

## ORDINANCE NO. 2018-01

AN ORDINANCE ESTABLISHING **THE TOWN OF LEE CLEAN COMMUNITY ORDINANCE**; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE RESPONSIBILITY OF OWNERS AND AGENCY; PROHIBITING OF OWNERS AND AGENT; PROHIBITING THE UNAUTHORIZED ACCUMULATIONS OF JUNK, TRASH, GARBAGE, RUBBISH, ABANDONED PROPERTY, AND UNSERVICEABLE VEHICLE; PROHIBITING UNLAWFUL NUISANCES; PROVIDING FOR THE AUTHORITY TO CORRECT VIOLATIONS; PROVIDING PENALTIES FOR NON-COMPLIANCE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Section 1: This Ordinance and all of its constituent parts may be referred to as "The Town of Lee Clean Community Ordinance."*

### ***Section 2: Definitions***

*Abandoned property* as used in this article means wrecked or derelict property which has been left abandoned and unprotected from the elements for more than 90 days and shall include substantially damaged buildings and mobile homes, wrecked, inoperative, or partially dismantled motor homes, trailers, motor vehicles, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture and any other similar articles which has been abandoned and unprotected from the elements.

*Garbage* means food waste including waste accumulation of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable, which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gasses or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects or animals.

*Junk* means any litter, debris, waste materials of any kind, dead animals, used and nonfunctional furniture and appliances, and used and non-functional tools, equipment, and implements, but shall not include compost piles for normal, personal or non-commercial use, in their proper location.

*Private property* means property owned by any person as defined herein, including but not limited to, yards, grounds, driveways, entrance or passageways, parking areas, storage areas, any body of water, vacant land, and recreation facilities.

*Rubbish* means waste paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, cans, glass, crockery, dunnage, and/or similar materials.

*Trash* means rubbish which includes but not limited to paper, glass, cans, wood, crockery, metals, dunnage, sweepings, rags, discarded clothing, and similar materials along with yard

waste such as accumulation of lawn, grass, or shrubbery cuttings or clippings, and dry leaf rakings, large branches and bulky or non-combustible material.

*Unserviceable vehicle* means any vehicle which is required to be licensed by the state if used on public streets and which cannot be started or moved under its own power, in its normal and usual manner, without repair or the addition of parts, but does not include any licensed automobile which is undergoing active repair or restoration for display, use or sale, or any vehicle that is registered in the same name as the property owner where said vehicle is stored.

### ***Section 3: Legislative Findings***

The Town Council of the Town of Lee, Florida, hereby finds that the accumulation of junk, trash, garbage, rubbish, and the storage of unserviceable vehicles, and abandoned property, on privately-owned lands creates health hazards and attractive nuisances and impairs the economic welfare of adjoining properties. Such accumulation of the same in violations of this section is hereby prohibited and declared to be public nuisance.

### ***Section 4: Prohibited Acts***

- (A) No owner of any lot, place or area within the town, or the agent of such owner, shall permit on such lot, place or area, or upon any sidewalk abutting the same, the accumulation of junk, trash, garbage, rubbish, abandoned property, unserviceable vehicle, or the untended growth of weeds, grass, or deleterious, unhealthful growths, or other noxious matter, that may be growing, lying or located thereon.
- (B) It shall be unlawful for any person to keep on any residential, commercial, industrial or agricultural property any unserviceable vehicle, unless such unserviceable vehicle is shielded from view, except for a vehicle temporarily stored on private property for the purpose of repair, if the vehicle has a currently valid registration and currently valid license plate affixed thereon, and the motor vehicle is titled in the name of the owner of the property upon which the vehicle is situated or is titled in the name of the person currently residing on the premises. "Temporarily stored" shall mean that the vehicle shall be openly stored for no more than 60 calendar days.
- (C) The provisions of this article shall not apply to any abandoned property which shall be within an enclosed building upon such property or upon the solidly enclosed and fenced premises maintained by the county as a depository for such abandoned property.

### ***Section 5: Notification***

The town manager is hereby authorized and empowered to notify, in writing, the owner of any lot, place or area within the town or the agent of such owner, to cut, destroy, and/or remove any junk, trash, garbage, rubbish, abandoned property, unserviceable vehicle, or the untended growth of weeds, grass, or deleterious, unhealthful growths, or other noxious matter, found growing, lying or located on such owner's property, or upon the sidewalk abutting same. Such notice shall be by registered mail, addressed to the owner, or agent of the owner, at his last known address, or hand delivered to the owner or agent of the owner.

***Section 6: Action by Town upon noncompliance with notice of Section 4***

Upon the failure, neglect, or refusal of any owner or agent notified pursuant to Section 4 to cut, destroy and/or remove junk, trash, garbage, rubbish, abandoned property, unserviceable vehicle, or the untended growth of weeds, grass, or deleterious, unhealthful growths, or other noxious matter, growing, lying or located upon such owner's property, or upon the sidewalk abutting same, within ten (10) days after the receipt of the written notice provided for in such section, or within ten (10) days after the date of such notice, in the event the same is returned to the town post office department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, there shall be a \$25.00 administrative fee per day assessed until the matter is cured. If it is not cured within 30 days, the town manager is hereby authorized to pursue enforcement of the provisions in Section 7.

***Section 7: General penalty, continuing violations; adjudging fines and imprisonments.***

- (A) The town manager shall pay or hire outside services for the cutting, destroying and/or removal of such junk, trash, garbage, rubbish, abandoned property, unserviceable vehicles, or the untended growth of weeds, grass, or deleterious, unhealthful growths, or other noxious matter, if a violation is not cured as stated in Section 6.
- (B) In case work is done by the town or by an outside service hired by the town, the town manager or designee shall keep an itemized accounting of expenses of the work done. A statement of the itemized accounting of expenses and the accrued \$25.00 daily administrative fee shall be mailed to the owner of the property. If the statement is not paid within ten days from the date the request for payment has been served upon the person from whom payment is due, such amounts shall constitute, and are hereby imposed as special assessment liens against the real property aforesaid, and until fully paid and discharged, be superior to all other liens, encumbrances, titles and claims in, to or against the real property involved, except taxes.
- (C) The town may pursue prosecution. It shall be unlawful for any person to violate or fail to comply with any provision of this Ordinance and where so specific penalty is provided therefor, the violation of any provision of this Ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) of imprisonment for a term not exceeding sixty (60) days or by both such fine and imprisonment. Each day any violation of any provision of this Ordinance shall continue shall constitute a separate offense.

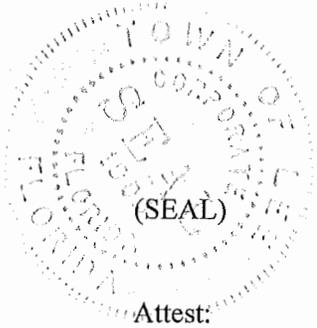
***Section 8: Conflict***

All Ordinances or portions of Ordinances which are in conflict with this Ordinance are hereby repealed and superseded to the extent of such conflict.

***Section 9: Effective Date***

This Ordinance shall become effective immediately upon its adoption by the Town Council of the Town of Lee.

**PASSED AND DULY ADOPTED**, in regular session, with a quorum present and voting, by the Town Council of the Town of Lee this 5<sup>th</sup> day of June, 2018.



Town Council of the  
Town of Lee, Florida

By: James E. Bell  
James E. Bell, Mayor

John K. Anderson  
John K. Anderson, Town Manager/Clerk

First Reading: May 15, 2018  
Second and Final Reading: June 5, 2018