

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 13 ENTITLED “HEALTH AND SANITATION”, AT SECTION 13-21 ENTITLED “DEFINITIONS” TO PROVIDE FURTHER CLARITY TO THE DEFINITION OF NUISANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to amend the Land Development Code in order to provide for further clarification of the nuisance definition based upon standard reasons for using the nuisance sections of the City’s Code; and

WHEREAS, it is for the benefit of the health, safety and welfare of the residents and also to ensure due process notice on nuisance violations

WHEREAS, the City desires to modify Chapter 13 of the City Code to update the definition of nuisance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That the preceding “WHEREAS” clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2 That Chapter 13, entitled “Health and Sanitation” of the City’s Code of Ordinances at Section 13-21, entitled “Definitions be amended to read as follows:

CHAPTER 13

HEALTH AND SANITATION

13-21 – Definitions.

- a) Accumulation. Any one (1) or more articles of litter.
- b) Garbage. Every accumulation of animal, fruit, or vegetable matter that results from the preparation, use, handling cooking, processing, serving or storage of meats, fish fowl, fruits, vegetables or other organic matter, which is subject to decomposition, decay, rot putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may served as breeding or feeding materials for flies, other insects or animals.
- c) Improved property. Any real property with a structure or building located on it.
- d) Litter. Any materials, including but not limited to garbage, rubbish, trash, refuse, including cans, bottles, boxes, containers, materials, tools, machinery, furniture, wood, motor vehicle or motor vehicle parts, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment

facility, water supply treatment plan, or air pollution control facility or substance in any form resulting from any domestic, industrial, commercial uses, mining or governmental operations.

e) Owner or occupant. Any owner or lessee of any lot tract, or other parcel of land in the city.

f) Person, Any individual, firm, sole proprietorship, partnership, corporation, unincorporated association or other entity

g) Stagnant water. Any body of water, natural or man-made, which lacks flow, or which is a breeding ground or feeding area for mosquitoes, rodents, snakes, or any species of insect or animal, or which constitutes a habitat for disease-bearing organisms, or which is a host for algae or other growth indicative of water that is not disinfected.

h) Swimming pool. Any structure having a depth at any point of more than (2) feet, intended for the collection of water for the purpose of immersion or partial immersion in it of human beings.

i) Trash. Abandoned vegetative material from landscaping, maintenance or land-clearing operations, tree and shrub trimmings, grass clippings, palm fronds, tree stumps and similar materials as well as construction debris including but not limited to, abandoned material from construction operations.

j) Untended vegetation. Grass, weeds, or underbrush in excess of eight (8) inches in height from the ground, vines or other vegetation. The term does not include protected types of vegetation, such as mangroves and green buttonwood that may exist or have been planted to serve as a buffer for any use from any roadway or any adjacent land use, or which may exist or which is planted along any canal bank; provided, however, that maintenance of such vegetation must otherwise comply with all applicable City ordinances.

k) Discolored or discoloration. The description of the appearance of any existing wall surface, including any perimeter wall, fence, or roof in which the colors are different because the surface is bleached, faded, soiled, stained, or streaked and vary from the color of the wall, fence, or roof surface, due to weather, fading, vandalism or other cause.

l) Good condition. A feature of a building or structure that comports with its originally intended and constructed function, appearance, and state.

m) Good repair. Any repair made to property which is consistent with, and ensures, that a feature of a building or structure is serving its originally intended function, which repair was executed in a workmanlike manner.

n) Nuisance. Any one or a combination of the following:

(1) Any attractive nuisance, such as building site, pool, body of water or other place which may prove detrimental to health or safety, especially to children; including but not limited to stagnant water, and green pools, which can cause an insect infestation hazard and noxious odors); rodents, vermin, wild animals or snakes; may become a breeding place for mosquitoes, bed bugs, cockroaches; may pose a fire hazard; may threaten or endanger the public health and welfare; may reasonably cause disease; or may adversely affect and impair the economic welfare of any adjacent property. The term stagnant water does not include the casual accumulation of rainwater after a heavy storm which normally is gone within 72 hours.

(2) Any physical condition dangerous to human life or property, or detrimental to health or property values, or which tends to degrade the appearance of a neighborhood

and, may include but not be limited to the following situations: ripped tarps covering roof without timely repairs, noxious odors, and mold/black substance on walls.

(3) Any condition relating to private or public property which impedes the free passage of persons on a public or public sidewalk, or which impedes ingress to or egress from property or which impedes passage of vehicles on a public right-of-way or street.

(4) Any fire hazard.

(5) Storage of any item or items exposed to public view not otherwise permitted by law, including but not limited to vehicle(s) stored on jacks.

(6) Property in an overgrown condition, trash and debris left on the right-of-way, swale or property; property not properly maintained or both.

(7) Any public nuisance known or recognized as such at common law or in equity jurisprudence or as provided by statute, administrative rule, or ordinance of the city, including this chapter.

(8) Abandoned and/or vacant real property, which is unmaintained or unsecured, is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, safety and welfare of the residents of the City.

(9) Any accumulation of rubbish, trash, refuse, junk, and other abandoned materials, metals, lumber, or other things, which based upon the facts and circumstances of the accumulation has become a public nuisance.

(10) Any condition which may prove detrimental to the health and safety of children, whether on an improved or unimproved lot, tract or parcel of land including but not limited to abandoned wells, shafts, excavations, abandoned appliances, abandoned or inoperable motor vehicles, and any structurally unsound fences or structure, lumber, trash debris, or vegetation such as poison ivy, oak, or sumac, which may prove a hazard for inquisitive minors.

(11) The carcasses of animals or fowl not disposed of within a reasonable time after death.

(12) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, industrial wastes, or other substances.

(13) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.

(14) These nuisance regulations do not supersede more specific ordinances adopted for other code violations.

* * *

Section 3. That if any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 5. It is the intention of the Mayor and City Commission of the City of Dania Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Dania Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. That this Ordinance shall be effective 10 days after passage on second reading.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____ 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION: Unanimous ____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

SIGNATURE PAGE TO FOLLOW

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY