

ORDINANCE 2009-02

AN ORDINANCE AMENDING CHAPTER 12, HEALTH, SANITATION, NUISANCES, LAKE WALES CODE OF ORDINANCES, BY PROVIDING THAT THE OWNER OF PROPERTY THAT IS DETERMINED TO CONSTITUTE A PUBLIC NUISANCE DUE TO UNSANITARY CONDITIONS SHALL REIMBURSE THE CITY FOR ALL COSTS INCURRED BY THE CITY IN ELIMINATING SAID UNSANITARY CONDITIONS, INCLUDING ADMINISTRATIVE COSTS; AMENDING THE METHOD BY WHICH NOTICE IS PROVIDED TO THE PROPERTY OWNER; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Chapter 12, HEALTH, SANITATION, NUISANCES, Article II, NUISANCES, Division 2. DEBRIS, WEEDS, WILD GROWTH AND UNSANITARY CONDITIONS, Lake Wales Code of Ordinances, is amended as follows:

Sec. 12-38 Notice to property owner to remedy or authorize city to remedy conditions.

(a) If the city manager, or a city employee so designated by the city manager, finds that debris, rubbish, trash, tin cans, paper or stagnant water, diseased, dead or damaged trees, have accumulated or a dense growth of vines, underbrush, weeds, wild growth and/or grass is excess of twelve (12) inches in height from th ground exists on any lot, tract or parcel as afore described within the city to the extent and in the manner that it constitutes or may reasonably become a menace to life, property, the public health, the public welfare; creates a fire hazard; or provides a nest and/or breeding ground for sand flies, mosquitoes, rats, mice or other rodents, snakes, and other types of pests, vermin, he shall, as a designated representative of the city, direct a notice in writing to the owner of record such property property by certified mail at his last known mailing address as shown by the records of the tax assessor of the county advising that the aforementioned debris, rubbish, trash, tin cans, etc., have been found to exist on the property described on such notice; and demand that such owner cause such condition to be remedied forthwith or the city is authorized to have such work done on behalf of the owner at the owner's cost. ~~The cost of such work, including an administrative fee of fifteen (15) percent of the cost of the work up to ten dollars (\$10.00)~~ The cost incurred to provide this service, including all administrative costs incurred, shall be assessed against the owner and shall automatically become a lien against the property if not paid ~~in the time prescribed within 30 days as authorized~~ in section 12-36. Such written notice shall detail the specific violation for which the owner is charged and state the location where

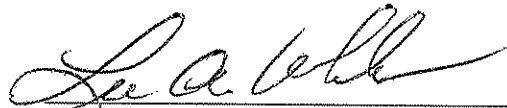
information of which the owner is charged may be obtained, and state the location where information may be obtained concerning the costs of city lot cleaning.

(b) If there is an occupied dwelling on the property, a copy of such notice shall be served by an appropriate official of the city, including but not limited to a police officer, upon the occupant of said property, or upon any agent of the owner thereof, owner of said property or by mailing the notice by registered or certified mail. The mailing of such notice shall be sufficient proof thereof and the delivery of notice to an occupied dwelling the legally shown property owner shall be equivalent to mailing. If the owner does not reside at the address where the violation is found, a copy of the notification will be served to his current address as shown in the records of the tax assessor of this county or any other address obtained through information obtained in public record. If the mailing address of the owner is ~~not known~~ unknown or the owner fails to take receipt of the certified mailing and the property is unoccupied, and the owner has no agent in the city, the notice shall be posted upon said property as notice to the owner thereof. Chapter 162, Florida Statutes, Section 162.12 shall be adopted as reference for delivery of due process notice.

SECTION 2. 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 herein.

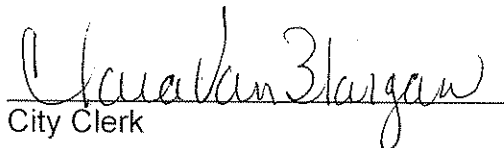
SECTION 3. This ordinance shall become effective immediately upon passage by the City Commission.

CERTIFIED AS TO PASSAGE this 3rd day of February, 2009.



Mayor/Commissioner
City of Lake Wales, Polk County, Florida

ATTEST:



City Clerk