

AN ORDINANCE RELATING TO LOT CLEARING REQUIRED BY OVERGROWTH OF VEGETATION, AND APPEALS FROM NOTICES OF VIOLATION FOR SUCH OVERGROWTH; AMENDING SECTIONS 16.40.060.4.1.B, 16.40.060.4.2.A and B, AND 16.70.010.6.A OF THE ST. PETERSBURG CODE, PROVIDING FOR A SHORTENED APPEAL PERIOD FOR NOTICE GIVEN TO REPEAT VIOLATORS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. Sections 16.40.060.4.1.B, 16.40.060.4.2.A and B, and 16.70.010.6.A of the St. Petersburg City Code are amended to read:

Section 16.40.060.4.1. Notice of violation

A. If the POD finds and determines that vegetation which violates the maintenance standards in this Section exists and determines that the City should correct the violation if the owner(s) do not cause the violation to be corrected, the POD shall notify the owner(s) of record of the property in writing and demand that such owner(s) ~~owner~~ cause the violation to be remedied.

(1) The notice shall be given by first class mail, addressed to the owner(s) of record of the property described, as their name(s) and address are shown upon the records of the County Property Appraiser. Service of the notice shall be deemed complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid. Notice shall also be posted upon the property on which the violation exists Notice may be served by hand delivery to the owner(s) of record of the property in lieu of mailing.

(2) As used in this section, a “repeat violation” is a violation which is alleged to occur on property which was the site of the same violation within the preceding 12 months, at a time when the property was under the same ownership, and the preceding violation was not corrected by the owner but required the City to take corrective action

B. The notice shall be substantially in the following form:

NOTICE OF VIOLATION (OR, NOTICE OF REPEAT VIOLATION)

Date: _____

I inspected your property (describe property) on or about (date) and found the following conditions (describe conditions) that are a violation of City Code Chapter 16. You are hereby notified that

you must correct these violations by (date). If all conditions are not corrected by this date, the City will cut, trim, edge and/or clear the property to correct the violations of the City Code. To properly perform this maintenance, the City will also remove any junk, rubbish or other material from the property. The cost of this work, advertising costs, administrative costs and other expenses will be imposed as a special assessment lien on the property described. You can appeal the finding that there is a violation by filing a written appeal to the City Clerk within _____ ~~ten (10)~~ days of the date of this notice.

City of St. Petersburg

By: _____
POD

Section 16.40.060.4.2. Appeals

A. Within ten calendar days after the date service of the notice, the owner or the designated agent of the owner may file an appeal to show that the violation alleged in the notice does not exist. However, if the violation is a repeat violation, the time in which to file an appeal shall be five calendar days from the date of receipt of the notice by the owner or designated agent of the owner. The appeal shall be in writing and must be filed with the City Clerk.

B. The appeal shall be heard by the City Administrator or by a department director or other senior management official not having direct supervisory authority over the POD who has been designated by the City Administrator for the purpose of conducting the hearing. The hearing shall be conducted at a reasonable time and place, following notice of the hearing to the appellant. If the alleged violation is a repeat violation, the hearing shall be conducted not more than 10 calendar days from the date of filing of the appeal. The hearing shall be informal and the strict rules of evidence shall not be applicable, but the minimal requirements of due process shall be observed. The objective of the hearing shall be to render a decision which is fair and just under the circumstances. At the hearing, the POD and the owner or the designated agent of the owner may introduce such evidence as is deemed necessary. The decision of the city administrator or city administrator's designee shall be final and the owner shall be deemed to have exhausted all administrative remedies.

Section 16.70.010.6. Appeals

A. Applicability. This section establishes procedures that shall apply to any appeal which is expressly authorized by this Chapter. This section shall not apply to any request for judicial review which may be available as and to the extent permitted by Florida or federal law. This section shall not apply to any action initiated by the City Council which is referred to any Commission for review and recommendation to City Council. This section shall not apply to any notice of violation for which review by the

City Administrator or a designee of the City Administrator or by the Code Enforcement Board is expressly authorized by this Chapter.

Section 2. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective at the end of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

LEGAL:

DEPARTMENT:

Assistant City Attorney