

**ORDINANCE NO. 981**

**AN ORDINANCE OF THE CITY OF DEFUNIAK SPRINGS,  
FLORIDA REPEALING AND REPLACING ORDINANCE  
485 AND 857 AMENDING CHAPTER 14 NUISANCES AND  
HAZARDOUS OR INSANITARY CONDITIONS OF THE  
CITY OF DEFUNIAK SPRINGS CODE OF ORDINANCES IN  
ITS ENTIRETY.**

**WHEREAS**, Chapter 166, Florida Statutes, authorizes the various municipalities of the State of Florida to adopt regulations in the interest of the public health, safety, and general welfare of the public; and

**WHEREAS**, the City of DeFuniak Springs has previously adopted Ordinance 485 to establish minimum standards governing the use and sanitary maintenance of premises, buildings and public ways to protect the health, safety, and general welfare of the community by defining, prohibiting, and providing remedies for nuisances and hazardous or insanitary conditions and establishing the process for notification to owners and/or occupants to comply with such minimum standards; establishing an appeal procedure for owners and/or occupants to challenge compliance requirements; establishing a remedy procedure for removal, abatement and discontinuance of violations; establishing a lien against property; establishing a method of collection should the city take remedial action providing penalties for violation thereof; and

**WHEREAS**, the City of DeFuniak Springs has previously adopted Ordinance 857 to establish and update a policy adding procedures for abatement of certain code violations; providing that abatement costs associated therewith may be assessed against property pursuant to Florida law; defining the process for determining and abating violations, collecting costs through special assessment, and providing for appeal of determinations of violations; providing for severability, and for an effective date; and

**WHEREAS**, the City Council has determined that it is in the interest of the public health, safety, and the general welfare of the public to make changes to the existing policies related to nuisances and hazardous or insanitary conditions; and

**WHEREAS**, all public notices required by law have been provided.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
DEFUNIAK SPRINGS, FLORIDA:**

**Section 1.** The foregoing whereas clauses are hereby adopted as legislative findings and statements of intent.

**Section 2.** Ordinance 485 and 857 is hereby amended and repealed to revise Chapter 14 – Nuisances and Hazardous or Insanitary Conditions to now read, in its entirety, as follows:

## **Chapter 14 NUISANCES AND HAZARDOUS OR INSANITARY CONDITIONS**

### **ARTICLE I. IN GENERAL**

#### **Sec. 14-1. Definitions.**

Words in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter include the masculine. The singular number includes the plural, and the plural includes the singular.

Whenever the words "dwellings," "dwelling units," "rooming house," "rooming units," "premises," or "buildings" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

The following definitions shall apply to the interpretation and enforcement of this chapter:

**City** shall mean DeFuniak Springs, Florida.

**Construction material** shall include all types of debris resulting from construction of any type, including blocks, stones, rocks, boards, plaster, cement products, nails, roofing material, or other materials and waste as a result of any construction or land clearing.

**Discarded personal property** shall mean all items of personal property rendered unusable by wear and time of use; including, but not limited to, furniture; appliances; tools; containers of all types, whether glass, plastic, wooden, or other materials; household goods of all types; clothing and wearing apparel.

**Enforcement officer** shall mean the city inspector or other officers or persons designated by the city council with the administration and enforcement of this chapter, or their duly authorized representative.

**Garbage** shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**Green roof** is a vegetated roofing system which is functionally integrated onto a roof area. Designs are site specific depending on climatic conditions; slope; access; structural capacity and intended

usage. Standard components are a tested waterproofing membrane; root barrier; drainage outlets; drainage layer; geofabric; grow media; vegetation; irrigation; maintenance regime.

**Hazardous tree** shall mean any tree determined to be in imminent danger of falling based on an assessment by an arborist or municipal official.

**Imminent danger of falling** shall mean a condition in which a tree poses a clear, present, and immediate threat to public safety, property, or infrastructure due to its structural instability, disease, or damage.

**Occupant** shall mean someone who lives in or uses a property as a tenant or owner, or someone who intends to acquire ownership.

**Owner** shall mean the individual, entity, or government agency that holds legal title to the property on which the tree is located.

**Rubbish** shall mean combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke and other combustible material; paper; rags; cartons; boxes; wood; excelsior; rubber; leather; tree branches; yard trimmings; tin cans; metal; mineral matter; glass crockery; and dust.

**Trash** shall include wooden pasteboard boxes, cartons and their contents, newspapers, all leaves, moss, small shrubbery, cuttings and small tree trimmings, bark, grass, weeds, as may come from the upkeep of any adjacent residential premises.

**Tree and branches** shall include all trees, limbs, trunks and branches, including citrus prunings, regardless of size.

#### **Sec. 14-2. General requirements.**

- (a) All buildings or structures shall be maintained in a safe and sanitary condition. The owner, or his designated agent, shall be responsible for the safety and maintenance of buildings.

The City of DeFuniak Springs hereby adopts the 2021 edition of the International Property Maintenance Code (IPMC) published by the International Code Council and incorporates the same by reference as if fully set forth herein. The IPMC is adopted as the City of DeFuniak Springs Property Maintenance Code and shall be the governing law relative to all buildings, structures and premises as defined herein.

- (b) Every owner of a building or dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean, safe and sanitary condition the shared or public areas of the dwelling and premises thereof.
- (c) Every occupant of a dwelling unit or building shall keep in a clean and sanitary condition that part of the dwelling or dwelling unit and premises thereof which he occupies and controls or which is provided for his particular use.

- (d) Every occupant of a building or dwelling unit shall dispose of all his garbage and other organic waste, which might provide food for rodents, and all rubbish, in a safe and sanitary manner by placing it in the garbage disposal facilities or garbage or rubbish storage containers.
- (e) Every occupant of any building shall be responsible for the extermination of any insects, rodents or other pests within the building or premises.
- (f) All waste water from any premises shall be connected to the city sewer system or an approved septic tank, where city sewer is not available. Every occupant of a dwelling unit or building shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (g) Trash, which includes wooden pasteboard boxes, cartons, and their contents, newspapers, all leaves, moss, small shrubbery, cuttings and small tree trimmings, bark, grass and weeds, as may come from the upkeep of any premises, shall only be placed in the alley right-of-way or, if no alley, then on the street right-of-way adjacent to the owner's lot or parcel of land, and shall be placed on the owner's side of the street.
- (h) Every person making, using, storing or having charge or control, of any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible trash, waste or fragments shall, at the close of each day, cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the premises or stored in suitable and covered receptacles or bins, except properties that are zoned for agricultural use.

**Sec. 14-3. Violations enumerated.**

- (a) Any nonconformance with the requirements set forth in section 14-2 shall be a violation of this chapter.
- (b) No person shall occupy as owner-occupant, or let or sublet to another for occupancy, any dwelling unit designated or intended to be used for the purpose of living, sleeping, cooking or eating therein, which does not comply with the requirements specified in section 14-2.
- (c) It shall be unlawful for the owner or occupant of any building, structure or property to utilize the premises of any building for open storage of any item(s)/material(s) that would be considered a fire or life safety hazard by ordinance, Florida State Statute or Fire Marshal, including but not limited to abandoned ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such abandoned items as listed above, including, but not limited to, weeds, dead trees, trash, garbage, etc.

(d) No person shall litter, throw, dump or deposit, or cause or permit the same, on the sidewalk, or upon any street, lane, alley or other public property, or in any gutter, catch basin, storm drain or drainage ditch, any trash, garbage, refuse or other waste matter or material that is not allowed by "Chapter 9 – Garbage, Trash and Litter". If unallowed trash, garbage, and/or discarded personal property is placed in the described locations, the owner, lessee, or any person in control of the said property adjacent to the described locations where said trash, garbage, or discarded personal property is located shall be responsible for the removal of those items.

(e) No person shall within the city allow:

(1) Property to become overgrown with grass, weeds or wild vegetation to a height of twelve (12) inches or more from the ground, excluding trees and shrubs.

(a) This subsection does not apply to those parcels of land that exceed two (2) acres in size.

(b) Property two (2) or more acres in size will maintain the property:

- Within 50 feet of any structure used for human occupancy.
- Within 10 feet of any public right-of-way, including streets, sidewalks, and developed alleys.

(2) Property to accumulate discarded personal property, construction materials or other materials, trash, garbage, rubbish of any kind or other waste materials.

(3) Trees, vines or shrubs to obstruct the vision of pedestrians, motor vehicle operators or bicycle riders within the right-of-way or travel ways of any street, sidewalk or alley within the city, refer to Chapter 22, Section 22-23.

(Ord. No. 528, 9-22-86)

(f) It shall be unlawful for any person, firm, or corporation to store, dispose of, or allow to stand unattended in the open, outside any enclosure or outside of any store or building or inside any abandoned structure or building within the city limits, any abandoned refrigerators or appliances, with doors thereon, unless the abandoned refrigerators or appliances so stored shall first have the doors removed or securely locked in a closed position.

(g) The accumulation of any wild vegetation, weeds, plant matter, materials, trash, garbage, rubbish or other waste materials shall constitute a menace to health and a fire hazard and shall be deemed a nuisance. Also, any accumulation that could become a breeding place for insects or vermin or cause unpleasant odors shall be deemed a nuisance.

(h) No person shall permit to remain upon any roof or in any court, yard, vacant lot or open space, any accumulation of wastepaper, grass, weeds, litter or combustible or flammable

waste or rubbish of any kind, with the expect of a properly designed and installed green roof.

- (i) It shall be unlawful for any person to pitch a tent within the city to temporarily or permanently reside until such person has made an application to the Planning Department for a tent permit to pitch such tent. Every application shall contain such reasonable information as may be required by the Planning Department for the issuance of such permit. A fee in the amount of fifty dollars (\$50.00) shall be charged for the issuance of a tent permit pursuant to this section.

State law reference(s)—Ice box, refrigerators, deep-freeze lockers, etc.; abandonment, discard; attractive nuisance; violation; penalty, F.S. § 823.07 et seq.

#### **Sec. 14-4. Litter control.**

- (a) It shall be unlawful for any person, firm, or corporation, in person or by his agent, employee or servant, to cast, throw, sweep, sift or deposit in any manner, in or upon any public way or other public place in the city or any canal, public water, drain, sewer or receiving basin within the jurisdiction of the city, any kind of dirt, rubbish, waste article, thing or substance whatsoever, whether liquid or solid. Nor shall any person, firm or corporation, cast, throw, sweep, sift or deposit any of the aforementioned items anywhere within the jurisdiction of the city in such manner that it may be carried or deposited, in whole or in part, by the action of the sun, wind, rain or snow, into any of the aforementioned places. Provided, that this section shall not apply to the deposit of material under a permit authorized by any ordinance of the city; or to goods, wares or merchandise deposited upon any public way or other public place temporarily, in the necessary course of trade, and removed therefrom within two (2) hours of being so deposited; or to articles or things deposited in, or conducted into, the city sewer system through lawful drains, in accordance with the ordinances of the city relating thereto.
- (b) It shall be unlawful for any person, firm or corporation, in person or by his or its agent, employee or servant, to use any vehicle to haul any kind of dirt, rubbish, waste articles or things or substance, whether liquid or solid, unless such vehicle is covered to prevent any part of its load from spilling or dropping, at all times while such vehicle is in motion on any street or alley in the municipality. Provided, however, that the requirements herein for covering such vehicles shall not apply to vehicles carrying brush cuttings, tree trimmings, branches, logs and similar waste material, if such matter is securely lashed to such vehicle to prevent spilling or dropping as aforesaid.

(Ord. No. 484, § VII, 5-11-81)

Editor's note(s)—Ord. No. 484, § VII, enacted May 11, 1981, nonamendatory of the Code, was included herein as § 14-4, at the discretion of the editor.

**Sec. 14-5. Fence and Wall Maintenance:**

Fences and walls shall be maintained in a safe and structurally sound condition, in good repair with the surface coated or painted. Fences shall be free from loose or rotting materials and shall have braces and supports attached or fastened in accordance with common building practices. Fences shall be maintained free of nails protruding more than 1/16th inch beyond the face of any uncovered fence member. All damaged or missing portions of a fence shall be replaced with comparable materials to the pre-existing material and shall be attached to the existing portion of the fence. Fences shall not be externally braced in lieu of replacing or repairing posts, columns or other structural members. Metal fencing shall be free from rust or deterioration. Vinyl fences shall be free of algae, mold and mildew.

**Sec. 14-6. Parking Lot Maintenance:**

The owner or operator of property used for parking, circulation and loading shall maintain such area in good condition so that it is safe, clean, dust-free, and free of any hazard, nuisance or other unsafe condition, such as but not limited to holes, debris, operational drainage systems and keeping directional arrows and striping visible. Striping for parking spaces shall be maintained in accordance with the approved site plan, refer to Chapter 18.

**Sec. 14-7. Sign Maintenance:**

- (1) All signs, including their supports, braces, guys and anchors, shall be maintained so as to ensure the structural integrity of the sign.
- (2) Painted areas and sign surfaces shall be kept in good condition, and illumination, if provided, shall be maintained in safe and good working order.
- (3) If an establishment closes / goes out of business or vacates the structure, the owner of the property is required to remove any signs of the previous business from the property or provide a temporary sign cover within 30 days.

**Sec. 14-8. Stagnant Water:**

- (1) It shall be unlawful for the owner or any other persons in possession of any lot, tract, or other parcel of land in the city, improved or unimproved, to allow on any lot, tract, or parcel of land within the city to allow swimming pools, tires, or another vessel to collect, contain and develop stagnant water.
- (2) Stagnant water shall be deemed unsanitary and dangerous to human life and the public welfare. Stagnant water in ponds, swimming pools, tires, or other vessels shall be

removed, and all repairs made and / or brought into full compliance of not holding unsanitary water.

- (3) Swimming pools and ponds not repaired to keep stagnant water from forming within a reasonable time, as allowed by the building official, will be demolished and filled in. Any owner of any lot, tract or parcel of land in the city who violates any provision set forth in this article shall, upon conviction thereof, be punished as provided by law or fine.

**Sec. 14-9. Stormwater Pond Maintenance:** All premises shall be maintained in a condition to prevent erosion of soil and allow detention systems or ponds to drain or evaporation properly by best management practices (BMP's) as approved by the City of DeFuniak Springs Planning Department with procedures such as:

- (1) Vegetation Management: Mowing on a regular basis to prevent erosion or aesthetic problems. Limited use of fertilizers and pesticides in and around the ponds to minimize entry into pond and subsequent downstream waters.
- (2) Trash, debris and litter removal: Removal of any trash, etc. causing any obstructions at the inlet, outlet, orifice or trash rack during periodic inspections and especially after every runoff producing rainfall event. General pickup of trash, etc. in and around the pond during all inspections.
- (3) Mechanical Equipment check: Inspection of any valves, pumps, fence gates, locks or mechanical components during periodic inspections and appropriate replacement/repair.
- (4) Structural Component check: Inspection of the outlet works, inlet, orifice, trash rack, trickle channel on a regular basis for additions to the annual Nonroutine Maintenance list.
- (5) Bank erosion/stabilization: Keep effective ground cover on all vegetated areas in order to see the benefits of proper infiltration of runoff, and effective filtering of pollutants. All areas not vegetated should be re-vegetated and stabilized immediately.
- (6) Sediment removal: As needed, the accumulated sediment should be removed from the bottom of the outlet structure and the pond depths checked at several points. If the depth of the accumulated sediment is greater than 25% of the original design depth, sediment should be removed.
- (7) Structural Repair/Replacement: Outlet structure or other structural components like the trickle channel or trash rack will need repair or be replaced.

#### **Sec. 14-10. Mandatory Utilities**

No persons shall occupy a structure for living purposes that does not have active electric and / or water utilities; except:



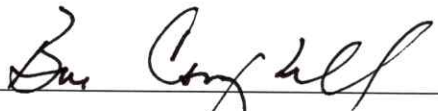
- (a) During or immediately following an official state of emergency or power outage, when a generator may be used, for a limited period of time, to allow service to a house given hardship attributable due to the state of emergency or power outage.
- (b) During construction or development of the primary structure for living purposes where a temporary pole or generator may be used, and in such an instance only during the time construction or development is underway.
- (c) Businesses during working hours or private individuals that use a generator to provide a service, upkeep or maintenance on a property.

**Secs. 14-11 —14-35. Reserved.**


**Section 3.** If any provision of the Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 4.** This Ordinance shall become effective immediately upon adoption, as provided by law.

Passed and duly adopted in the regular session by the City Council of the City of DeFuniak Springs, Florida, this 10<sup>th</sup> day of February 2025.

  
\_\_\_\_\_  
Mayor Bob Campbell

ATTEST:

  
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Rafeel Ali, City Clerk

