



MEMORANDUM
Office of the City Attorney

001588

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

SECOND READING: FEBRUARY 11, 2002

~~FIRST READING:~~

~~DATE: January 28, 2002~~

TO: Mayor and Commissioners

FROM: Marion J. Radson, City Attorney

**SUBJECT: ORDINANCE NO.: 0-01-76
NUISANCE ABATEMENT**

An ordinance of the City of Gainesville, Florida, amending Chapter 16, Article V entitled "Public Nuisance Abatement"; amending, creating and renumbering Sections 16-91 through 16-99.3 inclusive of the Code of Ordinances; establishing a purpose and intent; defining statutory authority, providing definitions; providing the declaration of a public nuisance; appointing the code enforcement board members as ex officio members of the nuisance abatement board; providing procedures, administrative remedies and fines; requiring city commission approval before closure order is final; providing for enforcement; providing for appeal; 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 on December 10, 2001, the City Commission approved the recommendation of the Community Development Committee to authorize the City Attorney to prepare and the Clerk to advertise an ordinance amending the nuisance abatement board ordinance.

At the City Commission meeting of December 10, 2001, the City Commission requested that two issues be addressed:

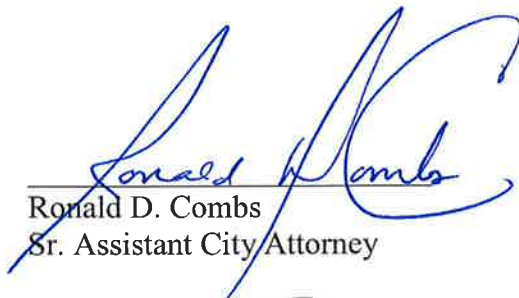
1. Why is alcohol not included under the drug nuisance provision; and
2. Why do separate provisions provide that cases may be (a) presented by the city manager, designee or retained special counsel and (b) presented by the chief of police, designee or prosecutor.

As to the first issue, the authority of the nuisance abatement board is controlled by statute and as to drug related nuisances, the statute confines that to drugs referenced in Chapter 893. Alcohol does not fall within the parameters of Chapter 893.

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

The second issue has been clarified in the ordinance to reference only case presentation by the “city manager, designee, or retained special counsel.”

Prepared by:



Ronald D. Combs
Sr. Assistant City Attorney

Approved and Submitted by:



Marion J. Radson
City Attorney

RDC:bs