964, § 14-5; Ord. No. 2205, § 11, 11-17-99)

Cross References: Buildings and building regulations, Ch. 5; garbage and refuse, Ch. 10; landscaping, Ch. 13; streets, sidewalks and other public places, Ch. 23; zoning, Ch. 27.

Sec. 11-8. Excessive growth of grass, weeds and brush.

(a) *Accumulations unlawful; exceptions.* The owners or occupants of land in the city where the land is located within five hundred (500) feet of a residential dwelling, commercial, industrial or public structure will not allow it to have accumulated thereon more than a three-month growth of grass, weeds or brush, or allow the grass, weeds or brush to attain a height of twelve (12) inches or more. If such conditions exist, the owners or occupants shall have the same mowed. In the Plantation Acres, rural SPI-1 district, this section will not be enforced on vacant and unimproved property in areas where woods, wetlands, or thick growths of natural shrubs and trees make it impossible to mow said areas with a bushhog. Upon determination by code enforcement personnel that a violation of this section has occurred, the enforcement personnel may refer such violations to the code enforcement board or may prosecute the violation by any other means available (e.g., by the police department issuing a notice to appear in county court, or by the city seeking injunctive or other relief.)

(b) *Notice to abate where city wishes to take remedial action.* Where grass, weeds and brush have accumulated on property for a period exceeding three (3) months' growth, or have attained twelve (12) inches growth, then city's enforcement personnel shall direct a certified letter, return receipt requested, to the owner or occupant of the land as such is indicated upon the property tax roll, requesting that the land be cleared and further advising the owner or occupant that the city will have the land so mowed and cleared unless the owner or occupant does so within the period of fourteen (14) days after the letter's date. The letter shall be posted upon the property's front door, or facade or if there be no building, stapled to a stake sign and covered with plastic. The notice shall state that no further notice of an unlawful accumulation will be given if the city effects remedial action and subsequently, the same violation occurs. However, this shall be applicable only if the property owner remains the same according to the tax rolls of the county. If the property owner has changed, a new notice shall be provided. The enforcing officer shall designate in the letter the approximate cost to the city of the corrective action and will also include a fee for the administrative work, postage and such other costs as are necessary to be expended by the city. It is intended that the notices provided in this paragraph are courtesy notices only and that an owner's or occupant's actual receipt of notice that the land is in violation is not a prerequisite to the city's abatement of the condition or the recovery of the costs of abatement as provided for in the paragraph below. It will be a violation of this Code for anyone other than the enforcement personnel or property owner to remove the notice and the notice shall so state. If a property owner removes the sign, then owner must bring the sign into the code enforcement division. If a property owner wishes to dispute any determination by the city that a violation of section 5-87 exists, the owner may notify the city code enforcement personnel that made the determination. The city will then cite the property owner with a violation. The city may not perform any remedial work until the violation has been filed.

(c) *Remedial action by city; recovery of costs.* If the land is not cleared and mowed within fourteen (14) days of the date of the notice, then the city may cause the same to be cleared and mowed and all costs thereof shall be assessed against the land by promulgating a resolution and recording same. The city may undertake the remedial action with its own forces or may contract for same as it so determines. The enforcing officer will keep a docket of these liens and will notify the city attorney of any which are not paid in the manner as provided in the resolution. The lien shall be coequal with the lien of all state, county, district and municipal taxes, superior in dignity to all other liens, titles and claims (including, but not limited to, prior recorded mortgages). Interest on the lien shall accrue at a simple rate of eight (8) percent per annum from the date the resolution is promulgated until the lien is satisfied. The city may enforce the lien in any manner permitted by

law, including an action to foreclose the lien in a similar manner as mortgages are foreclosed. Should the city enforce a lien, the city shall be entitled to recover all its costs and expenses incurred, including attorneys' fees at trial and on appeal.

(Code 1964, § 14-3; Ord. No. 1449, 1-21-87; Ord. No. 2205, § 12, 11-17-99)

Cross References: Buildings and building regulations, Ch. 5; code enforcement, Ch. 6; garbage and refuse, Ch. 10; landscaping, Ch. 13; zoning, Ch. 27.

Sec. 11-9. Vegetation protruding into public rights-of-way.

(a) *Property owners' responsibilities.* Any property owner who permits or allows vegetation, trees or plantings to grow or extend from the property of such owner into, across or over public rights-of-way in such a manner as to obstruct the free flow of vehicular traffic (including trucks where allowed) upon such rights-of-way or pedestrians from using sidewalks located within such public rights-of-way, shall forthwith and within ten (10) days of being notified of such obstruction, trim or cut such trees, plantings or shrubbery back to his property line so as to not obstruct the free and full use of sidewalks and road rights-of-way by the public.

(b) *Abatement by city; recovery of costs.* Upon the owner failing to so trim, the maintenance department shall follow the procedures set forth in section 11-8 of this Code for the removal of weeds and brush from private property in order to recoup from the owner the cost of clearing such trees, plantings or shrubbery from the public rights-of-way and having same constitute an assessment against the lands on which such offensive shrubbery, plantings or trees are located.

(Code 1964, § 14-3.1)

Cross References: Buildings and building regulations, Ch. 5; landscaping, Ch. 13; streets, sidewalks, bridges and other public places, Ch. 23; zoning, Ch. 27.

Sec. 11-10. Construction wastes.

(a) All temporary buildings used for the construction of any improvements and all building materials and equipment used for the same purpose, including construction waste and debris, except such materials and equipment as has actually been included in the improvement itself, shall be removed within thirty (30) days after final inspection of the improvement by the building official of the city. The building official shall not issue a certificate of occupancy for such improvement until such construction waste is so removed.

(b) In all single-family residentially zoned districts during periods of construction, either new or during the renovation or remodeling of existing structures, the building official or such official's designee shall have the authority depending, on the scale, nature, and pattern of the construction activity as well as the physical constraints of the construction site and area, to require that any roll-off container for the disposal of construction debris and waste material be reduced in size, screened from view by being placed in the side or rear yard if reasonably possible, or removed from the property completely should the construction have ceased or not be of the magnitude where a roll-off container is warranted.

(Code 1964, § 14-6; Ord. No. 2177, § 1, 2-10-77)

Cross References: Buildings and building regulations, Ch. 5; garbage and refuse, Ch. 10; streets, sidewalks, bridges and other public places, Ch. 23.