



MEMORANDUM

Office of the City Attorney

990698

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: ~~December 13, 1999~~
~~XXXXXXXXXXXX~~
~~FIRST READING~~
JANUARY 10, 2000
SECOND READING

FROM: City Attorney


SUBJECT: Ordinance No. 0-00-16

An ordinance of the City of Gainesville, Florida, relating to the downtown minimum property standards; amending section 2-339 of the Code of Ordinances adding the downtown minimum property standards to the list of provisions that may be enforced by civil citation; amending section 2-377 of the Code of Ordinances adding the downtown minimum property standards to the list of provisions that may be enforced by the code enforcement board; amending section 6-241 of the Code of Ordinances providing that violations of the downtown minimum property standards that are to be abated within 30 days of initial notice may be enforced by civil citation and that all violations of the downtown minimum property standards may be enforced by the code enforcement board; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.


Recommendation: The City Commission adopt the proposed ordinance.

At its meeting of November 8, 1999, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance providing for enforcement of the City's Downtown Minimum Property Standards through the Code Enforcement Board and the civil citation process.

Prepared by:


Patricia M. Carter,
Sr. Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson,
City Attorney

MJR:PMC:sw

PASSED ON FIRST READING BY A VOTE OF 5-0.

Ordinance No. 0-00-16

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WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

WHEREAS, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. The list of ordinances enforceable by civil citation set out in section 2-339 of the Code of Ordinances is amended to include the following. The rest of the list remains unchanged.

DIVISION 6. CIVIL CITATIONS

Sec. 2-339. Applicable codes and ordinances.

The following ordinances are enforceable by the procedures described in this division:

<i>Section</i>	<i>Description</i>	<i>Class</i>	<i>Penalty</i>
<u>Article IX of Chapter 6</u>	<u>Downtown minimum property standards</u>	<u>I</u>	<u>\$50.00</u>

1 **Section 2.** The list of ordinances enforceable by the Code Enforcement Board set out in section
2 2-377(a) of the Code of Ordinances is amended to read as follows:

3 **DIVISION 8. CODE ENFORCEMENT BOARD**

4 **Sec. 2-377. Applicability; jurisdiction.**

5 (a) The Gainesville Code Enforcement Board shall have jurisdiction to hear and decide cases in
6 which violations are alleged of any provisions of the following provisions of this Code of Ordinances
7 as they may exist or may hereafter be amended by ordinance:

- 8 (1) Chapter 6, Article II, "Building Code";
9 (2) Chapter 6, Article III, "Electrical Code";
10 (3) Chapter 6, Article IV, "Plumbing Code";
11 (4) Chapter 6, Article V, "Gas Code";
12 (5) Chapter 6, Article VI, "Mechanical Code";
13 (6) Chapter 6, Article VII, "Swimming Pools";
14 (7) Chapter 6, Article IX, "Downtown Minimum Property Standards";
15 ~~(8)~~ Chapter 10, "Fire Prevention and Protection";
16 ~~(9)~~ ~~(8)~~ Chapter 13, Article II, "Housing Code";
17 ~~(10)~~ ~~(9)~~ Chapter 16, Article II, "Dangerous Building and Hazardous Land Code";
18 ~~(11)~~ ~~(10)~~ Chapter 16, Article III, "Perilous Land Code";
19 ~~(12)~~ ~~(11)~~ Chapter 16, Article IV, "Mosquito Breeding Grounds";
20 ~~(13)~~ ~~(12)~~ Chapter 23, "Streets, Sidewalks and Other Public Places";
21 ~~(14)~~ ~~(13)~~ Chapter 25, Article III, "Occupational License Tax";
22 ~~(15)~~ ~~(14)~~ Chapter 26, Article III, Division 5, "Abandoned, Wrecked, Nonoperating Vehicles";
23 ~~(16)~~ ~~(15)~~ Chapter 27, Article III, "Garbage and Refuse Disposal";
24 ~~(17)~~ ~~(16)~~ Chapter 30, "Land Development Code."

1 **Section 3.** 6-241 of the Code of Ordinances is amended to read as follows:

2 **Sec. 6-241. Compliance period.**

3 Any other provision of this Code of Ordinances notwithstanding, corrective action ordered by a code
4 enforcement official shall be commenced within 30 days and shall be completed within 90 days from
5 the date of written notice of noncompliance, except where a lesser period of time is provided in this
6 article. Where a time for completion of corrective action of 30 days or less is provided, the violation
7 may be enforced using the civil citation process. In addition, all violations of this article may be
8 enforced by the code enforcement board process. For violations where more than 30 days are provided
9 for completion of corrective action, the code enforcement official may stay enforcement for a further
10 period of time, not exceeding six months from initial notice, if the property owner demonstrates with
11 tangible evidence that he/she is taking affirmative action to abate the violation and requires additional
12 time to accomplish the abatement.

13 **Section 4.** It is the intention of the City Commission that the provisions of Sections 1 through 3 of this
14 Ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville,
15 Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in
16 order to accomplish such intentions.

17 **Section 5.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or
18 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the
19 validity of the remaining portions of this ordinance.

20 **Section 6.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict
21 hereby repealed.

1 **Section 7.** This ordinance shall be effective immediately upon final adoption.

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PASSED AND ADOPTED this _____ day of _____, 2000.

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PAULA M. DeLANEY, MAYOR

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ATTEST:

Approved as to form and legality

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KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

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This Ordinance passed on first reading this _____ day of _____, 1999.

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This Ordinance passed on second reading this _____ day of _____, 2000.

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16 carter:ordinances:0-00-16 - downtown minimum standards

