

ORDINANCE NO. 2016 - 003

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, CREATING CHAPTER 27, OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "PUBLIC NUISANCES THAT DRAIN MUNICIPAL SERVICES"; PROVIDING FOR INCLUSION IN THE TOWN'S CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a fundamental purpose of local government is to promote, to protect, and to improve the health, safety, and general welfare of its residents; and

WHEREAS, problematic properties drain the Town's limited resources; and

WHEREAS, when the Town's limited police, fire, ems, and code enforcement officers are routinely dispatched to problematic properties it takes these officers away from providing services to the rest of the community; and

WHEREAS, the Town finds that this drain on the Town's resources constitutes a public nuisance; and

WHEREAS, the Town finds that it is necessary to more effectively and efficiently abate public nuisances that cause a drain on its services; and

WHEREAS, the Town finds that the health, safety and general welfare of the Town will be better protected and improved by adopting an Ordinance to help abate public nuisances that cause a drain on the Town's municipal services;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, THAT:

SECTION 1: The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and are incorporated as if fully set forth in this section.

SECTION 2: A new Chapter 27 of the Town of Southwest Ranches Code of Ordinances, entitled "Public Nuisances That Drain Municipal Services," shall be created as follows:

Chapter 27. Public Nuisances That Drain Municipal Services

Sec. 27-1. – Conditions declared public nuisances that drain municipal services

It is declared unlawful and a public nuisance for any owner of property in this Town to maintain such property or to permit such property to be maintained in such a manner that the property threatens or endangers the public health, safety or welfare, or adversely affects or impairs the economic welfare of surrounding properties.

Sec. 27-2. - Definitions

The following words, terms and phrases, when used in this Chapter shall have the meanings ascribed to them in this section:

"Code" means the Code of Ordinances of the Town of Southwest Ranches, as existing, or as may be amended from time to time.

"Private Property" means any real property within the Town, which is not public property as defined herein.

"Public Nuisances That Drain Municipal Services" means any private property that has:

- (1) On more than two occasions within a six-month period, has been found to be a location of repeated felonies, as defined by the United States Code or the Florida Statutes, as may be applicable, and as may be amended from time to time; or
- (2) On more than two occasions within a calendar year, has been found to be a location involved in the unlawful sale, delivery, possession, manufacture, or cultivation of any controlled substance; or
- (3) On more than two occasions within a calendar year, been found to be a location involved in violation of F.S. §796.001, "Offenses by adults involving minors", as may be amended from time to time; or
- (4) On more than two occasions within a six-month period, has been found to be a location in violation of F.S. §796.07, "Prohibiting prostitution and related acts", as may be amended from time to time; or
- (5) On more than three (3) occasions within a thirty-day period, has been found to be a location involved in repeated calls for police, fire, ems, or code enforcement services.

"Public Property" means any real property within the Town, which is owned by any governmental entity, and includes buildings, parking lots, parks, streets, sidewalks, swales, rights-of-ways, easements and other similar property.

Sec. 27-3. – Processing of complaints relating to violations of this Chapter

Any complaint relating to a violation of this Chapter shall be handled in accordance with Article 7, "Code Enforcement", of the Town's Code of Ordinances, as may be amended from time to time.

Sec. 27-4. -

Sec. 045-030. Penalties

- (a) If the Special Magistrate declares a private property to be a public nuisance that drains municipal services after a public hearing, in addition to and notwithstanding all remedies available at law, the Special Magistrate may enter an order requiring the owner of such private property to adopt such procedure as may be appropriate under the circumstances to abate any such public nuisance that drains municipal services including, but not limited to:
 - (1) An order immediately prohibiting:
 - a. The maintaining of the nuisance that drains municipal services;
 - b. The operating or maintaining of the private property, including the closure of the private property, or any part thereof;
 - c. The conduct, operation, or maintenance of any business or activity which is conducive to the maintenance of such nuisance that drains municipal services;
 - (2) An order immediately implementing any other procedure(s) that the Special Magistrate deems appropriate to abate the nuisance that drains municipal services in a particular case.
- (b) In addition to, and notwithstanding, any procedure, penalty or other sanction allowed by law, a violation of this Chapter shall be deemed to be a violation that is irreparable or irreversible in nature, and as such a fine not to exceed \$5,000.00 shall be imposed per violation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

SECTION 3: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 4: Severability. If any portion of this ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, or any portions hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

SECTION 5: Inclusion in Code. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made part of the Town of Southwest Ranches Unified Land Development Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

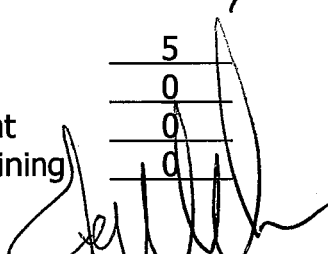
SECTION 6: Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED ON FIRST READING this 12th day of May, 2016 on a motion made by Vice Mayor McKay and seconded by Council Member Jablonski.

PASSED AND ADOPTED ON SECOND READING this 26th day of May, 2016, on a motion made by Vice Mayor McKay and seconded by Jim Breitkreuz.

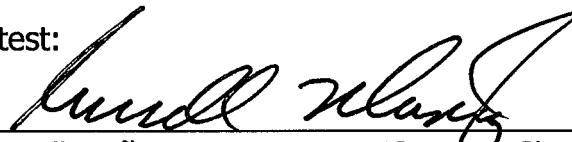
Nelson	<u>Yes</u>
McKay	<u>Yes</u>
Breitkreuz	<u>Yes</u>
Jablonski	<u>Yes</u>
Fisikelli	<u>Yes</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>



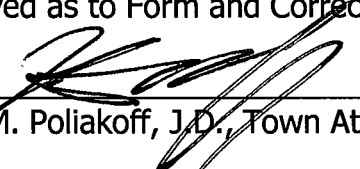
 Jeff Nelson, Mayor

Attest:



 Russell Muñiz, MBA, MPA, MMC, Town Clerk

Approved as to Form and Correctness:



 Keith M. Poliakoff, J.D., Town Attorney

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