

ORDINANCE NO. 93- 25

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA DEFINING THE TERM PUBLIC NUISANCE; PROVIDING OTHER DEFINITIONS; PROVIDING EXAMPLES; MAKING IT UNLAWFUL FOR ANY PERSON OR ENTITY TO CAUSE, ALLOW, OR PERMIT A PUBLIC NUISANCE TO OCCUR ON PRIVATE PROPERTY LOCATED WITHIN THE DE LEON SHORES SUBDIVISIONS OR WELLINGTON BY THE SEA SUBDIVISION UNIT I; PROVIDING PROCEDURES; PROVIDING FOR ENFORCEMENT AND FINES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA.

Section 1. The Board of County Commissioners of St. Johns County, Florida (the "Board") finds and determines the following;

- (A) One of the side effects of the large influx of people who have become residents of St. Johns County within the past decade is a significant increase in the number of complaints the county administration receives pertaining to the creation and/or continuation of public nuisances within certain recorded residential subdivisions.
- (B) There are certain activities and/or conditions that are not necessarily nuisances per se countywide, but that are nuisances in fact when they occur in certain residential subdivisions.
- (C) It is in the best interests of the County that public nuisances within such residential subdivisions be identified, declared unlawful, and abated.

Section 2. The following definitions shall be applicable to this ordinance, and all resolutions, regulations, rules and citations promulgated or issued pursuant hereto:

- (A) Designated Subdivision:  
The residential subdivisions described in Section 4 of this ordinance, as amended from time-to-time.
- (B) Public Nuisance:  
Any condition or activity that (i) is detrimental to the health or safety of a person or domestic animal within a Designated Subdivision community or that constitutes a danger or menace to property within a Designated Subdivision or (ii) violates public rights, subverts

public order, decency or morals, or causes inconvenience or damage to persons who reside or are present in a Designated Subdivision.

- (C) Underbrush:  
Shrubs, grass, vines, bushes or small trees not exceeding 6 feet in height growing beneath larger trees.

Section 3. The activities or conditions described in this Section 3 constitute Public Nuisances when they occur on private parcels or lots within a Designated Subdivision. The list of Public Nuisances contained in this Section 3 is not intended to be all inclusive but merely provides examples of Public Nuisances that are prohibited in such subdivisions. All Public Nuisances are unlawful in Designated Subdivisions and are prohibited therein regardless of whether or not they are specifically listed in this Section 3.

- (A) Undeveloped lots that are not mowed semi-annually to remove the Underbrush thereby providing habitat for rats, mice, snakes, and other vermin. For the purposes of this subsection undeveloped lots shall mean those lots which are part of any platted or occupied block or tract within a Designated Subdivision abutting a public right-of-way in which ninety-five percent (95%) of the lots in the block or tract has been developed by the building of a residential or commercial structure.
- (B) Water-efficient landscaping, or natural growth is permitted if it does not cause a health or safety problem, and is not substantially out of character and inconsistent with nearby properties and lands. Cultivated plant species shall be maintained in character consistent with surrounding properties. In no event shall cultivated grass species which are utilized as a low growing lawn cover be allowed to grow higher than (12) inches high when measured from the top of the soil profile. This does not apply to grass species such as Pampas Grass or other specimen grasses that are used as accent plantings.
- (C) Accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, dead or decayed fish, fowl, meat, other animal matter, fruit, or vegetables; accumulation of offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature;
- (D) Any condition which provides harborage for rats, mice, snakes and other vermin;
- (E) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give

rise to the emission or generation of such odors and stench;

- (F) The carcasses of animals or fowl not disposed of within a reasonable time after death;
- (G) The pollution of any well or cistern, stream, lake, canal or body of water by sewage, dead animals, industrial waste or other substances emanating from a private lot or parcel;
- (H) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained;
- (I) Dense smoke, noxious fumes, gas, dust, soot or cinders, in unreasonable quantities;
- (J) Any cultivated dirt, earth or soil which are not for immediate use on said property must have a low growing vegetative ground cover or mulch to prevent erosion of soil by wind and water and to control dust and dirt in order to prevent a health hazard and preclude degradation of sewer and drainage systems.
- (K) Manmade depressions, excavations or other conditions on residential lots or parcels that are not jurisdictional wetlands or that do not serve as an integral part of a drainage system, that allow water to accumulate and stand in such a manner or fashion as to make possible the propagation of mosquitoes therein.

Section 4. Public Nuisances are unlawful and are prohibited within the Designated Subdivisions described in this section. A person and/or entity commits an unlawful act when such person or entity causes, allows, or permits a Public Nuisance to occur upon private property owned, rented, leased, or otherwise controlled by such person or entity when such property is located within one of the following Designated Subdivisions:

Wellington By The Sea - Unit I as recorded in Map Book 3 page 138 public records of St. Johns County, Florida

De Leon Shores as recorded in Map Book 11 pages 81 and 82 public records of St. Johns County, Florida

De Leon Shores Unit Two as recorded in Map Book 11 pages 89 and 90 public records of St. Johns County, Florida

De Leon Shores Unit Three as recorded in Map Book 12 page 36 public records of St. Johns County, Florida

De Leon Shores Unit Four as recorded in Map Book 12 pages 95 and 96 public records of St. Johns County, Florida

De Leon Shores Unit Five as recorded in map Book 13 pages 48 and 49 public records of St. Johns County, Florida

De Leon Shores Unit Six as recorded in Map Book 13 pages 104 and 105 public records of St. Johns County, Florida

Section 5. The County Administrator shall appoint the Code Enforcement Department (The "Department") to investigate complaints of Public Nuisances within Designated Subdivisions.

Section 6. If upon investigation of a complaint that a Public Nuisance exists within a Designated Subdivision the Department determines that the complained of activity or condition is in fact a Public Nuisance, the Department shall serve notice to the person or entity in control of the Public Nuisance and the lot or parcel upon which the Public Nuisance exists, and to the owner of such lot, parcel, and/or Public Nuisance, if such persons or entities can be located and served within the County with reasonable effort, to permanently terminate and remove the Public Nuisance within fifteen (15) days after the service of the notice. In the event such persons or entities cannot be located and served within the County, the notice shall be posted in a conspicuous place upon the premises and a copy thereof mailed to the last known address of such persons and entities as shown on the current records of the St. Johns County Property Appraiser that pertain to the subject property.

#### Section 7. Violation and Penalties.

Violations of this Ordinance may be enforced by any legal method prescribed by law, including:

- (A) Any person or entity violating any of the provisions of this ordinance adopted hereby (collectively, the "Ordinance") may be prosecuted in the same manner as misdemeanors are prosecuted and shall, upon conviction, be punished for each offense by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment. Each day that an offense or violation of this Ordinance continues, shall be deemed a separate offense.
- (B) This Ordinance may also be enforced under the provisions of Chapter 162, Florida Statutes, (Code Enforcement Board).

Section 8. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 9. This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Department of State to the Clerk of the Board of County Commissioners of St. Johns County, Florida that same has been filed.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA this 11th day of May, 1993.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Quinn Balowage  
CHAIR

ATTEST: CARL "BUD" MARKEL, CLERK

By: Wenne Carter  
Deputy Clerk

EFFECTIVE DATE: May 20, 1993



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### The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

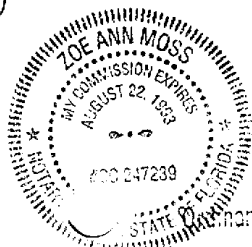
Before the undersigned authority personally appeared \_\_\_\_\_  
SHERRY R. FREE \_\_\_\_\_ who on oath says that she is  
ACCOUNTING CLERK \_\_\_\_\_ of the St. Augustine Record, a  
daily newspaper published at St. Augustine in St. Johns County, Florida: that  
the attached copy of advertisement, being a \_\_\_\_\_  
DISPLAY AD \_\_\_\_\_  
\_\_\_\_\_ in the matter of \_\_\_\_\_  
NOTICE \_\_\_\_\_  
\_\_\_\_\_ in the \_\_\_\_\_ Court,  
was published in said newspaper in the issues of \_\_\_\_\_  
APRIL 16, 1993 \_\_\_\_\_

Affiant further says that the St. Augustine Record is a newspaper published  
at St. Augustine, in said St. Johns County, Florida, and that the said  
newspaper has heretofore been continuously published in said St. Johns Coun-  
ty, Florida, each day and has been entered as second class mail matter at the  
post office in the City of St. Augustine, in said St. Johns County, Florida, for a  
period of one year next preceding the first publication of the attached copy of  
advertisement; and affiant further says that she has neither paid nor promised  
any person, firm or corporation any discount, rebate, commission or refund  
for the purpose of securing the advertisement for publication in the said  
newspaper.

*Sherry R. Free*

Sworn to and subscribed before me Zoe Ann Moss  
this 3rd day of May  
A.D. 19 93

*Zoe Ann Moss*  
Notary Public



## NOTICE OF ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, April 27, 1993 at 6:00 p.m. in the County Auditorium, at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and U.S. #1 North, St. Augustine, Florida, will hold the first public hearings to consider the passage of the following Ordinances:

### ORDINANCE NO. 93-

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA DEFINING THE TERM PUBLIC NUISANCE; PROVIDING OTHER DEFINITIONS; PROVIDING EXAMPLES; MAKING IT UNLAWFUL FOR ANY PERSON OR ENTITY TO CAUSE, ALLOW, OR PERMIT A PUBLIC NUISANCE TO OCCUR ON PRIVATE PROPERTY LOCATED WITHIN THE DE LEON SHORES SUBDIVISIONS OR WELLINGTON BY THE SEA SUBDIVISION UNIT I; PROVIDING PROCEDURES; PROVIDING FOR ENFORCEMENT AND FINES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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The Ordinances propose to adopt or change a regulation affecting the use of land for the area shown in the map in this advertisement.

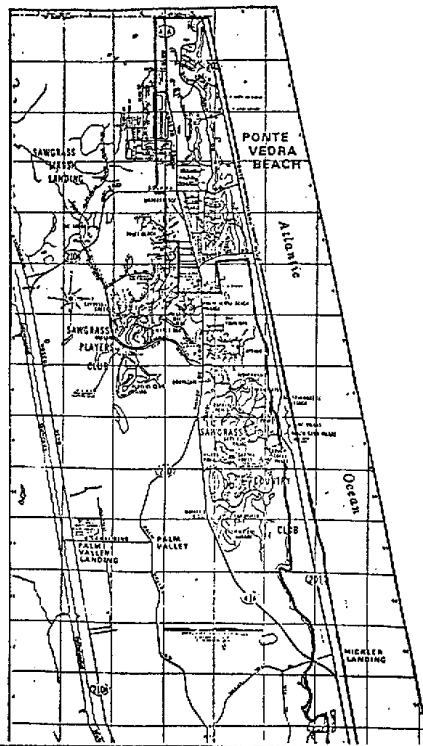
The proposed Ordinances are on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Administration Building, Lewis Speedway, and may be examined by parties interested prior to said public hearings.

All parties having any interest in said Ordinances will be afforded an opportunity to be heard at the public hearings.

If a person decides to appeal any decision made with respect to any matter considered at the public hearings, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Notice to all hearing impaired persons: Anyone planning to attend the hearings who needs the services of an interpreter, please contact David Halstead, ADA Coordinator, at (904) 823-2509 at least 5 days prior to the dates of the hearings.

BOARD OF COUNTY  
COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA  
CARL "BUD" MARKEL, ITS CLERK  
By: Yvonne Carter, Deputy Clerk



The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared SHERRY R. FREE who on oath says that she is ACCOUNTING CLERK of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida: that the attached copy of advertisement, being a DISPLAY AD in the matter of NOTICE in the Court, was published in said newspaper in the issues of MAY 4, 1993

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me Zoe Ann Moss this 11th day of May A.D. 19 93

Zoe Ann Moss Notary Public





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BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA  
CARL "BUD" MARKEL, ITS CLERK  
By: Yvonne Carter  
Deputy Clerk

Ordinance Book 12 Page 338

