

ORDINANCE #2012-05 _____

AN ORDINANCE OF THE COUNTY OF GULF, IN THE STATE OF FLORIDA AMENDING “NUISANCE” ORDINANCE 99-06, PROVIDING ADDITIONAL LANGUAGE AND FURTHER DEFINITION OF NUISANCE AS ANY ACTIVITY CONDUCTED ON A PROPERTY WITHIN THE COUNTY REQUIRING THE PRESENCE OF LAW ENFORCEMENT OFFICERS ON FIVE OR MORE OCCASIONS OF ANY THIRTY DAY PERIOD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Gulf County, Florida (hereinafter “Commissioners”), find and determine that the Gulf County (hereinafter “County”) Land Development Regulations and its regulations were intended to maintain and improve the quality of life for all citizens of the County; and

WHEREAS, the Commissioners seek to preserve the public peace, community tranquility, health, safety and general welfare of all citizens of Gulf County, and

WHEREAS, the Commissioners desire to amend, delete sections, subsections, paragraphs, subparagraphs, divisions, subdivisions, clauses, sentences, phrases, words, and provisions of any and all existing ordinance with regard to the definition of “nuisance”, and/or which have not been enforced, and/or which are not enforceable, and/or which would be severable by a court of competent jurisdiction; and

WHEREAS, the Board of County Commissioners of Gulf County, Florida (hereinafter “Commissioners”), find and determine that the Gulf County (hereinafter “County”) Land Development Regulations and Ordinance 99-06 and their definition of “Nuisance” is appropriately expanded to include additional clarification and detail to insure and maintain the quality of life for all citizens of the County; and

BE IT ENACTED by the Commission of the County of Gulf, in the State of Florida:

Section 1. Amended Definition of “Nuisance” Section 2(G) of “Definitions” for Gulf County Ordinance 99-06 is hereby amended to add sub-paragraphs (a) and (b) as additions to the definition of Nuisance which will read as follows:

- a. Property or activity conducted on property within the County, whether owned, leased or used by a person or organization whether for profit or not for profit that requires the presence of law enforcement officers or emergency management services on their premises on five or more occasions within any thirty day period.
- b. Owners of property or lessees, users, or occupants of property that permit the existence of any illegal activities on such property that are prohibited by the laws of the State of Florida or the ordinances of the County requiring the presence of law

enforcement officers or emergency management services on their premises on five or more occasions within any thirty day period.

Section 2. Repealer

All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed.

Section 3. Severability

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance is declared or held to be invalid or unconstitutional by any court of competent jurisdiction, such declaration or holding shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance, even if such severability would result in additional restriction and or oversight of said homeless shelter, whether by subjecting the proposed facility to additional regulation under this ordinance's permitting requirements, or otherwise.

Section 4. Effective Date

This ordinance shall take effect upon final adoption and publication in accordance with the law.

The foregoing Ordinance was offered by Commissioner Yeager, who moved its adoption. The motion was seconded by Commissioner Smiley and, being put to vote, the vote as follows:

Commissioner Williams yes
Commissioner Yeager yes
Commissioner McLemore yes
Commissioner Smiley yes
Commissioner McDaniel yes

DULY PASSED AND ADOPTED THIS 10th day of July, 2012

ATTEST: REBECCA NORRIS
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF GULF COUNTY

BY: Rebecca Norris
CLERK OF COURT, REBECCA NORRIS

BY: William C. Williams, III
CHAIRMAN, WILLIAM C. WILLIAMS, III

APPROVED AS TO FORM:

BY: [Signature]
COUNTY ATTORNEY, JEREMY T.M. NOVAK