

CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

AGENDA • MARCH 11, 2025

Large Conference Room

Work Session

5:30 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448



Large Conference Room
City Hall
1065 Ridgewood Avenue
Holly Hill, FL 32117

CITY COMMISSION MEMBERS

Mayor
John Penny

District 1 - Commissioner
Debra Snow

District 3 - Commissioner
Jeffrey DeLanoy

District 2 - Commissioner
Penny Currie

District 4 - Commissioner
Roy Johnson

CITY MANAGER
Joseph Forte

CITY CLERK
Valerie Manning

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **ORDINANCE 3083 - SECTION 3-204. NOTICE REQUIREMENTS**
 1. Code Enforcement - Ordinance 3083, Sec. 3-204. - Notice Requirements
(Requested by Valerie Manning, City Clerk)
4. **ADJOURNMENT**

Website Address – www.hollyhillfl.org (City Clerk)

NOTICE – If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.



For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 248-9441



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office no later than three (3) days prior to the proceedings.



City Commission

1065 Ridgewood Ave
Holly Hill, FL 32117

SCHEDULED

WORKSHOP DISCUSSION (ID # 4815)

3.1

Meeting: 03/11/25 05:30 PM
Department: City Clerk
Category: Workshop Item
Prepared By: Valerie Manning
Initiator: Valerie Manning
Sponsors:

DOC ID: 4815

Code Enforcement - Ordinance 3083, Sec. 3-204. - Notice Requirements

DISCUSSION:

In an email to Commissioner DeLanoy on March 3, 2025, Mr. Forte explains the highlighted portion of Ordinance 3083, Sec. -204. - Notice Requirements.

“I’ve attached the Ordinance to this email. The first highlighted section grants the city manager the authority to manage the removal of debris from private property, based on the Special Master’s recommendation. This language mirrors what is currently in the existing code. In the past, I’ve presented this matter to the city commission for their support, and they have consistently deferred the decision to the city manager. The second highlighted section contains the new language I’m proposing, per your request.”

That Ordinance has been attached for reference purposes.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REPEALING CHAPTER 2, ARTICLE III, DIVISION III (CODE ENFORCEMENT); CHAPTER 3 (ENFORCEMENT); AND CHAPTER 26, ARTICLE III (SANITARY NUISANCES); ADOPTING A NEW CHAPTER 3 (CODE ENFORCEMENT/NUISANCE ABATEMENT) CONSOLIDATING ALL CODE ENFORCEMENT AND NUISANCE ABATEMENT PROVISIONS INTO A SINGLE CHAPTER AND AMENDING THE CODE ENFORCEMENT AND NUISANCE ABATEMENT PROVISIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's code enforcement process, including nuisance abatement, are in different provisions of the City's Code of Ordinances; and

WHEREAS, the City Commission believes that consolidating the current code enforcement provisions into a single chapter is in the City's best interest; and

WHEREAS, due to recent code enforcement issues, the City Commission wanted to review and update the City's Code Enforcement procedures.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. The City Commission of the City of Holly Hill hereby repeals Chapter 2, Article III, Division III (Code Enforcement); Chapter 3 (Enforcement); and Chapter 26, Article III (Sanitary Nuisances) and adopts a new Chapter 3 (Code Enforcements/Nuisance Abatement) to read as follows:

CHAPTER 3 - CODE ENFORCEMENT/NUISANCE ABATEMENT

The following provisions shall be administrative options to the city for the enforcement of code violations and abatement of public nuisances. The city can use one or more of the below outlined enforcement provisions at the same time to remedy issues with the same property. The enforcement provisions below shall be in addition to any and all other enforcement procedures allowed under State law, such as nuisance abatement in Florida Statute Chapter 60.

Division I - Code Enforcement

Sec. 3-100. - Définitions.

The following words, terms and phrases, as used in this article, shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates otherwise:

city means City of Holly Hill, Florida.

city attorney means the city attorney or any assistant city attorney of the city.

Code means the Code of Ordinances, the Land Development Code, and all other ordinances of the City of Holly Hill.

Code enforcement officer shall mean the city manager, assistant city manager, chief building official, code enforcement supervisor, code enforcement officer, fire safety inspector, director of public works, law enforcement officer and any other person designated in writing by the city manager.

Law enforcement officer shall mean any person who is elected, appointed, or employed full-time by a municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of penal, criminal, traffic, or highway laws of the state.

Person means any natural person, corporation, partnership, or other entity.

Repeat violation means a violation of a provision of a code by a person who has previously been found to have violated by order of the special master the same provision within five years prior to the violation.

Sec. 3-101. - Declaration of legislative intent.

(a) It is the intent of this division to promote, protect, and improve the health, safety and welfare of the citizens of the city by providing an equitable, expeditious, effective and inexpensive method of enforcing the various codes of the city.

(b) Further, the provisions of this division are intended to provide an additional and supplemental means of enforcing the various codes of the city, and nothing contained herein shall prohibit the city from enforcing its codes by any other means, specifically including F.S. ch. 162, pts. I and II and F.S. ch. 60.

Sec. 3-102. - Special masters.

(a) The city hereby establishes a special master code enforcement system for the enforcement of its various codes. In order to avoid any potential conflict of interest, it is preferable for a special master not be a resident of the city, own real property in the city or own a business with a location in the city. This requirement can be waived by the city commission. Special masters shall be active or retired lawyers. One or more special masters shall be appointed by the city commission based upon the joint recommendation of the city attorney and city manager. Special masters shall serve at the pleasure of the city commission and may be removed at any time with or without cause by the city commission. Special masters shall receive compensation for their services as approved by the city commission.

- (b) A special master shall have the power to:
- (1) Adopt rules for the conduct of hearings.
 - (2) To hold hearings and assess fines against violators of the various codes of the city.
 - (3) Subpoena alleged violators and witnesses to the hearings. Subpoenas may be served by any law enforcement officer of the city or as otherwise permitted by law.
 - (4) Subpoena evidence to the hearings.
 - (5) Take testimony under oath.
 - (6) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance with city codes, including authorizing the city to enter the property to remedy the violation(s), such as removal of debris/trash/personal property stored in violation of city codes. However, any orders that require that city to spend money or directs city employees to perform work, i.e. removal of debris/trash/ personal property from the property or repair of a structure on the property, must be approved by the city manager.

Sec. 3-103. - Enforcement procedure.

(a) It shall be the duty of code enforcement officers to investigate allegations of violations of city codes and to initiate enforcement proceedings relative hereto. Special masters shall not have any independent authority to conduct their own investigation of such complaints or to initiate enforcement proceedings.

(b) A code enforcement officer is authorized to issue a civil citation or notice of violation to a person when, based upon personal investigation, the code enforcement officer has

reasonable cause to believe that the person has committed a code violation, or allowed a violation of city code to be committed or occurring on property owned by them.

(c) The city shall primarily utilize two code enforcement procedures. One procedure shall be the citation procedure which will be utilized for code violations selected by the city commission as outlined below under CITATION PROCEDURE. All other code violations shall be enforced as outlined below under NOTICE OF VIOLATION PROCEDURE. Below are the details of each procedure:

CITATION PROCEDURE

(1) The city commission shall adopt a resolution classifying those codes to be enforced by citation and establishing and periodically revise a schedule of fines to be assessed for violations and repeat violations of said codes. In setting and revising the schedule of fines, the city commission shall classify violations by seriousness and magnitude and take into consideration the extent and nature of the violation, whether the violation is isolated and temporary or repetitive and continuous, the city's cost of investigating and correcting the violation, and other relevant factors.

(2) Prior to issuing an initial citation, a code enforcement officer shall (i) provide notice to the person in possession and property owner, if different, that a violation of a code has been committed or is occurring, and (ii) establish a reasonable time within which the person and property owner must correct the violation. If the person receiving a citation has received a citation for the same violation within 12 months of the current violation, notice shall not be required prior to issuing the citation. If, upon personal investigation, a code enforcement officer finds that the person and property owner has not corrected the violation within the given

time, a code enforcement officer may issue a civil citation to the person and property owner who has committed the violation or is allowing the violation to occur.

(3) A civil citation issued by a code enforcement officer shall be in the form prescribed by the city and shall contain:

- (i) The date and time of issuance.
- (ii) The name and address of the person to whom the citation is issued.
- (iii) The date and time the violation was first observed.
- (iv) The facts constituting reasonable cause that a violation exists.
- (v) The section of the code that has been violated and a description of the nature of the violation.
- (vi) The necessary corrective action and the date the corrective action shall be completed.
- (vii) The fine amount and the date to be paid.
- (viii) In the event the violation is not corrected by the due date and the fine paid, the case shall be referred to the special master.
- (ix) In the event the issue is referred to the special master, a maximum per day fine of \$250 per day for each violation or \$500 repeat violation may be levied by the special master if found in violation. That the special master has the authority to levy the per day fine starting on the date the citation was issued through the date the violation is corrected or from the day the violation was first observed by the code enforcement officer for repeat violations.

(x) The name, work phone number and work address of the code enforcement officer and a statement that it is the responsibility of the person to contact the city for an inspection when the violation is corrected. The violation will be deemed to be in existence until the code enforcement officer determines that the violation has been corrected.

(xi) The date, time and place the special master hearing will be conducted, if necessary.

(xii) A conspicuous statement that if the person fails to correct the violation and pay the civil penalty or to appear at the special master hearing to contest the violation, the person shall be deemed to have admitted that the violation exists.

(4) Cases in which a violator has been issued a citation, but who has failed to pay the fine and correct the code violation for which the citation was originally issued, may be brought before the special master. The special master shall have the right to levy additional fines for each day the violation was in existence beginning with the date of the citation through the date the code enforcement officer confirms compliance. The maximum fine shall be \$250 per day for first time violations and \$500 per day for repeat violations. It is the responsibility of the violator to notify the city that the violation has been corrected. The violation will be deemed to have continued until the code enforcement officer has determined that the violation has been corrected.

NOTICE OF VIOLATION PROCEDURE

(1) Any violation of a code that is not enforced by the citation procedure above shall be enforced under the below notice of violation procedure, unless other lawful enforcement procedures are pursued.

(2) Upon observing a code violation(s), the code enforcement officer shall issue a notice of violation, the contents of which are outlined below, which shall include a reasonable time to correct the violation. However, if the violation is a repeat violation, time to correct the violation shall not be required. If, upon personal investigation, a code enforcement officer finds that the person or property owner has not corrected the violation within the required time period, a code enforcement officer may refer the item to the special master for a hearing and action.

(3) A notice of violation issued by a code enforcement officer shall be in the form prescribed by the city and shall contain:

- (i) The date and time of issuance.
- (ii) The name and address of the person to whom the citation is issued.
- (iii) The date and time the violation was first observed.
- (iv) The facts constituting reasonable cause that a violations exists.
- (v) The section(s) of the code that has been violated and a description of the nature of the violation.
- (vi) The necessary corrective action and the date the corrective action shall be completed.
- (vii) In the event the issue is referred to the special master, a maximum per day fine of \$250 per day for each violation or \$500 repeat violation may be levied by the special master if found in violation. That the special master has the authority to levy the per day fine from the date the order of the special master is not complied with or from the day the violation

was first observed by the code enforcement officer for repeat violations.

(viii) The name, work phone number and work address of the code enforcement officer. A conspicuous statement that it is the responsibility of the person to contact the city for an inspection when the violation is corrected. The violation will be deemed to be in existence until the code enforcement officer determines that the violation has been corrected.

(ix) The date, time and place the special master hearing will be conducted, if necessary.

(x) A conspicuous statement that if the person fails to correct the violation by the time allowed by the code enforcement officer and fails to appear at the special master hearing to contest the violation, the person shall be deemed to have admitted that the violation exists.

(d) A civil citation or notice of violation issued by a code enforcement officer shall be served as consistent with Section 3-107 below. The refusal of a person to sign the civil citation or notice of violation shall not affect the validity of the citation. However, any person who willfully refuses to sign and accept a civil citation or notice of violation issued by any code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 or 775.083. The civil citation or notice of violation shall contain all elements listed in this section.

(e) If a repeat violation is found or if a code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible, or that the violator is engaged in a violation of an itinerant or transient nature within the jurisdiction while moving from place to place, or occurs under a

special event permit, code enforcement officer does not have to provide the person or property owner with a reasonable time period to correct the violation or abate the nuisance and may immediately issue a civil citation or notice of violation.

However, a "fire safety inspector" as that term is defined in F.S. § 633.052, shall provide a violator a minimum time of 45 days to correct the violation, except for major structural changes, which may be corrected within an extended adequate period of time. A life safety code violation as per National Fire Prevention Codes may be ordered to comply in less than 45 days. In the event the violation continues to exist beyond the time specified for correction, a police officer or code enforcement officer shall issue a citation or notice of violation to the violator in accordance with the requirements of this section.

(f) If repeat violation(s) are found, the code enforcement officer shall notify the violator and advise him or her of the nature of the repeat violation, but is not required to provide that person a reasonable period of time to correct the repeat violation. The code enforcement officer may, upon notifying the violator of a repeat violation, issue a civil citation or a notice of violation to the violator in accordance with the provisions of this section. The case may be presented to the special master even if the fine for the repeat violation has been paid and the repeat violation corrected prior to the hearing. The special master shall have the authority to levy a per day fine beginning the date that the violation was first observed by the code enforcement officer.

(g) After issuing a citation or notice of violation to an alleged violator, the code enforcement officer shall deposit the original citation or notice of violation in a file for the special master, and shall deposit one copy thereof with the city's finance director.

(h) All fines imposed by civil citation or notice of violation procedure pursuant to this article shall be paid through the city's finance department and shall be paid by cash, check or other manners acceptable to the city, with coins only being accepted for any amounts which may require change to pay the exact amount.

(i) The provisions of this section are an additional and supplemental means of enforcing a code. Nothing contained in this section shall prohibit the city or special master from enforcing a code by any other means authorized by ordinance or statute.

Sec. 3-105. - Conduct of hearing.

(a) Special master hearings should be held once a month, but may be held more or less often as the demand necessitates. Minutes shall be kept of all special master hearings and all such hearings shall be open to the public. The city manager or designee shall provide clerical and administrative personnel as may be reasonably required for the proper performance of his or her duties. At any hearing, a special master may continue any matter to a future hearing date.

(b) Each case before a special master shall be presented by a code enforcement officer, a member of the city's administrative staff, or the city attorney, any assistant city attorney, or any special counsel. The city attorney may present the case before the special master or serve as council to the special master, but cannot perform both functions on a single case. If the city prevails in prosecuting a case before a special master, it shall be entitled to recover all costs incurred in prosecuting the said case and such costs may be added to the fine and become part of any lien authorized under section 3-106.

(c) A special master shall proceed to hear the cases on the agenda for the respective hearing. All testimony shall be under oath and shall be recorded. Formal rules of evidence shall

not apply, however, fundamental due process shall be observed and shall govern all proceedings. Both the city and the alleged violator shall have the right to subpoena witnesses to testify at the hearing.

(d) A special master shall advise the alleged violator of the section of the code of which he or she is accused of violating and the nature of the violation. A special master shall first seek to determine whether the alleged violator admits the violation. If the alleged violator admits the violation, the special master shall hear such testimony and evidence as he or she deems necessary to determine the extent of the violation and appropriate fine amount. If the alleged violator denies the violation, the special master shall hear first from the city and any city witnesses and evidence, and the alleged violator shall have the right to cross-examine city witnesses. At the close of the presentation of the city's case against the alleged violator, the violator shall be permitted to present evidence, testimony of other witnesses and own testimony in defense. The city shall have the right to cross-examine the alleged violator and witnesses. The city shall have the burden of proving the violation by a preponderance of the evidence.

(e) At the conclusion of the hearing, the special master shall issue findings of fact, conclusions of law and order imposing fine based on the evidence of record, and shall issue an order affording the proper relief consistent with the powers granted herein. If the special master finds the person in violation, the special master shall establish a per day fine amount that may begin accruing on the date the citation was issued and shall continue accruing until the violation is corrected. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest or

assigns of said real property. Upon compliance and payment of the fine, the city shall record an order acknowledging compliance of the code violation and satisfaction of the fine. A hearing is not required for the issuance of such an order acknowledging compliance.

Sec. 3-106. - Administrative fines and liens.

(a) *Amount of fine.* A special master may impose a fine up to the maximum amount described in this subparagraph as provided below:

(1) A fine imposed pursuant to this section shall not exceed \$250.00 per day for the first violation and shall not exceed \$500.00 per day for a repeat violation; and, in addition thereto, may include all costs incurred by the city in prosecuting the case including city attorney fees and cost of repairs ordered by the special master. However, if a special master finds the violation to be irreparable or irreversible in nature, he or she may impose a fine not to exceed \$5,000.00 per violation.

(2) In determining the amount of the fine, if any, a special master shall consider the following factors:

- (i) The gravity of the violation;
- (ii) Any actions taken by the violator to correct the violation; and
- (iii) Any previous violations committed by the violator.

(3) Each day a violation exists shall constitute a separate violation for the purpose of assessing such fine.

(b) *Reduction of fine.* If the violation has been brought into compliance, a special master may reduce any fine imposed pursuant to this article upon the request of the person found

in violation who will receive notice of the date and time of the hearing to consider the request.

The City Commission shall also have the right to reduce the fines imposed.

(c) *Lien for unpaid fine.* A certified copy of the findings of fact, conclusions of law and order imposing fine may be recorded in the public records of the county and shall thereafter constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the real and personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. A lien arising from a fine imposed pursuant to this section runs in favor of the city and the city manager may authorize the execution of a satisfaction and release of lien entered pursuant to this article. No lien created pursuant to the provisions of this section may be collected on real property that is a homestead under Section 4, Article X of the Florida Constitution. Once the lien is recorded in public records, the lien shall accumulate interest at the same rate as a judgment. The City may also collect expenses incurred in correcting the violation such as mowing, debris removal, structure demolition, etc., as an assessment pursuant to [chapter 30](https://library.municode.com/fl/holly_hill/codes/code_of_ordinances?nodeId=PTIICOOR_CH3_0FI) [\(<https://library.municode.com/fl/holly_hill/codes/code_of_ordinances?nodeId=PTIICOOR_CH3_0FI>](https://library.municode.com/fl/holly_hill/codes/code_of_ordinances?nodeId=PTIICOOR_CH3_0FI) (finance), article IV (special assessment). In addition to the above, the city may collect the lien, including all costs incurred, by any other legal means.

Sec. 3-107. - Notices.

(a) All notices required by this article shall be provided to the alleged violator by certified mail, return receipt requested to the address listed in the tax assessor's office for tax notices, or by hand delivery by the sheriff or other law enforcement officer, or code enforcement officer, or by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice. In the case of commercial property, the notice may be provided to the manager or other person in charge. Further, in the event notice is provided by certified mail, return receipt requested, and acceptance of such notice is refused or is returned to the city, and additional notice is provided using the same address by regular U.S. mail delivery and said additional notice is not returned to the city, a rebuttable presumption shall arise that the violator has received notice of the violation.

(b) In addition to providing notice as set forth in subsection (a) notice may also be

served by publication or posting, as follows:

(1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50, for legal and official advertisements. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.

(2) In lieu of publication as described in subsection (b)(1), such notice may be posted for at least ten days in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at city hall. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a). Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a), together with proof of publication or posting as provided in subsection (b), shall be sufficient to show that the notice requirements of this article have been met, without regard to whether or not the alleged violator actually received such notice.

(c) The provisions of this section shall not apply to the enforcement, pursuant to F.S. §§ 553.79 and 553.80, as amended from time to time, of the building codes adopted pursuant to F.S. § 553.73, as they apply to construction, provided that a building permit is either not required or has been issued. For purposes of this section, "building codes" means only those codes adopted pursuant to F.S. § 553.73.

Sec. 3-108. - Appeals.

Except as otherwise provided herein, an aggrieved party, including the city, may appeal a final administrative order of a special master by certiorari to the circuit court of the county. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special master. An appeal shall be filed within 30 days of the execution of the order to be appealed. The foregoing notwithstanding, appeals from dangerous dog determinations by the special master shall be governed by section 10-8 of this Code.

Sec. 3-109. - Duration of lien.

No lien provided by this article shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to collect the lien is commenced in a court of competent jurisdiction. In an action to collect a lien, the city is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the collection action. The city shall be entitled to collect all costs incurred in recording and satisfying a valid lien.

Division II - Nuisance Abatement Non-Statutory Process.**Sec. 3-200. - Special items declared a nuisance.**

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance:

(a) Any weeds such as broom grass, jimson, burdock, ragweed, sandspur or other similar weeds; or any other vegetation, other than trees, ornamental bushes, flowers or other

ornamental plants with a height exceeding 12 inches;

(b) Accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, dead or decayed fish, fowl, meat or other animal matter; fruit, vegetables, offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature, including drug paraphernalia, including needles, and evidence of living outside or inside without proper utilities and proper disposal of sanitary sewage;

(c) Any condition which provides harborage for rats, mice, snakes and other vermin;

(d) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;

(e) All unnecessary or unauthorized noises and annoying vibrations, including animal noises;

(f) All disagreeable or obnoxious odors and stench, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stench;

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

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

(i) Any building, structure or other place or location where any activity which is in

violation of local, state or federal law is conducted, performed or maintained, including but not limited to;

(1) There is an unusual sagging or leaning out of plumb of the building or structure or any parts of the building or structure and such effect is caused by deterioration or over-stressing to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.

(2) The building or structure has improperly distributed loads upon the floors or roofs, or the same are overloaded or have insufficient strength to be reasonably safe for the purpose used.

(3) The building or structure has been damaged or destroyed by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or nearby the building or structure.

(4) The building or structure is so dilapidated, decayed, unsafe, unsanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or occupancy, or is likely to cause sickness or disease, so as to injure the health, safety or general welfare.

(5) The building or structure has parts that are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.

(6) The building or structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants, or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.

(7) The electrical, mechanical or plumbing installations or systems create a hazardous condition contrary to the standards of the Florida Building Code.

(8) An unsanitary condition exists by reason of inadequate or malfunctioning sanitary facilities or waste disposal systems.

A building or structure poses imminent danger when:

(1) Unsound conditions of a structure, building system or portion thereof are likely to cause illness or physical injury to a person entering or occupying the structure;

(2) Structurally unsound conditions will likely cause a portion of the building or structure to fall, be carried by the wind, or otherwise detach or move, and in doing so cause physical injury or damage to a person or property nearby; or

(3) The condition of the property is such that it harbors or is inhabited by pests, vermin or organisms injurious to human health, the presence of which constitutes an immediate hazard to persons in the vicinity.

(4) A vacant structure that is unsecure and there is evidence of vagrants or squatters residing on the property without public utilities serving the property, including evidence of human waste: accumulation of garbage/debris evidencing residing on the property such as fresh food wrapping; the use of fire for light, heat, etc.

(j) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground;

(k) The storage or accumulation of junk in any area zoned for residential use;

(l) Any act resulting in the discharge, dumping, or disposal of any contents of any

septic tank, dry well, raw sewage, grease or similar material, regardless of its source, into or upon any land or body of water within the city, except as may be allowed through the city's sewer system or as otherwise authorized by section 70-173 https://library.municode.com/fl/holly_hill/codes/code_of_ordinances?nodeId=PTIICOOR_CH70OUT_ARTVSESEDI_DIV2CO_S70-173COARSESE;

- (m) Improperly built or maintained septic tanks, water closets, or privies;
- (n) Any act by which the health or life of any individual may be threatened or impaired, or by which or through which, directly or indirectly, disease may be caused;
- (o) Any method for disposing of the contents of any septic tank, dry well, raw sewage, grease or similar material which has not been approved by the county health department or state department of health and rehabilitative services;
- (p) Improper maintenance or operation of any vehicle designed or used for the transportation or disposal of the contents of any septic tank, dry well, raw sewage, grease, or similar material, which may threaten or impair the health or lives of any individual, or by which or through which, directly or indirectly, disease may be caused.
- (q) Vehicles and other equipment parked or stored in violation of the city regulations or ordinances, including, but not limited to chapter 114 https://library.municode.com/fl/holly_hill/codes/code_of_ordinances?nodeId=PTIICOOR_CH114ZO, divisions 6 and 7.
- (r) Any other condition that constitutes a public nuisance as a threat to the public's health, safety and welfare as defined and determined under the law.

Sec. 3-201. - Prohibited.

It shall be unlawful for any person to create a nuisance, or suffer or permit a nuisance to exist, upon property which is under his care, custody or control.

Sec. 3-202. - General provision.

(a) Except when specifically provided otherwise in this Code, violations of this Code shall be enforced as provided pursuant to this Chapter. The city shall initially attempt corrective action through code enforcement action outlined above.

(b) The city shall have the authority, in addition to any procedure established under state law, to abate nuisances described in section 3-200 above pursuant to the following procedure:

(1) Whenever a code enforcement officer, building official, police chief or any member of their respective departments (hereinafter referred to collectively as city official)

determines that there is a violation of a code, such city official shall initially pursue code enforcement pursuant Division 1 above, unless an emergency condition, such as a building or structure poses an imminent danger, justifies other lawful response. The city official can request the special master authorize the city to enter the property for the removal or correction of any public nuisance other than the demolition of a structure, which shall be abated as set forth in Section 3-203 below. If the condition poses an emergency condition, in addition to any other remedy allowed under the law to remedy the emergency condition, the city may go directly to the city commission.

(2) If the property owner fails to correct the violation(s) pursuant to the order issued pursuant to Division 1 above and the nuisance condition still exists, the city official may pursue abatement pursuant to section 3-2 <https://library.municode.com/fl/holly_hill/codes/code_of_ordinances?nodeId=PTIICOR_CH3_EN_S3-2ABNUDE>03 below.

(3) The term "property owner" as used in this section for purpose of issuance of a citation or notice of violation shall mean the owner for owner-occupied structures and vacant land and the owner and tenant for rental properties. The intent is to provide the notice to the owner of the subject premises and the individual in possession and control of the subject premises if not the owner. If property is removed from the subject premises, i.e., the towing of a vehicle, the notice required herein, shall be given to the same party receiving the notice of violation, and to the owner of the property removed.

Sec. 3-203. - Abatement of nuisance by removal or demolition.

The city shall have the right to abate a nuisance by removing or correcting the condition(s) constituting a nuisance, such as demolishing the structure or other property constituting such nuisance, removing junk, garbage and debris, and any other condition constituting a nuisance under section 3-200 above pursuant to the following procedure:

(a) The city official shall provide a written notice to the property owner and tenant setting forth the following:

(1) The violation(s) that exist on the premises and a cite to the code section(s)

that are in violation;

(2) The corrective action to be taken;

(3) A reasonable time for the corrective action to be performed; and

(4) That if the corrective action is not taken within the time allowed, the city commission will hold a public hearing to determine whether a public nuisance exists and if so, the appropriate remedy to abate the nuisance, including the demolition of the structure or property and correcting any other conditions constituting a nuisance.

(b) The city shall also perform a title search on the subject property to determine all lien holder(s) and shall provide the notice in section 3-203(a) above, to such lien holder(s).

(c) If the corrective action is not performed within the time allowed, and any extensions thereto, the city official is authorized to request a public hearing before the city commission for a determination as to whether or not a public nuisance exists on the subject property and if so, the remedy that the city official deems appropriate, including the demolition of the structure or the removal of any conditions that constitutes a nuisance under section 3-200. If the city commission determines a nuisance exists, the city commission shall determine a reasonable time for the property owner to eliminate the nuisance(s) and if not eliminated within the allowed time, authorize the city to enter the subject property and abate the nuisance(s). The property owner(s), tenant(s) and all lien holders shall receive a copy of the notice of public hearing. At such public hearing, the city commission shall hear testimony and receive other forms of evidence from all interested parties and shall make its determination based on the evidence presented.

(d) Once property is removed at the direction of the city, the property shall become

the responsibility of the company removing the property. The property shall be disposed of by the company as provided by law and the city shall not be responsible for such property nor the ultimate disposition of such property.

Sec. 3-204. - Notice requirements.

All notices required by this division shall be provided to the required party in one of the following methods:

(a) By certified mail, return receipt requested, to the last known address of the alleged violator pursuant to the tax rolls;

(b) By hand delivery by the code inspector, by a city police officer or other person designated by the city;

(c) By publishing the notice once a week for four consecutive weeks in a paper of general circulation in the county, with the proof of publication made in compliance with F.S. §§ 50.041 and 50.051, as amended;

(d) By posting for at least ten days in two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at City Hall, along with a proof of posting by affidavit which shall include a copy of the notice posted and the date and place of posting;

(e) Evidence that an attempt has been made to hand deliver or mail the notice as provided in subsections (1) and (2), above, together with proof of publication or posting as provided in subsections (3) and (4), above, shall be sufficient to establish that the notice requirements have been met, without regard to whether or not the party actually received such

notice.

(f) In the event of an emergency, the city shall provide the notice required in (d) above with as much advance notice as reasonably possible, but the hearing may proceed if the posting is less than 10 days and without a title search and notice to creditors required above.

(f) In the event of an emergency, the city shall provide the notice required in (d) above; however, the hearing before the city commission may proceed before the expiration of the 10 day posting but not less than 48 hours and without a title search and notice to creditors as required above.

Sec. 3-205 - Lien for cost and collection.

All costs incurred by the city in abating the nuisance (including cost of remedying the code violation(s) or public nuisance(s), all administrative, legal, posting and publication expenses, as well as other direct or indirect costs associated therewith) may be recorded as a lien on the subject property and to the extent permitted, may be collected as an assessment pursuant to chapter 30

<https://library.municode.com/fl/holly_hill/codes/code_of_ordinances?nodeId=PTIICOOR_CH3_0FI> (finance), article IV (special assessment). In addition to the above, the city may collect the costs incurred by any other legal means.

Division III - Section 893.138, Florida Statutes. Local administrative action to abate certain activities declared public nuisances.

Sec. 3-300. - Nuisance abatement.

It is the intent of this division to promote, protect, and improve the health, safety, and welfare of the citizens of the city by authorizing the special master with authority to impose administrative fines and other noncriminal penalties in order to provide an equitable, expeditious, effective, and inexpensive method of enforcing city circumstances when a pending or repeated violation continues to exist. The city hereby authorizes and delegates to the special master the

right to enforce all of the city's powers, rights, duties and obligations as set forth in F.S. § 893.138, as amended. The city hereby adopts and incorporates all of F.S. § 893.138, as amended, as if specifically set forth herein.

Sec. 3-301. - Fines.

The special master shall have the authority to levy fines in the same manner as set forth in [section <https://library.municode.com/fl/holly_hill/codes/code_of_ordinances?nodeId=PTIICOOR_CH2_AD_ARTIIIBOCOCO_DIV3COEN_S2-122ADFILI>3-106](https://library.municode.com/fl/holly_hill/codes/code_of_ordinances?nodeId=PTIICOOR_CH2_AD_ARTIIIBOCOCO_DIV3COEN_S2-122ADFILI>3-106) above. In addition to the fines set forth above, the special master shall award to the city the reasonable fees and costs associated with the investigation of and hearing on the public nuisance, including all attorney fees incurred.

Sec. 3-302. - Continuing jurisdiction.

The special master shall retain continuing jurisdiction for a period of one year over any place or premises that has been or is declared to be a public nuisance.

Sec. 2-303. - Recording of orders.

Orders of the special master on public nuisances shall be recorded in the public records to provide notice to subsequent purchases, successors in interest, or assigns of the real property that is subject to the order. Recorded orders shall become a lien against the real property that is the subject of the order and may be collected as provided by law. The city shall be entitled to reimbursement of all costs, including reasonable attorney fees, associated with the recording of the order and foreclosures.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 3. That all ordinances made in conflict with this Ordinance are hereby repealed.

SECTION 4. That this Ordinance shall become effective immediately upon its adoption.

**APPROVED AND AUTHENTICATED on this 11th day of MARCH, 2025
for second and final reading.**