

ORDINANCE NO. 307

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 OR BUILDING WHICH IS BURNT 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 OR 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 AND TO LEVY FINES FOR VIOLATIONS OF THIS ORDINANCE AND REPEAL OF ORDINANCE NO. 215.

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, lots or real properties within the City of Bonifay 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, decay, abandonment or deterioration; excessive growth of weeds or other noxious plants; limbs; abandoned or derelict motor vehicles; household furnishings other articles of personal property; or any 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 Clerk of the City of Bonifay will, by delivery of a certified letter, give notice to said owner or occupant, and/or placing notice on the premises, which shall state that, if the structure or condition is not removed within ten days, then the City Council will take appropriate action for the removal of said structure or condition. If, at the expiration of the ten-day period, the structure or condition remains, the City Council may, by majority vote, authorize entry upon the premises, by City employees or private contractors, and cause the removal of the structure or condition so as to put the premises and street or streets adjacent into good, sanitary condition or take legal action against you to remove the 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 and/or the City can file any appropriate legal action for the removal of the condition. 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 had been corrected. Should the lot, lots or real properties belong to an infant, 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. The City expressly reserves the right to utilize and convert any finds paid to the City for water and sewer and the City to be reimbursed for the amount paid to alleviate the unsafe condition.

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.

SECTION X  
DEFINITIONS

Abandoned building shall mean any building or structure which has not had water, sewer and electricity for more than one year and which violates the building code of the City of Bonifay.

Noxious plants shall mean any vegetation which can harbor rats, mice, snakes and is an environment that attracts such rodents or snakes.

Abandoned vehicles shall be any vehicle not in a garage which does not have a current license plate and can not run for any reason.

SECTION XI  
LIEN ENFORCEMENT

The City reserves the right to amend or change its lien enforcement procedure and form of lien by majority vote.

SECTION XII  
DATE OF EFFECTIVENESS

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

PASSED IN REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF  
BONIFAY, FLORIDA ON THIS 9<sup>th</sup> DAY OF November, 1998.

CITY OF BONIFAY

BY:   
Mayor James E. Sims, Jr.

SEAL

ATTEST:

  
City Clerk Shirley Mitchell