

Chapter 14

MISCELLANEOUS PROVISIONS AND OFFENSES*

* **Cross References:** Definitions and rules of construction generally, § 1-2.

Art. I. In General, §§ 14-1--14-30

Art. II. Noise Control, §§ 14-31--14-50

Art. III. Nuisance Abatement, §§ 14-51--14-64

Art. IV. Fire Alarms, §§ 14-65--14-79

Art. V. Disposition of Surplus Real Property, §§ 14-80--14-83

ARTICLE I.

IN GENERAL

Sec. 14-1. Labeling and sales of detergents containing phosphorous.

- (a) *Definitions.* In this section:
- (1) *Synthetic detergent or detergent* means any cleaning compound which is available for household use, laundry use, other personal uses or industrial use, which is composed of organic and inorganic compounds, including soaps, water softeners, surface active agents, dispersing agents, foaming agents, buffering agents, builders, fillers, dyes, enzymes and fabric softeners, whether in the form of crystals, powders, flakes, bars, liquids, sprays, or any other form.
 - (2) *Polyphosphate builder or phosphorous* means a water softening and soil suspending agent made from condensed phosphates, including pyrophosphates, triphosphates, tripolyphosphates, metaphosphates and glassy phosphates, used as a detergent ingredient, but shall not include polyphosphate builder or phosphorous which is essential for medical, scientific or special engineering use under such conditions and regulations as may be prescribed, after hearing, by the Lake County Air and Water Pollution Control Board.
 - (3) *Recommended use level* means the amount of synthetic detergent or detergent which the manufacturer thereof recommends for use per wash load, at which level the synthetic detergent or detergent will effectively perform its intended function.
 - (4) *Machine dishwasher* means equipment manufactured for the purpose of cleaning dishes, glassware and other utensils involved in food preparation, consumption or use, using a combination of water agitation and high temperatures.

- (5) *Dairy equipment, beverage equipment and food processing equipment* means that equipment used in the production of milk and dairy products, foods and beverages, including the processing, preparation or packaging thereof for consumption.
- (6) *Industrial cleaning equipment* means machinery and other tools used in cleaning processes during the course of industrial manufacturing, production and assembly.

(b) *Labeling.* It shall be unlawful for any person to sell, offer or expose for sale, give or furnish any synthetic detergent or detergent, whether in the form of crystals, powders, flakes, bars, liquids, sprays, or any other form, in the county unless the container, wrapper or other packaging thereof shall be clearly labeled with respect to its polyphosphate builder or phosphorous ingredient content clearly and legibly set forth thereon in terms of percentage of phosphorous by weight, expressed as elemental phosphorous per container, wrapper or other packaging thereof, as well as grams of phosphorous, expressed as elemental phosphorous, per recommended use level.

(c) *Limitation on phosphorous control.* It shall be unlawful for any person to sell, offer or expose for sale, give or furnish any synthetic detergent or detergent containing more than eight and seven-tenths (8.7) percent of phosphorous by weight, expressed as elemental phosphorous. It shall also be unlawful for any person to sell, offer or expose for sale, give or furnish any synthetic detergent or detergent which requires a recommended use level of said synthetic detergent or detergent which contains more than seven (7) grams of phosphorous by weight expressed as elemental phosphorous. Notwithstanding the foregoing provisions of this subsection synthetic detergents or detergents manufactured for use in machine dishwashers, dairy equipment, beverage equipment, food processing equipment and industrial cleaning equipment shall not be subject to the limitations herein set forth. The concentration of phosphorous by weight, expressed as elemental phosphorous in any synthetic detergent or detergent shall be determined by the current applicable method prescribed by the American Society for Testing and Materials (A.S.T.M.).

(Ord. No. 1971-1, §§ I-III, 2-4-71; Ord. No. 1971-2, § I, 3-18-71; Ord. No. 1971-3, § I, 8-5-71; Ord. No. 1980-11, § I, 6-17-80)

Cross References: Water supply and waste disposal, Ch. 21.

Sec. 14-2. Discharging of firearms within Lake County.

- (a) *Definitions.* In this section:
 - (1) *Firearm* means any weapon, whether pistol, rifle or shotgun or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by action of any explosive.
 - (2) *Shooting range* means any indoor or outdoor, private or commercial facility designed for practice or target shooting. Any shooting range must be constructed to insure that the backstop, berm, bullet trap, escalator trap, or impact area is sufficient to prevent any discharge from any weapon from traveling outside, around, over or through the range area so as to constitute a hazard to adjoining property owners.

- (3) *Shotgun* means a firearm with a smooth bore designed primarily to fire shotshells containing multiple projectiles. This definition shall also include those shotguns that are designed to fire solid projectiles from a smooth or rifled bore.
- (4) *Shotshells* means a metal, plastic, or cardboard casing containing a primer propellant and multiple projectiles. This definition shall also include those casings containing a single projectile that is intended to be fired from a shotgun.
- (5) *Occupied structure* means a building or conveyance of any kind including a dwelling, either temporary or permanent which has a roof over it and is designed to be occupied by people in any manner.

(b) *Prohibited activity.*

- (1) No person shall discharge a firearm within the unincorporated areas of Lake County, over, around, through or so near the occupied structures, livestock, pets, chattels or person of another, that might reasonably be expected to do harm, should such persons or objects be struck by any projectiles fired from such firearm. It is not a requirement of this article that any person or object be struck by a projectile in order for there to be a finding by law enforcement officials or the courts that this section has been violated.

Should any such discharge of a firearm take place within one hundred fifty (150) yards of the occupied structure of another, it shall be prime facie evidence that the persons or person discharging the firearm knew that the structure existed and that it was occupied. It shall not be a violation of this article; however, if the person discharging the firearm, has the consent of the owner or occupant of the structure or of the objects described in (b)(1) of this section. It is further provided; however, that no such consent shall excuse any tended person from prosecution under this section, where the acts committed are obviously of a dangerous nature and endangers the life or limb of a human being, or results in the destruction or damage to animals or objects protected by other county, state or federal ordinances, rules or statutes.

- (2) *Rights-of-way.* No person shall discharge any firearm upon, from or across any county maintained or owned road, right-of-way or easement.

(c) *Exceptions.* The prohibition set forth in section (b) above shall not apply:

- (1) To a person lawfully defending life or property or performing official duties requiring the discharge of firearms;
- (2) To the discharge of firearms within the confines of ranges, law enforcement agency ranges, existing commercial and private shooting ranges and gun clubs, and official hunting areas;
- (3) To the discharge of blank or non-lethal shells or cartridges is not prohibited by this section.

- (d) *Enforcement.* It shall be the duty and responsibility of the Lake County Sheriff's Department and

all other law enforcement agencies within Lake County to enforce this article and all related state laws.

(e) *Penalty.* Any person convicted of a violation of the provisions of this section shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed six (6) months or by both, such fine and imprisonment for each offense. In addition, any person convicted of a violation of the provisions of this article shall be required to successfully complete the State of Florida Hunter Safety Course.

(Ord. No. 1976-8, §§ 2, 3, 8-3-76; Ord. No. 1997-53, § 1, 7-8-97)

State Law References: Discharging firearms in public, F.S. § 790.15.

Sec. 14-3. Overnight camping.

Overnight camping is prohibited on the right-of-ways, county parks and county-owned lands or county maintained lands in the county unless the county has specifically authorized overnight camping and has posted such authorization on the lands. Any person, firm or corporation who violates this section shall upon conviction be punished as provided in section 1-6.

(Ord. No. 1977-11, 8-9-77)

Sec. 14-4. Laser beam devices.

(a) It shall be unlawful for any person to focus, point or shine a laser beam directly or indirectly on another person in such a manner as to harass, annoy or place another person in fear of imminent physical injury. This prohibition shall specifically include, but is not limited to, the shining of a laser beam in the eyes of another person and the shining of a laser beam on the person of a law enforcement officer.

(b) This section shall not apply to law enforcement officers in the legal performance of their official duties.

(c) Any person who violates the provisions of this section shall be punished as provided in Chapter 125, Florida Statutes.

(Ord. No. 1999-94, § 2, 9-21-99)

Sec. 14-5. Payment of fees.

All fees established by the Board of County Commissioners shall be paid.

(Ord. No. 2001-16, § 2, 2-27-01)

Secs. 14-6--14-30. Reserved.

ARTICLE II.

NOISE CONTROL*

* **Editors Note:** Ord. No. 2005-3, § 2, adopted Jan. 4, 2005, amended Art. II, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Art. II pertained to similar subject matter. See also the Code Comparative Table.

Cross References: Noisy animals, § 4-7.

Sec. 14-31. Title.

This article shall be known and may be cited as the "Lake County Noise Control Ordinance."
(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-32. Legislative findings.

It is found and declared that:

- (1) This article is enacted pursuant to Article II, Section 7, of the Florida Constitution, which provides that adequate provision shall be made by law for the abatement of excessive and unnecessary noise, and by the home rule power of Lake County, Florida, set forth in F.S. § 125.01(1).
- (2) Excessive sound within the unincorporated county limits is a condition which is increasing in severity with the continued residential and commercial growth of Lake County, Florida.
- (3) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, safety and welfare of the citizens of the Lake County, Florida.

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-33. Scope.

This article shall be effective throughout the unincorporated areas of Lake County, Florida.
(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-34. Excessive noise prohibited.

No person shall create, continue or cause to be created any excessive noise audible to persons within the unincorporated areas of Lake County, Florida. Excessive noise shall mean a noise that is:

- (1) Of such amount or of such duration, wave frequency or intensity as may be or is injurious to human or animal life or property;
- (2) Of such amount, level, duration or character as to annoy, disturb, injure or unreasonably interfere with or endanger the health, peace or comfortable enjoyment of life, property or the conduct of business; or
- (3) Of such character and in such quantity or level as to be detectible by a considerable number of persons or the public, so as to interfere with such persons or the public health, repose or safety, or

to cause severe annoyance or discomfort; or which interferes with the normal conduct of business, or is otherwise detrimental or harmful to the health, comfort, living conditions, welfare and safety of the inhabitants of the county.

- (4) The definition of "noise disturbance" includes sounds that are created within a municipality or county other than Lake County, but which are detected within the unincorporated boundaries of Lake County, Florida.

Factors to be considered in determining whether such noise is excessive include, but are not limited to the level of the noise, whether the origin of the noise is natural or unnatural, the nature of the zoning of the area from which the noise emanates and the area of where it is received, the proximity of the noise to sleeping facilities, the time of day or night the noise occurs, the duration of the noise and whether the noise is recurrent, intermittent or constant.

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-35. Other prohibited activities.

The following conduct, acts and circumstances are hereby declared to be prohibited:

- (1) *Residential construction and demolition.* No person shall operate or cause the outdoor operation within any residential zoning district of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of 9:00 p.m. and 6:00 a.m. the following day, except for emergency work by public service utilities or for road construction by or on behalf of a governmental agency which is required by the governmental agency to be done at night. This prohibition does not apply to construction taking place in commercial or industrial zoning categories, to golf course maintenance, nor to delivery and installation of concrete and other materials associated with residential slab installation.
- (2) *Vehicular refrigeration units.* Vehicular refrigeration units located within residential zoning districts shall not be operated between the hours of 9:00 p.m. and 6:00 a.m. the following day.

For purposes of this article the term "residential zoning districts" shall include those areas zoned as Ranchette District (RA), Agricultural Residential (AR), Rural Residential (R-1), Estate Residential (R-2), Medium Residential District (R-3), Medium Suburban Residential District (R-4), Urban Residential District (R-6), Mixed Residential District (R-7), Multifamily Residential (R-10), Residential Professional (RP), Mobile Home Rental Park District (RMRP), Mobile Home Residential (RM), Recreational Vehicle Park District (RV) and residential Planned Unit Developments (PUD).

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-36. Knowledge and permission of property owner or occupant.

The continuation of excessive noise shall be deemed to continue with the knowledge and permission of the property owner or occupant.

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-37. Exemptions.

The following uses and activities shall be exempt from the provisions of this article:

- (1) Sounds resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency, and including any required equipment testing of emergency vehicles during non-emergency times.
- (2) Sounds resulting from emergency work. Emergency work shall be defined to mean any work made necessary to restore property to a safe condition following an emergency, or to protect property threatened by an imminent emergency, to the extent such work is necessary to protect persons or property from exposure to imminent danger or damage.
- (3) Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations and air traffic control instruction used pursuant to and within the duly adopted federal air regulations; and any aircraft operating under technical difficulties in any kind of distress, under emergency orders of air traffic control, or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations.
- (4) All sounds coming from the normal operation of interstate motor and rail carriers, to the extent that local regulation of sound levels of such vehicles has been preempted by the Noise Control Act of 1972 (42 U.S.C. § 4901 et seq.) or other applicable federal laws or regulations.
- (5) Sounds coming from motor vehicles to the extent they are regulated by F.S. § 316.293.
- (6) Any nonamplified noise generated by noncommercial public speaking activities conducted on any public property or public right-of-way pursuant to legal authority.
- (7) Sounds produced at organized sporting events, by fireworks and by permitted parades on public property or public right-of-way.
- (8) Construction of commercial or industrial structures properly permitted by the agency having jurisdiction over such property.
- (9) Sounds produced by normal agricultural activities located in appropriate zoning districts.

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-38. Liberal, non-conflicting construction.

The provisions of this article shall be liberally construed such that its purpose is effectively rendered in the interest of the health, safety and welfare of the citizens and residents of Lake County. Likewise, said provisions shall be interpreted so as not to conflict with, but be supplemental to, all applicable Lake County Codes, land development regulations, and all other laws, rules, ordinances and regulations.

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-39. Enforcement and penalties.

(a) *Criminal penalties.* The sheriff of Lake County, Florida, and his deputy sheriffs are hereby authorized and empowered to investigate and to arrest any person when there is probable cause to believe that said person is violating any provision of this article and said person has been previously warned by a deputy sheriff that his actions or omission of actions constitutes conduct in violation of this article. Pursuant to section F.S. § 125.69, any person who violates any provision of this article shall be subject to prosecution in the name of the state in the same manner as misdemeanors are prosecuted; and, upon conviction, such person shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine and imprisonment.

(b) *Code enforcement special master.* The Lake County Code Enforcement Special Master shall have concurrent jurisdiction to enforce the provisions of this article.

(c) *Civil penalties.* A code enforcement officer or any law enforcement officer is hereby authorized to issue civil citations for the violation of any provision of this article, when based upon personal investigation, the officer has reasonable and probable grounds to believe that a violation has occurred. Any citation issued hereunder shall be a non-criminal infraction. The citation form shall be that which has been approved by the board of county commissioners.

- (1) A citation for initial violation of section 14-34 which is not contested shall carry a reduced civil penalty of one hundred fifty dollars (\$150.00), provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation. A citation for initial violation of section 14-35 which is not contested shall carry a reduced civil penalty of fifty dollars (\$50.00) provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation.
- (2) A citation for a repeat violation which is a second violation of section 14-34 which is not contested shall carry a reduced civil penalty of three hundred dollars (\$300.00) provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation. A citation for a repeat violation which is a second violation of section 14-35 which is not contested shall carry a reduced civil penalty of one hundred dollars (\$100.00) provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation.
- (3) A citation for repeat violation of section 14-34, other than a second violation, and which is not contested, shall carry a reduced civil penalty of four hundred fifty dollars (\$450.00) provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation. A citation for repeat violation of section 14-35, other than a second violation, and which is not contested, shall carry a reduced civil penalty of one hundred fifty dollars (\$150.00) provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation.
- (4) An alleged violator may contest the citation by requesting a hearing date from the clerk of the

court within ten (10) days of the receipt of the citation. A person who requests a hearing date shall be deemed to have waived the right to pay the reduced civil penalty.

- (5) If a citation for violation of this article is contested, the civil penalty imposed by the county court shall not exceed five hundred dollars (\$500.00).
- (6) Any person who willfully refused to sign and accept a citation issued by the officer shall be guilty of a misdemeanor of the second degree, punishable as provided for in F.S. Ch. 775.
- (7) After issuing a citation to the alleged violator, the officer shall deposit the original citation and one (1) copy with the clerk of the county court in Lake County.
- (8) The county court, after a hearing, shall determine whether the alleged violator has committed an infraction. If the commission of an infraction has been proven by the greater weight of the evidence, the county court may impose a civil penalty not to exceed five hundred dollars (\$500.00).
- (9) A person who fails to pay the reduced civil penalty within ten (10) days of receipt of the citation, or who fails to request a hearing, or who requests a hearing but fails to appear, shall be deemed to have waived the right to contest the citation, and the county court may enter judgment against the person for an amount not to exceed five hundred dollars (\$500.00).

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-40. Other remedies.

The violation of any provision of this article which endangers the public health, safety and quality of life of residents in the area in hereby declared a public nuisance, and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-41. Separate violation.

Each separate occurrence shall be a separate violation.

(Ord. No. 2005-3, § 2, 1-4-05)

Secs. 14-42--14-50. Reserved.

ARTICLE III.

NUISANCE ABATEMENT*

* **Editors Note:** Ord. No. 2002-18, § 2, adopted March 5, 2002, amended Art. III, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Art. III, pertained to vegetation abatement. See the Code Comparative Table.

Sec. 14-51. Title.

This article may be known and cited as the "Lake County Nuisance Abatement Ordinance" and shall be applicable in the unincorporated areas of Lake County as set forth herein.
(Ord. No. 2002-18, § 2, 3-5-02)

Sec. 14-52. Purpose.

The purpose of this article is to adopt provisions controlling the excessive accumulation or untended growth of weeds, grass, shrubbery, undergrowth and other dead or living plant life, to include dead trees, upon any lot one (1) acre or less in size, tract or other parcel of land as defined herein and to control the excessive accumulation of abandoned property, junk, trash and debris upon any lot, tract or other parcel of land as defined herein.
(Ord. No. 2002-18, § 2, 3-5-02)

Sec. 14-53. Definitions.

For the purposes of this article, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise:

Director means the Lake County Code Enforcement Director.

Division means the Lake County Code Enforcement Division.

General agricultural means those establishments for the keeping, grazing or feeding of livestock and animals; feedlots; croplands; aquaculture; silviculture; apiaries; honey extracting; and buildings which are an accessory to these agricultural uses. This category of uses does not include processing or distribution plants for agricultural products and supplies when not an accessory use in conjunction with the agricultural operation.

Improved lot means any lot as defined below which contains a principal structure as defined in Lake County Land Development Regulations, Chapter II, Definitions, or that has been cleared of existing vegetation for the purposes of constructing a principal structure sometime in the future.

Lot means any tract or parcel of land one (1) acre or less in size which is located within the unincorporated area of Lake County. The word "lot" includes the words "plat," "parcel" and "tract."

Non-intensive agriculture means the milking, feeding or sheltering of farm animals or growing of supplemental food supplies for the domestic, noncommercial use of the families living on the land.

Nuisance weeds means to include, but not be limited to, all rank vegetable growth which exhales unpleasant or noxious odors, or which constitutes a possible source of disease or is detrimental to human beings, or such untended vegetable growth that may conceal pools of water, trash or any other deposits which are detrimental to the health, safety and welfare of the public.

Officer means a code enforcement officer assigned to the division.

Special master means the Lake County Code Enforcement Special Master as set forth in Chapter 8, Lake County Code.

Unimproved lot means any uplands lot in its natural state.

Uplands means those non-wetland, non-aquatic areas not subject to regular flooding, including but not limited to the following natural upland communities: palmetto prairie, sand pine, longleaf pine/xeric oak, live oak, temperate hardwood, pine flatwood.

(Ord. No. 2002-18, § 2, 3-5-02; Ord. No. 2004-15, § 7, 3-16-04)

Sec. 14-54. Exemptions.

Notwithstanding any other provisions to the contrary, this article shall not apply to:

- (1) Any property within the unincorporated areas of Lake County classified as general agricultural or non-intensive agriculture.
- (2) Any rights-of-way of municipal, county, state or federal roads or highways.
- (3) Any property owned or under the control of any municipality, county, state or federal government or agencies thereof.
- (4) Any unimproved lot as defined herein.

(Ord. No. 2002-18, § 2, 3-5-02)

Sec. 14-55. Declaration of nuisance and prohibited conditions.

(a) The existence of nuisance weeds, trees or the existence of an excessive accumulation or untended growth of grass, undergrowth or other dead or living plant life existing on any improved lot one (1) acre or less is [in] size to the extent and in the manner that such lot is or may reasonably become infected or inhabited by rats, mice, other rodents, snakes, vermin, pests, or wild animals, or may furnish a breeding place or harboring place for flies, mosquitoes or other harmful insects, or impairs the economic welfare of adjacent property, or threatens or endangers the public health, safety or welfare of abutting property, is hereby declared to be a public nuisance and thereby prohibited.

(b) It shall be unlawful for any owner or owners of an improved lot one (1) acre or less in size to allow or to permit the existence of nuisance weeds or the existence of grass, undergrowth or other dead or living plant life, upon his or her lot when said growth exceeds ten (10) inches in height from the soil level.

(c) It shall be unlawful for any owner or owners of any lot, whether improved or unimproved regardless of size, to allow the excessive accumulation of abandoned property, junk, trash or debris, and such accumulation is hereby declared to be a public nuisance and thereby prohibited.

(Ord. No. 2002-18, § 2, 3-5-02; Ord. No. 2008-28, § 1, 5-20-08)

Sec. 14-56. Designation of investigating and enforcing authority.

The division is hereby designated as the investigating and enforcing authority pursuant to the provisions of this article. The director and his authorized officers are 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 complaint has been filed alleging the existence of a nuisance or other prohibited condition, and to enter upon any real property in the conduct of official business pursuant to this article. The director shall be responsible for providing all notices to affected property owners as required by this article, and to take such other action as is reasonably necessary to accomplish the purpose of this article. (Ord. No. 2002-18, § 2, 3-5-02)

Sec. 14-57. Reasonable, good faith trespass by code enforcement officers.

The director and each officer shall be immune from all civil and criminal liability, for his or her reasonable, good faith trespass upon any lot while under the discharge of duties imposed by this article. (Ord. No. 2002-18, § 2, 3-5-02)

Sec. 14-58. Procedural implementation.

(a) Pursuant to section 14-56, the director and his officers are empowered to inspect lots upon which a citizen complaint has been filed alleging the existence of a nuisance or prohibited condition. If the director or an officer determines that a nuisance or other prohibited condition or conditions exist on a lot during an inspection, then the division shall notify the record owner or owners of the lot by regular United States mail, or by hand delivery, of such nuisance or prohibited condition or conditions. Said notice shall advise the owner or owners that a nuisance or other prohibited condition exist on said owner's lot or lots and that said nuisance or prohibited condition shall be abated by the owner or owners. The notice shall specify what corrective action shall be taken by the owner or owners to abate the nuisance or to correct the prohibited condition, and that failure to abate said nuisance or to correct said condition shall result in the issuance of a statement of violation and notice of hearing to said owner or owners to appear before the special master. The notice shall provide a reasonable time, in light of the nature of the nuisance or prohibited condition, to abate the nuisance or to correct the prohibited condition.

(b) If the nuisance is not abated or the prohibited condition corrected by the time specified for abatement or correction in the notice, the division shall schedule a hearing before the special master and issue a statement of violation and notice of hearing to the record owner or owners of the lot to appear before the special master. The scheduling of a hearing before the special master, the issuance of a statement of violation and notice of hearing and the actual hearing shall be pursuant to and in compliance with Chapter 8, Lake County Code, and Chapter 162, Florida Statutes.

(c) If a violation of this article is found by the special master, then the special master may issue all orders and written findings as permitted pursuant to Chapter 8, Lake County Code, and Chapter 162, Florida Statutes. (Ord. No. 2002-18, § 2, 3-5-02; Ord. No. 2004-15, § 8, 3-16-04)

Sec. 14-59. County abatement of nuisance or correction of prohibited conditions.

(a) If a finding of violation is made by the special master, then notwithstanding any order by the special master, and as a supplement thereto, the division shall notify the record owner or owners of the lot in question by registered or by certified mail, return receipt requested, that the owner or owners shall have fourteen (14) days from the date of the special master'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 fourteen (14) days, the county 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 director shall cause a copy of the notice to be served by the Lake County Sheriff's Office to the record owner or owners of the lot in question. In the event that personal service upon the owner or owners of the property or upon any agent of the owner or owners thereof cannot be performed after a reasonable search by the sheriff's office, then notice shall be accomplished by physical posting on the lot in question. The notice shall be in substantially the following form:

NOTICE OF NUISANCE AND/OR PROHIBITED CONDITIONS.

Name of Owner:	_____
Address of Owner:	_____

Date of Notice:	_____

Our records indicate that you are the owner(s) of the following described real property in Lake County, Florida, to wit:

(describe property)

On _____ day of _____ 200_____, the Lake County Code Enforcement Special Master issued its Order of Finding that a nuisance and/or prohibited condition or conditions exist on the above-described property in violation of the Lake County Nuisance Abatement Ordinance, 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 fourteen (14) 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 fourteen (14) days, Lake County 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 Lake County affects an abatement as described above, the cost of the work, including advertising costs, other expenses and an administrative fee, shall be imposed as a lien on the property if not otherwise paid within thirty (30) days after receipt of billing.

LAKE COUNTY, FLORIDA

	by: _____ Director, Code Compliance Division
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(c) At the expiration of the thirty-day period from the special master's order of finding or from the posting of the property as the case may be, the director or an inspector shall conduct a re-inspection of the property. If the director or an inspector finds that an abatement has not occurred and that the nuisance or prohibited condition or conditions have not been corrected, the director shall forthwith abate the same, and shall, through the county's agents or contractors, be authorized to enter upon the lot and take such steps as are reasonable and necessary to affect abatement. Lake County shall not be required to have any lot abated, corrected or mowed by its contractors or agents more than two (2) times per year.
(Ord. No. 2002-18, § 2, 3-5-02; Ord. No. 2004-15, § 9, 3-16-04; Ord. No. 2008-28, § 2, 5-20-08)

Sec. 14-60. Appeal.

The record owner or owners shall have the right to appeal the decision of the special master as provided by Chapter 162, Florida Statutes, and by Chapter 8, Lake County Code. If the record owner or owners file such an appeal, the filing thereof shall toll the thirty-day period to abate the nuisance or to correct the prohibited condition or conditions until the decision of the circuit court is rendered.
(Ord. No. 2002-18, § 2, 3-5-02; Ord. No. 2004-15, § 10, 3-16-04)

Sec. 14-61. Assessment of costs.

(a) As soon as practicable after such abatement or corrective action is made by the county, the cost thereof to the county for such abatement or corrective action, including administrative and operating costs, shall be calculated and reported by the director to the Lake County Board of County Commissioners. Thereupon, the board of county commissioners, by resolution, shall levy a special assessment lien in the amount of such costs against such lot. Such resolution shall describe the lot and specify the total costs assessed. A certified copy of the resolution shall be recorded in the official records of Lake County, in the office of the Clerk of the Circuit Court, in and for Lake County, Florida, and the lien shall become effective as of the date of filing such copy with the clerk of the circuit court.

(b) Until payment is tendered, such assessment shall be a legal, valid and binding obligation upon the property. The assessment shall become due and payable to Lake County as of the date of the mailing of the notice of lien by the director. Thirty (30) days after the mailing of the notice of lien, interest shall begin to accrue at the rate of twelve (12) percent per annum on any unpaid portion thereof.
(Ord. No. 2002-18, § 2, 3-5-02)

Sec. 14-62. Notification of lien.

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

NOTICE

TO:	_____
ADDRESS:	_____
PROPERTY:	_____
DATE OF MAILING:	_____

You, as the record owner of the property described above, are hereby advised that the Board of County Commissioners of Lake County, Florida, through the Director of the Code Enforcement Division, did on the _____ day of _____ 200_____, order the abatement of a certain nuisance or the correction of a 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 county at a cost of \$_____. This cost, plus an administrative and operating fee of \$_____, has been levied against the above property by resolution of the board of county commissioners and has become a lien thereon, upon which interest shall begin to accrue at the rate of twelve (12) percent per annum thirty (30) days from the mailing of this notice. You should immediately pay such assessment to the Lake County Board of County Commissioners, Attn: Code Enforcement Division, Post Office Box 7800, Tavares, Florida 32778-7800.

	BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA
	by: _____, Chairman

(Ord. No. 2002-18, § 2, 3-5-02)

Sec. 14-63. Creation of lien.

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

(Ord. No. 2002-18, § 2, 3-5-02)

Sec. 14-64. Enforcement of lien.

In the event the special assessment lien is not paid within one (1) year, the county attorney may commence foreclosure proceedings to foreclose upon the special assessment lien. The foreclosure shall be

conducted pursuant to the procedure set forth in general law for the foreclosure of special assessment liens. In the event the lien is foreclosed upon, the owner or owners of the property which are subject to foreclosure shall, in addition to any and all other charges, pay the county's reasonable attorney's fees in such foreclosure proceedings.

(Ord. No. 2002-18, § 2, 3-5-02)

ARTICLE IV.

FIRE ALARMS*

* **Editors Note:** Ord. No. 2003-27, § 1, adopted March 11, 2003, amended Art. IV, in its entirety, to read as herein set out in §§ 14-65--14-79. Prior to inclusion of said ordinance, Art. IV was entitled, "Security and Fire Alarms." See the Code Comparative Table.

Sec. 14-65. Title.

This article shall be known as the "Lake County Fire Alarm Ordinance."
(Ord. No. 2003-27, § 1, 3-11-03)

Sec. 14-66. Purpose.

The purpose of this article is to:

- (1) Encourage fire alarm users and alarm businesses engaged in the sale, installation, customer service, or monitoring of fire alarm systems to maintain the operational reliability and the proper use of fire alarm systems by limiting unnecessary fire emergency responses to false alarms or alarm malfunctions.
- (2) Govern fire alarm systems by requesting voluntary registration, and providing for penalties for violations.
- (3) By creating a system of administration and by setting conditions for fee assessment and regulation through Lake County's Code Enforcement Board.

(Ord. No. 2003-27, § 1, 3-11-03)

Sec. 14-67. Definitions.

As used in this article, the following definitions apply:

Alarm administrator means a person or persons selected by the county manager or designee to administer, review, and process alarm registrations, false alarm notifications, and fees.

Alarm notification means a notification intended to summon members of the Lake County Public Safety Fire Rescue Division by the intentional action of a person or by an alarm system that responds to a stimulus characteristic of emergency situations.

Alarm site means a single premise or location served by an alarm system or systems.

Alarm system means a device or system that emits or transmits or relays a signal intended to summon, or that would reasonably be expected to summon, the Lake County Public Safety Fire Rescue Division, including but not limited to local alarms. An alarm system shall not include:

- (1) An alarm installed on a vehicle, unless the vehicle is permanently located at a site; or
- (2) An alarm designed to alert only the inhabitants of a structure that does not have an external alarm.

Code enforcement officer means any person or class of persons designated by the Board of County Commissioners of Lake County, Florida as a code enforcement officer. Such person may be an employee of the board of county commissioners or an employee of a constitutional officer. For the purposes of this article, all certified firefighters are hereby designated as code enforcement officers.

False alarm notification (F.A.N) means a visible or audible alarm not resulting from a bona fide fire, but as a result of a human error, an alarm system test without proper notification, or a mechanical or electrical malfunction. F.A.N. shall not include:

- (1) Alarms caused by electrical storms, hurricanes, tornadoes, or other acts of God where there is clear evidence of physical damage to the system;
- (2) Alarms caused by the intermittent disruption or disruption of the telephone circuits beyond the control of the alarm company and/or alarm user;
- (3) Alarms caused by electrical power disruption or failure in excess of two (2) hours; or
- (4) Alarms caused by a failure of the equipment at the monitoring company with written verification from the monitoring company.

External alarm means an alarm system that emits a signal at an alarm site that is audible or visible on the exterior of a structure.

Representative means the person who is responsible for responding to alarms and giving access to the site, and who is responsible for proper maintenance and operation of the alarm system and the payment of fees.

Person means an individual, corporation, partnership, association, organization or similar entity.
(Ord. No. 2003-27, § 1, 3-11-03)

Sec. 14-68. Notification and registration.

Every person who owns, operates, or leases any alarm system as defined herein within the unincorporated area of Lake County is encouraged to register with the Lake County Department of Public Safety

. The following information shall be provided on forms supplied by the county manager or designee:

- (1) The type, make, and model of the alarm system.
- (2) Whether installed in a residential or commercial premise, the location of the alarm system, including the street address or specific directions to where the alarm system is located.
- (3) The name, address, business, and/or home telephone number of the representative of the alarm system. In the event that the owner or lessee of the alarm system is a business entity, the business shall indicate the name, street address, and telephone number of the agent designated by the business to be responsible for contacting.
- (4) The names, addresses, and telephone numbers of not less than three (3) persons to be notified to respond in the event of alarm activation. The persons listed should be available and on-site within twenty (20) minutes, and be authorized to enter the premises and deactivate the alarm system.
- (5) Such other information as the county manager or designee shall deem necessary or appropriate.

(Ord. No. 2003-27, § 1, 3-11-03)

Sec. 14-69. Alarm system operation and maintenance.

A representative of an alarm system shall:

- (1) Maintain the premises and the alarm system in a manner that insures the alarm system will not give off a false alarm notification (F.A.N.). It shall be a violation of this article if an alarm system gives off more than one (1) F.A.N. for fire or smoke alarm responses within a calendar quarter; and
- (2) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report. The owner or person responsible for testing the alarm system shall be required to notify the county manager or designee a minimum of one (1) hour prior to the alarm system test. If the owner or person responsible fails to notify the county manager or designee a minimum of one (1) hour prior to the alarm system test and Lake County Public Safety Fire Rescue Division responds, it shall be considered a F.A.N. It shall be an affirmative defense to any citation issued for a F.A.N. under this article that the alarm system sounded solely for the purpose of testing the alarm, and the person who tested the alarm took reasonable precautions to avoid any request being made to Lake County Public Safety Fire Rescue Division to respond to such alarm.

(Ord. No. 2003-27, § 1, 3-11-03)

Sec. 14-70. Manual reset.

A representative of an alarm system that causes an alarm notification to be sent directly to the county manager or designee shall adjust the mechanism or cause the mechanism to be adjusted so that upon activation

the system will not transmit another alarm signal without being manually reset.
(Ord. No. 2003-27, § 1, 3-11-03)

Sec. 14-71. Use of licensed contractors.

A representative of an alarm system shall not contract or retain an alarm company who is not properly licensed.
(Ord. No. 2003-27, § 1, 3-11-03)

Sec. 14-72. Reporting of indirect alarms.

A person who is engaged in the business of relaying alarm notifications to the county manager or designee shall communicate alarm notifications to the county manager or designee in a manner and form determined by the county manager or designee.
(Ord. No. 2003-27, § 1, 3-11-03)

Sec. 14-73. Alarm system operating instructions.

A representative of an alarm system shall maintain at each alarm site a completed set of written operation instructions for each alarm system. Special codes, combinations or passwords should not be included in these instructions.
(Ord. No. 2003-27, § 1, 3-11-03)

Sec. 14-74. Alarm dispatch records.

(a) The firefighter responding to a dispatch resulting from an alarm notification shall record such information as necessary to permit the county manager or designee to maintain records, including but not limited to the following information:

- (1) Name of representative on premises, if any;
- (2) Identification of the alarm site;
- (3) Arrival time and dispatch-received time;
- (4) Time of day, date, and time zone;
- (5) Weather conditions;
- (6) Area and/or sub-area of premise involved; and
- (7) Possible cause of false alarm.

(b) The responding firefighter shall indicate on the dispatch record whether the notification was caused by a fire or false alarm.

(c) In the case of an assumed false alarm, the responding firefighter shall leave notice at the alarm site that a representative of the county manager or designee has responded to a false alarm notification (F.A.N). The notice must include the following information:

- (1) The date and time of the response to the F.A.N.;
- (2) The identification number of the responding fire unit;
- (3) A statement urging the person to ensure that the alarm system is properly operated and maintained;
- (4) A notice warning that if the alarm system is not repaired and/or maintained so as to eliminate F.A.N's in the future, civil penalties will accrue.

(Ord. No. 2003-27, § 1, 3-11-03)

Sec. 14-75. Duty of representative to respond to alarm activation.

(a) The representative of the alarm system shall silence an activated alarm system and thereafter reset the same within twenty (20) minutes of activation.

(b) Representatives who do not arrive at an alarm site within twenty (20) minutes of an alarm activation shall be liable for the cost of personnel and/or equipment to maintain security until their arrival .

(c) If neither the representative nor a person registered with the county manager or designee who is authorized to deactivate an alarm system appear within twenty (20) minutes of the time such person is notified of an activation, the Lake County Public Safety Fire Rescue Division may take reasonable action to deactivate the alarm.

(Ord. No. 2003-27, § 1, 3-11-03)

Sec. 14-76. Responding units authority.

Alarm systems are intended to notify fire and emergency response agencies of an immediate threat to the occupants and/or building of fire and/or smoke and toxic gases. Therefore, upon notification by an external alarm system the Lake County Public Safety Fire Rescue Division upon arrival may immediately make access and enter the structure through the most viable route as determined by the officer in charge to determine if the alarm is real or false.

(Ord. No. 2003-27, § 1, 3-11-03)

Sec. 14-77. Newly installed alarm systems.

The provisions of this article shall not apply to any newly installed alarm system for a period of sixty (60) days from the date of installation of that alarm system, but shall apply from and after the expiration of the initial sixty (60) day period following installation.

(Ord. No. 2003-27, § 1, 3-11-03)

Sec. 14-78. Alarm system operations.

The county manager or designee shall not assume any duty or responsibility for the installation, maintenance, operation, repair, or effectiveness of any privately owned alarm system. Those duties or responsibilities are the sole responsibility of the representative of the alarm system.
(Ord. No. 2003-27, § 1, 3-11-03)

Sec. 14-79. Enforcement.

(a) This article may be enforced by utilizing the Lake County Code Enforcement Board, created pursuant to Chapter 8, Lake County Code.

(b) This article may be enforced by utilizing sections 8-12 through 8-14, Lake County Code. Violations of this article are civil infractions and the following schedule of civil penalties shall apply:

- (1) The maximum civil penalty shall be five hundred dollars (\$500.00).
- (2) The following civil penalties shall apply should a person issued a citation not contest the citation in county court:
 - a. For fire alarm responses, a two hundred fifty dollar (\$250.00) civil penalty shall be paid for each false alarm notification (F.A.N.) responded to by the Lake County Public Safety Fire Rescue Division at the premises which exceeds one (1) F.A.N. at the same alarm site during any calendar quarter. Alarm activation caused by actual fire or smoke shall not be considered an F.A.N.
 - b. For all other violations of this article, a fifty dollar (\$50.00) civil penalty shall be paid.
- (3) For any person who voluntarily registers and maintains a current registration of their alarm system with the county manager or designee either prior to or after the first F.A.N., the civil penalties shall be reduced by twenty-five (25) percent for the first citation issued in any calendar year. For any person who voluntarily registers and maintains a current registration of their alarm system with the county manager or designee either prior to or after the first F.A.N. and who has or installs an authorized lock box on premises, the civil penalty shall be reduced by fifty (50) percent for the first citation issued in any calendar year.

(Ord. No. 2003-27, § 1, 3-11-03)

ARTICLE V.

DISPOSITION OF SURPLUS REAL PROPERTY

Sec. 14-80. Purpose.

This article is created for the purpose of setting forth the methods of disposition of surplus county real

property. The county manager or designee shall have the option of utilizing the statutory methods of disposal, this article, or any combination thereof.

(Ord. No. 2002-86, § 2, 11-5-02)

Sec. 14-81. Declaration of surplus property.

- (a) Any real property owned by the county may be declared as surplus upon:
 - (1) Presentation of a staff request to the board of county commissioners by the county manager or designee. The county manager or designee shall review all real property held by the county as frequently as is needed to determine whether such property is unusable or no longer needed for county purposes.
 - (2) Presentation of an interested party's request to the board of county commissioners by the county manager or designee. The county manager or designee shall include a staff recommendation with the citizen request.
 - (3) The board of county commissioners' own motion.

(b) When the board of county commissioners finds that any real property owned by the county is unusable or not needed for county purposes, the board may declare the real property to be surplus property. Once the property is declared surplus, the property may be sold, dedicated, donated, leased or otherwise conveyed to interested parties in accordance with applicable Florida Statutes or pursuant to the terms of this article.

(Ord. No. 2002-86, § 2, 11-5-02)

Sec. 14-82. Methods of disposal.

- (a) Once the real property has been declared surplus, the county manager or designee shall recommend to the board of county commissioners a particular method of disposal as set forth in this article.
- (b) The county manager or designee may dispose of surplus real property in the following manner:
 - (1) Through the competitive bidding process as set forth in section F.S. § 125.35(1). The county manager or designee may sell, convey or lease any real property, whenever the board of county commissioners determines that it is in the best interest of the county to do so, to the highest and best bidder for the particular use of the property the board determines is the highest and best. Notice shall be published once a week for at least two (2) weeks in a newspaper of general circulation, calling for bids on the property.
 - (2) By negotiating a private sale in accordance with section F.S. § 125.36(2). The county manager or designee may negotiate a private sale with an adjacent property owner when the board of county commissioners finds that the property is of insufficient size and shape to be issued a permit for any type of development, or when the value of the property is fifteen thousand dollars (\$15,000.00) or less as determined by the Lake County Property Appraiser and of use only to the

adjacent property owners. Notice of intended action shall be sent to the adjacent property owners, certified mail. If, within ten (10) days, two (2) or more adjacent property owners indicate an interest to purchase the property, then the county manager or designee shall accept sealed bids for the parcel from those property owners. If no response is received from the adjacent property owners, then a private sale may be completed.

- (3) Exchange surplus real property in accordance with section F.S. § 125.37. The board of county commissioners may exchange surplus real property for another parcel of real property, provided that the board has published a notice for at least two (2) weeks, in a newspaper of general circulation, before adoption of a resolution authorizing the exchange. The notice shall set forth the terms and conditions of the exchange of property.
- (4) Sell, transfer, lease or convey surplus real property to another governmental entity or non-profit entity in accordance with section F.S. § 125.38. The board of county commissioners may, upon finding that the property is required for use by another governmental entity or non-profit entity, sell, transfer, lease or convey real property to that entity for such price, whether nominal or otherwise as the board may fix. The fact of the application being made, the purpose for which such property is to be used, and the price or rent therefor shall be set out in a resolution duly adopted by the board. No advertisement is required.

(c) The county manager or designee may additionally dispose of surplus real property in accordance with F.S. § 125.35(3). The board of county commissioners may dispose of surplus real property through the use of a licensed real estate broker or through a public auction house in the following manner:

- (1) A licensed real estate broker or public auction house shall be retained through the competitive bidding process in accordance with county policy. Any contract for services shall, at a minimum, set forth the amount of compensation due for services, the length of notice/advertising time, the time for auction, if being auctioned, and such other information as deemed necessary by the county manager or designee. The contract(s) shall be approved by the board. Notice of the board's intent to consider the contract(s) shall be given in accordance with the board's regular advertising procedures.
- (2) Any offer made to a licensed real estate broker for purchase of listed surplus property shall be brought to the board of county commissioners in the form of a purchase agreement. Notice of the board's intent to consider the purchase agreement shall be given in accordance with the board's regular advertising procedures. If the board approves the purchase agreement, then the chair or vice-chair shall be authorized to sign all required closing documents, including the deed.

(Ord. No. 2002-86, § 2, 11-5-02)

Sec. 14-83. Negotiation procedures.

(a) In determining the terms and conditions of the disposal of surplus property the county manager or designee shall take into consideration the following factors:

- (1) The appraised value of the real property;

(2) The condition of the real property, and the extent to which the party seeking to acquire the property will have to expend funds to make the property usable, rezoning issues excluded, or, to bring the property into compliance with the Lake County Code;

(3) The proposed use of the party seeking to acquire the property.

(b) In no event shall the disposition of surplus property violate the Lake County Comprehensive Plan or the zoning regulations of Lake County, Florida.

(Ord. No. 2002-86, § 2, 11-5-02)