

ORDINANCE NO. 215

AN ORDINANCE REQUIRING THE OWNER OR OCCUPANT OF ANY LOT OR LOTS WITHIN THE BOUNDARIES OF THE CITY OF BONIFAY, A MUNICIPAL CORPORATION, TO REMOVE ANY STRUCTURE OR CONDITION ON OR WITHIN THE OWNER'S OR OCCUPANT'S PREMISES AND THE STREET OR STREETS ADJACENT, WHICH MAY CAUSE DISEASE OR AFFECT THE HEALTH, SAFETY, MORALS, CONVENIENCE AND GENERAL WELFARE OF THE INHABITANTS OF THE CITY, EMPOWERING THE CITY COUNCIL TO AUTHORIZE ENTRY UPON SAID PREMISES FOR THE REMOVAL OF THE STRUCTURE OF CONDITION; REQUIRING THE CITY COUNCIL TO KEEP AN ACCOUNT OF THE EXPENSES AND COSTS OF REMOVAL AND TO DEMAND PAYMENT OF SAME FROM THE OWNER; EMPOWERING THE CITY COUNCIL, UPON THE FAILURE OF THE OWNER TO PAY SAID COSTS AND EXPENSES, TO DECLARE SAME A LIEN UPON THE REAL PROPERTY PURSUANT TO CHAPTERS 85 AND 713, FLORIDA STATUTES (1983) AND TO LEVY FINES FOR VIOLATIONS OF THIS ORDINANCE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BONIFAY, FLORIDA, A MUNICIPAL CORPORATION AS FOLLOWS:

SECTION I
PREAMBLE AND ENACTMENT CLAUSE

For the purpose of promoting the health, safety, morals, convenience and general welfare of the inhabitants, the City Council of the City of Bonifay, Florida does hereby adopt, ordain and enact into law the provisions of this Ordinance.

SECTION II
SHORT TITLE

This Ordinance shall be known and may be cited as the "Unsafe Conditions Ordinance of the City of Bonifay, Florida".

SECTION III
APPLICATION OF REGULATIONS

This Ordinance shall be applicable to all lands within the City of Bonifay, Florida whether residential, commercial, industrial or agricultural; to all natural persons; and to all business entities or organizations.

SECTION IV
GENERAL PROVISIONS

No owner or occupant of any lot or lots within the City shall permit or allow on or within his or her premises and/or the street or streets adjacent thereto the accumulation of trash; mud; filth; dilapidated buildings caused by fire or decay; excessive growth of weeds or other noxious plants; abandoned or derelict motor vehicles household furnishings or other articles of personal property or an

other matter, material or substance which may cause disease or otherwise affect the health and safety of the inhabitants of the city.

SECTION V
ADMINISTRATION

Upon the failure of the owner or occupant of any lot or lots within the City to remove any structure or condition described in SECTION IV of this Ordinance, the City Council may, by majority vote, authorize the delivery by certified mail of a notice to said owner or occupant, which shall state that, if the structure or condition is not removed within thirty days, then the City Council will take appropriate action for the removal of said structure or condition. If, at the expiration of the thirty-day period, the structure or condition remains, the City Council may, by majority vote, authorize entry upon the premises and the removal of the structure or condition so as to put the premises and street or streets adjacent into good, sanitary, condition.

SECTION VI
ACCOUNTING

The City Council shall keep an account of expenses and costs of removal of the structure or condition and, when said removal has been completed, shall present said accounting to the owner of the property and shall demand payment thereof.

SECTION VII
ENFORCEMENT AND PENALTIES

Upon the failure or the refusal of the owner to pay such costs and expenses within ten days after receipt by certified mail from the City Council of the billing for said costs and expenses, then the costs and expenses are hereby declared to be a lien on the property. Said lien may be acquired and enforced in the manner provided for the acquisition and enforcement of liens on real property in Chapters 85 and 713, Florida Statutes (1983). The owner shall also be personally liable for the said value of the costs and expenses and shall be subject to a fine of Fifty Dollars (\$50.00) per day until the violation of this ordinance have been corrected. Should

the lot or lots belong to an infant, married woman or incompetent, a suit in equity shall be brought to enforce a lien, service in such a suit to be made on such defendant, and the Court shall appoint a guardian ad litem for such defendant as in other cases.

SECTION VIII
CONFLICTING ORDINANCES

All ordinances in conflict herewith are repealed.

SECTION IX
DATE OF EFFECTIVENESS

This Ordinance shall take effect immediately upon its passage and signing.

PASSED in regular session of the City Council of the City of Bonifay, Florida on this 14th day of January, 1935.

CITY OF BONIFAY

By: John W. The World
President of City Council

By: R. A. Baswell
City Clerk