

BY THE CITY COMMISSION

ORDINANCE NO. 2007-0948

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA, PROHIBITING THE GENERAL OPEN AND OUTSIDE STORAGE OF PUBLIC NUISANCE ITEMS; PROVIDING FOR RECITALS AND TITLE; PROVIDING FOR SEVERABILITY, INCLUSION IN CODE, REPEALER AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Dade City, Florida finds the public health, safety, and welfare will be served through the creation of regulations governing junk motor vehicles, appliances, tires, or the storage or collection of any other public nuisance items; and

WHEREAS, the City Commission has created the Citizens Advisory Committee for the Land Development Code to review existing land use ordinances and to create new ordinances; and

WHEREAS, the Citizens Advisory Committee has reviewed this Ordinance providing for the regulation and prohibition of the open and outside storage of public nuisance items; and

WHEREAS, this Ordinance is designed to improve the aesthetic appearance of neighborhood and commercial areas in the City and to protect the health, safety and welfare of the public by prohibiting accumulations which provide a haven for pests and/or constitute a fire hazard.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Dade City, Florida as follows:

SECTION 1. **Recitals and Title.** The foregoing recitals are true and correct and are incorporated herein. This Ordinance shall be known as the City of Dade City Property Maintenance Ordinance.

SECTION 2. **Accumulation of Debris; Property Maintenance.**

It shall be unlawful for any owner or occupant of property to permit or maintain, or for any person to cause, an accumulation of rubbish, waste, trash, or debris, decaying vegetative matter, exposed salvageable material or other manmade materials upon any lot, tract, or parcel of land where the effect of such accumulation is to cause or to create any of the following:

- (a) A visual nuisance or other unsightly condition visible from adjoining public or private property; or

- (b) An actual or potential haven or breeding place for snakes, rats, rodents or other vermin of like or similar character; or
- (c) An actual or potential breeding place for mosquitoes; or
- (d) A fire hazard to adjacent properties; or
- (e) An adverse effect on or impairment of the economic welfare of adjacent properties; or
- (f) A hazard to traffic at road intersections or rights-of-way within the City; or
- (g) A nuisance as defined by law, or other unsanitary condition.

For purposes of this Ordinance, “rubbish, waste, trash or debris” shall mean and include without limitation, garbage; rubbish; refuse from residential, commercial, or industrial activities; animal waste; scattered recyclable material; scattered personal items including clothing and household goods; kitchen and table food waste or other waste that is attendant with or results from the storage, preparation, cooking or handling of food material; paper; wood scraps; yard waste, tree or landscape debris and rotting fruit; cardboard; cloth; glass; rubber; plastic; carpet; discarded vehicle tires or other vehicle or watercraft fixtures or parts; household goods and appliances; tools and equipment that are broken, derelict, or otherwise in disrepair; and similar materials. Proof of adverse effect, impact or impairment to economic welfare shall not require expert opinion testimony or a showing of any specific decrease in property value and may be given by fact-based opinion of affected property owners or occupants or any other person generally knowledgeable concerning property in the area.

SECTION 3. Repealer

All provisions of the Dade City Zoning Ordinance No. 361, as amended, and ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 4. Modification

It is the intent of the City Commission that the provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Commission.

SECTION 5. Severability

It is declared to be the intent of the City Commission of the City of Dade City, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having

contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

SECTION 6. Inclusion in Code.

It is the intent of the City Commission that the provisions of this Ordinance shall become and be made a part of the Dade City Land Development Code, and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. Effective Date.

This Ordinance shall take effect upon adoption.

The above ordinance was read and approved upon first reading this 13th day of February, 2007, and adopted following public hearing on the 13th day of March, 2007.

ATTEST:

CITY OF DADE CITY, FLORIDA

James D. Class, City Clerk

P. Hutchison Brock, II, Mayor

Approved as to Legal Form and Sufficiency

Karla S. Owens, City Attorney