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ORDINANCE NO. 660

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DAVENPORT, FLORIDA AMENDING THE PROVISIONS AND SECTION NUMBERS OF DAVENPORT CITY CODE, CHAPTER 14, REFUSE, GARBAGE AND WEEDS, ARTICLE II, PROPERTY WITHIN COMMERCIAL, INDUSTRIAL OR RESIDENTIAL DISTRICTS, SECTION 14-37, CITATION FOR VIOLATION AND SECTION 14-38, FAILURE TO COMPLY WITH CITATION; PROVIDING FOR THE CREATION OF A SECTION PROHIBITING OUTSIDE AND OPEN STORAGE; PROVIDING FOR THE INCLUSION OF AN AFFIDAVIT AND NOTICE OF CODE VIOLATION; PROVIDING FOR THE REPEAL OF CHAPTER 14, REFUSE, GARBAGE AND WEEDS, ARTICLE III, LOT CLEARING; PROVIDING FOR THE CREATION OF CHAPTER 14, REFUSE, GARBAGE AND WEEDS, ARTICLE III, NUISANCE ABATEMENT; PROVIDING FOR A TITLE, PURPOSE AND DEFINITIONS; PROVIDING FOR A DECLARATION OF NUISANCE, THE DESIGNATION OF AN INVESTIGATING AND ENFORCING AUTHORITY, AND REASONABLE GOOD FAITH ENTRY BY CODE ENFORCEMENT INSPECTORS; PROVIDING FOR PROCEDURAL IMPLEMENTATION AND THE ABATEMENT OF A NUISANCE OR CORRECTION OF PROHIBITED CONDITIONS; PROVIDING FOR AN APPEAL PROCESS AND THE ASSESSMENT OF COSTS; PROVIDING FOR A NOTIFICATION, CREATION AND ENFORCEMENT OF A LIEN; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION INTO THE DAVENPORT CITY CODE; PROVIDING NON-CONFLICTING CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, Chapter 162, Florida Statutes, the "Local Government Code Enforcement Boards Act", provides for the creation of Administrative Boards with authority to impose administrative fines and other non - criminal penalties to enforce local codes and ordinances; and

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WHEREAS, Chapter 162, Florida Statutes provides for the enforcement of said codes and ordinances through the process of an affidavit and notice of violation or through the issuance of a citation; and

1           **WHEREAS**, in reviewing the provisions of Davenport City Code, Chapter 14,  
2 Refuse, Garbage and Weeds, the City Commission has determined that said Chapter is in  
3 need of additional restrictions and prohibitions to facilitate, and to protect and improve the  
4 health, safety and welfare of its citizens; and

5           **WHEREAS**, in reviewing Chapter 14 of the Davenport City Code, the City  
6 Commission has found that no prohibition exists for the outside and open storage of building  
7 materials, household appliances, building rubbish, junk or debris; and

8           **WHEREAS**, in further reviewing Chapter 14 of the Davenport City Code, the City  
9 Commission finds that Chapter 14, Refuse, Garbage and Weeds, Article II, Property Within  
10 Commercial, Industrial or Residential Districts currently only provides for the issuance of  
11 a citation for violation of Section 14-36, Weeds, Underbrush; Accumulation of Junk; and

12           **WHEREAS**, the City Commission finds that the violation of said Section as well as  
13 the prohibition against outside and open storage should also be prosecuted pursuant to an  
14 affidavit and notice of violation pursuant to Chapter 162, Florida Statutes; and

15           **WHEREAS**, the City Commission also finds that the current provisions of the  
16 Davenport City Code, Chapter 14, Refuse, Garbage and Weeds, Article III, Lot Clearing, are  
17 antiquated and are in need of revision to ensure an effective procedure and notice to abate  
18 current and prospective nuisances; and

19           **WHEREAS**, the City Commission deems it necessary to create a nuisance abatement  
20 procedure to be known and to be cited as the "Davenport Nuisance Abatement Ordinance"  
21 to accomplish the aforementioned objectives and desires of the City Commission.

22           **NOW THEREFORE, BE IT ENACTED** by the City Commission of the City of  
23 Davenport, Florida, as follows:

24           **SECTION 1. Recitals Incorporated.**

25           The above recitals are true and correct and are incorporated herein.

26           **SECTION 2. Creation of Davenport City Code, Chapter 14, Refuse, Garbage**  
27 **and Weeds, Article II, Property Within Commercial, Industrial or Residential Districts,**  
28

1 **Section 14-37, Open and Outside Storage**

2 Davenport City Code, Chapter 14, Refuse, Garbage and Weeds, Article II, Property  
3 Within Commercial, Industrial or Residential Districts, Section 14-37, Open and Outside  
4 Storage is hereby created to read as follows:

5 Section 14-37. Open and Outside Storage.

6 It shall be unlawful to utilize a residential  
7 property for the open and outside storage of any junk,  
8 debris, motor vehicle parts, tires and rims, building  
9 material, household appliances, building rubbish, an  
10 excessive amount of household items and lawn  
11 maintenance tools, lawn mowers, or to cause to  
12 accumulate weeds, dead trees, trash, garbage or  
13 similar items. The outside or open storage of the  
14 foregoing items may only be stored in a completely  
15 enclosed structure or shed meeting all requirements of  
16 this Code and the City's Unified Land Development  
17 Regulations.

18 **SECTION 3. Amending and Renumbering Davenport City Code, Chapter 14,**  
19 **Refuse, Garbage and Weeds, Article II, Property Within Commercial, Industrial or**  
20 **Residential Districts, Section 14-37, Citation for Violation.**

21 The title to, section number, and the provisions of Davenport City Code, Chapter 14,  
22 Refuse, Garbage and Weeds, Article II, Property Within Commercial, Industrial or  
23 Residential Districts, Section 14-37, Citation for violation, is hereby amended to read as  
24 follows:

25 Sec. ~~14-37.14-38~~ Citation Prosecution for violation.

26 If any property owner is in violation of any or all of  
27 the provisions of ~~s~~Sections 14-36 through 14-37, or any of

28 Coding: Words in ~~struck-through~~ type are deletions  
from existing text; words in underscore type are additions

1           ~~them the police department or the code enforcement official~~  
2           inspector shall proceed and shall prosecute the violator  
3           pursuant to the provisions specified in Chapter 2,  
4           Administration, Article VI, Code Enforcement Board, Section  
5           2-184, Enforcement Procedure. Alternatively, the code  
6           enforcement inspector is authorized to cite the property owner  
7           for violation of Sections 14-36 through 14-37 of this ~~a~~Article  
8           and the citation shall direct the offending property owner to  
9           remedy the violation or violations cited therein within ~~five~~(5)  
10          days a reasonable time.

11                   **SECTION 4. Amending and Renumbering Davenport City Code, Chapter 14,**  
12           **Refuse, Garbage and Weeds, Article II, Property Within Commercial, Industrial or**  
13           **Residential Districts, Section 14-38, Failure to Comply with Citation.**

14           The title, section number and the provisions of Davenport City Code, Chapter 14,  
15           Refuse, Garbage and Weeds, Article II, Property Within Commercial, Industrial or  
16           Residential Districts, Section 14-38, Failure to Comply with Citation, is hereby amended to  
17           read as follows:

18                   Sec. 14-38.   ~~Failure to comply with citation:~~

19                           If any property owner receives a citation of violation  
20                           of this article and ~~fails to~~ ~~refuses to~~ remedy the violation  
21                           within the ~~five~~ (5) days allowed, the city may:

22                               (1) ~~Prosecute the property owner in county court for~~  
23                               violation of this article;

24                               (2) ~~Remove or clear the violation at the property~~  
25                               owner's expense and bill the property owner for labor and  
26                               equipment costs. ~~If the bill as rendered is not paid within~~  
27

1           ~~thirty (30) days from the sending of the bill, the city shall~~  
2           ~~record a lien against the property for the full costs to the city;~~

3           ~~(3) Seek a mandatory injunction from the circuit~~  
4           ~~court ordering the property owner to comply with the citation;~~  
5           ~~or~~

6           ~~(4) Proceed on any or all of the available remedies~~  
7           ~~enumerated herein.~~

8           Sec. 14-39. Failure to obtain compliance.

9           If any property owner who receives a notice of  
10          violation and thereafter fails to remedy the violation or if a  
11          repeat violation has been found by the code inspector, then  
12          the violator shall be prosecuted pursuant to Chapter 2,  
13          Administration, Article VI, Code Enforcement Board, Section  
14          2-184, Enforcement Procedure. If the Code Enforcement  
15          Board should find the property owner in violation, the  
16          property owner shall be fined accordingly, or be subjected to  
17          any other non-criminal penalty as authorized pursuant to  
18          Chapter 162, Florida Statutes. If the property owner received  
19          a citation for violation of Section 14-36 or 14-37, and  
20          thereafter failed or refused to remedy the violation within a  
21          reasonable time permitted, the City may prosecute the  
22          property owner in county court for violation of this Article.  
23          Whether by issuance of a notice of violation or issuance of a  
24          citation, nothing herein is intended to inhibit or impede the  
25          City from proceeding to remedy the violation pursuant to the  
26          provisions specified in Chapter 14, Refuse, Garbage and  
27          Weeds, Article III, Nuisance Abatement.

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1           **SECTION 5. Repeal of Davenport City Code, Chapter 14, Refuse, Garbage**  
2 **and Weeds, Article III, Lot Clearing.**

3           The title to and the provisions of Chapter 14, Refuse, Garbage and Weeds, Article  
4 III, Lot Clearing are hereby repealed as follows:

5                               **ARTICLE III. LOT CLEARING**

6                               **Sec. 14-56. Direction to clear private property.**

7                               ~~City employees will clear private property at the~~  
8 ~~direction of the city manager or at the request of the property~~  
9 ~~owner, approved by the city manager.~~

10                              **Sec. 14-57. Basis of charges.**

11                              ~~Charges will be made for work authorized by this~~  
12 ~~article on the basis of:~~

13                              ~~(1) Use of motorized equipment, including operator:~~  
14 ~~Twenty-Five dollars (\$25.00) per hour for each piece of~~  
15 ~~equipment;~~

16                              ~~(2) Use of additional labor, without any equipment:~~  
17 ~~Fifteen dollars (\$15.00) per hour for each person used.~~

18                              **Sec. 14-58. Minimum charge.**

19                              ~~The city will charge a minimum of twenty-five~~  
20 ~~(\$25.00) per lot, regardless of size or extent of the work to be~~  
21 ~~done.~~

22           **SECTION 6. Creation of Davenport City Code, Chapter 14, Refuse, Garbage**  
23 **and Weeds, Article III, Nuisance Abatement.**

24           Chapter 14, Refuse, Garbage and Weeds, Article III, Nuisance Abatement is hereby  
25 created to read as follows:

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28           Coding: Words in ~~struck-through~~ type are deletions  
            from existing text; words in underscore type are additions

1                                    **ARTICLE III. NUISANCE ABATEMENT.**

2                                    **Sec. 14-56. Title.**

3                                    This Article may be known and be cited as the  
4                                    “Davenport Nuisance Abatement Ordinance”, and shall be  
5                                    applicable in the incorporated limits of the City of Davenport,  
6                                    Florida.

7                                    **Sec. 14-57. Purpose.**

8                                    The purpose of this Article is to adopt provisions to  
9                                    control the excessive accumulation or untended growth of  
10                                   weeds, grass, shrubbery, undergrowth and other dead or living  
11                                   plant life, including trees, upon any lot, improved lot, tract or  
12                                   other parcel of land as defined herein and to control the  
13                                   excessive accumulation of abandoned property, junk, trash  
14                                   and debris upon any lot, tract or other parcel of land as  
15                                   defined herein.

16                                   **Sec. 14-58 Definitions.**

17                                   For the purposes of this Article, certain terms shall  
18                                   have the meanings subscribed to them in this section, unless  
19                                   the context clearly indicates otherwise:

20                                   a.        Board -means the City of Davenport Code  
21                                   Enforcement Board as created pursuant to Chapter 2,  
22                                   Administration, Article VI, Code Enforcement Board, Section  
23                                   2-177.

24                                   b.        Code Inspector - means any authorized agent  
25                                   or employee of the City whose duty it is to ensure code  
26                                   compliance.

27                                   c.        Division - means the Code Enforcement

1 division of the City.

2 d. Improved lot - means any lot that contains a  
3 principal building as defined in the City of Davenport Unified  
4 Land Development Regulations, Chapter 4, Definitions and  
5 Acronyms whether or not said building is a construction  
6 trailer or manufactured home. The term also includes any lot  
7 that has been cleared of existing vegetation for the purposes  
8 of constructing a principal building or structure sometime in  
9 the future.

10 e. Junk or Debris- shall have the same meaning  
11 as ascribed in Chapter 14, Refuse, Garbage and Weeds,  
12 Article II, Property Within Commercial, Industrial, or  
13 Residential Districts, Section 14-36 (2), Weeds, Underbrush;  
14 Accumulation of Junk.

15 f. Lot - means any tract or parcel of land located  
16 within the incorporated limits of the City of Davenport. The  
17 word "Lot" includes the words "Plat", "Parcel" and "Tract".

18 g. Nuisance Weeds - means any and all weeds or  
19 grass over ten inches (10") in height as well as all rank,  
20 vegetable growth which exhales unpleasant or noxious odors,  
21 or which constitutes a possible source of disease or is  
22 detrimental to human beings, or such untended vegetable  
23 growth that may conceal pools of water, trash or any other  
24 deposits which are detrimental to the health, safety and  
25 welfare of the public.

26 h. Plant Life- means any and all deleterious  
27 underbrush, trees, shrubs, vines, and every other kind and

1 variety of plant growth which at its current state and extent of  
2 growth is detrimental to the public health, safety and welfare  
3 or its current state of growth is likely to cause the immediate  
4 area to become infested with rodents, vermin, wild animals or  
5 furnish a breeding place for mosquitos or other insects.

6 **Sec. 14-59. Declaration of Nuisance and**  
7 **Prohibited Conditions.**

8 a. The existence of excessive accumulation of  
9 untended growth of nuisance weeds, dead trees and  
10 undergrowth or other living plant life; or stagnant water  
11 (including, but not limited to in-ground and above ground  
12 recreational pool water), rubbish, garbage, refuse, trash, junk  
13 or debris, including but not limited to household furnishings,  
14 appliances, abandoned property, building material or building  
15 rubbish, and all other objectionable, unsightly or unsanitary  
16 matter upon any lot or improved lot of land within the City,  
17 be it uncovered or under open shelter, to the extent and in the  
18 manner that such lot, or improved lot of land is or may  
19 reasonably become infested or inhibited by rodents, vermin or  
20 wild animals, or may furnish a breeding place for mosquitoes,  
21 or that which threatens or endangers the public health, safety,  
22 or welfare, or may reasonably cause disease, or adversely  
23 affects and impairs the economic welfare of adjacent property,  
24 is hereby prohibited and declared to be a public nuisance. For  
25 purposes of this Section, any growth of nuisance weeds in  
26 excess of ten inches in height is presumed to and is prima  
27 facie evidence of a public nuisance.

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b. It shall be unlawful for any owner or owners of any lot or improved lot to allow or to permit the existence of;

1. Any nuisance weeds or grass upon his or her lot when said growth exceeds ten inches (10") in height from the soil level; or

2. Any plant life which is in such a state of overgrowth that threatens the public health, safety or welfare, or may reasonably cause the immediate area to become infested with rodents, vermin, or wild animals or furnish a breeding place for mosquitos or other insects; and

3. An excess accumulation of abandoned property, junk or debris, building material, household appliances, building rubbish, trash, garbage or similar items.

c. It shall be unlawful for any owner or owners of any lot or improved lot, to allow the excessive accumulation of abandoned property, junk, debris, or trash.

**Sec. 14-60. Designation of Investigating and Enforcing Authority.**

The Division and any of its authorized code inspectors are hereby designated as the investigating and enforcing authority pursuant to the provisions of this Article. Any authorized Code Inspector is hereby directed and empowered to inspect land on which a nuisance or other prohibited conditions are suspected to exist, to receive all complaints for violation of this Article, inspect land upon which a citizen or staff initiated complaint has been filed alleging the existence

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1 of nuisance or other prohibited condition, and to enter upon  
2 any real property in the conduct of official business pursuant  
3 to this Article.

4 **Sec. 14-61. Reasonable Good Faith Entry by**  
5 **Code Enforcement Inspectors.**

6 Each code inspector shall be immune from all civil  
7 and criminal liability, for his or her reasonable, good faith  
8 entry upon any lot or improved lot while under the discharge  
9 of duties imposed by this Article.

10 **Sec. 14-62. Procedural Implementation.**

11 a. Pursuant to Section 14-60, the Division and  
12 any authorized code inspector is empowered to inspect lots  
13 and improved lots in which a citizen or staff initiated  
14 complaint has been filed alleging the existence of a nuisance  
15 or prohibited condition. If the code inspector determines that  
16 a nuisance or other prohibited condition or conditions exist on  
17 a lot or improved lot during inspection, then the Division  
18 shall notify the record owner or owners of the lot or improved  
19 lot by regular United States mail, or by hand - delivery of  
20 such nuisance or prohibited condition or conditions. Said  
21 notice shall advise the owner or owners that a nuisance or  
22 other prohibited condition exist on said owner's lot or  
23 improved lot and that said nuisance or prohibited condition  
24 shall be abated by the owner or owners. The notice shall  
25 specify what corrective action shall be taken by the owner or  
26 owners to abate the nuisance or to correct the prohibited  
27 condition, and that failure to abate said nuisance or to correct

1           said condition shall result in the issuance of a statement of  
2           violation and notice of hearing to said owner or owners to  
3           appear before the Board. The notice shall provide a  
4           reasonable time, in light of the nature of the nuisance or  
5           prohibited condition, to abate the nuisance or to correct the  
6           prohibited condition.

7           b. If the nuisance is not abated or the prohibited  
8           condition corrected by the time specified for abatement or  
9           correction in the notice, the Division shall schedule a hearing  
10           before the Board and issue a statement of violation and notice  
11           of hearing to the record owner or owners of the lot or  
12           improved lot to appear before the Board. The scheduling of  
13           the hearing before the Board, the issuance of statement of  
14           violation and notice of hearing and the actual hearing shall be  
15           conducted pursuant to and in compliance with Chapter 2,  
16           Administration, Article VI, Code Enforcement Board and  
17           Chapter 162, Florida Statutes.

18           c. If a violation of this Article is found by the  
19           Board, then the Board may issue all orders and written  
20           findings as permitted pursuant to Chapter 2, Administration,  
21           Article VI, Code Enforcement Board, and Chapter 162,  
22           Florida Statutes.

23           **Sec. 14-63. Abatement of Nuisance or**  
24           **Correction of Prohibited Conditions.**

25           a. If a finding of violation is made by the Board,  
26           then notwithstanding any order by the Board, and as a  
27           supplement thereto, the Division shall or may notify the

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record owner or owners of the lot or improved lot in question by registered or by certified mail, return receipt requested, that the owner or owners shall have thirty (30) days from the date of the Board's order of finding to abate said nuisance or to otherwise correct the prohibited condition or conditions, and that if said nuisance is not abated or condition corrected within the thirty (30) days, the City shall forthwith abate the nuisance or correct the prohibited condition or conditions, and shall, through its agents or contractors, be authorized to enter upon the property and take such steps as are reasonably necessary to affect abatement or to correct the prohibited condition or conditions.

b. In the event that such notice is returned by postal authorities, the Division shall cause a copy of the notice to be served by the City of Davenport Police Department to the record owner or owners of the property in question. In the event that personal service upon the owner or owners of the property or upon any agent of the owner or owner thereof can not be performed after a reasonable search by the Police Department, then notice shall be accomplished by physical posting on the property in question. The notice shall be in substantially the following form:

NOTICE OF NUISANCE AND/OR PROHIBITED CONDITIONS

TABLE INSET:

<u>Name of Owner:</u>	_____
<u>Address of Owner:</u>	_____
	_____

Coding: Words in ~~struck-through~~ type are deletions from existing text; words in underscore type are additions

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Date of Notice:	_____
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Our records indicate that you are the owner(s) of the following described real property in the City of Davenport, Polk County, Florida to wit:

(describe property)

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Davenport City Code Enforcement Board issued its order of finding that a nuisance and/or prohibited condition or conditions exist on the above-described property in violation of the Davenport City Code, in that:

(describe here the condition which the Board found in violation)

You, as the owner or owners of the above-described property shall have thirty (30) days from the date of this notice to abate said nuisance or to otherwise correct the prohibited condition or conditions, and that if said nuisance is not abated or prohibited condition or conditions corrected within the thirty (30) days, the City of Davenport shall forthwith abate said nuisance or correct the prohibited condition or conditions, and shall, through its agents or contractors, be authorized to enter upon the property and take such steps that are reasonably necessary to affect abatement or to correct the prohibited condition or conditions. If the City of Davenport affects an abatement as described above, the costs of the work, including advertising costs, other expenses and an administrative fee, shall be imposed as a lien

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on the property if not otherwise paid within thirty (30) days after receipt of billing.

CITY OF DAVENPORT, FLORIDA

TABLE INSET:

	by: _____
	<u>Code Enforcement Division</u>

c. At the expiration of the thirty -day period for the Board’s order of finding or from the posting of the property as the case may be, the Division shall conduct a reinspection of the property. If the Division, through any authorized code inspector, finds that an abatement has not occurred and that the nuisance or prohibited condition or conditions have not been corrected, the Division shall forthwith abate the same, and shall, through the City’s agents or contractors, be authorized to enter upon the lot, whether locked or unlocked, and take such steps that are reasonably and necessary to affect abatement. The City of Davenport shall not be required to have any property abated, corrected or mowed by its contractors or agents more than two (2) times per year.

**Sec. 14-64. Appeal.**

The record owner or owners shall have the right to appeal the decision of the Board as provided in Chapter 162, Florida Statutes, and by Chapter 2, Administration, Article VI, Code Enforcement Board, Section 2-190, Appeals. If the record owner or owners file such an appeal, the filing thereof

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1           shall toll the thirty-day period to abate the nuisance or to  
2           correct the prohibited condition or conditions until a decision  
3           of the circuit court is rendered.

4                   **Sec. 14-65.   Assessment of Costs.**

5           a.       As soon as practicable after such abatement or  
6           corrective action is made by the City, the costs thereof to the  
7           City for such abatement or corrective action, including  
8           administrative and operating costs, shall be calculated and  
9           reported by the Division to the City Commission. Thereupon,  
10          the City Commission, by resolution, shall levy a special  
11          assessment lien in the amount of such costs, against such lot.  
12          Such resolution shall describe the lot or improved lot and  
13          specify the total costs assessed. A Certified Copy of the  
14          resolution shall be recorded in the official records of Polk  
15          County and of the Clerk of the Circuit Court, in and for Polk  
16          County, Florida, and the lien shall become effective as the  
17          date of filing such copy with the Clerk of the Circuit Court.

18          b.       Until payment is tendered, such assessment  
19          shall be a legal, valid and binding obligation upon the  
20          property. The assessment shall become due and payable to  
21          City of Davenport as of the date of the mailing of the notice  
22          of lien by the Division. Thirty (30) days after the mailing of  
23          the notice of lien, interest shall begin to accrue at the rate of  
24          twelve (12) percent per annum on any unpaid portion thereof.

25                   **Sec. 14-66.   Notification of Lien.**

26           The Division shall mail a notice to the record owner  
27           or owners of each lot or improved lot described in the

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resolution, by registered or by certified mail, return receipt requested, to the last available address or record for such owner or owners which notice shall be in substantially the following form:

NOTICE

TABLE INSET:

<u>To:</u>	_____
<u>Address:</u>	_____
<u>Property:</u>	_____
<u>Date of Mailing:</u>	_____

You, as the record owner of the property described above, are hereby advised that the City Commission of the City of Davenport, Florida, through the Code Enforcement Division, did on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, order the abatement of certain nuisance or the correction of the prohibited condition existing on the above property, such nuisance or prohibited condition being:

(brief description)

Prior notices advising you of the nuisance or prohibited condition and requesting the abatement or correction thereof were sent to you. You failed to abate such nuisance or to correct said condition; whereupon the Nuisance was abated or condition corrected by the City at a costs of \$ \_\_\_\_\_ . This cost, plus an administrative and operating fee of \$ \_\_\_\_\_, has been levied against the above property by resolution of the Davenport City Commission and has become a lien thereon, upon which interest shall begin to

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1 accrue at the rate of twelve (12) percent per annum thirty (30)  
2 days from the mailing of this notice. You should immediately  
3 pay such assessment to the City of Davenport, Florida, Attn:  
4 Code Enforcement Division, Post Office Box 125, Davenport,  
5 Florida, 33836.

6 TABLE INSET:

7

	<u>DAVENPORT CODE ENFORCEMENT</u>
	<u>DIVISION</u>
	<u>By: _____</u>
	<u>, Director</u>

8  
9  
10

11 **Sec. 14-67. Creation of Lien.**

12 The property lien created under the provisions of this  
13 Article shall become effective as of the date of recording such  
14 copy in the official records of Polk County, Florida by the  
15 Clerk of the Circuit Court. Such assessments, together with  
16 interest thereon, may be enforced by civil action in the  
17 appropriate court of Polk County. The lien created hereby  
18 shall be a first lien equal to a lien for non-payment of property  
19 taxes, on any property against which an assessment for cost to  
20 abate the nuisance has been filed.

21 **Sec. 14-68. Enforcement of Lien.**

22 In the event the special assessment lien is not paid  
23 within one (1) year, the City Attorney may commence  
24 foreclosure proceedings to foreclose upon the special  
25 assessment lien. The foreclosure shall be conducted pursuant  
26 to the procedure set forth in general law for the foreclosure of  
27 special assessment liens. In the event the lien is foreclosed

1                   upon, the owner or owners of the property which are subject  
2                   to foreclosure shall, in addition to any and all other charges,  
3                   pay the City's reasonable attorney's fees in such foreclosure  
4                   proceedings.

5                   Secs. 14-69 - 14-80. Reserved.

6                   **SECTION 7. Inclusion in Code.**

7                   It is the intention of the City Commission of the City of Davenport that the provisions  
8 of this Ordinance shall become and be made a part of the Code of the City of Davenport, and  
9 that the sections of this Ordinance may be renumbered or relettered and the word "ordinance"  
10 may be changed to "section", "article", or such other appropriate word or phrase in order to  
11 accomplish such intentions.

12                   **SECTION 8. Liberal, Non-Conflicting Construction.**

13                   The provisions of this Ordinance shall be liberally construed such that its purpose is  
14 effectively rendered in the interest of the health, safety and welfare of the citizens and  
15 residents of the City of Davenport. Likewise, such provisions shall be interpreted so as not  
16 to conflict with, but be supplemental to, all applicable City of Davenport Codes, Land and  
17 Development Regulations and all other laws, rules, ordinances and regulations.

18                   **SECTION 9. Severability.**

19                   If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
20 unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
21 effect the validity of the remaining sections of this Ordinance, which shall remain in full  
22 force and effect.

23                   **SECTION 10. Effective Date.**

24                   This Ordinance shall take effect upon its approval and publication as required by law.

26                   **INTRODUCED, PASSED AND DULY ADOPTED ON FIRST READING** by

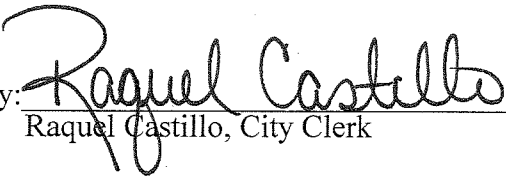
28                   Coding: Words in ~~struck-through~~ type are deletions  
                      from existing text; words in underscore type are additions

1 the City Commission of the City of Davenport, Florida, meeting in Regular Session this  
2 28th day of September, 2009.

CITY COMMISSION  
OF DAVENPORT, FLORIDA


By:   
Peter Rust, Mayor

ATTEST:

By:   
Raquel Castillo, City Clerk

10 **INTRODUCED, PASSED AND DULY ADOPTED ON SECOND READING** by  
11 the City Commission of the City of Davenport, Florida, meeting in Regular Session this 26th  
12 day of October, 2009.

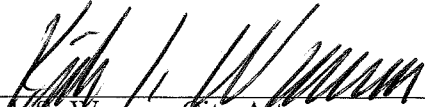
CITY COMMISSION  
OF DAVENPORT, FLORIDA

By:   
Peter Rust, Mayor

ATTEST:

By:   
Raquel Castillo, City Clerk

APPROVED AS TO FORM AND CONTENT:

By:   
Kirk S. Warren, City Attorney

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from existing text; words in underscore type are additions