

ORDINANCE NO. 05-15

**AN ORDINANCE OF THE CITY OF DEBARY, FLORIDA,
AMENDING SECTION 30-36 OF THE CITY OF DEBARY
CODE OF ORDINANCES CONCERNING NUISANCE
LIGHTING; PROVIDING FOR CONFLICTS,
SEVERABILITY, CODIFICATION, AND AN EFFECTIVE
DATE.**

WHEREAS, there is a desire to prevent nuisance lighting from affecting the quality of life of citizens within the residential areas of the City; and

WHEREAS, lighting directed at and encroaching into an adjacent residential property can create adverse impacts and is not currently recognized as a nuisance under the existing Code of Ordinances; and

WHEREAS, the City Council hereby determines that the amendments to the Code of Ordinances as set forth in this Ordinance are consistent are in the best interest of the health, safety and welfare of the citizens of DeBary; and

IT IS HEREBY ORDAINED BY THE CITY OF DEBARY AS FOLLOWS:

SECTION 1. Authority/Findings. The City of DeBary has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida, the City of DeBary Charter, and Chapters 163 and 166, Florida Statutes. The “Whereas” clauses set forth above shall constitute the legislative findings of the City Council of the City of DeBary.

SECTION 2. Adoption. Section 30-36 of the City of DeBary Code of Ordinances is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not referenced are not being modified):

Sec. 30-36. - Declaration of nuisance.

It is hereby declared and determined by the city council that the following shall each individually or in any combination be considered a nuisance when they exist upon any lot, lots or adjacent lots, as the case may be, in the city:

- (1) Nuisance weeds, excluding trees, shrubs and saw palmetto, where the greater portion of the weeds on the lot exceeds ten inches in height, which impair the economic welfare of property, contribute to a fire hazard and/or create a health hazard when any part of said growths are located on any lot adjacent to the boundary of any developed lot.
- (2) Accumulations of waste, yard trash, or rubble and debris.
- (3) Accumulations of waste, yard trash, or rubble and debris that may harbor rats or snakes or that may contain pools of water that may serve as breeding grounds for insects or other disease vectors.
- (4) Tree(s) within 100 feet of improved property if by reason of height, proximity to neighboring structures, or physical condition might cause damage to life or property within the immediate area.
- (5) Intersection sight distance obstructions as defined in section 30-31

(6) Lighting located on privately owned property which results in beams, rays, reflections or diffusions of light spilling out, over or onto adjacent and, or surrounding residential properties.

▪ Exceptions:

- This provision does not apply to any lighting located on government owned property, approved streetlights or traffic lights located within public or private rights-of-way or easements, or to any lighting required or installed by city, county, state, or federal governments or agencies.
- All temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.
- Temporary emergency lights needed by the police department, fire department, and other emergency services.
- Holiday lights, displayed at times when such lights are generally considered appropriate, provided they do not produce excessive glare.

(Ord. No. 94-27, § I, 4-6-94; Ord. No. 11-96, § 2, 7-3-96; Ord. No. 15-05, § 3, 9-6-05; Ord. No. 10-07, § 4, 3-7-07; Ord. No. 22-07, § 2, 10-3-07)

SECTION 3. Conflicts. This Ordinance shall control over any ordinances or parts of ordinances in conflict herewith.

SECTION 4. Severability. The provisions of this Ordinance are declared to be separable and if any section, paragraph, sentence or word of this Ordinance or the application thereto any person or circumstance is held invalid, that invalidity shall not affect other sections or words or applications of this Ordinance. If any part of this Ordinance is found to be preempted or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such preempted or superseded part.

SECTION 5. Codification. It is the intention of the City Council of the City of DeBary, Florida, and it is hereby ordained that Section 2 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of DeBary, Florida, and the City staff is directed to cause the codification of the amendments set forth in this Ordinance. That the provisions of this Ordinance may be renumbered or relettered to accomplish such intention; the word “*Ordinance*” may be changed to “*Section*”, “*Article*”, or other appropriate word. The City Clerk is given liberal authority to correct scribes’ errors, such as incorrect code cross references, grammatical, typographical and similar or like errors when codifying this Ordinance.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon its adoption.

First reading and public hearing was held on the ___ day of _____, 2015

Second reading, public hearing and adoption was held on the ___ day of _____, 2015

CITY OF DEBARY
CITY COUNCIL

Clint Johnson, Mayor

ATTEST:

Dan Parrott, Acting City Clerk

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