



# CHAPTER 24 - NUISANCE ABATEMENT

PROPOSED ORDINANCE AMENDMENTS

March 11, 2024



The City's current nuisance abatement program was adopted in 1999.

After 25 years, it is time for a makeover...

# SUMMARY OF CHANGES

- Definitions are only for clarification of specific terms.
- Old definitions are incorporated into the code.
- CPTED (Crime Prevention Through Environmental Design), which was previously adopted by resolution, is added to the ordinance.
- It officially creates a “Nuisance Abatement Program”.
- Changes penalties and liens from being a separate type of lien to be consistent with code enforcement liens.



# ARTICLE I – IN GENERAL



- **24-1 – Definitions** – limited to clarifying a few specific terms.
  - Motor Vehicle: means any vehicle or conveyance which is either self-propelled or towed behind a self-propelled vehicle and is designed to travel along the ground. The term "motor vehicle" includes, but is not limited to, automobiles, buses, mopeds, motorcycles, trucks, tractors, trailers, go-carts, golf carts, motor homes, and recreational vehicles.
- **24-2 – Powers & Duties**
  - Code enforcement staff investigate.
  - Management reviews before proceeding.

# ARTICLE II – PROPERTY NUISANCES GENERAL

- It shall be unlawful for any person in charge of or in control of any object or condition within the city, whether as owner, tenant, occupant, lessee or otherwise, to allow any such object or condition outlined below to remain on any private or public property within the city.
  - What was previously a list of definitions are now incorporated into the code prohibiting these conditions/objects.
  - Similar nuisance conditions are combined to lower the number from 31 to 21 items.
  - Unlawful or unenforceable items were deleted.
    - Ex) Offends decency.



# ARTICLE II – VIOLATION LIST CHANGES



Subsections 1 – 10 reorganized and merge existing codes. No changes to content.

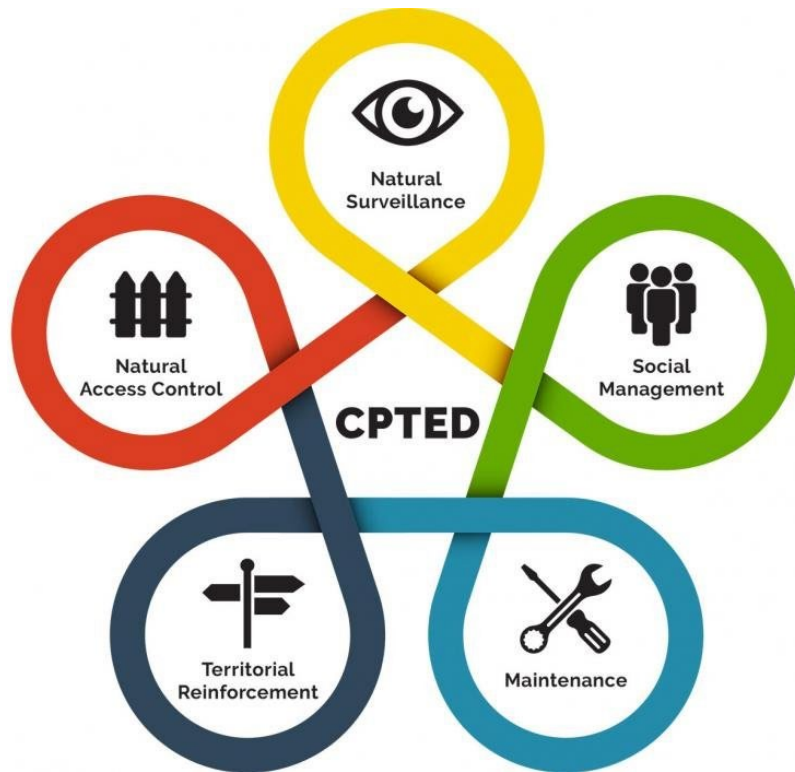


Subsection 14 provides the option of a “designated parking area” for properties that do not have adequate parking in a driveway.



Subsection 15 – Deletes the exemption allowing non-operative or unlicensed vehicles to park in the right of way or on public property and limits the parking of non-operative or unlicensed vehicle to businesses with a business tax receipt for an automobile, truck or motor vehicle business.

# ARTICLE II – PROPERTY NUISANCES GENERAL



- **CPTED – CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**
  - Was adopted by Resolution in 2016.
  - Is now included in the Ordinance.
  - Summary –
    - Clear all landscaping between your knees and top of your head to allow clear vision for the police.
    - Do not allow landscaping to grow in a way where criminals can hide OR where criminals can hide things.

# ARTICLE II – VIOLATION LIST CHANGES


- Subsection 11 –
  - Adds CPTED guidelines.
  - Provide exemptions.
  - For parcels larger than 3 acres, requires a strip of land 100' wide from every road, alley, public or private right of way and every developed parcel to comply with CPTED guidelines.
  - BUT... if a nuisance complaint is received (ex. homeless camp), the condition must be addressed as directed by the department.
  - For wetland or coastal properties, a 15' wide strip is required where the parcel abuts developed real property or rights of way.

# ARTICLE III – NUISANCE ABATEMENT PROGRAM

## Section 24-23. Nuisance Abatement Program

In order to protect the public health, safety, and welfare of the city, the city commission finds it necessary that lands and property within the city be cleared of substances and materials which present a fire hazard or other health hazard, or which are considered to be unsafe and a nuisance to the general public.

There is hereby established a public nuisance abatement program for the purpose of abating the public nuisances defined in section 24-19 in this chapter. The owner of any property located within the City of Fort Pierce who creates, suffers, or permits a nuisance to exist upon his or her property, shall be responsible for abating the nuisance and, if the owner fails to abate the nuisance in accordance with the notice given pursuant to this chapter, the city may abate the nuisance and the city shall be reimbursed for the costs associated with the abatement pursuant to the provisions of this chapter for the recovery of those costs.



**If the people cannot trust  
their government to do  
the job for which it exists  
– to protect them and to  
promote their common  
welfare – all else is lost.**

Barack Obama

EVERYDAY POWER

# ARTICLE III – NUISANCE ABATEMENT PROGRAM



## Sec. 24-24. Supplemental means of enforcement.

- 1) A public nuisance also constitutes a code violation, and the city is not limited to a choice of remedy to ensure compliance with its codes.
- 2) Once the subject violation/nuisance is abated, that occurrence of the code violation shall cease.
- 3) Following the first notice under this chapter to abate a nuisance as described herein, any subsequent violation of the same nuisance classification(s) on the same property within a 12-month period may be abated by the city without further notice so long as the initial notice and order of abatement specifically provides for such subsequent abatement therein.

# ARTICLE III – NUISANCE ABATEMENT PROGRAM

## Sec. 24-25. Notice

...notice shall be provided to the owner or other interested party in the following manner. These notices may be done concurrently or separately as determined by the department.

- 1) Notice of violation sent regular mail.
- 2) Notice of Special Magistrate hearing sent certified mail (includes copy of the NOV).
- 3) Copies of the NOV and NOH shall be posted at the property.



# ARTICLE III – NUISANCE ABATEMENT PROGRAM

## **Sec. 24-26. Nuisance Abatement Hearings.**

- A hearing shall be held before the Special Magistrate to determine the following: (a) if a nuisance condition exists in violation of the city's code of ordinances, (b) if the condition poses a threat to the public health, safety, and welfare of the city, and (c) if the violation should be addressed through the Nuisance Abatement Program.
- The Special Magistrate may order the violator to pay a fine in an amount specified for each day the violation continues past the date set for compliance.
- In addition, if the violation qualifies for the Nuisance Abatement Program, the Special Magistrate shall order
  - the city to make all reasonable repairs or take the necessary abatement measures that are required to bring the property into compliance
  - AND
  - charge the violator with the cost of the repairs along with the fine imposed.

# ARTICLE III – NUISANCE ABATEMENT PROGRAM

## Sec. 24-27. Enforcement of lien.

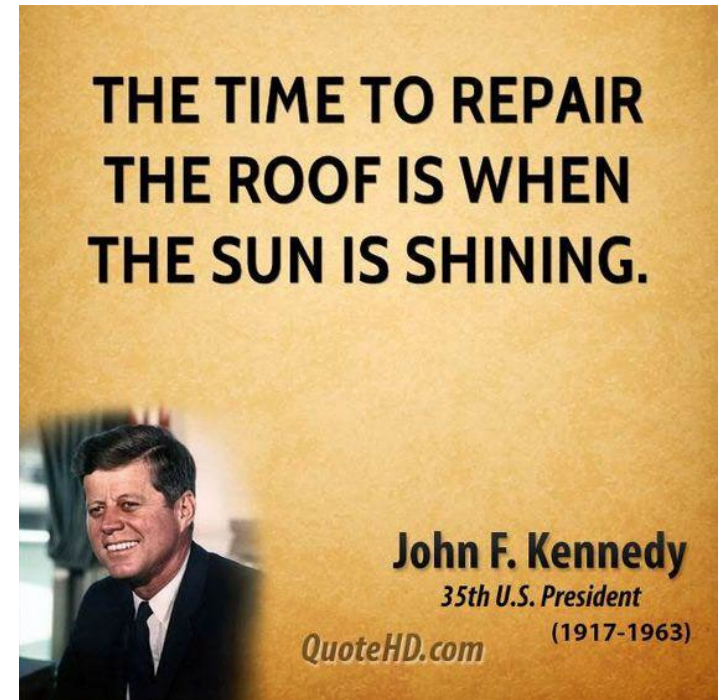
- (1) If the city causes the nuisance condition to be abated in accordance with the order of the Special Magistrate, such expense shall become payable within 30 days, after which a lien and charge will be made upon the property, which shall be payable with interest at the rate of six percent per annum from the date the expense is recorded in the financial records of the city until paid. There shall be included in such assessment an additional charge in the amount established by resolution for administrative costs incurred by the city.
- (2) Such lien shall be enforceable in accordance with Chapter 1, Article II, Division 2 of these Code of Ordinances.



# ARTICLE IV – BUILDINGS AND STRUCTURES

## Sec. 24-59. Generally.

- 1) Deletes the classifying a building as a nuisance if it is unsightly or does not conform to the architecture of adjacent or surrounding buildings.
- 2) Changes the fines and lien structure to be consistent with code enforcement and nuisance abatement fines and liens.



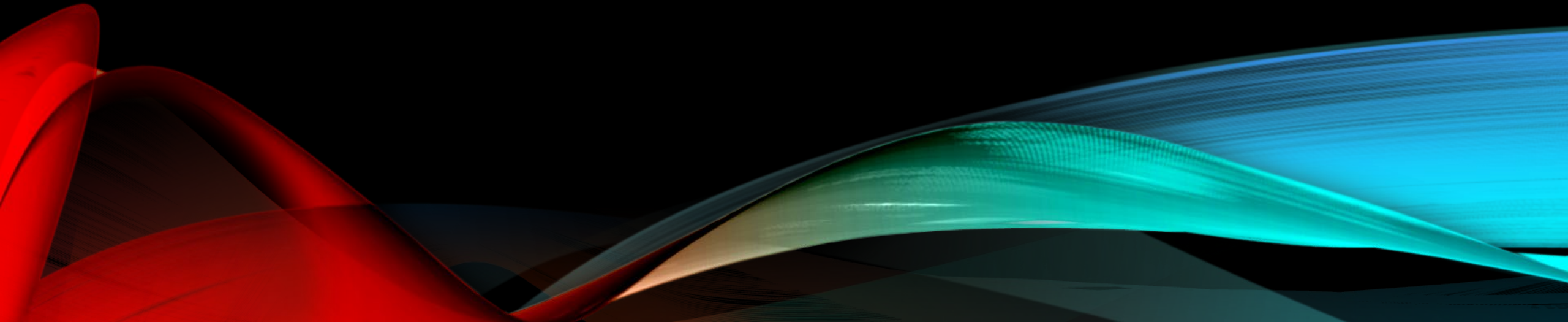
# ARTICLE V – DRUG RELATED, PROSTITUTION RELATED, OR STOLEN PROPERTY RELATED PUBLIC NUISANCES AND CRIMINAL GANG ACTIVITY NUISANCES



No changes – copied from Article III in  
its entirety.

# QUESTIONS?

We are not done yet.... Just pausing for questions.





# CHAPTER 1 – ARTICLE II CODE ENFORCEMENT

PROPOSED ORDINANCE AMENDMENTS

March 11, 2024



Chapter 24 amendments change the way we impose fines and liens for nuisance abatement and demolition. They specifically refer to Chapter 1.

Chapter 1 updates are therefore recommended in conjunction with the Chapter 24 amendments.

# SUMMARY OF CHANGES

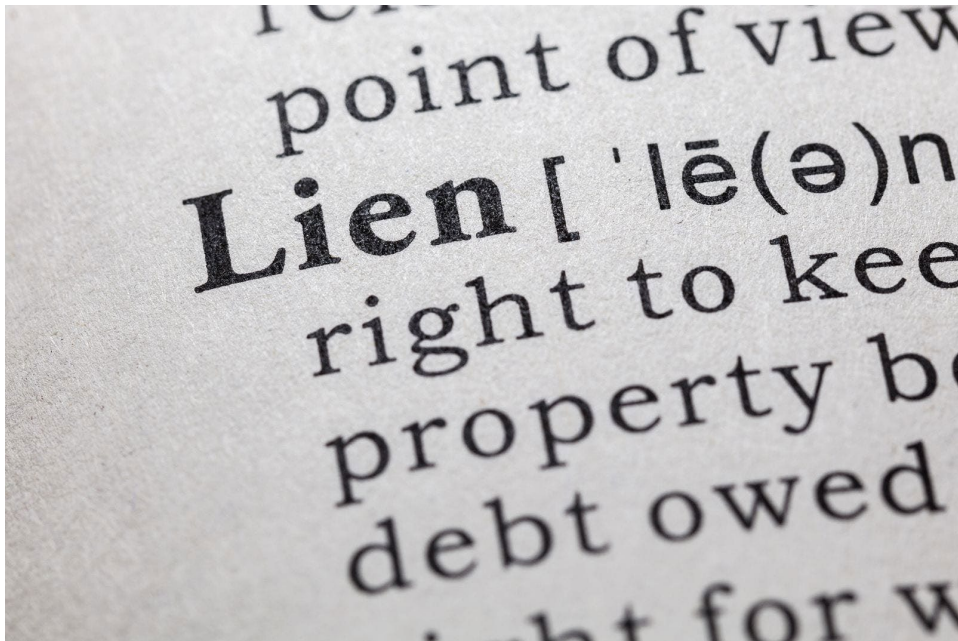
- Definitions are combined from throughout the Article to be together in Division 1 and are updated with definitions from State Statute 162.
- Minor amendments to be consistent with other sections of our code and current processes are incorporated.
- The code is amended to include how the City initiates fines and handles liens.
- Additional amendments address how the City handles citations.
- Classes of violations for which citations are issued has been updated.



# DIVISION II – FINES AND LIENS

## Section 1-77. Fines Imposed

- Adds state statute requirements for assessing fines, imposing a lien and authorizing the city to foreclose.
- State statute guidelines are already incorporated by reference in Section 1-73(b), but due to our newly implemented foreclosure actions, are being specifically included in our codes for clarity to the public.
- Adds the right of the city to reduce the liens – but specifically states a reduction is not guaranteed.
- Provides the ability of the City Attorney to address unenforceable liens (i.e. liens on city owned property, bankruptcies, etc.).



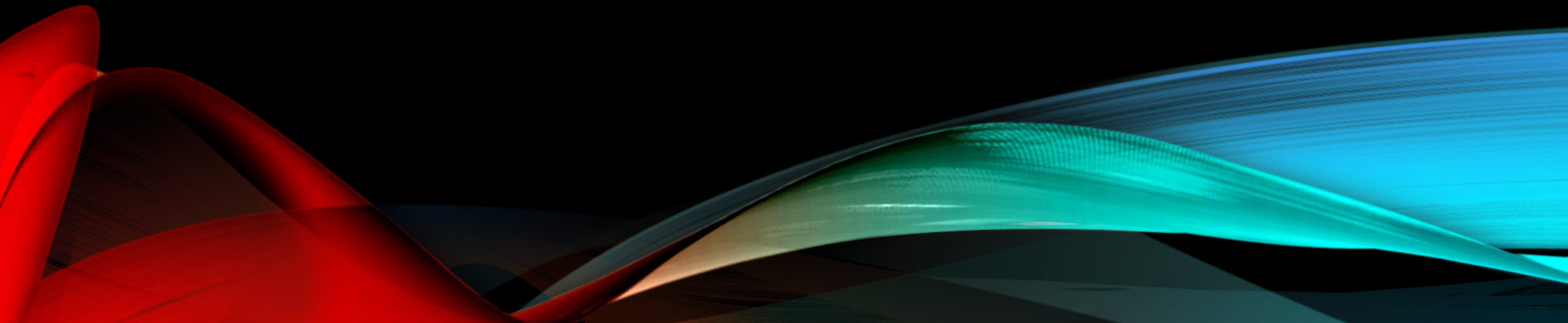
# DIVISION III – CITATION PROCEDURE



- Deletes sections or references that are a process/procedure, are contradictory to other sections or simply outdated.
- Gives the City the ability to determine how the citations are processed – either through the Special Magistrate or through the County Court system.
- Updates the Classes of Violations
  - Most changes are simply updating their titles to be current with our code or to address the re-numbering from the ordinance re-write of 2020.
  - Added Fireworks.
  - Added Refrigerators and icebox safety requirements.

QUESTIONS?

Just seven more slides...





# COMPANION RESOLUTIONS

PROPOSED ORDINANCE AMENDMENTS

March 11, 2024



Several process and/or procedure changes are required to implement the changes in both Chapter 24 and Chapter 1.

These changes have been addressed in two resolutions that will be presented to the City Commission upon 2<sup>nd</sup> reading of the ordinance amendments.

- Rules of Procedure for the Special Magistrate
- Lien review process

# SUMMARY OF CHANGES

Similar to the nuisance abatement ordinance, the Special Magistrate Rules of Procedure were given a major overhaul – from the basic format to including procedures not previously memorialized in writing.

The rules were divided into 8 parts, categorizing the different sections:

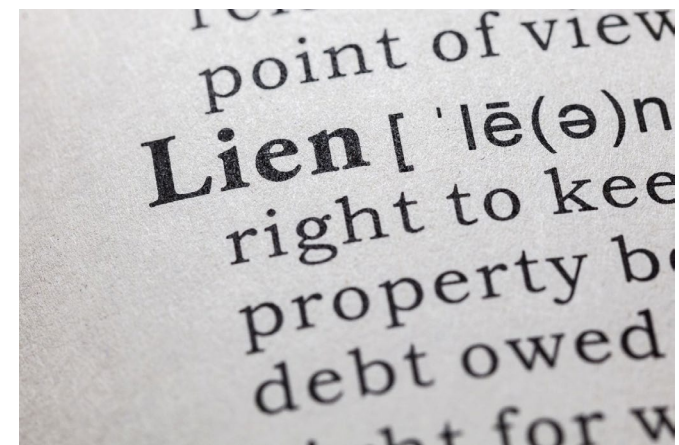
- I. General
- II. Pre-hearing
- III. Conduct of Hearings
- IV. Post Hearing
- V. Fines and Liens
- VI. Foreclosure
- VII. Flood Plain Management
- VIII. Amendments



# SM RULES OF PROCEDURE

## Part V – Fines and Liens

- The process assessing fines and providing for the right to a hearing was removed from the imposing lien section and given its own section.
  - Filing the Affidavit of Non-compliance for both code cases and with the new nuisance abatement case process.
  - Provides the process for sending a “Massey” notice, which is the notice of fines to a property owner.
- Provides a detailed process for contesting the fines (Massey Hearing).
- Under the Imposing Lien section, it now include the provision for the Special Magistrate to authorize the city attorney to initiate foreclosure proceedings if the lien remains unpaid and all legal requirements for foreclosure have been met.



# SM RULES OF PROCEDURE

## Part V – Fines and Liens

- Lien reduction amendments:
  - A. Per Chapter 1, Article II, Section 1-80, imposed liens may qualify for a reduction if the following requirements are met, however, there is no guarantee a reduction will be granted of any lien that was legally placed upon the person or property.
- Partial lien reduction amendments:
  - d. For partial releases wherein the property receiving the benefit of the reduction is located outside the city, the amount of settlement is equal to 3% of the lien to be released or \$2,500.00, whichever is greater.
  - e. For partial releases wherein the property receiving the benefit of the reduction is located inside the city, the amount of settlement is equal to 5% of the lien to be released or \$2,500.00, whichever is greater.
- Requires the application fee be submitted with the application for reduction.



# SM RULES OF PROCEDURE

## Part VI – Foreclosure

- Overall, provides a more detailed process based upon the experiences of the past year.
- Still requires an Intent to Foreclose notice by the City to be delivered by a process server.
- Still requires a list of criteria to be met, but now requires the Department to file an Affidavit attesting to it.
- Limits communication once the file is transferred to the attorney handling the foreclosure.
- Allows for settlement agreements in lieu of foreclosure.



THE END!  
QUESTIONS?

