

**PROPOSED**

## ORDINANCE NO. 2016-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE BROWARD COUNTY ZONING CODE; AMENDING SECTIONS 39-3, 39-4, AND 39-130 THROUGH 39-138 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), ESTABLISHING PROPERTY MAINTENANCE REQUIREMENTS AND PROVIDING FOR ENFORCEMENT; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 39-3 of the Broward County Code of Ordinances is hereby amended to read as follows:

**Sec. 39-3. General construction of terms.**

~~For the purpose of this code, certain terms used herein are herewith defined. This~~  
Zoning Code uses certain terms that have specific meanings for the purposes of its  
application. Words used in this chapter have their dictionary meaning unless they are  
listed and described otherwise. Defined terms listed in the Definitions section have the  
specific meaning stated, unless the context clearly indicates another meaning. When not  
inconsistent with the context, words used in the present tense include the future, words  
in the singular number include the plural, and words in the plural number include the  
singular number. The words "shall," "must," "will," and "may not" is are always mandatory  
and not merely directory. ~~The word "building" shall include the word "structure." The~~  
~~word "used" shall include arranged, designed, constructed, altered, converted, rented,~~  
~~leased or intended to be used. The word "land" shall include water surface and land~~

Coding:

Words in struck-through type are deletions from existing text. Words in  
underscoring type are additions.

1 ~~water.~~ The word "may" is permissive. Whenever the words "dwelling," "dwelling unit,"  
2 "premises," "building," or "structure" are stated in this chapter, they shall be construed as  
3 though they were followed by the words "or any part thereof." When used with numbers,  
4 "up to x," "not more than x" and "a maximum of x" all include x. Unless the context clearly  
5 indicates otherwise, the following conjunctions have the following meanings:

6 (a) "And" indicates that all connected items or provisions apply;

7 (b) "Or" indicates that the connected items or provisions may apply singly or in  
8 combination;

9 (c) "Either ... or" indicates that the connected items or provisions apply singly,  
10 but not in combination.

11 Lists of items that state "including the following," "such as," or similar language are not  
12 limited to just those items. The lists are intended to provide examples, but not to be  
13 exhaustive of all possibilities.

14 Section 2. Section 39-4 of the Broward County Code of Ordinances is hereby  
15 amended to read as follows:

16 **Sec. 39-4. Terms defined.**

17 ...

18 *Building:* Any structure having a solid roof and ~~solid walls on all sides~~ and used or  
19 built for the shelter or enclosure of persons, animals, ~~chattels,~~ or property of any kind.  
20 The word "building" shall include the word "structure."

21 ...

22 *Code enforcement officer:* ~~The officers and employees of the department, division,~~  
23 ~~or agency of Broward County, to whom the duty of enforcing the terms of the zoning code~~  
24 ~~or other applicable codes is assigned~~ Any code inspector, code enforcement officer, law

1 enforcement officer, building official, building inspector, fire inspector, zoning inspector,  
2 or other person authorized by the County Administrator.

3 . . .

4 Section 3. Article X of Chapter 39 of the Broward County Code of Ordinances  
5 is hereby amended to read as follows:

6 **ARTICLE X. PROPERTY MAINTENANCE AND JUNK OR**  
7 **ABANDONED PROPERTY; NUISANCES**

8 **Sec. 39-130. Title, Purpose, and intent.**

9 (a) This article shall be known as the Property Maintenance Code. It is found  
10 and declared that lack of maintenance and progressive deterioration of properties have  
11 the effect of creating conditions of slum and blight. Such conditions, if unabated, will  
12 expand and necessitate the expenditure of large amounts of public funds to correct and  
13 eliminate them. It is hereby found and declared that there are properties within Broward  
14 County which are, or may become in the future, public nuisances. It shall be is the  
15 purpose and intent of this article to establish property maintenance standards to prevent  
16 or abate the following conditions:

- 17 (1) ~~Establish and define minimum standards for the proper care and~~  
18 ~~maintenance of public and private properties within the unincorporated~~  
19 ~~areas of Broward County, and the swale areas contiguous to such lands, to~~  
20 ~~provide an environment free of junk vehicles and vessels, derelict aircraft,~~  
21 ~~junk, litter, garbage, debris, trash, overgrown groundcover and hedges, and~~  
22 ~~unmaintained buildings, to preserve the public health and safety, protect~~  
23 ~~and enhance property values and enhance the quality of life in Broward~~  
24 ~~County;~~

1 (2) ~~Establish procedures for the abatement of unsanitary and unsafe conditions~~  
2 ~~created by the accumulation of junk, litter, garbage, debris, trash, overgrown~~  
3 ~~groundcover and hedges, and unmaintained buildings on lands;~~

4 (3) ~~Encourage the use of approved landfill and resource recovery sites by~~  
5 ~~clarifying the duty of property owners to take reasonable precautions to~~  
6 ~~prevent, discourage or eliminate unauthorized dumping of junk, litter,~~  
7 ~~garbage, debris or trash upon lands; and~~

8 (4) ~~Require owners of real and personal property to be responsible for the costs~~  
9 ~~of removal of junk vehicles, items, and vessels, derelict aircraft, litter,~~  
10 ~~garbage, debris, trash, and overgrown groundcover and hedges.~~

11 (1) Property deterioration;

12 (2) Failure to maintain exterior surfaces and yard areas;

13 (3) Insect and rodent infestation;

14 (4) Improper storage of household items; and

15 (5) Existence of fire hazards and unsanitary conditions which constitute a  
16 menace to the health, safety, and welfare of the public.

17 (a) The purpose of this article is to protect the public health, safety, and welfare

18 by:

19 (1) Establishing minimum standards governing the maintenance, appearance,  
20 condition, and occupancy of residential and nonresidential premises;

21 (2) Establishing minimum standards governing structures and other physical  
22 components and conditions essential to make structures fit for human  
23 habitation, occupancy, and use;

- 1       (3)   Establishing certain responsibilities and duties for property owners,  
2       occupants, and operators;
- 3       (4)   Authorizing and establishing enforcement and abatement procedures which  
4       afford property owners due process under the law;
- 5       (5)   Establishing penalties for the violations of this Code; and
- 6       (6)   Providing for the repair, demolition, or vacation of premises unfit for human  
7       habitation, occupancy, or use.
- 8       (b)   This article shall not be construed to:
- 9       (1)   Discourage property owners from planting, preserving, or maintaining  
10       native vegetation in its natural state upon their land; or
- 11       (2)   Prohibit the collection of garbage or recyclable materials in authorized  
12       receptacles ~~for collection~~ by authorized garbage and trash collectors or  
13       authorized collectors of recyclable materials; nor the placement of debris in  
14       the swale area for a reasonable time, not to exceed ~~two (2) days~~  
15       twenty-four (24) hours prior to the date for a special bulk collection by an  
16       authorized garbage or trash collector; or
- 17       (3)   Require clearing activities in violation of ~~e~~Chapter 5, ~~a~~Article XII, Broward  
18       County Code of Ordinances, "Natural Resource Areas;" or
- 19       (4)   Prohibit, restrict, regulate, or otherwise limit any activity of a bona fide farm  
20       operation on land classified as agricultural land pursuant to  
21       Section 193.461, F.S. Florida Statutes, where such activity is regulated  
22       through implemented best-management practices or interim measures  
23       developed by the Florida Department of Environmental Protection, the  
24       Florida Department of Agriculture and Consumer Services, or water

1 management districts and adopted under pursuant to Chapter 120, F.S.  
2 Florida Statutes, as part of a statewide or regional program; or

3 ...  
4 (c) In order to restore, enhance, and maintain the health, safety, and welfare of  
5 properties in residents of the unincorporated areas of Broward County and promote an  
6 attractive community in which people may reside and do business, this article is intended  
7 to apply to all existing buildings and structures on developed properties, and lands within  
8 unincorporated Broward County and to all undeveloped properties within unincorporated  
9 Broward County, without regard to the use, date of construction, improvement, or  
10 alteration.

11 **Sec. 39-131. Definitions.**

12 In addition to the terms defined in ~~a~~Article II of this chapter, the following words,  
13 terms, and phrases, when used in this article, shall have the meanings ascribed to them  
14 in this section, except where the context clearly indicates a different meaning.

15 Abandoned personal property: All tangible property that does not have an  
16 identifiable owner or that has been improperly disposed of on public or private property,  
17 without intent to reclaim, or that has no apparent intrinsic value to the owner of the  
18 property where such item is located. Such abandoned property shall include, but not be  
19 limited to, a motor vehicle, recreational vehicle, trailer, vessel, aircraft, or special purpose  
20 vehicle that does not have affixed a current motor vehicle license tag or vessel registration  
21 sticker.

22 Accessible: A building that is unsecured or breached in such a way as to allow  
23 access by trespassers or other unauthorized persons.

1        *Airport property:* Property owned or controlled by Broward County as a public-use  
2 airport, having regularly scheduled international passenger service.

3        *Boarded:* An unoccupied building that has been secured against entry by material  
4 such as plywood, boards, or other similar material placed over openings, such as doors  
5 or windows, when such materials are visible off the premises and are not both lawful and  
6 customary to install on an occupied building.

7        . . .

8        *Derelict or abandoned aircraft:* Aircraft stored in the open to which one (1) or more  
9 of the following applies:

- 10        a.     An aircraft that does not hold a current and valid airworthiness certificate  
11               issued by the Federal Aviation Administration, or other appropriate aircraft  
12               certifying authority, ~~together with necessary endorsement by an~~  
13               ~~appropriately rated certificate holder that the aircraft is in airworthy condition~~  
14               and is not in the process of actively being repaired;
- 15        b.     An aircraft which that ~~has been issued a condition notice by the Federal~~  
16               ~~Aviation Administration that specifies that the aircraft has one or more~~  
17               ~~conditions which causes it to be airworthy~~ remained in an idle state on  
18               premises owned or controlled by the operator of a public-use airport for at  
19               least forty-five (45) consecutive calendar days; or
- 20        c.     An aircraft which that ~~has had major components, accessories, flight~~  
21               ~~controls, portions of the airframe or engines removed so as to render the~~  
22               ~~aircraft not airworthy~~ been disposed of on a public-use airport in a wrecked,  
23               inoperative, or partially dismantled condition.
- 24

1 ...

2       *Garbage:* Every waste accumulation of animal or vegetable matter which attends  
3 the preparation, use, cooking, processing, handling, or storage of meats, fish, fowl, fruits,  
4 vegetables, or other organic matter, which is subject to decomposition, decay,  
5 putrefaction, or the generation of noxious or offensive gases or odors, or which during or  
6 after decay, may serve as a breeding or feeding material for flies, insects, or animals.

7       *Junk items:* Wrecked, dismantled, partially dismantled, or discarded items  
8 including, but not limited to, tires, machinery, appliances, plumbing fixtures, household  
9 items, unusable construction materials, and other similar items which are inoperable,  
10 unusable, or in deteriorated condition. The term "junk items" shall not include junk  
11 vehicles and vessels, as defined herein.

12 ...

13       *Junk vehicles and vessels:* Vehicles, trailers, or vessels which are parked or  
14 stored without having all wheels mounted or without having all their tires inflated, or which  
15 are in a condition of substantial disrepair, including being wrecked, dismantled, partially  
16 dismantled, or discarded, and which are inoperable or in a severely deteriorated  
17 condition.

18 ...

19       *Litter:* Discarded paper, paper or plastic products, and containers of any kind.

20       *Nuisance:* Any condition that endangers life or health, obstructs reasonable or  
21 comfortable use of property, or any nuisance prohibited by general law, special or local  
22 law, or ordinance.

23

24

Coding:       Words in ~~struck-through~~ type are deletions from existing text. Words in  
                  underscoring type are additions.



1        *Overgrown groundcover:* Grass, weeds, and other low-growing plants, except  
2 native vegetation that, by the nature of their own horizontal growth habits, cover the  
3 ground, and which are not regularly cared for and maintained and grow in an uncontrolled  
4 manner exceeding six (6) inches in height in developed areas, and exceeding  
5 eighteen (18) inches in height in developed agricultural, estate, and rural areas.

6        *Premises:* A lot, plot, or parcel of land, including any structures thereon.

7        *Repeat violation:* A violation of this article by a person or entity who has previously  
8 been issued a notice of public nuisance and failed to comply, resulting in abatement of  
9 the nuisance by the County, or has previously been found by the special magistrate to  
10 have violated the same provision of this Code within five (5) years prior to the violation,  
11 or has previously been issued a citation violation notice for the same provision of this  
12 Code and that was uncontested pursuant to Chapter 8½ of the Broward County Code of  
13 Ordinances.

14        *Secure manner:* The closure and locking of windows, doors, gates, and any other  
15 openings to prevent unauthorized access to the interior of vacant buildings, or parts  
16 thereof, in a manner consistent with conventional methods used in the original  
17 construction and design. Broken windows shall be secured by repair, replacement, or  
18 boarding of the windows so as to meet all applicable laws, codes, and regulations.

19        *Structure:* Anything built or constructed, which requires location on the ground or  
20 which is attached to something having a location on the ground.

21        . . .

22        *Trash:* Every waste accumulation of sweepings, dust, rags, cartons, or other such  
23 discarded material, except garbage, junk, and litter.

1 Vacant building: Any building that is neither occupied nor used by persons  
2 authorized by the owner of the property on which such building is located. Evidence of  
3 vacancy shall include, but is not limited to, nonfunctioning electric, water, or gas utilities;  
4 accumulation of abandoned personal property; statements by neighbors, passers-by,  
5 delivery agents, or government agents; or any other evidence that would lead a  
6 reasonable person to believe that the property is not legally occupied.

7 **Sec. 39-132. Public nuisances.**

8 (a) It is declared unlawful and a public nuisance for an owner of any property  
9 to maintain or permit ~~the~~ open storage or discarding of abandoned property, junk  
10 vehicles and vessels, derelict aircraft, junk items, debris, garbage, trash, and litter, except  
11 in facilities approved by Broward County for storage or discarding of such items or  
12 materials; the maintenance of overgrown groundcover or vegetation; and unmaintained  
13 buildings; and unsecured vacant buildings within unincorporated Broward County are  
14 prohibited. Such conditions, storage, and discarding has have been determined by the  
15 Board of County Commissioners to constitute a public nuisance in that such items create  
16 an eyesore to the community, become a breeding ground for rats and other vermin, create  
17 an attractive nuisance to children, lead to the further accumulation of junk, garbage, trash,  
18 litter, and debris, threaten or endanger the public health, safety, and welfare, and  
19 contribute to the deterioration of both residential and nonresidential areas.

20 (b) The Board of County Commissioners has determined that the County's  
21 removal of overgrown groundcover and hedges, junk items, trash, garbage, litter, and  
22 debris, after providing notice to the property owner and a reasonable period of time in  
23 which to remove the items, is an appropriate means of furthering the health, safety, and  
24 welfare of the citizens of Broward County.

1 (c) The Board of County Commissioners has determined that the removal and  
2 destruction of junk vehicles and vessels and derelict aircraft from private property and,  
3 the removal and sale of junk vehicles, items, vessels, and derelict aircraft from airport  
4 property, and the abatement of unsecured vacant buildings, after the reasonable  
5 opportunity for a hearing, is an appropriate means of furthering the health, safety, and  
6 welfare of the citizens of Broward County.

7 (d) Farm operations located on that portion of a plot or plots of land located in  
8 agricultural, rural, and estate districts which have been classified as agricultural pursuant  
9 to Section 193.461, F.S. Florida Statutes, or the use of which has been determined to be  
10 a farm pursuant to an administrative determination of the zoning official or a final order of  
11 a hearing officer or court of law in accordance with Section 5-45 of the Broward County  
12 Code of Ordinances, which has been in existence for one (1) year or more since its  
13 established date of operation, and which was not a nuisance at the time of its established  
14 date of operation, shall constitute a public or private nuisance if the farm operation does  
15 not conform to generally accepted agricultural and management practices or if it is  
16 determined by the code enforcement hearing officer that any of the following conditions  
17 exist:

18 . . .

19 **Sec. 39-133. Duty to maintain property; nuisances.**

20 (a) It shall be the responsibility of all property owners in the unincorporated area  
21 of Broward County to maintain their property and contiguous swale free of abandoned  
22 property, junk vehicles and vessels, junk items, garbage, trash, litter, debris, and  
23 unmaintained or unsecured buildings.

1 ...

2 (e) It shall be the responsibility of all property owners of developed land to  
3 maintain buildings ~~or~~ and structures on their property in a state of good repair. "State of  
4 good repair" shall mean:

5 (1) *Building ~~eeler~~ exterior.* All buildings, including all exterior elements such as  
6 roofs, fascia boards, gutters, and downspouts, shall be maintained free of  
7 chipping faded or chipped paint, rust, holes, graffiti, or other discoloration,  
8 mildew, rot, and similar signs of disrepair or deterioration.

9 (2) *Doors and windows.* All ~~door and window~~ building openings ~~on buildings,~~  
10 such as openings for doors, windows, and air conditioners, shall be covered  
11 by windows ~~and,~~ doors, or air conditioners in working order, with no cracks,  
12 holes, or other signs of disrepair. All vacant buildings, or portions thereof,  
13 shall be maintained in a secure manner, as defined herein, to prevent  
14 unauthorized access to the interior through doors, windows, or other  
15 openings. Any boarded-up or covered door and window coverings shall be  
16 painted to match the remainder of the building.

17 ...

18 **Sec. 39-134. Procedure for violations; notices.**

19 (a) *Private property or swale.*

20 (1) Whenever a code enforcement officer ascertains that a junk vehicle, vessel,  
21 or derelict aircraft is stored or discarded on private property in violation of  
22 this article, the officer shall cause a notice to be provided to the owner of  
23 the real property upon which the junk vehicle, vessel, or derelict aircraft is  
24 located, as determined in accordance with the tax rolls of Broward County,

1 unless the enforcement officer has actual knowledge of a subsequent  
2 property owner, and, to the extent possible, cause a notice to be placed  
3 upon each such item. If the item is a motor vehicle or boat, the code  
4 enforcement officer shall obtain the name and address of the owner of the  
5 item from the Department of Highway Safety and Motor Vehicles or from  
6 the Department of Environmental Protection, as appropriate, and shall  
7 cause a notice to be provided to the owner of record. If the item is an  
8 aircraft, the code enforcement officer shall obtain the name and address of  
9 the owner from the Federal Aviation Administration. The notice shall be in  
10 substantially the following form:

11 NOTICE OF VIOLATION

12 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
13 PROPERTY:

14 THIS PROPERTY TO WIT:

15 (setting forth brief description)

16 LOCATED AT (setting forth brief description of location) IS:

17 IN VIOLATION OF CHAPTER 39, ARTICLE X, OF THE BROWARD COUNTY CODE OF  
18 ORDINANCES, WHICH PROHIBITS THE IMPROPER STORAGE OR DISCARDING OF  
19 JUNK VEHICLES, VESSELS, OR DERELICT AIRCRAFT ON PRIVATE PROPERTY;

20 AND SUCH JUNK VEHICLES, VESSELS, OR DERELICT AIRCRAFT MUST BE  
21 REMOVED OR PROPERLY STORED WITHIN FIFTEEN (15)  
22 TEN (10) DAYS FROM AFTER THE DATE OF THIS NOTICE, OR THE \_\_\_\_\_ DAY  
23 OF \_\_\_\_\_, 20\_\_\_\_. YOU MAY CONTEST THE DETERMINATION BY  
24 BROWARD COUNTY THAT THIS ITEM IS SUBJECT TO REMOVAL PURSUANT TO

1 CHAPTER 39, ARTICLE X, OF THE BROWARD COUNTY CODE OF ORDINANCES BY  
2 FILING AN APPEAL CONTEST WITH THE DIVISION [address of Division]. CONTESTS  
3 TO THE DETERMINATION OF BROWARD COUNTY MUST BE RECEIVED BY THE  
4 DIVISION NO LATER THAN THE DATE SET FORTH ABOVE. IF YOU FAIL TO  
5 REMOVE OR PROPERLY STORE THE ABOVE-REFERENCED PROPERTY OR FILE  
6 A CONTEST BY THE DATE SET FORTH ABOVE, THE PROPERTY SHALL BE  
7 REMOVED AND MAY BE DESTROYED BY BROWARD COUNTY.

8 ...

9 (2) Whenever a code enforcement officer determines that overgrown  
10 groundcover or hedges, junk items, debris, garbage, litter, or trash are being  
11 stored on private property or in the swale in violation of this article, the officer  
12 shall cause a notice to be provided to the property owner of the real property  
13 upon which the overgrown groundcover or hedges, junk items, debris,  
14 garbage, litter, or trash are located. If the junk items, overgrown  
15 groundcover or hedges, debris, garbage, litter, or trash are located in the  
16 swale, the notice shall be provided to the owner of the real property  
17 contiguous to the swale. The owner shall be determined in accordance with  
18 the tax rolls of Broward County, unless the code enforcement officer has  
19 actual knowledge of a subsequent property owner. The notice shall be in  
20 substantially the following form:

21 NOTICE OF VIOLATION

22 NOTICE IS HEREBY PROVIDED TO:  
23  
24

1 (Property owner)

2 (Property owner mailing address)

3 THAT THE FOLLOWING DESCRIBED PROPERTY IS IN VIOLATION OF CHAPTER 39,  
4 ARTICLE X, OF THE BROWARD COUNTY CODE OF ORDINANCES, "PROPERTY  
5 MAINTENANCE," FOR THE REASON(S) SPECIFIED:

6 ...

7 YOU ARE HEREBY REQUIRED TO BRING THE PROPERTY INTO COMPLIANCE  
8 WITH ARTICLE X, OF THE BROWARD COUNTY CODE OF ORDINANCES,  
9 "PROPERTY MAINTENANCE AND ~~JUNK OR ABANDONED PROPERTY,~~" OF THE  
10 ~~BROWARD COUNTY CODE OF ORDINANCES~~ WITHIN:

11 \_\_\_\_\_ TEN (10) DAYS, IF ON PRIVATE PROPERTY

12 \_\_\_\_\_ FIVE (5) DAYS, IF ON SWALE

13 FROM AFTER THE DATE OF THIS NOTICE.

14 ...

15 THE ESTIMATED COST FOR THE COUNTY TO CLEAR THE PROPERTY IS \$ (indicate  
16 amount). IF BROWARD COUNTY IS REQUIRED TO CLEAR THE PROPERTY AND  
17 THE COSTS AND EXPENSES ARE NOT PAID BY THE PROPERTY OWNER WITHIN  
18 THIRTY (30) DAYS, A ~~SPECIAL ASSESSMENT LIEN~~ MAY BE RECORDED AGAINST  
19 THE PROPERTY. ~~A SPECIAL ASSESSMENT LIEN SHALL BE A FIRST LIEN~~  
20 ~~SUPERIOR TO ALL OTHER LIENS ON THE PROPERTY AND SHALL BE EQUAL TO~~  
21 ~~THE LIEN OF ALL STATE, COUNTY, DISTRICT, AND MUNICIPAL TAXES UNTIL PAID.~~  
22 SAID LIEN MAY BE ENFORCED PURSUANT TO LAW.

23 IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE CALL

24 \_\_\_\_\_ AT (954) \_\_\_\_\_, ~~PERMITTING, LICENSING AND~~

Coding:

Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

1 ~~CONSUMER PROTECTION~~ PLANNING AND DEVELOPMENT MANAGEMENT  
2 DIVISION.

3 ...  
4 (b) *Airport property.* Whenever a code enforcement officer ascertains that a  
5 junk vehicle, vessel, item, or derelict aircraft ("junk property") is stored or discarded on  
6 airport property in violation of this article, the officer or the Director of the Broward County  
7 Aviation Department, or designee, shall, ~~to the extent possible, cause a notice to be~~  
8 ~~placed upon each such item in substantially the following form:~~

9 NOTICE OF VIOLATION

10 ~~NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED~~  
11 ~~PROPERTY:~~

12 ~~THIS PROPERTY TO WIT:~~

13 ~~(setting forth brief description)~~

14 ~~LOCATED AT~~

15 ~~(setting forth brief description of location) IS:~~

16 ~~IN VIOLATION OF CHAPTER 39, ARTICLE X, OF THE BROWARD COUNTY CODE OF~~  
17 ~~ORDINANCES WHICH PROHIBITS THE IMPROPER STORAGE OR DISCARDING OF~~  
18 ~~JUNK VEHICLES, VESSELS, ITEMS OR DERELICT AIRCRAFT ON AIRPORT~~  
19 ~~PROPERTY, AND MUST BE REMOVED OR PROPERLY STORED WITHIN FIFTEEN~~  
20 ~~(15) DAYS FROM THE DATE OF THIS NOTICE, OR ON THE \_\_\_\_\_ DAY OF~~

21 ~~\_\_\_\_\_, 20\_\_\_\_ YOU MAY CONTEST THE DETERMINATION BY BROWARD~~  
22 ~~COUNTY THAT THIS ITEM IS SUBJECT TO REMOVAL PURSUANT TO CHAPTER 39,~~  
23 ~~ARTICLE X, OF THE BROWARD COUNTY CODE OF ORDINANCES BY FILING AN~~  
24 ~~APPEAL WITH THE DIVISION. CONTESTS TO THE DETERMINATION OF BROWARD~~

Coding:

Words in struck-through type are deletions from existing text. Words in  
underscored type are additions.



1 COUNTY MUST BE RECEIVED BY THE DIVISION NO LATER THAN THE DATE SET  
2 FORTH ABOVE. IF YOU FAIL TO REMOVE OR PROPERLY STORE THE JUNK  
3 PROPERTY, OR FILE A CONTEST BY THE DATE SET FORTH ABOVE, THE  
4 PROPERTY SHALL BE REMOVED AND SOLD BY BROWARD COUNTY BY PUBLIC  
5 OUTCRY. THE PROPERTY MAY BE RECLAIMED AT ANY TIME PRIOR TO SALE BY  
6 CONTACTING THE DIVISION.

7  
8 IF YOU FILE A CONTEST TO THE DETERMINATION OF BROWARD COUNTY WITH  
9 THE DIVISION, A HEARING REGARDING THIS VIOLATION SHALL BE HELD ON THE  
10 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_  
11 \_\_\_\_\_

12 (address and phone number of Division)

13 PERSONS RESPONSIBLE FOR THE REMOVAL OF SUCH JUNK PROPERTY WHO  
14 FAIL TO REMOVE OR PROPERLY STORE SUCH ITEM(S) SHALL BE RESPONSIBLE  
15 FOR ALL COSTS OF DISPOSAL OF THE JUNK PROPERTY INCLUDING THE COSTS  
16 OF REMOVAL, DISPOSAL, AND ADMINISTRATIVE COSTS, IF THIS PROPERTY IS  
17 NOT REMOVED OR STORED AS REQUIRED BY THIS NOTICE.

18  
19 FOR FURTHER INFORMATION REGARDING THIS MATTER, PLEASE CONTACT  
20 THE UNDERSIGNED CODE ENFORCEMENT OFFICER.

21  
22 THIS NOTICE DATED THE \_\_\_\_\_ DAY OF \_\_\_\_\_,

23 SIGNED: \_\_\_\_\_  
24

Coding:

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underscored type are additions.

1 (name, title)

2  
3 (employment address and employment telephone number)

4 provide for enforcement of this Code pursuant to the applicable procedures set forth in  
5 Sections 705.182, 705.183, and 705.184, Florida Statutes, for the disposal of personal  
6 property or derelict or abandoned aircraft or motor vehicles on public-use airports.

7 (c) ~~If the junk vehicle, vessel or derelict aircraft is on private property, the code~~  
8 ~~enforcement officer shall cause a copy of the notice, or a notice in substantially the same~~  
9 ~~form as the notice described in section (a) above, to be mailed by certified mail, return~~  
10 ~~receipt requested, to the owner of the real property upon which the junk vehicle, vessel,~~  
11 ~~or derelict aircraft is located, the owner to be determined in accordance with the tax rolls~~  
12 ~~of Broward County, unless the enforcement officer has actual knowledge of a subsequent~~  
13 ~~property owner.~~

14 (d) ~~If the junk vehicle, vessel, item or derelict aircraft is on airport property, the~~  
15 ~~code enforcement officer shall cause a copy of the notice, or a notice in substantially the~~  
16 ~~same form as the notice described in subsection (b) above, to be mailed by certified mail,~~  
17 ~~return receipt requested, to the lessor of the property, with a copy forwarded to the~~  
18 ~~Director of the Broward County Aviation Department. If the item is derelict aircraft, as~~  
19 ~~that term is defined herein, notice shall be sent to the owner of the aircraft, as reflected in~~  
20 ~~the most recent airworthiness certificate issued by the Federal Aviation Administration. A~~  
21 ~~copy of the notice shall also be sent to the Director of the Broward County Aviation~~  
22 ~~Department.~~

1       ~~(e) If the item is a motor vehicle or boat, the officer shall obtain from the~~  
2 ~~Department of Highway Safety and Motor Vehicles or from the Department of~~  
3 ~~Environmental Protection, as appropriate, the name and address of the owner of the item~~  
4 ~~and, in addition to the notice requirements set forth in subsections (c) and (d) above, shall~~  
5 ~~cause a notice to be mailed to the owner by certified mail, return receipt requested, which~~  
6 ~~notice shall be in substantially the same form as that provided for by subsection (a) or (b)~~  
7 ~~above.~~

8       ~~(f) Pursuant to Chapter 162, F.S., in addition to notice as provided by~~  
9 ~~subsections (a) and (b), notice may be provided by posting. Such notice shall be posted~~  
10 ~~for at least ten (10) days in at least two (2) locations, one of which shall be the property~~  
11 ~~upon which the junk property is alleged to exist and the other shall be at the front door of~~  
12 ~~the courthouse of Broward County. Proof of posting shall be by affidavit of the person~~  
13 ~~posting the notice, which affidavit shall include a copy of the notice posted and the date~~  
14 ~~and places of its posting. Notice by posting may run concurrently with, or may follow, an~~  
15 ~~attempt or attempts to provide notice by mail as required by subsections (c), (d) and (e).~~

16       ~~(g) If a contest is filed with the Division pursuant to subsection (a) or (b), a~~  
17 ~~pre-taking hearing shall be held no more than twenty (20) days after the date the notice~~  
18 ~~of violation is issued.~~

19       ~~(h)~~ (c) *Unmaintained buildings and structures.* If a code enforcement officer  
20 determines that any building or structure is being maintained in a state of disrepair, a  
21 notice of violation shall be sent to the property owner, as determined in accordance with  
22 the notice procedures specified in Chapter 162, Florida Statutes, as incorporated by  
23 Chapter 8½, Article I, of the Broward County Code of Ordinances tax rolls of Broward  
24

1 County, unless the enforcement officer has actual knowledge of a subsequent property  
2 owner. The notice shall be in substantially the following form:

3 ...

4 YOU ARE HEREBY REQUIRED TO BRING THE PROPERTY INTO COMPLIANCE  
5 WITH ARTICLE X, OF THE BROWARD COUNTY CODE OF ORDINANCES,

6 "PROPERTY MAINTENANCE AND JUNK OR ABANDONED PROPERTY;

7 NUISANCES," OF THE BROWARD COUNTY CODE OF ORDINANCES, WITHIN

8 THIRTY (30) \_\_\_\_\_ ( ) DAYS FROM AFTER THE DATE OF THIS NOTICE OR

9 THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_. TO BRING THE PROPERTY INTO

10 COMPLIANCE, YOU ARE REQUIRED TO: (Explanation of work required to correct the

11 violation)\_\_\_\_\_

12 \_\_\_\_\_

13 \_\_\_\_\_

14 \_\_\_\_\_

15 ...

16 IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE CALL

17 \_\_\_\_\_ AT (954) \_\_\_\_\_, PERMITTING, LICENSING AND

18 CONSUMER PROTECTION PLANNING AND DEVELOPMENT MANAGEMENT

19 DIVISION.

20 ...

21 (d) Unsecured buildings. If a code enforcement officer determines that any

22 vacant building is unsecured, a notice of violation shall be sent to the property owner, as

23 determined in accordance with the tax rolls of Broward County, unless the enforcement

24

1 officer has actual knowledge of a subsequent property owner. The notice shall be in  
2 substantially the following form:

3 NOTICE OF VIOLATION

4 NOTICE IS HEREBY PROVIDED TO

5 (Property owner)

6 (Property owner mailing address)

7 THAT THE FOLLOWING DESCRIBED PROPERTY IS IN VIOLATION OF CHAPTER 39,  
8 ARTICLE X, OF THE BROWARD COUNTY CODE OF ORDINANCES, "PROPERTY  
9 MAINTENANCE," FOR THE REASONS SPECIFIED:

10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 YOU ARE HEREBY REQUIRED TO BRING THE PROPERTY INTO COMPLIANCE  
15 WITH ARTICLE X, OF THE BROWARD COUNTY CODE OF ORDINANCES,  
16 "PROPERTY MAINTENANCE," WITHIN ( ) DAYS AFTER THE DATE OF  
17 THIS NOTICE OR THE DAY OF , TO BRING THE  
18 PROPERTY INTO COMPLIANCE, YOU ARE REQUIRED TO: (Explanation of work  
19 required to correct the violation)

1 FAILURE TO CORRECT THE VIOLATION AND CALL FOR A REINSPECTION WITHIN  
2 THE TIME SPECIFIED MAY RESULT IN BROWARD COUNTY CORRECTING THE  
3 VIOLATION OR CAUSING IT TO BE CORRECTED AND ASSESSING THE PROPERTY  
4 OWNER FOR THE COSTS AND EXPENSES OF THE REPAIRS THROUGH THE  
5 IMPOSITION OF A LIEN AGAINST YOUR PROPERTY.

6  
7 IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE CALL  
8                     AT (954)                    , PLANNING AND DEVELOPMENT  
9 MANAGEMENT DIVISION.

10 Notice provided by

11                     Code Enforcement Officer

12 Print Name:

Date:

13 (e) Notwithstanding the foregoing, if a repeat violation is found, the code  
14 enforcement officer is not required to give the violator a reasonable time to correct the  
15 violation. If the code enforcement officer has reason to believe that a violation or condition  
16 causing the violation presents a serious threat to the health, safety, and welfare or is  
17 irreparable or irreversible in nature, the code enforcement officer shall make a reasonable  
18 effort to notify the violator and may immediately request a hearing before the hearing  
19 officer.

20 (f) Notice, as provided in this section, shall be in accordance with the notice  
21 procedures specified in Chapter 162, Florida Statutes, as incorporated by Chapter 8½,  
22 Article I, of the Broward County Code of Ordinances. In addition to notice as provided by  
23 subsections (a) through (d), notice may be provided by posting. Such notice, if provided,  
24 shall be posted for at least ten (10) days in at least two (2) locations, one of which shall

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Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

1 be the property upon which the violation is alleged to exist and the other shall be at the  
2 front door of the courthouse or the main governmental center of Broward County. Proof  
3 of posting shall be by affidavit of the person posting the notice, which affidavit shall include  
4 a copy of the notice posted and the date and places of its posting. Notice by posting may  
5 run concurrently with, or may follow, an attempt or attempts to provide notice by mail.

6 **Sec. 39-135. Abatement of violations.**

7 (a) *Abatement of violations relating to land clearance.* If the land-clearing  
8 violation is not corrected following notice as set forth in §Section 39-134(a) of this Code,  
9 Broward County may correct the violation by clearing the property or causing it to be  
10 cleared, removing of or causing the removal of litter, debris, garbage, overgrown  
11 groundcover or hedges, or junk items, or conducting such other activity necessary to bring  
12 the property into compliance with this article. Broward County shall send notice by mail  
13 to the responsible party specifying the costs of removal, administrative costs, including  
14 the cost of prosecution, and requesting payment within thirty (30) days of after the mailing.

15 (b) *Abatement of violations relating to unsecured buildings and unmaintained*  
16 *buildings and structures.* Any building or structure violation which is not brought into  
17 compliance with this article within ~~thirty (30) days from the date of~~ the timeframe for  
18 correction provided in the notice shall be enforced pursuant to the provisions contained  
19 in Chapter 162, ~~F.S.~~ Florida Statutes, as incorporated in Chapter 8½ of the Broward  
20 County Code of Ordinances. If authorized pursuant to § Section 162.09, ~~F.S.~~ Florida  
21 Statutes, Broward County may make all reasonable repairs to bring the property into  
22 compliance and charge the property owner for the reasonable cost of the repairs.  
23 Abatement or repairs made do not create a continuing obligation on the part of Broward  
24 County to make further repairs or to maintain the property, and do not create any liability

1 against Broward County for any damages to the property if such abatement or repairs  
2 were completed in good faith.

3       **Sec. 39-136. Pre-taking hearings for junk vehicles, vessels, ~~items~~, and**  
4 **derelict aircraft.**

5 . . .

6       (b) *Pre-taking hearings for junk vehicles, vessels, ~~items~~, and derelict aircraft.* If  
7 a contest has been filed with the Division to any notice of violation issued pursuant to the  
8 requirements of Section 39-134, at the next available hearing, the hearing officer shall  
9 conduct a pre-taking hearing and make a determination as to whether the ~~junk vehicle,~~  
10 ~~vessel, item, or derelict aircraft~~ ("junk property") is in violation of the provisions of this  
11 article. The hearing officer shall receive evidence and testimony from the person(s)  
12 contesting the charge, if present, or such person's(s') authorized representative; from  
13 anyone claiming an interest in the junk property; from any witness(es) the owner(s) of the  
14 junk property wishes to present; from any witness(es) presented by Broward County; and  
15 from those members of the public the hearing officer determines have relevant evidence  
16 or testimony. Hearsay evidence shall be admissible to support other testimony but shall  
17 not be sufficient alone to support a finding. Sworn testimony shall be given greater weight  
18 than unsworn testimony. Following a hearing, the hearing officer shall make findings of  
19 fact and conclusions of law determining whether the junk property cited with a notice of  
20 violation is in violation of the provisions of this article. In addition, the hearing officer shall  
21 prescribe a date by which the junk property must be removed or properly stored by the  
22 property owner. The date shall be at least five (5) business days after the hearing. If the  
23 junk property is not removed or properly stored by the date set by the hearing officer,  
24 Broward County may remove and destroy the junk property. If the junk property is on

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1 airport property, the item(s) shall be disposed of pursuant to Sections 705.182 through  
2 705.184, Florida Statutes.

3 . . .

4 **Sec. 39-137. Responsibility for costs of junk property removal.**

5 . . .

6 (c) Broward County shall send notice by mail to the responsible party specifying  
7 the costs of removal, administrative costs, including the cost of prosecution, and  
8 requesting payment within thirty (30) days of after the mailing of the notice. If payment is  
9 not made, Broward County may assess the actual costs of removal, including  
10 administrative fees, as a lien against the real and personal property of the responsible  
11 party and may also seek recovery of its costs by appropriate civil action or as provided by  
12 law.

13 **Sec. 39-138. Pre-assessment and special assessment hearings related to land**  
14 **clearance and abatement of violations.**

15 (a) If any owner whose property has been cleared by Broward County fails to  
16 pay the bill sent pursuant to Section 39-135(a) within thirty (30) days after the mailing, the  
17 Board of County Commissioners may, by resolution, levy a special-assessment lien on  
18 behalf of Broward County against the property for costs of clearance, together with  
19 interest thereon from the date such costs became due at the maximum rate allowed by  
20 law ~~for special assessments~~, plus all costs related to assessment and recording of the  
21 lien as provided by resolution of the Board. The Board may levy the total costs incurred  
22 or any mitigated or reduced amount recommended by the Director of the Finance and  
23 Administrative Services Department Planning and Development Management Division,  
24 or the Director's designee, at the conclusion of the pre-assessment hearing specified in

1 ~~S~~subsection (c) or may levy any amount less than the total costs which the Board finds  
2 appropriate and equitable.

3 (b) *Notice.* At least fifteen (15) days before the Board of County  
4 Commissioners shall consider levying the costs and recording a ~~special-assessment~~ land  
5 clearance lien, notice of the date and place when such consideration will be made shall  
6 be published in a newspaper of general circulation in the ~~e~~County and shall also be sent  
7 by certified mail, return receipt requested, to the property owner as shown on the current  
8 tax roll of Broward County, unless the code enforcement officer has actual knowledge of  
9 a subsequent property owner. Evidence that notice has been mailed as provided in this  
10 section, together with proof of publication, shall be sufficient to show that the notice  
11 requirements of this section have been met, without regard to whether or not the property  
12 owner actually received such notice.

13 Both notices shall contain the following:

- 14 (1) A statement that, prior to the date set for the hearing before the Board of  
15 County Commissioners, the property owner or his, her, or its authorized  
16 representative (hereinafter collectively referred to as "property owner") may  
17 contest any of the costs, fees, or expenses described in the notice at an  
18 informal hearing before the ~~county personnel designated by the County~~  
19 ~~Administrator with the authority to enforce the provisions of this code~~  
20 Planning and Development Management Division;  
21 (2) The name, address, and telephone number of a Broward County employee  
22 to contact to request an informal hearing as specified in subsection (c);  
23  
24

1 (3) A statement that the informal hearing will be held at a time and place to be  
2 set by the ~~county personnel designated by the County Administrator with~~  
3 ~~the authority to enforce the provisions of this code~~ Planning and  
4 Development Management Division;

5 (4) A statement that the property owner, or his, her, or its authorized agent or  
6 representative (~~hereinafter collectively referred to as "property owner"~~)  
7 should bring any witnesses, pictures, records, receipts, or other  
8 documentation to the informal hearing which the property owner feels are  
9 relevant to the violation;

10 (5) A statement that, in lieu of attending the informal hearing, the property  
11 owner may submit written documentation pertaining to the violation to the  
12 ~~county personnel designated by the County Administrator with the authority~~  
13 ~~to enforce the provisions of this code~~ Planning and Development  
14 Management Division Director for consideration at the informal hearing; and

15 (6) A statement that the property owner shall have the right to appear at the  
16 hearing before the Board of County Commissioners to discuss the violation  
17 regardless of whether or not the property owner requests or participates in  
18 an informal hearing procedure.

19 (c) At the informal pre-assessment hearing, the ~~d~~Director of the Planning and  
20 Development Management Division may consider the statements of the property owner  
21 and other persons with personal knowledge pertaining to the violation, and any  
22 documentation or information submitted which pertains to the violation.

23 (d) At the conclusion of the informal hearing, based on the amount of costs and  
24 administrative fees incurred by the County in clearing the property, and any statements

1 and documentation presented at the informal hearing, the Director may recommend  
2 settlement, adjustment, or other compromise of the violation pursuant to the provisions of  
3 Section 1-51.3, Broward County Code of Ordinances. Recommended settlements,  
4 adjustments, or compromises of land clearance costs and fees up to and including  
5 twenty-five hundred dollars (\$2,500.00) may be forwarded to the Mayor pursuant to the  
6 provisions of Subsection 1-51.3(A) of the Broward County Code of Ordinances.  
7 Recommended settlements, adjustments, or compromises of land clearance costs and  
8 fees in excess of twenty-five hundred dollars (\$2,500.00) shall be approved by the Board  
9 of County Commissioners pursuant to Subsection 1-51.3(E)(1) of the Broward County  
10 Code of Ordinances.

11 ...

12 (f) ~~Priority of special assessment lien. The special assessment lien levied~~  
13 ~~pursuant to this section shall be a first lien superior to all other liens on the property and~~  
14 ~~shall be equal to the lien of all state, county, district and municipal taxes until paid.~~

15 Section 4. SEVERABILITY.

16 If any portion of this Ordinance is determined by any Court to be invalid, the invalid  
17 portion shall be stricken, and such striking shall not affect the validity of the remainder of  
18 this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot  
19 be legally applied to any individual(s), group(s), entity(ies), property(ies), or  
20 circumstance(s), such determination shall not affect the applicability hereof to any other  
21 individual, group, entity, property, or circumstance.

22 Section 5. INCLUSION IN CODE.

23 It is the intention of the Board of County Commissioners that the provisions of this  
24 Ordinance shall become and be made a part of the Broward County Code; and that the

1 sections of this Ordinance may be renumbered or relettered and the word "ordinance"  
2 may be changed to "section," "article," or such other appropriate word or phrase in order  
3 to accomplish such intentions.

4 Section 6. EFFECTIVE DATE.

5 This Ordinance shall become effective as provided by law.

6  
7 ENACTED

8 FILED WITH THE DEPARTMENT OF STATE

9 EFFECTIVE

**PROPOSED**

10  
11 Approved as to form and legal sufficiency:  
12 Joni Armstrong Coffey, County Attorney

13  
14 By /s/ Maite Azcoitia 09/06/16  
15 Maite Azcoitia (date)  
16 Deputy County Attorney

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09/06/16  
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