

ORDINANCE 1402

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, REVISING CHAPTER 15 RELATED TO THE CITY'S NUISANCE ABATEMENT CODE; PROVIDING FOR THE REGULATION AND ABATEMENT OF JUNKED VEHICLES AND OTHER PERSONAL PROPERTY VISIBLE UNDER A CAR PORT WITHIN THE CITY LIMITS AND WHERE ACCUMULATION OF DISCARDED MATERIAL CONSTITUTES A THREAT TO THE PUBLIC HEALTH AND SAFETY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN IMMEDIATELY EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Chapter 15 of the Code of Ordinances of the City of Panama City Beach related to Nuisances, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 15-17. - Definitions.

As used in this article, the following words and phrases shall have the meanings respectively ascribed to them:

Improved property shall mean land on which buildings or other structures are located, or which has been prepared for development by the installation, addition or construction of utilities or other improvements.

Inspector shall mean the Chief Building Inspector of the City or his **designee**, *delegee*.

Nuisance or Public Nuisance shall mean any of the following:

- (1) Any public nuisance known at common law or in equity jurisprudence or as provided by the Statutes of the State of Florida or ordinances of the City of Panama City Beach.
- (2) Storage of junked automobiles: Unsheltered storage, **or unenclosed storage under a carport**, for a period of thirty (30) days or more within the corporate limits of the City, except in licensed junk yards, of old and unused stripped junk or automobiles not in good and safe operating conditions, and of any other vehicles, machinery, implements or equipment or personal property of any kind which is no longer safe or usable for the purposes for which it was manufactured.
- (3) Detrimental conditions or uses of property: Any condition or use of premises or of building exteriors, **including carports**, which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of

other property in the neighborhood in which the premises are located, including, but not limited to, the keeping or depositing on or the scattering over the premises of lumber, junk, trash, debris, or abandoned, discarded, unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers;

- (4) Unfit or unsafe dwelling or structure: Any dwelling or structure or any portion thereof, including accessory buildings, which is structurally unsafe, unstable, unsanitary, inadequately provided with exit facilities, constituting a fire hazard, unsuitable or improper for the use or occupancy to which they are put, constituting a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment, dangerous to life or property, or, by reason of fire, age, decay, deterioration, structural defects, improper design, unstable foundation, termites, acts of God or other causes, dangerous to the occupants thereof or to surrounding buildings and the occupants thereof, or a menace to the public health, or a fire hazard, or so unsafe as to endanger life or property or render the use of the public streets dangerous, or otherwise in material violation of the housing, building, electrical, plumbing, mechanical, health or fire codes of the City;
- (5) Accumulation of undergrowth **Uses Causing Threat to Public Health and Safety: Any accumulation of lumber, junk, trash, debris, or abandoned, discarded, unused objects, material, equipment,** Any excessive grass, accumulation of weeds, vegetation, undergrowth or other plant life upon any lot, tract, or parcel of real property within the City if such lot, tract, or parcel (i) becomes or could become infested with rodents, vermin, mosquitoes, or other wild animal, or (ii) threatens the public health, safety, and welfare, or (iii) causes or tends to cause substantial diminution in value of other property in the neighborhood.
- (6) Excessive growth: Any grass, accumulation of weeds, vegetation, undergrowth, or other plant life on any lot, tract, or parcel within the City which is untended and which exceeds one foot in height on improved property, or exceeds 18 inches in height on unimproved property.
- (7) Stockpiling construction material: Any accumulation of construction material including but not limited to crates, lumber, plywood, trusses, joists, nails, bricks, concrete, and sand which is not being used in active construction or the view of which is not blocked by a six (6) feet tall fence. Active construction means construction activity which is continuing from day to day or which is not interrupted by periods of physical inactivity longer than thirty (30) days.
- (8) **Attractive nuisance:** Any attractive nuisance which may prove detrimental to the health or safety of children and others whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to: abandoned wells, shafts, basements, excavations, unused ice boxes, refrigerators, abandoned motor vehicles and any structurally unsound fences or structures; or lumber, trash, fences, debris, or vegetation such as poison ivy, oak or sumac, which may prove a hazard for inquisitive persons. Abandoned buildings are attractive nuisances when they are unsecured or un-securable and when by reason of abandonment or neglect they contain unsound walls or flooring, unsafe wiring, fire hazards, or other unsafe conditions as further defined herein. Unsafe conditions may include such neglect of security that opportunities for criminal activity persist to the danger and detriment of the neighborhood.
- (9) Physical or unsanitary conditions or conditions so lacking illumination or ventilation as to be dangerous to human life or detrimental to health of persons on or near the premises where the condition exists.
- (10) Major or minor violations of this Code which cumulatively impact upon the premises to the point whereby conditions endanger human life or substantially and

detrimentally affect the safety or security of occupants, nearby occupants or passers-by.

- (11) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- (12) Fire hazards.

Unimproved property shall mean land that is not improved property.

SECTION 2. REPEAL. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. CODIFICATION. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code of Ordinances, and unless a contrary ordinance is adopted within ninety (90) days following each such publication, each codification of this Ordinance shall become the final and official record of the matters herein ordained and there codified. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 4. SEVERABILITY. If any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 12th day of January, 2017.


MAYOR

ATTEST.

CITY CLERK

EXAMINED AND APPROVED by me this 12th day of January, 2017.


MAYOR

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