

ORDINANCE NO. 2017-_____

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.26, "PUBLIC NUISANCES," TO ESTABLISH ADDITIONAL CONDUCT THAT CONSTITUTES A PUBLIC NUISANCE RELATED TO IMPROPER DEMOLITION AND DETERMINING SAID CONDUCT CONSTITUTES A BLIGHTING INFLUENCE, AND ESTABLISHING MINIMUM PROPERTY STANDARDS FOR VACANT LOTS WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 96.26, "Public Nuisances," of Chapter 96, "Health and Safety," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 96.26 PUBLIC NUISANCES.

...

(B) *Definitions.* For the purpose of this section, the following definitions shall apply.

...

PREMISES. Any structure or real property including any swale area,

sidewalk or alley adjacent to private premises.

...

(C) The following are declared to be public nuisances when occurring upon any street, sidewalk, alley, or other public place or property, or upon any private property:

...

(12) Recycling drop-off stations as defined in Section 155.4303AA.2. of the city's code, that have been located on properties in the city with no approved building permit from the city which shall be deemed to constitute a windstorm hazard.

(13) Any of the following blighting influences:

(a) Property on which any or all structures were demolished and the asphalt, construction materials, and other non-natural materials were not fully removed;

(b) Property on which any or all structures were demolished and the demolition areas were not refilled to the undisturbed lot level with clean soil;

(c) The clean soil area pursuant to subsection (b) above was not planted with drought-resistant sod or other approved drought-resistant ground cover; or

(d) Vacant undeveloped property which is not fully covered by drought-resistant sod or other approved drought-resistant ground cover.

...

(D) The following minimum property standards shall be required for the exterior maintenance of all structures and premises in the city. Failure to comply with any such standard shall constitute a blighting influence as defined herein.

...

(6) Any awning or marquee and its supporting structural members shall be maintained in a good state of repair. Awnings or marquees made of cloth, plastic or of a similar material shall not show evidence of excessive weathering, fading or discoloration, ripping, tearing or other damage.

(7) Vacant property, including undeveloped vacant property, shall be fully maintained with drought-resistant sod or drought-resistant ground cover. All asphalt, construction materials, and other non-natural materials shall be removed and the areas shall be refilled to the undisturbed lot level with clean soil before any planting or installation of the required drought-resistant sod or ground cover.

SECTION 2. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2016.

PASSED SECOND READING this _____ day of _____, 2016.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
9/21/16
l:ord/ch96/2016-310