

Chapter 10

**HEALTH AND SANITATION**

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**Editor's Note:** References to the state sanitary code are obsolete. F.S. § 381.00315(6) provides that rules adopted by the state department of health pursuant to F.S. Chapter 381 supersede municipal regulations and ordinances and public health rules of other state departments.

## ARTICLE I -- IN GENERAL

### **Section 10.1 State sanitary code adopted**

The rules and regulations promulgated by the Department of Health and Rehabilitative Services pursuant to Section 381.031(1)(g), *Florida Statutes*, known as *The Sanitary Code of the State of Florida*, is hereby adopted as the sanitary code of the City.  
(Code 1958, Section 15-1)

### **Section 10.2 – 10.17** Reserved

## ARTICLE II. SANITARY NUISANCES

### **Section 10.18 Sanitary nuisance defined**

A sanitary nuisance in the City is hereby declared to be the commission of any act, by any person, or the keeping, maintaining, propagation, existence or permitting of anything, by any person, by which the life or health of any person, or the health or lives of persons, may be threatened or impaired, or by which or through which, directly or indirectly, disease may be caused or the environment of any person rendered unclean or unwholesome by act of another or others.

### **Section 10.19 Power of health officer**

The City or County Health Officer shall have full power to determine and ascertain what shall constitute a sanitary nuisance detrimental to public health.

### **Section 10.20 Duty of property owners to keep lots clean.**

It is declared to be the duty and responsibility of the owner of each and every lot, piece and parcel of land located within the City to keep each such lot, piece or parcel of land that lies within 500 feet of any residence, mercantile or other business building, church building or school building reasonably free and clear of weeds, grass, garbage, waste and trash there from as often as may be reasonably necessary. The requirements of this section shall not apply to swamp and over-flowed lands.

**Cross references:** *Buildings and Building Regulations*, Chapter 6; *Streets, Sidewalks and Other Public Places*, Chapter 16.

### **Section 10.21 City to clean lots upon failure of owner to act; cost to be assessed against owner and constitute lien**

Where any owner of any such lot, piece or parcel of land as is referred to in Section 10.20 hereof has failed to keep such lot, piece or parcel of land reasonably free and clean from weeds, grass, garbage, waste and trash, it shall be the duty of the City to cause the weeds and grass on any such lot, piece or parcel of land to be cut, and the garbage, waste or trash to be removed there from at the expense of the owner of such lot, piece or parcel of land. Such costs shall be invoiced at a rate deemed appropriate by the City based on wages and necessary equipment used

to perform the job, plus an additional \$200.00 per lot to defray administrative and operating expenses. The invoice shall be served by registered or certified mail, return receipt requested; hand-delivery; or by posting the lot as provided by Florida Statute.

(a) The invoiced amount shall be due and payable upon the date of the mailing of said invoice.

(b) If the invoice remains unpaid for a period of thirty [30] days after mailing, the zoning enforcement official shall levy a special assessment lien against each lot upon which a violation was corrected or nuisance abated, in the amount of the invoice plus an additional administrative expense fee of \$100.00 per lot.

(c) Such lien shall describe the lot and show the total of the invoiced amount plus the additional administrative fee, as immediately due and payable.

(d) Until payment is made in full, the lien shall be a legal, valid and binding obligation upon the property.

(e) Thirty [30] days after the filing of the lien, interest shall begin to accrue at the rate of twelve percent [12%] per annum on any unpaid portion thereof.

(Code 1958, Section 14-7; Ordinance No. 8701, Section 1, 3-12-87; Ordinance No. 9204, Section 1, 4-9-92; Ordinance 07-005, 03-08-07)

#### **Section 10.21.1 Notice of lien**

The zoning enforcement official shall mail a copy of the recorded special assessment lien to the record owners of each lot described in the lien, by certified mail, return receipt requested, to the address which appears in the records of the Putnam County Property Appraiser.

(Ordinance 07-005, 03-08-07)

#### **Section 10.21.2 Recording of lien**

The zoning enforcement official shall cause a certified copy of the special assessment lien to be recorded in the official records of the county in the office of the Clerk of the Circuit Court in and for Putnam County.

(Ordinance 07-005, 03-08-07)

#### **Section 10.21.3 Effect of lien**

The property lien created under the provisions of this Article shall be effective as of the date of recording. Such assessments and lien, together with interest thereon, may be enforced by civil action in any court having jurisdiction thereof. A lien created pursuant to this Article shall be a first lien equal to a lien for nonpayment of property taxes on any property against which such lien has been filed, and shall continue in full force and effect until discharged by satisfaction.

(Ordinance 07-005; 03-08-07)

#### **Section 10.21.4 Satisfaction of lien**

Upon satisfaction of the lien created under this Article, the zoning enforcement official shall file an order of satisfaction, release and dismissal of lien with the Clerk of the Circuit Court.

(Ordinance 07-005; 03-08-07)

#### **Section 10.22 Obnoxious and contaminating odors**

(a) Control required. When any business or occupation conducted within the City shall be of such a nature that smoke, gases, fumes, or any other obnoxious matter shall emanate there from, the person engaged in or conducting such business or occupation shall provide for the control, dissipation, and disposal of such obnoxious matter.

(b) Prohibited where not controlled. If it cannot be controlled so that it is not detrimental to the health and welfare of the inhabitants within the immediate vicinity of the place from which such emanates, then such business or occupation of any kind whatsoever shall be prohibited.

#### **Section 10.23 Storing of rubbish, automobiles, etc.**

No owner of property within the City shall permit the storage of rubbish, old cans, old automobiles or parts of automobiles, or any other material that in time of windstorm or other danger the materials may be blown to other portions of the City thereby endangering the lives and safety of the inhabitants of the City.

(Code 1958, Section 15-9)

#### **Section 10.24 Breeding places for mosquitoes prohibited**

It shall be unlawful for any person to have, keep, maintain, cause, or permit within the City any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding.

#### **Section 10.25 Breeding places**

Collections of water in which mosquitoes breed or are likely to breed are those contained in ditches, ponds, pools, excavations, holes, depressions, open cesspools, privy vaults, septic tanks, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks or flush closets, or other similar water containers or depressions in lots where water is allowed to remain. The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there.

(Code 1958, Section 15-12)

#### **Section 10.26 Treatment of breeding places**

Collections of water in which mosquitoes breed or are likely to breed shall be treated by such methods as shall be approved by the health officer.

(Code 1958, Section 15-13)

### **Section 10.27 Prohibited conditions on premises declared nuisance**

Any premises within the City which shall be maintained by the owner without complying with the provisions of this Chapter are declared to be public nuisances. It shall be the duty of the City to inspect the premises within the City; and whenever it shall find or locate premises, the owners of which are not complying with the provisions of this Chapter, the City shall notify the owner to promptly place the premises in good condition, and to comply with the terms hereof. (Code 1958, Section 15-14)

### **Section 10.28 Failure to abate**

Whenever any owner of property within the City shall be notified by the City to place his premises in good and safe condition under the terms and provisions of this Chapter, and such owner shall fail to do so within ten [10] days after receipt of such notice, the City shall go upon the premises and place the same in good, safe condition, and charge the cost to the owner of the property. The cost of placing the premises in good condition is hereby declared to be a lien upon the property enforceable by the same method and manner as the enforcement of tax liens of the City. (Code 1958, Section 15-15)

### **Section 10.29 Person responsible defined**

The person responsible for the condition of any premises is the person using or occupying such premises. In case no person is using or occupying the premises, the person who by law is entitled to the immediate possession of such premises is responsible. In case the premises are used or occupied by two or more tenants of a common landlord, or from grounds appurtenant to a house occupied by two or more tenants of a common landlord, then the landlord shall be responsible. Each tenant is responsible for that part of the premises which he occupies to the exclusion of the other tenants. In case the premises are occupied by a tenant under a yearly or monthly tenancy, or under a lease for not more than a year, or under any lease whereby the lessor is expressly or implicitly obligated to keep the premises in repair, and the collection of standing or flowing water in which mosquitoes breed or are likely to breed is owing to the disrepair of the building, or buildings or to any natural quality of the premises, or to any condition that existed at the time when the tenant entered into possession, or to anything done on the premises by the landlord during the existence of the tenancy or lease, the landlord is the person responsible. (Code 1958, Section 15-16)