

Summary

The purpose of this Ordinance is to revise the Nuisance Abatement regulations contained in Chapter 14, Lake County Code, to include properties used for active recreation such as golf courses and ball fields and to update definitions in the these regulations to protect the public health, safety and welfare including, but not limited to, stormwater ponds and recreational property.

Changes are shown as follows: Strikethrough for deletions and Underline for additions to existing Code sections. The notation “* * *” indicates that all preceding or subsequent text remains unchanged. Renumbering and/or relettering were added as needed.

Ver. 03-25-15

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ORDINANCE NO. 2015-14

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY; AMENDING CHAPTER 14 OF THE LAKE COUNTY CODE, ENTITLED “MISCELLANEOUS PROVISIONS AND OFFENSES”; AMENDING ARTICLE III OF CHAPTER 14, ENTITLED “NUISANCE ABATEMENT” TO REDEFINE PROPERTY PROHIBITED FROM CONTAINING UNCULTIVATED VEGETATION; AMENDING SECTION 14-52 PURPOSE; AMENDING SECTION 14-53 DEFINITIONS; AMENDING SECTION 14-54 EXEMPTIONS; AMENDING 14-55 DECLARATION OF NUISANCE AND PROHIBITED CONDITIONS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, issues involving uncultivated vegetation occur on a frequent basis in Lake County; and

WHEREAS, the failure of one property owner to properly maintain their property affects the property values of all properties within the area, and

WHEREAS, properly maintaining properties keeps neighborhoods from deteriorating, and

WHEREAS, the Board of County Commissioners has determined that it is appropriate for properties to maintain vegetative growth on developed property to protect the health, safety and welfare of its residents.

NOW THEREFORE, be it ordained by the Board of County Commissioners of Lake County, Florida, as follows:

Section 1. Chapter 14, Lake County Code, entitled “Miscellaneous Provisions and Offenses”, Article III., entitled “Nuisance Abatement”, is hereby amended as follows (changes are shown using

1 ~~strickethrough~~ for deletions and underline for additions to existing Code sections. The notation “* * *”
2 indicates that all preceding or subsequent text remains unchanged);

3 **ARTICLE III. NUISANCE ABATEMENT**

4
5 **Sec. 14-51. Title.**

6 This article may be known and cited as the "Lake County Nuisance Abatement Ordinance" and shall
7 be applicable in the unincorporated areas of Lake County as set forth herein.

8
9 **Sec. 14-52. Purpose.**

10 The purpose of this article is to adopt provisions controlling the excessive accumulation or untended
11 growth of weeds, grass, shrubbery, undergrowth and other dead or living plant life, to include dead trees,
12 ~~upon any lot one (1) acre or less in size, tract or other parcel of land as defined herein~~ and to control the
13 excessive accumulation of abandoned property, junk, trash and debris, ~~upon any lot, tract or other parcel~~
14 ~~of land as defined herein~~ improved property.

15
16 **Sec. 14-53. Definitions.**

17 For the purposes of this article, certain terms shall have the meanings ascribed to them in this
18 section, unless the context clearly indicates otherwise:

19
20 ~~*Director* means any person employed or appointed as the supervisor of the Lake County Code~~
21 ~~Enforcement Division.~~

22
23 *Division* means the Lake County Code Enforcement Division.

24
25 ~~*General agricultural* means those establishments for the keeping, grazing or feeding of livestock and~~
26 ~~animals; feedlots; croplands; aquaculture; silviculture; apiaries; honey extracting; and buildings which are~~
27 ~~an accessory to these agricultural uses. This category of uses does not include processing or distribution~~
28 ~~plants for agricultural products and supplies when not an accessory use in conjunction with the~~
29 ~~agricultural operation.~~

30
31 ~~*Improved lot* means any lot as defined below which contains a principal structure as defined in Lake~~
32 ~~County Land Development Regulations, Chapter II, Definitions, or that has been cleared of existing~~
33 ~~vegetation for the purposes of constructing a principal structure sometime in the future.~~

34
35 *Improved property.* Any lot, parcel, or area of land that has been deliberately altered from its natural
36 condition through human action for an identifiable purpose in support of a lawful use or activity
37 including, but not limited to, residential or commercial development, stormwater management, recreation,
38 and agriculture.

39
40 ~~*Lot* means any tract or parcel of land one (1) acre or less in size which is located within the~~
41 ~~unincorporated area of Lake County. The word "lot" includes the words "plat," "parcel" and "tract."~~

42
43 *Manager,* as used in this article, means any person employed or appointed as the supervisor of the
44 Lake County Code Enforcement Division.

45
46 ~~*Non-intensive agriculture* means the milking, feeding or sheltering of farm animals or growing of~~
47 ~~supplemental food supplies for the domestic, noncommercial use of the families living on the land.~~

1 *Officer* means a code enforcement officer assigned to the division.

2
3 *Recreational use* means, for the purposes of this section, athletic activities, usually performed with
4 others, often requiring equipment and taking place at prescribed sites, courses, or fields, including but not
5 limited to tennis, pickle ball, volleyball, baseball, soccer, golf and playground activities.

6
7 *Special master* means the Lake County Code Enforcement Special Master as set forth in Chapter 8,
8 Lake County Code.

9
10 *Uncultivated vegetation* means any weed growth, grass growth, undergrowth or dead or living
11 vegetative matter that has been allowed to grow in an uncontrolled manner, is not regularly maintained, or
12 that may conceal pools of water, trash or any other deposits which are detrimental to the health, safety and
13 welfare of the public.

14
15 *Unimproved lot* means any uplands lot in its natural state.

16
17 *Uplands* means those non-wetland, non-aquatic areas not subject to regular flooding, including but
18 not limited to the following natural upland communities: palmetto prairie, sand pine, longleaf pine/xeric
19 oak, live oak, temperate hardwood, pine flatwoods.

20
21 **Sec. 14-54. Exemptions Applicability.**

22 ~~Notwithstanding any other provisions to the contrary, t~~This article shall not apply to:

23 (1) Any improved property that:

24 a. Is one (1) acre or less in size; and

25 b. Contains uncultivated vegetation.

26 ~~(1)(2)~~ Any property that has been altered, developed, or used for a recreational use or for
27 stormwater retention. This criterion shall not apply to a recreational use that was abandoned
28 prior to January 1, 2014.

29
30 **Sec. 14-55 Exemptions.**

31 (1) Any property within the unincorporated areas of Lake County classified as ~~general agricultural or~~
32 ~~non-intensive agriculture~~ by the Lake County Property Appraiser pursuant to Chapter 193,
33 Florida Statutes;

34 (2) Any rights-of-way of municipal, county, state or federal roads or highways;

35 (3) Any property owned or under the control of any municipality, county, state or federal
36 government or agencies thereof;

37 (4) Any unimproved lot property as defined herein;

38 (5) Conservation areas, wetlands, and designated wetland buffers.

39 This section shall not be construed to allow the excessive accumulation of abandoned property, junk,
40 trash or debris on any improved property regardless of size.

41
42 **Sec. 14-5556. Declaration of nuisance and prohibited conditions.**

43 (a) The existence of nuisance ~~weeds~~ uncultivated vegetation, trees or the existence of an excessive
44 accumulation or untended growth of grass, undergrowth or other dead or living plant life existing on
45 any improved lot property ~~one (1) acre or less is [in] size to~~ the extent and in the manner that such lot
46 property is or may reasonably become infected or inhabited by rats, mice, other rodents, snakes,

1 vermin, pests, or wild animals, or may furnish a breeding place or harboring place for flies,
2 mosquitoes or other harmful insects, or impairs the economic welfare of adjacent property, or
3 threatens or endangers the public health, safety or welfare of abutting property, is hereby declared to
4 be a public nuisance and thereby prohibited.

5 (b) It shall be unlawful for any owner or owners of an improved ~~lot property one (1) acre or less in size~~
6 to allow or to permit the existence of ~~nuisance weeds~~uncultivated vegetation or the existence of
7 grass, undergrowth or other dead or living plant life, upon his or her ~~lot property~~ when said growth
8 exceeds ten (10) inches in height from the soil level.

9 (c) It shall be unlawful for any owner or owners of any ~~lot property~~, whether improved or unimproved
10 ~~regardless of size~~, to allow the excessive accumulation of abandoned property, junk, trash or debris,
11 and such accumulation is hereby declared to be a public nuisance and thereby prohibited.

12
13 **Sec. 14-5657. Designation of investigating and enforcing authority.**

14 The division is hereby designated as the investigating and enforcing authority pursuant to the
15 provisions of this article. The ~~director-manager~~ and ~~his~~ the manager's authorized officers are hereby
16 directed and empowered to inspect land on which a nuisance or other prohibited conditions are suspected
17 to exist, to receive all complaints for violation of this article, inspect land upon which a citizen complaint
18 has been filed alleging the existence of a nuisance or other prohibited condition, and to enter upon any
19 real property in the conduct of official business pursuant to this article. The ~~director-manager~~ shall be
20 responsible for providing all notices to affected property owners as required by this article, and to take
21 such other action as is reasonably necessary to accomplish the purpose of this article.

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23 ***

24 **Section 2. Inclusion in the Code.** It is the intent of the Board of County Commissioners
25 that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that
26 the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be
27 changed to "section," "article," or such other appropriate word or phrase to accomplish such intentions.

28
29 **Section 3. Severability.** If any section, sentence, clause or phrase of the Ordinance is
30 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no
31 way affect the validity of the remaining portions of this Ordinance.

32
33 **Section 4. Filing with the Department of State.** The Clerk shall be and is hereby directed
34 to forthwith send a certified copy of this Ordinance to the Secretary of State for the State of Florida.

35 **Section 5. Effective Date.** This ordinance shall become effective as provided by law.

36

1 **Ordinance No. 2015-14; Nuisance Abatement**

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3 Enacted this 5th day of May, 2015.

4 Filed with the Secretary of State 21st May, 2015.

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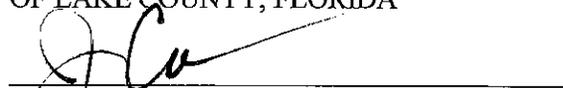
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BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

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Jimmy Conner, Chairman

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This 12th day of May, 2015.

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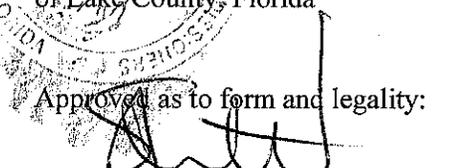
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ATTEST:

Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida
Approved as to form and legality:

Sanford A. Minkoff
County Attorney