

ORDINANCE 2017-12

(Amending Chapter 12 Health, Sanitation, Nuisances, and Minimum Property Maintenance Standards)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING CHAPTER 12 HEALTH, SANITATION, NUISANCES, AND MINIMUM PROPERTY MAINTENANCE STANDARDS; AMENDING ARTICLE I IN GENERAL, SECTION 12-8 PENALTIES; ARTICLE II NUISANCES, DIVISION I GENERALLY; ARTICLE III CODE ENFORCEMENT, DIVISION 3 SUPPLEMENTAL ENFORCEMENT PROCEDURES, SECTION 12-222 APPLICABILITY, AND DIVISION 4 MINIMUM PROPERTY MAINTENANCE STANDARDS, SECTIONS 12-230 UNSAFE STRUCTURES AND EQUIPMENT, 12-230.8 PLACARDING, 12-230.8.1 PLACARD REMOVAL, 12-230.9 PROHIBITED OCCUPANCY, AND SECTION 12-230.13 PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE:

NOW THEREFORE BE IT ENACTED, by the City Commission of Lake Wales, Polk County, Florida:

SECTION 1: Article I. In General is amended as follows:

§12-8 Penalties.

Any person violating the provisions of this Chapter shall be punished as provided in section 1-15.

SECTION 2: Article II. Nuisances is amended as follows:

Division 1. Generally (F.S. 823.04)

~~NOTATION~~ §12- 20 Nuisance Penalty (F.S. 823.01)

All nuisances that tend to annoy the community, injure the health of the citizens in general, or corrupt the public morals are misdemeanors of the second degree, and punishable as provided in F.S. 775.083, except that a violation of F.S. 823.10 (Place where controlled substances are illegally kept, sold, or used declared a public nuisance) is a felony of the third degree.

SECTION 3: Article III. Code Enforcement is amended as follows:

Division 3. Supplemental Enforcement Procedures

§12-222. Applicability.

(a) A citation may be issued for violation of any city code or ordinance ~~enumerated in section 12-203~~. For the purpose of enforcing codes and ordinances pursuant to the provisions of this division, any such violation shall constitute a civil infraction.

Division 4. Minimum Property Maintenance Standards

§12-230 Unsafe structures and equipment

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be ~~condemned~~ placarded pursuant to the provisions of this code.

§12-230.8 Placarding.

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard ~~bearing the word "Condemned"~~ which includes a statement of the penalties provided for occupying the premises, or operating the equipment or removing the placard.

§12-230.8.1 Placard removal.

The code official shall remove the ~~condemnation~~ placard whenever the defect or defects upon which the ~~condemnation~~ and placarding action were based have been eliminated. Any person who defaces or removes a ~~condemnation~~ placard without the approval of the code official shall be subject to the penalties provided by this code.

§12-230.9 Prohibited occupancy.

Any occupied structure ~~condemned by the Building Official and~~ placarded by a Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, agent of such owner, or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be subject to the ~~penalty in § 12-225, Lake Wales Code of Ordinances of~~ penalties of this section.

AND

§12-230.13 Penalties:

Any person who violates any of the provisions of this section is guilty of a misdemeanor of the second degree, and punishable as provided in F.S. 775.083, except that a violation of F.S. 823.10 (Place where controlled substances are illegally kept, sold, or used declared a public nuisance) is a felony of the third degree.

SECTION 4: Severability: If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated.

SECTION 5: Effective date: This ordinance shall become effective immediately upon its passage by the city commission.

CERTIFIED AS TO PASSAGE this 18th day of July 2017.

By: Eugene L. Fultz
Mayor/Commissioner
City of Lake Wales, Polk County, FL

ATTEST: _____
City Clerk