



Legislation Details (With Text)

File #: R-2016-229 **Version:** 1 **Name:** Abatement of Public Nuisances
Type: Resolution **Status:** Passed
File created: 7/15/2016 **In control:** Office of the City Attorney
On agenda: 8/31/2016 **Final action:** 8/31/2016
Title: A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The City Attorney To File Civil Actions For Abatement Of Public Nuisances.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution.pdf

Date	Ver.	Action By	Action	Result
8/31/2016	1	Regular City Commission Meeting	adopt	Pass

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The City Attorney To File Civil Actions For Abatement Of Public Nuisances.

Staff Recommends: Approval of resolution

Explanation:

Currently there are many residential and commercial properties throughout the City that have numerous code enforcement liens recorded against them. Many of these properties cause clear public nuisances to the Hollywood Community and thereby cause injury to the property rights of others and create general public harm. A Public Nuisance is defined as a condition dangerous to health, offensive to the community moral standards or behavior which unreasonably interferes with the health, safety, peace, comfort or convenience of the general community.

A Court of Equity has the power to enjoin something that becomes a public nuisance and such power exists even in the absence of statutory law. A proceeding to abate such public nuisances is consistent with due process of law and may be initiated by a local government. In addition, Section 832.05, Florida Statutes also provides a mechanism to institute civil proceedings pursuant to Section 60.05, Florida Statutes for: (1) certain express public nuisances relating to persons and groups engaged in criminal gang-related activity and/or massage parlors; and (2) those persons who erect, establish, continue or maintain, own or lease any building, booth, tent or place which tends to annoy the community or injure the health of the community.

Based on the aforementioned, the City Attorney is requesting authorization to institute such civil actions for abatement of public nuisances within the City.

Recommended for inclusion on the agenda by:
Jeffrey P. Sheffel, City Attorney