

City of St. Petersburg  
**Public Services & Infrastructure Committee**  
Meeting of May 21, 2015 - 9:15 a.m.  
City Hall, Room 100

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Members: Chair Bill Dudley; Vice-Chair Steve Kornell  
Council Members: Jim Kennedy and Darden Rice

Alternate(s): Amy Foster

Support Staff: Blaise Mazzola, primary support staff; Mika Nelson, backup staff support

- 1) Call to Order
- 2) Approval of Agenda
- 3) Approval of Minutes

April 23, 2015

- 4) New Business

Emergency/Disaster Plan for Low Flood Prone Areas Short (Mike Connors, Lt. Scott MacDonald)

- 5) New Business – Council Referrals

Chronic Nuisance Ordinance (Councilmember Foster)

- 6) Upcoming Meetings

May 28, 2015

- a) City Code 16.60.030.2, Non-conforming Lots and Grandfathered Situations (Dave Goodwin)
- b) Door-to-Door Solicitation Ordinance (Jackie Kovilaritch)

- 7) Adjournment

Attachments: Minutes of April 23, 2015 Committee Meeting  
Chronic Nuisance Memo and Draft Ordinance  
Pending and Continuing Referral List

CITY OF ST. PETERSBURG  
Public Services and Infrastructure Committee Meeting  
April 23, 2015 @ 9:15 a.m.

**PRESENT:** Committee Chair Bill Dudley; James R. Kennedy, Jr., Darden Rice, and Amy Foster

**ABSENT:** Steve Kornell

**ALSO PRESENT:** Council Members Charlie Gerdes and Karl Nurse; John Wolfe, City Attorney; Gary Cornwell, City Administrator; Jacqueline Kovilaritch, Chief Assistant City Attorney; Mark Winn, Assistant City Attorney; Heather Judd, Assistant City Attorney; Major Sharon Carron, Police Department; Lieutenant Markus Hughes, Police Department, Lieutenant Cleven Wyatt, Police Department; Evan Mory, Transportation and Parking Management Director; Mike Frederick, Manager Neighborhood Transportation, Travis Norton, Chamber of Commerce; Support Staff: Blaise Mazzola, Claims Supervisor and primary support staff; Mika Nelson, Library Director and backup support staff; and Patricia Beneby, Deputy City Clerk

Committee Chair Dudley opened the meeting with roll call. Councilmember Rice moved for approval of the Agenda. All were in favor of the motion. Councilmember Rice moved for approval of the minutes for the April 9, 2015 PSI meeting. All were in favor of the motion. Councilmember Kennedy recommended Councilmember Gerdes's suggestion to have staff review the possibility of offering transportation such as the Looper or PSTA as an optional add on to City monthly parking garage customers remain on the Pending and Continuing Referral List.

Councilmember Kennedy requested that backyard gun ranges item discussed at the April 9, 2015 PS&I meeting appear on the Pending and Continuing Referral list. John Wolfe, City Attorney, provided a synopsis of his findings, Florida State Law states that firearms cannot be discharged in a reckless manner and events that include firearm discharge should be judged by this standard. Mr. Wolfe added that no action is needed at this time, therefore, this item will be not appear on Pending and Continuing Referral list

In connection with the new business, short term improvements in regulating noise downtown, City Attorney Mark Winn provided a draft ordinance and map and explained that the intention of the ordinance is to make it clearer and more enforceable. Officer Sharon Carron discussed that they have reviewed the area where most of the complaints are coming from; they are not getting as much complaints as before; and that some business owners are closing their doors and are trying to work with them. Councilmember Kennedy questioned if the ordinance had been circulated to the local businesses and if it will affect the thriving downtown. Mr. Travis Norton with the Chamber of Commerce stated he has had conversations with businesses and some have suggested the City use a "decibel" test rather than "plainly audible." Councilmember Kennedy preferred that the downtown businesses weigh in before making a decision. Councilmember Rice commented that she is excited about downtown, but the establishments with outdoor speakers playing after the allowable hours are egregious. Mark Winn provided a background on the attempts since the mid 80's to enforce noise related issues. He included that in the past decibel based noise testers have required training, calibration, testing, and have been expensive. Councilmember Nurse indicated that asking the establishments to close their doors and shut off outdoor speakers by the specified time is a modest request. Councilmember Gerdes agreed that stakeholders should be involved, but they have not been excluded from the discussion as this issue has been around for a long time. Councilmember Foster stated she understood Councilmember Kennedy's sentiment on stakeholders; however she believes

this is a step in the right direction. Councilmember Rice believes that when citizens are not able to get adequate amounts of sleep due to noise it becomes a public health issue. Councilmember Rice made a motion to include the ordinance with the Committee Report to be heard at the next Council Meeting (May 7) for First Reading and setting the public hearing date. Chair Dudley commented that the ordinance is fair as this is a quality of life issue. All were in favor of the motion. Councilmember Nurse thanked Legal and the Police Department for their efforts and believes the ordinance will make a significant difference.

In connection with new business referrals from Council:

- a) Referring to the Public Services and Infrastructure Committee for a report from the Legal Department regarding the current Door-to-Door Solicitation Ordinance. (Councilmember Kornell)

Jacqueline Kovilaritch explained that this referral was brought forward by Councilmember Kornell because of aggressive door-to-door solicitation. The goal is to revise the ordinance to be clearer and have a greater ability to enforce. Councilmember Kennedy made a motion for Legal to continue working on the item and report back to the PS&I Committee.

Ayes: Dudley, Kennedy, Foster; Nays: Rice. Motion passed 3-1.

*Action Item: Staff to report back to Committee.*

- b) Referring to the Public Services and Infrastructure Committee for consideration of possible ordinance and regulation changes to make St. Petersburg a more Pedalpub city, also to consider downtown horse drawn carriage tours. (Councilmember Nurse)

Councilmember Nurse discussed a letter he received from a pedal bus business owner and would like to have a discussion on the points within the letter. The Committee requested a return date of June 11<sup>th</sup>.

*Action Item: Staff to report back to PS & I Committee to discuss items of concern listed in the correspondence from the pedal bus owner and operator.*

- c) Referring to PSI for a report regarding the regulations and enforcement of truck routes in neighborhoods. (Councilmember Kennedy)

Mike Frederick provided a handout regarding restricted vehicles and unrestricted vehicles, provided a map of the truck routes within City limits, and initiated a discussion on the referral item. Lt. Wyatt added that the Police Department will either cite or educate the driver during a traffic stop.

The committee was satisfied with the discussion and the item will be removed from the Pending and Continuing Referral List.

The Chair announced that the next meeting will be held on May 21, 2015 with the following items for discussion:

- 1) Emergency Disaster Plan for low flood prone areas. (Mike Connors)
- 2) City Code 16.60.030.2, Nonconforming Lots and Grandfathered Situations (Dave Goodwin)

There being no further business, the meeting was adjourned at 10:24 a.m.



## MEMORANDUM

**TO:** Honorable Bill Dudley, Chair, and Members of the PSI Committee

**FROM:** Mike Dove, Neighborhood Affairs Administrator

**DATE:** May 21, 2015

**SUBJECT:** Chronic Nuisance Ordinance

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### The Proposal – What is the Chronic Nuisance Ordinance

Properties where nuisance activities occur contribute to blighting conditions throughout the City. They typically affect the tranquility of the surrounding neighborhoods, reduce investment, create conditions that lead to boarded properties or are a disincentive to maintain property, and frequently run good tenants and owners away. This ordinance is being established to identify properties that create those circumstances, work with the owner or manager to develop a plan to correct such nuisance activities and, if they fail to do so, charge them the costs of the extraordinary services they receive because of this activity.

### The Proposed Ordinance

The Chronic Nuisance Ordinance is intended to identify and require a plan for properties that consume a large amount of time and resources by the police and codes departments. The ordinance defines the type of violations associated with what will become labeled as a “chronic nuisance” property.

Chronic Nuisance ordinances have been used for decades in various cities around the country, but have only recently been adopted in Florida. West Palm Beach was perhaps the first but in Pinellas County Madeira Beach, Dunedin, and StPete Beach have recently adopted similar ordinances.

The ordinance is written so the process begins when three or more nuisance charges have occurred on, or because of, a property within a 30 day period. The list of nuisance activities is detailed in the ordinance. Once a property is identified, the City notifies the owner in accordance with the requirements specified. The owner has 14 days to: 1) Prepare a “written action plan (WAP)” that explains how they will prevent the nuisance activity from continuing to occur, or, 2) appeal the designation. Option 1 may be an iterative process working with the Police and other departments to develop an effective plan. When the WAP is deemed sufficient, the owner will have 45 days to

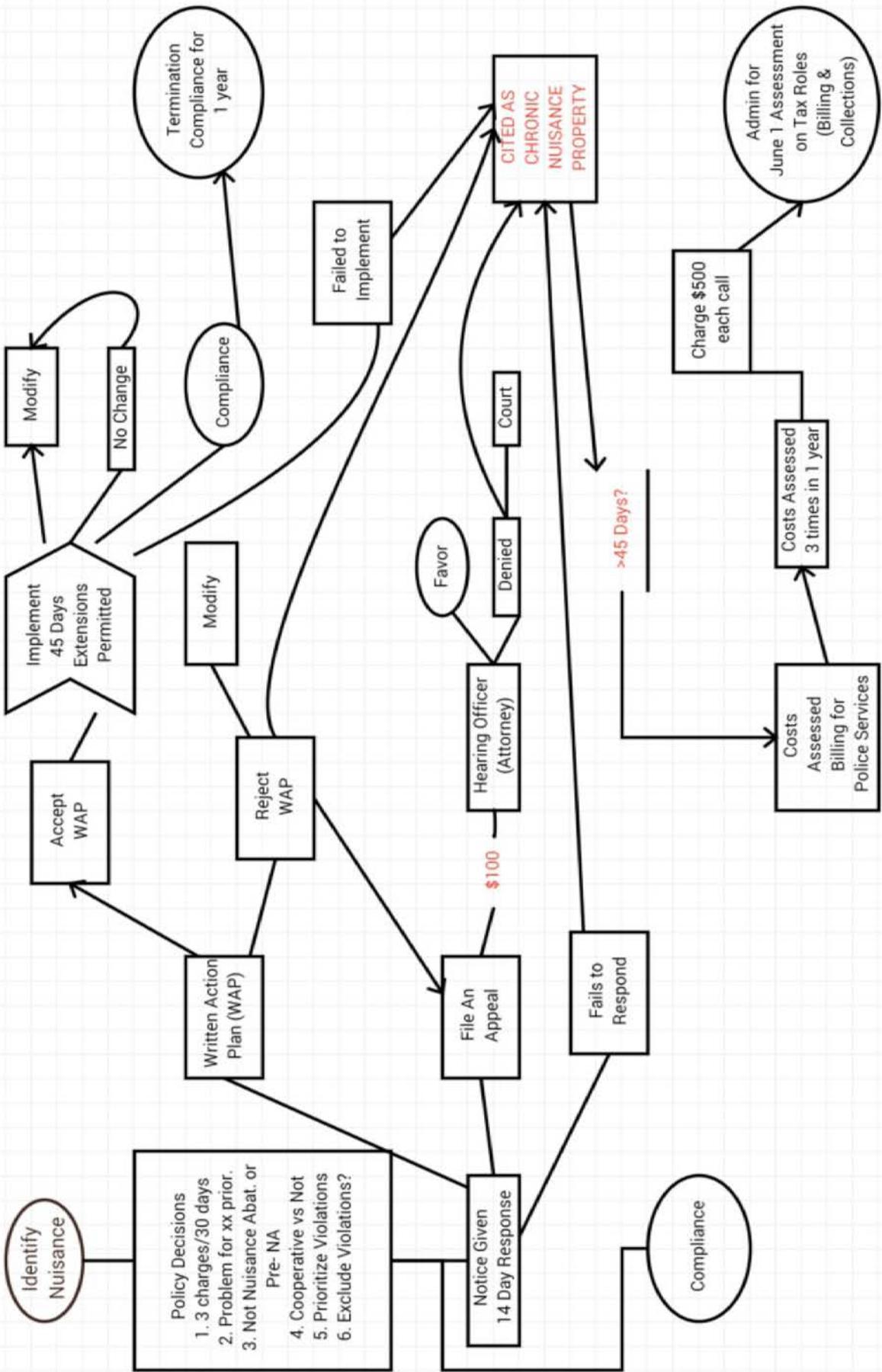
implement the plan. Extensions may be granted by the POD based upon the cooperation and/or requirements of the plan.

The owner may also file an appeal and the ordinance has procedures for appearing before a special magistrate. If the appeal is denied, the owner can participate with a written action plan or will immediately be determined a chronic nuisance.

If the owner simply fails to respond, or fails to carry out the plan, the cost of all future services to abate nuisance activities at the property will be assessed to the property. These costs can be placed on the tax rolls.

The attached flow chart shows the general process for implementation of the ordinance. Multiple departments will participate in this process.

Staff will make a presentation and answer questions at the workshop.



CHRONIC NUISANCE ORDINANCE

CHAPTER 9, ARTICLE IV. CHRONIC NUISANCE PROPERTY

DIVISION I. GENERALLY

Sec. 9-61. The City Council hereby makes the following findings:

(a) that any property that has generated three or more responses from the police department for nuisance activities has received significantly more services than the normal level of general and adequate police service provided to the public and has placed an extraordinary and unnecessary burden on the citizens, businesses, taxpayers and property owners of the City, has disproportionately used police services, and substantially reduced the availability of police services for other citizens.

(b) that property owners, and other parties who control a property, that chronically fail to control the use of their property substantially interfere with the comfortable enjoyment of life, health and safety of other citizens and the community.

(c) that it is in the public interest to require the owners and/or other responsible parties of such property to bear the additional costs associated with abating violations at properties at which nuisance activities chronically occur.

(d) that such properties disproportionately consume City services and impose an economic burden on properties in the City.

(e) that nuisance properties receive special services which extend far beyond general law enforcement or code enforcement activities and that the abatement of chronic nuisances by the City is a municipal service.

(f) that abating chronic nuisances possesses a logical relationship to the use and enjoyment of the benefitted real property and provides a direct, special benefit to the real property by:

- 1) reducing property maintenance costs;
- 2) reducing property management costs;
- 3) eliminating the invitation of on-site criminal activities;
- 4) protecting the health and safety of the occupants and nearby persons;
- 5) protecting the value of the real property; and
- 6) enhancing market perceptions of the real property.

g) that the cost of abating the nuisance activities shall be entirely apportioned to the benefitted real property receiving the services.

h) that the cost of abating the nuisance activities may be levied against the benefitted real property as a special assessment superior to all other private rights, interests, liens, encumbrances, titles and claims upon the real property and equal in dignity with a lien for ad valorem taxes.

#### Sec. 9-62. Definitions and Exemptions.

For the purposes of this division:

a) "Nuisance activity" means when any person associated with a property is charged with a violation of any of the following activities, behaviors or conduct:

- 1) Chapter 3 - Alcoholic Beverages, Sections 3-10, 11, 13, or 14.
- 2) Chapter 11, Article III - Noise Pollution.
- 3) Chapter 4, Article III – Dogs, Sections 4-55 or 57.
- 4) Chapter 20, Article V, Division 2 – Illicit Synthetic Drugs
- 5) F.S. § 767.12 - dangerous dogs.
- 6) F.S. § 790.15(1) - discharging firearm in public.
- 7) F.S. § 796.06 - renting space to be used for prostitution.
- 8) F.S. § 796.07 - prostitution.
- 9) F.S. § 800.03 - exposure of sexual organs.
- 10) F.S. § 806.13 - criminal mischief.
- 11) F.S. § 810.08 - trespass in structure or conveyance.
- 12) F.S. § 810.09 - trespass on property other than structure or conveyance.
- 13) F.S. § 812.014 - theft.
- 14) F.S. § 812.019 - dealing in stolen property.
- 15) F.S. § 812.173 - convenience business security.
- 16) F.S. § 823.01 - nuisances.
- 17) F.S. § 828.12 - cruelty to animals.
- 18) F.S. § 856.011 - disorderly intoxication.
- 19) F.S. § 856.015 - open house parties.
- 20) F.S. § 856.021 - loitering or prowling.
- 21) F.S. § 856.022 - loitering or prowling in close proximity to children.
- 22) F.S. Ch. 874 - criminal gang enforcement and prevention.
- 23) F.S. § 877.03 - breach of the peace; disorderly conduct.
- 24) F.S. Ch. 893 - any offense under the Florida Comprehensive Drug Abuse Prevention & Control Act.
- 25) Any other offense under state or federal law that is punishable by a term of imprisonment exceeding one year.

- 26) Any violation of the City Code at a property which was referred to the Code Enforcement Board and that Board or a special magistrate found that the violation continued to exist and placed a lien on the property, and the violation continues to exist for more than sixty days from the recording of the lien. Each continuing violation for which a separate lien was placed shall be a separate violation.
- 27) Any violation of the City Code at a property which was cited for a municipal ordinance violation and the responsible party either paid the fine or was found guilty of the violation, and the violation continues to exist for more than sixty days after paying the fine or being found guilty. Each continuing violation shall be a separate violation.
- b) "Other responsible party" means any individual or entity other than the owner of the property that is operating a business upon the property or is occupying the property, whether pursuant to a lease, license, or otherwise allowed to use the property by the owner.
- c) "Person associated with a property" means the property owner, operator, manager, resident, occupant, guest, visitor, patron or employee or agent of any of these persons.
- d) "Responsible party" means the owner of the property and any 'other responsible party' as defined herein.
- e) "Separate and distinct incident" means that each time that the police department responds to a nuisance activity at the property shall be deemed a separate and distinct incident. This may include multiple incidents occurring on the same day.
- f) This division shall not be applied to restaurants or taprooms except for violations of the noise ordinance (Ch. 11), Sec. 3-10 and 3-11 of the alcoholic beverage ordinance and any violation set forth herein which is committed by the owner of the property or business or their employees. The 'theft' category shall not be applied in dealing with retail establishments.
- g) This division shall not be applied when the responsible party was the victim of a crime, or when there is more than one responsible party, and one of the responsible parties is the victim of domestic violence.
- h) POD is defined in Chapter 1, references to the Chief shall mean the Chief of Police or his or her designee.

Sec. 9-63. Procedure.

a) Notices

1) Whenever the POD determines that the police department has responded to three or more nuisance activities that have occurred at a property during a 30 day period or seven or more nuisance activities within a 90 day period, the POD may notify the property owner or other responsible party in writing that the property is a nuisance. The initial nuisance property notice (INP Notice) shall begin the procedures of this division, although the POD should have other contact with any responsible party in an attempt to abate the nuisance activity prior to the initiation of this process. The INP Notice shall contain:

- i. A clear statement that the property is deemed a nuisance.
- ii. The street address or legal description sufficient for identification of the property.
- iii. A description of the nuisance activities that have occurred at the property, including the dates of the occurrences.
- iv. A statement indicating that the cost of enforcement may be assessed as a special charge against the property, or referred for collection.
- v. Examples of nuisance abatement measures.
- vi. A statement that the property owner or other responsible party shall, within 14 days of date of the INP Notice, either respond to the POD with an acceptable, written action plan (WAP) to abate the nuisance activities at the property or file an appeal pursuant this division.
- vii. A requirement that the WAP shall include the specific address(es) at which all future correspondence and notices shall be sent. Any future notice sent to the address in the WAP by first class mail shall be considered to have been properly served.
- viii. A statement that the notice may be appealed within ten days of the date of mailing.

2) Service of Notice

- i. The INP Notice shall be served by certified mail, return receipt requested, or hand delivery to any responsible party, or by hand delivery at the responsible party's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice. In the alternative, if the property is used for a nonresidential use, or a residential use with an onsite office, notice may be served by hand

delivery to any employee at the property or office with a copy mailed by first class mail to the property and any responsible party.

- ii. If service of the INP Notice cannot be accomplished as set forth above, the INP Notice may be served by publication. The INP Notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the City.
  - iii. Evidence that an attempt has been made to hand deliver or mail the INP Notice as provided in this section, together with proof of publication as provided this section, shall be sufficient to show that the INP Notice requirements have been met, without regard to whether or not the responsible party actually received the INP Notice.
  - iv. After the INP Notice has been served as provided in this section, all subsequent correspondence and notices shall be mailed, by first class mail, to the address provided in the WAP, or if no address is provided, to the address at which service of the INP Notice was made or the property at which the nuisance activities occurred, unless otherwise specifically required by this division. Service under this division shall be effective upon mailing.
- 3) Constructive notice. A responsible party shall be deemed to have notice of a nuisance activity if that responsible party: i) has actual knowledge of the nuisance activity; ii) has received notice of the nuisance activity; iii) has refused to accept a communication sent by certified mail; iv) has reason to know of the nuisance activity; v) knows about a fact related to a nuisance activity; or vi) is able to ascertain the existence of a nuisance activity by checking an official filing or recording. The lack of knowledge of, acquiescence to, participation in, or responsibility for a nuisance activity on the part of a responsible party shall not be a defense to any enforcement of this division.
- b) Upon service of the INP Notice, the responsible party shall, within 10 days, either respond to the POD with an acceptable WAP to abate the nuisance activities at the property or file an appeal pursuant this division.
  - c) Extensions. The POD may extend any deadline for up to 20 days if the responsible party is actively, and in good faith, attempting to comply with this section.
  - d) Upon receipt of the proposed WAP, the Chief shall review the proposed WAP to determine if the Chief reasonably believes that, based on the measures identified in the proposed WAP, that it will ensure that the identified nuisance

activities will not occur again. Measures to be considered in determining the adequacy of the WAP may include, but are not limited to:

- 1) Commencement of an eviction action pursuant to F.S. Ch. 83 to remove from the property those individuals engaged in the nuisance activity;
  - 2) Implementation of crime prevention through environmental design (CPTED) measures;
  - 3) Frequency of site visits and inspections at various times of both day and night;
  - 4) Hiring of property management;
  - 5) Hiring of private security;
  - 6) Installation of security cameras;
  - 7) Use and enforcement of a comprehensive written lease agreement which addresses the standard terms of the industry for rentals;
  - 8) Criminal background checks for prospective tenants and lease renewals;
  - 9) Posting of "no trespassing" signs at the property and execution of a "no trespass affidavit" authorizing the police department to act as an agent of the property owner to enforce trespass statutes on the property;
  - 10) Regular requests for offense and incident reports relating to the property that are available through the records custodian of the police department records division;
  - 11) Written documentation of all efforts to curtail or eliminate the re-occurrence of nuisance activities on the property;
  - 12) Any other action that the POD determines is reasonably sufficient to curtail or eliminate the re-occurrence of nuisance activities on the property.
- e) Upon review of the proposed WAP, the POD shall accept the proposed WAP if the Chief reasonably believes that, based on the measures identified in the proposed WAP, that it will ensure that the identified nuisance activities will not occur again. If the Chief rejects the WAP, measures shall be identified which, if included in the WAP, will make the WAP acceptable.
- 1) An accepted WAP shall include a specific timetable for the implementation of each measure of the WAP and shall be fully implemented within forty five (45) days from the date the POD mails notice of acceptance of the WAP to the responsible parties.
  - 2) If implementation of any measure in the WAP is expected to exceed 45 days (e.g. tenant eviction), through no fault of the responsible party, the POD may extend this time limit for such measure so long as the responsible party has implemented all other measures and the responsible party is acting in good faith to implement the measures which need additional time.

- f) Whenever the POD determines that an accepted WAP has not abated the identified nuisance activities or that other nuisance activities have begun at the property, and that modification of an accepted WAP is necessary to abate nuisance activities at the property, the POD shall notify the responsible parties in writing that the WAP must be modified. This modification notice shall contain the same information as the INP Notice and, in addition, a description of the nuisance activities that continue to occur at the property and/or the new nuisance activities, and a copy of the previously accepted WAP.
- g) Upon receipt of a modification notice, the responsible parties shall, within 14 days either respond to the POD with a modified, acceptable WAP to abate the nuisance activities at the property or file an appeal pursuant this division.
  - 1) Upon review of the modified WAP, the POD shall accept or reject the proposed modified WAP if the Chief reasonably believes that, based on the measures identified in the proposed modified WAP, that it will ensure that the identified nuisance activities will not occur again.
  - 2) The modified WAP shall include a specific timetable for the implementation of each aspect of the modified WAP and shall be fully implemented within forty five (45) days from the date the POD mails notice of acceptance of the modified WAP to the responsible parties, subject to the specific extensions for specific measures allowed for the original WAP.
- h) Each WAP shall be effective for not less than six months nor more than one year from its approval.
  - 1) The POD shall determine the period of time the WAP shall be in effect at the time of approving the WAP, which time shall be based on the reasonable amount of time necessary to implement the requirements of the WAP and abate the nuisance activities.
  - 2) If the WAP is modified, the POD shall establish a new date for termination of the WAP.
  - 3) A responsible party may request that a WAP be terminated early. The POD may terminate the WAP before the established termination date if the POD determines that the nuisance activities have been abated and are not likely to reoccur in the near future. This decision is within the PODs discretion and is not appealable except as allowed by law to the court system.
- i) If the responsible party fails to respond to the INP Notice, proposes a WAP that is rejected by the POD, or fails to implement an accepted or modified WAP completely, the POD shall declare the property a chronic nuisance and notify

the responsible parties in writing that the property is a chronic nuisance, that the cost of any future police services for or any response to subsequent nuisance activities occurring at the property may be assessed as a special charge against the property, or referred for collection, that any responsible parties may be cited for allowing a chronic nuisance property to exist, and that they have ten days from the date of mailing in which to appeal. The POD shall record the declaration of a chronic nuisance in the public records so that any potential buyer will be able to have notice of the declaration.

- j) It is a violation of this section to be a chronic nuisance property. The fine for each violation of this section shall be \$500. The property owner, business owner, tenant, and manager may each be cited for any violation of this section.
- k) The POD or police department may calculate the cost of police services for responses to nuisance activities occurring at the property after the date the property is declared a chronic nuisance and refer the cost to the POD for imposition of a lien and/or collection.

#### Sec. 9-64. Appeals.

- a) Appeals may be taken from:
  - 1) the INP Notice that a property is a nuisance property,
  - 2) the written determination by the POD that the property is a chronic nuisance, or
  - 3) the written determination by the POD that a WAP, or modified WAP, is inadequate or rejected.
- b) Failure to file a timely appeal shall be deemed to be a waiver of that right and the responsible party shall have failed to exhaust their administrative remedies.
- c) An appeal may be filed by any interested party who has been aggrieved.
- d) Any appeal must be filed not later than 5 p.m. on the tenth day after mailing of the action complained of. The appeal:
  - 1) shall be filed in the City Clerk's Office,
  - 2) shall be in writing,
  - 3) shall include a copy of the action complained of,
  - 4) shall include the address at where any notice of hearing shall be mailed,
  - 5) shall include the phone number and email address of the person appealing, and
  - 6) shall be accompanied by a fee of \$100. If the interested party filing the appeal prevails, then the appeal fee shall be returned.
  - 7) The City Clerk shall not accept any appeal which does not meet these requirements.

- e) The appeal shall be heard by a hearing officer who is an attorney licensed to practice law in Florida. Hearing officers shall be recommended by the City Attorney and confirmed by City Council.
- f) A notice of the appeal hearing by a hearing officer shall be at least ten days prior to the time of the hearing and shall identify the location of the hearing.
- g) The hearing shall be a quasi-judicial hearing at which the hearing officer determines whether the POD followed the correct procedures and that the action appealed from meets the requirements of this division. If the rejection of a proposed WAP is the subject of the appeal, the hearing officer shall determine whether the measures identified in the proposed WAP, if implemented, are likely to abate the nuisance activities. If they are not, the hearing officer shall deny the appeal.
- h) In any hearing before the hearing officer, formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a trial in the courts of the State. Each party shall have the right to be represented by counsel, to call and examine witnesses under oath, to introduce documentary evidence or exhibits, to cross-examine opposing witnesses on any relevant matter even though the matter was not covered under direct examination, to impeach any witness regardless of which party first called him to testify, and to submit rebuttal evidence
- i) The burden of proof is upon the City to show that, by a preponderance of the evidence, the correct procedures were followed and that the determination of the POD meets the requirements of this division.
- j) At the hearing, the hearing officer shall affirm, modify or reverse the action of the POD and enter a final written order. When the hearing officer affirms the action of the POD, the POD may proceed without further delay.
- k) Any person aggrieved by the decision of the hearing officer may seek judicial review if allowed by the State appellate rules or other applicable law.
- l) As used in this subsection "interested party" means a person who possesses a present legal right of present or future enjoyment of the property by virtue of a deed, title, mortgage, fully executed contract for purchase, lien or estate in the property, judgment of court, being a named beneficiary in a will or trust of a deceased owner (or the legal spouse of the property owner).
- m) Any interested party appearing before the hearing officer may appear in person, by legal counsel or by an agent.

Sec. 9-65. Change of ownership.

- a) Any purchaser of a chronic nuisance property at a judicial sale, any trustee of a chronic nuisance property in receivership, and any personal representative of an estate in probate (or the beneficiaries if the owner died intestate) for which a chronic nuisance property is an asset shall file a WAP within forty five days after they become responsible for, or legally in control of, the property.
- b) An arms length purchaser or bona fide purchaser for value who purchases the property shall file a WAP within forty five days after closing or they become responsible for, or legally in control of, the property.
- c) A new owner who obtains title to a chronic nuisance property and who does not fall into one of the categories of owners set forth in this section, shall step into the shoes of the previous owner and comply with any WAP which has been approved or, if no WAP is approved, shall have ten days to file a WAP or an appeal with the POD.

Sec. 9-66. Cost Recovery.

- a) Establishment of costs
  - 1) All bills for police service costs shall be for the actual cost of the police services provided to the property.
  - 2) All bills for police service costs shall be supported with written documentation showing the actual time and costs for police services provided to the property.
- b) Billing of police service costs
  - 1) The property owner of the nuisance property and all other responsible parties are responsible for paying all police service costs.
  - 2) Police service costs shall be billed to the property owner by first class mail to the address listed on the ad valorem tax roll and to any other responsible party at the address provided in the WAP. The bill shall contain at least the following information:
    - i. The street address or legal description sufficient for identification of the property,
    - ii. A description of the nuisance activities that occurred on the property;
    - iii. A description of the police services provided to abate the nuisance activities, and cost of the services;
    - iv. A statement that the total amount of the bill shall be paid to the City within 30 days from the date of the bill and that any police service costs that are not paid within 30 days from the date of the bill shall be delinquent;

- v. A statement that that any unpaid police service costs will be levied against the property as a non-ad valorem assessment equal in rank and dignity with a lien for ad valorem taxes; and

A statement that unpaid assessments may be certified to the tax collector for collection pursuant to the uniform method provided in F.S. § 197.3632.

Sec. 9-67. Cost Recovery Termination.

If the property receives no police calls for service for one year, then it shall no longer be a chronic nuisance under this section and shall not be billed for any additional police calls unless the POD initiates this process from the beginning.

Division 2. SPECIAL ASSESSMENTS

Sec. 9-71. Police service costs; no-ad valorem assessment.

- a) Whenever a responsible party has been notified that a chronic nuisance exists at a property and has been billed for 3 or more separate nuisance activities within a one-year time period for the costs of police services and such bills are delinquent, the POD may initiate the assessment procedures set forth herein. After the initiation of these procedures, any delinquent bill for police service costs may be assessed against the property.
- b) Any police service costs that remain unpaid and are therefore delinquent may be levied against the benefitted real property as a non-ad valorem special assessment.

Sec.9-72.Non-as valorem assessments.

The POD shall follow the procedures for assessing a non-ad valorem assessment as set forth in state statutes (currently F.S. 197.3632 – Uniform Method for the levy, collection and enforcement of non-ad valorem assessments) and any additional requirements of this division. In the event of any conflict, state procedures shall control.

Sec.9-73 Initial assessment roll.

- a) *Contents of initial assessment roll.* The POD shall, annually, prepare an initial assessment roll for delinquent police service costs which shall contain the following:
  - 1) A summary description of all benefitted real property with delinquent police service costs to be assessed, conforming to the description contained on the ad valorem tax roll;
  - 2) The name of the owner of the benefitted real property as listed on the ad valorem tax roll; and

3) The amount of the delinquent police service costs to be assessed against each parcel of benefited real property.

b) *Public inspection of initial assessment roll.* The initial assessment roll shall be retained by the City Clerk and shall be open to public inspection. The foregoing shall not be construed to require that the assessment roll be in printed form if the amount of police service assessment for each parcel of benefited real property can be determined by use of a computer terminal available to the public.

c) *Notice to property appraiser.* A copy of the initial assessment roll shall be provided to the property appraiser and included as a part of the notice of proposed property taxes if required by state law (F.S. § 200.069, the truth-in-millage notification).

Sec. 9-74. Final assessment roll; Public hearing.

a) *Public hearing.* The City Council shall adopt a final non-ad valorem assessment roll at a public hearing held in accordance with state law (currently F.S. § 197.3632).

b) *Notice by mail.* The City shall mail notice of the public hearing to the property owner(s). The mailed notice shall conform to the requirements for non-ad valorem assessments set forth in state law (currently F.S. § 197.3632). Notice shall be mailed by first class mail prior to the hearing to each property owner at the address listed on the ad valorem tax roll. The mailed notice shall contain at least the following information:

- 1) The purpose of the assessment;
- 2) The total amount to be levied against each parcel of assessed real property;
- 3) A statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title;
- 4) A statement that all affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of the notice; and
- 5) The date, time, and place of the hearing.

Failure of the property owner to receive such notice due to mistake or inadvertence shall not affect the validity of the assessment roll nor release or discharge any obligation for payment of a police service cost assessment.

c) *Notice by publication.* The City shall publish notice of the public hearing in a newspaper of general circulation in the City. The published notice shall conform to the requirements set forth in state law (currently F.S. § 197.3632) and shall contain at least the following information:

- 1) A geographic description of the real property subject to the assessment;
- 2) A brief and general description of the police services provided;
- 3) The fact that the assessment will be collected by the tax collector;
- 4) A statement that all affected property owners have the right to appear at the public hearing and the right to file written objections with the POD within 20 days of the publication of the notice; and
- 5) A statement that the initial assessment roll is available for inspection at the office of the City Clerk and that all interested persons may ascertain the amount to be assessed against a parcel of assessed real property at the office of the City Clerk.

Sec. 9-75. Public hearing; adoption of final assessment roll.

- a) *Public hearing.* At the public hearing, the City Council shall receive the written objections and shall hear testimony from all interested persons. If the City Council adopts the final assessment roll, the City Council shall specify the amount of the assessment. Notwithstanding the notices provided for in this division, the City Council may adjust the assessment or the application of the assessment to any assessed real property based on the benefit which the City has provided to the property.
- b) *Adoption of final assessment roll.* The City Council may, at the public hearing or at any subsequent meeting of the City Council, adopt an assessment roll which shall confirm, modify, or repeal the initial assessment roll with such amendments, if any, as the City Council deems equitable.
- c) *Legislative determination of special benefit and fair apportionment.* The adoption of the final assessment roll by the City Council shall constitute a legislative determination that all assessed parcels of real property derive a special benefit from the police services provided by the City and a legislative determination that the assessments are fairly and reasonably apportioned to the properties.

Sec. 9-76. Lien of police service assessments.

Upon the adoption of the final assessment roll, all police service cost assessments shall constitute a perfected lien against the assessed real property superior to all other private rights, interests, liens, encumbrances, titles and claims upon the property and equal in rank and dignity with a lien for ad valorem taxes.

Sec. 9-77. Correction of errors and omissions.

- a) *Validity of assessment.* Any informality or irregularity in the proceedings in connection with the levy of a police service costs assessment shall not affect the validity of the assessment after approval by the City Council. A police service costs assessment as finally approved by the City Council shall be competent evidence

that the assessment was duly levied, made and adopted, and that all other proceedings were duly taken. No act of error or omission on the part of the property appraiser, tax collector, POD, or other employee of the City shall operate to release or discharge any obligation for payment of a police service costs assessment imposed by the City under this division.

- b) *Correction of errors by the POD.* Prior to the delivery of the assessment roll to the tax collector, the POD shall have the authority at any time to correct any error or omission in applying the assessment to any particular parcel of assessed real property not otherwise requiring the provision of notice pursuant to state law. Any such correction shall be considered valid ab initio and shall not affect the enforcement of the police service costs assessment. Any such correction shall be processed by the POD and not the property appraiser or tax collector.

Sec. 9-78. Method of collection.

Police service costs assessments shall be collected pursuant to the uniform method provided in state law (currently F.S. § 197.3632), unless the POD determines that another enforcement method is more effective. Any hearing or notice required by this division may be combined with any other hearing or notice required by any other provision of law.

Sec. 9-79. Alternative method of collection.

- a) In lieu of using the non-ad valorem assessment method, the POD may elect to collect a police service cost assessment by any other method authorized by law.
- b) Notwithstanding the City's use of an alternative method of collection, POD shall have the same power and authority to correct errors and omissions as provided in this division.

## PENDING / CONTINUING REFERRALS

		TOPIC	DATE REFERRED	REFERRED BY	MEETING DATE(S)	RETURN DATE	STAFF	SPECIAL NOTES
1	Policy or Program Change	<b>Unimproved Alleys</b>	12/20/2012	Nurse	03/27/14,1/15/15	07/2015	Codes Compliance Assistance Todd Yost  Planning and Economic Development Dave Goodwin	<a href="#">Referral Document</a> City staff to provide a 6 month update of efforts to improve maintenance of “unused” alleys through utilization of community information and code enforcement.
2	Code Change	<b>Mitigation of noise associated with construction projects that utilize pile driving through amending ordinance.</b>	11/06/2014	Nurse	11/24/14, 3/12/15	09/2015	Planning and Economic Development Dave Goodwin	<a href="#">Referral Document</a>
		<b>Use of city streets during construction projects.</b>	1/22/15		1/29/15, 3/12/15			<a href="#">Referral Document 2</a>  Referrals have been combined, staff to form task force and return to PS&I in September 2015
3	Code Change	<b>Modification of existing ordinance to allow for wet zone(s) on particular days and specific hours and to include the opportunity for fundraising for the Arts endowment.</b>	12/4/14	Kennedy	12/11/14	TBD	City Legal	<a href="#">Referral Document</a> Councilmember Kennedy to reach out to Edge District to gauge level of interest and bring back to committee at an unspecified time.
4	Code Change	<b>City Code Section 16.60.030.2, Nonconforming Lots and Grandfathered Situations.</b>	12/4/14	Kornell	12/11/14, 3/12/15	5/28/15	Planning and Economic Development Dave Goodwin	<a href="#">Referral Document</a> Legal and Planning & Economic Development to work on making the code clearer and return to the PS&I Committee at a date to be determined.
5	Code Change	<b>Transportation such as the Looper or PSTA as an optional add on to City monthly parking garage customers.</b>	2/5/15	Dudley	3/12/15, 3/26/15	TBD	Transportation and Parking  Evan Mory	<a href="#">Referral Document</a> CM Dudley’s original referral involved proposed changes to City Code Section 26-152,CM Kennedy requested this item remain on the pending list ; staff will review the possibility of offering transportation such as the Looper or PSTA as an optional add on to City monthly parking garage customers as CM Gerdes suggested during the 3/26/15 PS & I Meeting

## PENDING / CONTINUING REFERRALS

		TOPIC	DATE REFERRED	REFERRED BY	MEETING DATE(S)	RETURN DATE	STAFF	SPECIAL NOTES
6	Code Change	<b>Door-to-Door Solicitation Ordinance.</b>	4/16/15	Kornell	4/23/15	5/25	City Legal	<a href="#">Referral Document</a> Staff to Report back at a date TBD.
7	Policy or Program Change Code Change	<b>Consideration of possible ordinance and regulation changes to make St. Petersburg a more Pedalpub city, also to consider downtown horse drawn carriage tours.</b>	4/16/15	Nurse	4/23/15	6/11/15	Evan Mory Transportation & Parking  Heather Judd City Legal	<a href="#">Referral Document</a> Staff to return with report on 6/11/15.
8	Policy or Program Change	<b>Emergency / Disaster Plan For low flood prone areas</b>	4/23/15	Dudley	5/21/15	5/21/15	Mike Connors Public Works  Lt. Scott MacDonald Police Department	Referred by CM Dudley at 4/23/15 PS&I
9	Code Change	<b>Chronic Nuisance Ordinance</b>	5/7/15	Foster	5/21/15	TBD	Mike Dove Neighborhood Affairs  Mark Winn City Legal	<a href="#">Referral Document</a>