

**ORDINANCE NO. 2024-O-38**

**AN ORDINANCE OF THE CITY OF EDGEWATER, FLORIDA, AMENDING CHAPTER 10 (HEALTH, SANITATION, PROPERTY MAINTENANCE, AND CODE ENFORCEMENT) OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR AN EFFECTIVE DATE, ADOPTION AND CODIFICATION.**

**WHEREAS**, the City Council of the City of Edgewater, Florida, has made the following determinations:

1. The State of Florida through the legislature as codified in Chapter 509, Section 509.102(3)(c)(4) has reserved the right of a municipality to regulate the operation of mobile food dispensing vehicles.
2. Adoption of this Ordinance will modify Chapter 10 of the Code of Ordinances.

**NOW, THEREFORE, BE IT ENACTED** by the People of the City of Edgewater, Florida:

**PART A. AMEND CHAPTER 10 (HEALTH, SANITATION, PROPERTY MAINTENANCE, AND CODE ENFORCEMENT) OF THE CODE OF ORDINANCES, CITY OF EDGEWATER, FLORIDA.**

Chapter 10 (Health, Sanitation, Property Maintenance, and Code Enforcement) of the City of Edgewater, Florida is amended pursuant to **Exhibit “A”**, which is attached hereto and incorporated herein.

**PART B. CONFLICTING PROVISIONS.**

All conflicting ordinances and resolutions, or parts thereof, in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.

**PART C. SEVERABILITY AND APPLICABILITY.**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property, or circumstance.

**PART D. CODIFICATION.**

Provisions of this ordinance shall be incorporated in the Code of Ordinances of the City of Edgewater, Florida, and the word “ordinance”, may be changed to “section”, “article”, or other appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplished such intention; provided, however, that Parts B through F shall not be codified.

**PART E. EFFECTIVE DATE.**

This Ordinance shall take place upon adoption.

**PASSED AND DULY ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Diezel DePew, Mayor

ATTEST:

\_\_\_\_\_  
Bonnie Zlotnik, CMC, City Clerk

Passed on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2024

**REVIEWED AND APPROVED:** \_\_\_\_\_  
Aaron R. Wolfe, City Attorney

## EXHIBIT “A”

## CHAPTER 10 HEALTH, SANITATION, PROPERTY MAINTENANCE AND CODE ENFORCEMENT<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 10-1. Title.

These regulations shall be known as the Property Maintenance Code of the City of Edgewater, hereinafter referred to as "this Code."

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

#### Sec. 10-2. Scope.

The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

#### Sec. 10-3. Intent.

This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. It is not the intent of the city to cause conflict with the controlling provisions of federal and state law and, to the extent of conflict, if any, such provisions shall prevail over the provisions of this Code.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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<sup>1</sup>Editor's note(s)—Ord. No. 2014-O-10, Pt. A(Exh. A), adopted June 2, 2014, amended chapter 10 in its entirety, in effect repealing and replacing the former chapter 10 to read as herein set out. Former chapter 10, §§ 10-1—10-6, 10-20—10-28, 10-40—10-43, 10-80—10-84, 10-90, 10-91, 10-96—10-99, 10-106—10-109, 10-112—10-115, 10-120, 10-121, 10-126—10-131, 10-136—10-141, 10-146—10-153, 10-158—10-164, 10-168—10-176, 10-179—10-184, 10-190—10-198, 10-202—10-209, 10-214, 10-215, 10-219—10-239, 10-246—10-251, 10-256, 10-257, 10-261—10-283, 10-286—10-305, 10-309, 10-312—10-328, 10-333—10-337, 10-341—10-350, pertained to similar subject matter. See Code Comparative Table for complete derivation.

State law reference(s)—Authority to enact health regulations, F.S. § 381.101.

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## Sec. 10-4. Definitions.

The latest edition of Merriam-Webster's Collegiate Dictionary shall be used to define any words not defined in this chapter.

The following words, terms and phrases when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Ambient noise.* All-encompassing noise associated with a given environment, usually being a composite of sounds from many sources.

*Approved.* Approved by the code official.

*Basement.* That portion of a building which is partly or completely below grade.

*Bathroom.* A room containing plumbing fixtures including a bathtub or shower.

*Bedroom.* Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

*Brush.* The undergrowth of plant species that by virtue of their arrangement, chemical composition and growth pattern provide a ready path for uncontrolled fire to spread. It shall mean herbaceous plants, plants and grasses with stems that wither away annually or shrubs with woody stems that live from year to year as distinguished from trees. Species included in this definition shall include, but are not limited to, saw palmetto, gallberry, fetterbush and wax myrtle.

*Condemn.* To adjudge unfit for occupancy.

*City attorney.* The city attorney of the city.

*City.* City of Edgewater, Florida and its authorized agents.

*Code.* The code of ordinances, the land development code and all other ordinances of the City of Edgewater.

*Code enforcement officer.* Code enforcement supervisor, code official(s), Edgewater Police Officer(s), building official, building inspector(s), fire chief, fire marshal, fire safety inspector(s) and community service officers(s) or any employee or agent as designated in writing by the city manager who is charged with the administration and enforcement of this Code.

*Cultural event.* Any event drawing a large attendance for enlightenment or recreation purposes which in the sole determination of the city council, has or is likely to become a community event integrated into accepted social practices or traditions. (Does not include recurring events such as Bike Week and Biketoberfest.)

*Decibel.* A unit in which the levels of various acoustical quantities (sound) are expressed.

*Dwelling unit.* A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Easement.* That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

*Efficiency unit.* A dwelling unit containing only one habitable room, sometimes referred to as a studio apartment.

*Emergency.* Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

*Exterior property.* The open space on the premises and on adjoining property under the control of owners or operators of such premises.

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*Extermination.* The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

*Food Truck.* Any vehicle that is a public food service establishment and that is self-propelled or aotherwise movable from place to place and includes self-contained utilities, including, but not limited to gas, water, electricity, or liquid waste disposal.

*Garbage.* The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

*Guard.* A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

*Habitable space.* Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

*Housekeeping unit.* A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

*Imminent danger.* A condition which could cause serious or life-threatening injury or death at any time.

*Improved lot.* Any lot to which improvements have been made, including but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction or any other physical alteration which has significantly disturbed the natural vegetation on the property.

*Infestation.* The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

*Inoperable motor vehicle.* A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair or incapable of being moved under its own power.

*Labeled.* Devices, equipment, appliances or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

*Law enforcement officer.* Any person who is elected, appointed or employed by a municipality or the state or any political subdivision thereof, who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of penal, criminal, traffic or highway laws of the state.

*Let for occupancy or let.* To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is the legal owner of record or is authorized by said legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

*Natural area.* Areas within larger improved lots where the natural vegetation has not been cleared or disturbed.

*Natural cover.* Trees, brush, roots and other byproducts of land clearing activity.

*Noise.* Any excessive sound which annoys or disturbs humans or causes or tends to cause an adverse psychological or physiological effect on humans. The term is synonymous with sound.

*Noise nuisance.* Continuous or repeated sound that interferes with the rights of others by causing damage, annoyance or inconvenience with noise that exceeds the limits set forth in table 1 of section 10-20.

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*Noise-sensitive zone.* An area which contains a hospital, nursing home, school, court or other designated facility. Noise-sensitive zones are those zones created by the city council upon a finding that the subject area contains a land use which is sensitive to or subject to adverse reactions from noise.

*Occupancy.* The purpose for which a building or portion thereof is utilized or occupied.

*Occupant.* Any individual living or sleeping in a building or having possession of a space within a building.

*Openable area.* That part of a window, skylight or door which is available for the unobstructed ventilation and which opens directly to the outdoors.

*Operator.* Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

*Owner.* Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

*Person.* Any individual, firm, partnership, corporation, company, association, joint-stock association or body politic, including, but not limited to, any trustee, receiver, committee, assignee or other similar representatives thereof.

*Plainly audible.* Any sound that can be clearly heard by unimpaired auditory senses based on a direct line of sight of 50 feet or more, however words or phrases need not be discernable and said sound shall include bass reverberation.

*Premises.* A lot, plot or parcel of land, easement or public way, including any structures thereon.

*Public way.* Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

*Real property line.* The property boundary that corresponds with the lot line and runs along the ground surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person, excluding intrabuilding real property divisions.

*Repeat violation.* A violation of a provision of a code or ordinance by a person who has previously been found to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations occur at different locations.

*Rooming house.* A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

*Rooming unit.* Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

*Rubbish.* Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

*Sound.* An oscillation in pressure, stress, particle displacement, particle velocity or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound, including duration, intensity and frequency that is considered to be continuous, repeated noise. This term is synonymous with noise.

*Sound level.* The weighted sound pressure level obtained by the use of a metering characteristic and weighting scale as specified by ANSI standards, if the weighting employees is not indicated, the A-weighting shall apply.

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*Sound level meter.* An instrument used to measure sound pressure levels when properly calibrated and is of type 2 or better as specified by ANSI standards.

*Sleeping unit.* A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

*Strict liability offense.* An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do.

*Structure.* Anything constructed, erected, installed or portable which requires a location on a parcel of land. It includes a moveable structure while it is located on land which can be used for housing, business, commercial or industrial purposes whether temporary or permanent. Structure shall include, but not be limited to walls, billboards, swimming pools and decks, communication towers, on-site signs, tents, porches, fences, privacy screens, docks, arbor, gazebos, sheds and similar structures. Structure shall not include, pipes, pump stations and any other construction below ground level.

*Trash.* All accumulation of grass, shrubbery or weed cuttings, pine needles and other refuse incident to the care of lawns, shrubbery, vines and gardens. The term "trash" shall not be taken to include trees, tree limbs, tree stumps, brush, used or broken appliances, furniture, bedding, building materials, lumber or other material of like nature.

*Tenant.* A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

*Toilet room.* A room containing a water closet or urinal but not a bathtub or shower.

*Unimproved lot.* Any lot which remains undisturbed and in a natural vegetative state.

*Vegetative fire hazard assessment.* An assessment of an area to determine build-up along with vegetative fuel hazard classification and threats it may pose to real property. The assessment will be conducted utilizing the Volusia County Wildland/Urban Interface Wildfire Hazard Assessment Guide (dated 01/2000).

*Vegetative fire hazard.* Trees, brush or other vegetation which by reason of their combustible nature during dry periods, their location or condition may cause loss, damage, or injury to persons or property by reason of fire. For example, brush on undeveloped lots averaging over three feet tall within 30 feet of an existing structure and pine on undeveloped lots within 30 feet of an existing structure spaced in such a way that the average crown closure is more than 75 percent are considered fire hazards.

*Ventilation.* The natural or mechanical process of supplying conditioned or unconditioned air to or removing such air from any space.

*Workmanlike.* Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

*Yard.* An open space on the same lot with a structure.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

## **Sec. 10-5. Nuisances generally.**

No person shall keep or permit to remain upon his premises, or upon any premises owned, used or controlled by him or her in any dwelling house, warehouse or other building, or upon any vacant lot, or in any yard or other place within the corporate limits of the city, any nuisance to the annoyance of those residing or being in the vicinity thereof, or any unwholesome, decayed or decaying animal or vegetable matter, or any other matter or thing detrimental to the health or comfort of residents to include, but not be limited to, the following conditions:



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- (1) Junk, consisting of unsightly, worn-out or discarded material of little or no residual value including scrap metal, scrap lumber, wastepaper products, discarded building materials, or other debris, the accumulation of which has an adverse effect upon neighborhood or city property values, health, safety or general welfare;
  - (2) Abandoned property, meaning any personal property including, but not limited to, motor vehicles, left in plain view under circumstances reasonably indicating that the possessor or owner thereof has relinquished any rights of ownership therein;
  - (3) Wrecked motor vehicle, meaning any motor vehicle the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power on any public street, or from which the wheels, engine, transmission or other substantial part thereof is inoperable and/or removed;
  - (4) Any garbage; rubbish; trash; refuse; cans; bottles; boxes; container; paper; tobacco products; tires; abandoned or inoperative appliances; mechanical equipment or parts; building or construction materials; tools; machinery; wood; vessels; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facilities; or a substance in any form resulting from domestic, industrial, commercial, mining or agricultural operations; or dead or decaying plants (except for compost piles) or exotic animals of any kind;
  - (5) Any building or structure, or part thereof, which is in a dilapidated, unsanitary or unsafe condition, or which constitutes a fire hazard;
  - (6) Any building, structure, lot, place or location where any activity in violation of law is conducted, performed maintained or allowed;
  - (7) Stagnant or insufficiently treated water, in a pool, pond or container of any kind, including water in which algae is allowed to grow or in which mosquitoes or other insects are able to breed;
  - (8) Animal excrement;
  - (9) Inoperable or unlicensed motor vehicle;
  - (10) Furniture kept or stored outdoors where such furniture is of the kind and sort normally and customarily kept inside such as, for example, upholstered sofas, and where such furniture is not in actual use;
  - (11) Any appliance kept or maintained outside in the open air and not under roof such as a garage or carport;
  - (12) Certain state of being or situation located on property which:
    - a. Injures or endangers the comfort, repose, health or safety of any person; or
    - b. Offends decency; or
    - c. Is offensive to the senses; or
    - d. Interferes with, obstructs or renders dangerous for passage on any public or private street, alley, highway, right-of-way, easement, sidewalk, stream, ditch, channel or drainage of any property; or
    - e. Renders other persons insecure in life or the use of property; or
    - f. Interferes with the comfortable and quiet enjoyment of life or property; or
    - g. Tends to or could depreciate the value of property of any persons; or
    - h. The accumulation of garbage and trash in violation of section 10-106; or

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- i. Any trash, litter, debris, garbage, bottles, paper, plastic, metals, cans, rags, offal, bricks, concrete, lumber, building materials, or dead or decaying plants, (except for compost piles) or animals of any kind; or
  - j. Any condition which provides, or could provide, harborage for rats, mice, snakes, insects or other vermin; or
  - k. Any noises or vibrations, including animal noises, which disturb the, peace of the surrounding area or are otherwise unlawful; or
  - l. Any foul, offensive or unlawful emissions, odors or stench and the causes thereof; or
  - m. The pollution of any well, body of water or drainage system by sewage, dead animals, industrial wastes, debris or other substances; or
  - n. Dense smoke, noxious or lethal fumes, lethal gas, soot or cinders; or
  - o. Any condition constituting a fire hazard; or
  - p. Blocking or damaging drainage inlets, pipes, ditches, swales, channels, culverts or streams; or
  - q. Any dead, damaged or diseased tree, located within 35 feet of any public roadway, public or private sidewalk that is adjacent to a public roadway, or any developed property when the tree has been declared a hazard by a code enforcement officer or an arborist; or
  - r. Any public nuisance known as common law or in equity jurisprudence as set forth in F.S. ch. 823, Public Nuisances.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

#### **Sec. 10-6. Abandoned airtight containers.**

- (a) It is unlawful for any person knowingly to abandon or discard or to permit to be abandoned or discarded on premises under his control any icebox, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar airtight unit having an interior storage capacity of one and one-half cubic feet or more from which the door has not been removed.
- (b) The provisions of this section shall not apply to an icebox, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar airtight unit which is crated or is securely locked from the outside or is in normal use on the premises of a home, or rental unit, or is held for sale or use in a place of business; provided, however, that "place of business" as used herein shall not be deemed to include a junkyard or other similar establishment dealing in secondhand merchandise for sale on an open unprotected premises.
- (c) It shall be unlawful for any retailer with unenclosed premises used for display of secondhand iceboxes, refrigerators, deep-freeze lockers, clothes washers, clothes dryers, or similar airtight units to fail to remove the doors on such secondhand units having an interior storage capacity of one and one-half cubic feet or more from which the door has not been removed. This section will not apply to any dealer who has fenced and locked his premises.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

#### **Sec. 10-7. Public nuisance and criminal gang activity adopted.**

- (a) F.S. § 893.138 Local administrative action to abate drug-related, prostitution related, or stolen-property-related public nuisances and criminal gang activity, is hereby adopted, in its entirety, as if fully set forth herein, as part of the code of ordinance of the city.

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(b) The special magistrate as outlined in section 10-343 shall act as the administrative board for the section.  
(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-61, Pt. A(Exh. A), 1-8-18)

**Secs. 10-8—10-19. Reserved.**

## ***ARTICLE II. NOISE***

### **Sec. 10-20. Definitions.**

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Ambient noise.* All-encompassing noise associated with a given environment, usually being a composite of sounds from many sources.

*Cultural event.* Any event drawing a large attendance for enlightenment or recreation purposes which in the sole determination of the city, has or is likely to become a community event integrated into accepted social practices or traditions. (Does not include recurring events such as Bike Week and Biketoberfest.)

*Decibel.* A unit in which the levels of various acoustical quantities (sound) are expressed.

*Emergency.* Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

*Noise.* Any excessive sound which annoys or disturbs humans or causes or tends to cause an adverse psychological or physiological effect on humans. The term is synonymous with sound.

*Noise nuisance.* Continuous or repeated sound that interferes with the rights of others by causing damage, annoyance or inconvenience with noise that exceeds the limits set forth in table 1 of section 10-22.

*Noise-sensitive zone.* An area which contains a hospital, nursing home, school, court or other designated facility. Noise-sensitive zones are those zones created by the city council upon a finding that the subject area contains a land use which is sensitive to or subject to adverse reactions from noise.

*Person.* Any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of the United States, state or any political subdivision thereof.

*Plainly audible.* Any sound that can be clearly heard by unimpaired auditory senses based on a direct line of sight of 50 feet or more, however words or phrases need not be discernable and said sound shall include bass reverberation.

*Real property line.* The property boundary that corresponds with the lot line and runs along the ground surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person, excluding intrabuilding real property divisions.

*Sound.* An oscillation in pressure, stress, particle displacement, particle velocity or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound, including duration, intensity and frequency that is considered to be continuous, repeated noise. This term is synonymous with noise.

*Sound level.* The weighted sound pressure level obtained by the use of a metering characteristic and weighting scale as specified by ANSI standards, if the weighting scale is not indicated, the A-weighting shall apply.

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*Sound level meter.* An instrument used to measure sound pressure levels when properly calibrated and is of type 2 or better as specified by ANSI standards.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2023-O-22, Pt. A(Exh. A) 7-3-23)

### **Sec. 10-21. Policy.**

It shall be unlawful, except as expressly permitted herein, to cause a noise nuisance or to make, cause or allow the making of any noise or sound which exceeds the sound level limits (dbA) set forth in this article. Noise emanating from the subject property after the owner has or should have knowledge of the noise nuisance condition shall be deemed to continue with the permission of the property owner.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-22. General restrictions.**

- (a) No person shall operate or cause to be operated any source of sound from any subject parcel in such a manner as to create a noise nuisance or sound level which exceeds the limits set forth for the use occupancy in table 1, when measured at the property boundary of the subject property from which the sound emanates.
- (b) Sound or noise emanating from one use occupancy category into another use occupancy category with a different noise level limit shall not exceed the limits of the use occupancy category into which the noise is projected.

TABLE 1  
NOISE RESTRICTIONS

Use Occupancy Category	Time	Sound Level Limit (dbA)
Residential	8:00 a.m.—9:00 p.m.	60
	9:00 p.m.—8:00 a.m.	50
Commercial	7:00 a.m.—10:00 p.m.	65
	10:00 p.m.—7:00 a.m.	60
Industrial	All times	75
Noise-sensitive zone	All times	50

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17)

### **Sec. 10-23. Specific noises prohibited.**

In addition to the maximum permissible sound level limits set out in table 1, and unless otherwise exempted by this article or by act of the city, the following specific acts, or the causing or permitting thereof, are hereby declared to be in violation of this article:

- (1) *Horns, signaling devices, and other similar devices.* The sounding of any horn or signaling device on any automobile or other vehicle, except as a danger warning; the sounding of any signaling device for any unnecessary or unreasonable period of time as determined by a law enforcement or code enforcement officer; and the unreasonable use of any signaling device. Noises of safety signals, warning devices, and chimes of churches are exempt as are train horns, in approach of a crossing or as notification of an

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emergency situation as well as noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.

- (2) *Loudspeakers, public address systems.* Use or operation of any loudspeaker, public address system or similar device such that the sound there creates a noise disturbance within a noise sensitive zone or any other use occupancy in accordance with table 1.
- (3) *Acceleration, turning or stopping of a motor vehicle.* The intentional or repeated creation of a noise disturbance through the acceleration, turning or stopping of any motor vehicle.
- (4) *Animals.* Owning, possessing or harboring any animal which, frequently or for continued duration, howls, barks, meows, squawks or makes other sounds which create excessive and unnecessary noise across a residential or commercial real property line or within a noise sensitive zone. For the purposes of this article, "barking dog" is defined as a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of ten minutes or barks intermittently for one-half hour or more to the disturbance of any person at any time of day or night.
- (5) *Loading and unloading.* Loading and unloading, opening, closing or other handling of boxes, crates, containers, equipment, building materials, garbage cans, dumpsters or similar objects between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and 7:00 p.m. and 8:00 a.m. on weekends or holidays within 150 feet of a residential property line or noise sensitive zone.
- (6) *Construction or demolition.* Operating or causing the operation of any tools used in construction, drilling, repair, alteration, or demolition work between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, or between 6:00 p.m. and 10:00 a.m. on weekends or holidays within 150 feet of any residential or noise sensitive zone, except for emergency work by public service utilities or by special permit approved by the city. This section shall not apply to the use of domestic power tools.
- (7) *Domestic power tools.* Operating or permitting the operation of any mechanically powered saw, drill, grinder, lawn or garden tools or similar tool between 10:00 p.m. and 7:00 a.m. on weekdays, or 10:00 p.m. and 8:00 a.m. on weekends and holidays, unless said equipment is operated inside a building or other structure so that the sound therefrom does not travel across any residential real property line or noise sensitive zone. All such equipment shall be properly muffled and maintained in working order so as not to create excessive or unnecessary noise.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

#### **Sec. 10-24. Classification of use occupancy.**

For purposes of defining the use occupancy category the city's land development code shall describe residential, multifamily, industrial and commercial designations. All property containing permanent sleeping quarters, other than sleeping quarters in public lodging establishments, shall be considered residential use. All public-lodging facilities, as defined by F.S. § 509.13(4), shall be considered commercial use. All premises containing businesses where sales, professional or other commercial activities are conducted shall be considered commercial use. All premises where manufacturing is legally permitted shall be considered manufacturing use. In case of multiple uses, the more restrictive use category shall prevail. Hospitals, nursing homes, schools, libraries and churches shall be considered uses within a noise sensitive zone.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

#### **Sec. 10-25. Measurement standards.**

The following standards shall be used in the measurement of sound level limits of noise:

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- (1) The measurement of sound or noise shall be made with a decibel or sound level meter operating on the A-weighting scale of any standard design and quality meeting the standards prescribed by the American National Standards Institute for a sound level meter. The instrument shall be maintained in good working order and calibrated prior to each use. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone used during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required.
  - (2) The slow meter response of the sound level meter shall be used in order to best determine that the average sound has not exceeded the standards set forth in table 1.
  - (3) The measurement shall be made at the property line on which such noise is generated or perceived, as appropriate, five feet above the ground.
  - (4) In the case of an elevated or directional sound or noise source, compliance with the noise limits is to be maintained at any elevation at the boundary.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-26. Waivers for cultural events.**

The sponsors of a cultural event, which will occur infrequently and which reasonably may not meet the noise standards and regulations provided above, may submit a request for waiver to the city council, along with proposed precautions and conditions. The sponsors shall also provide 15 days' written notice to affected property owners within 500 feet of the proposed event, including a description of the event and proposed conditions, the name and telephone number of a contact for more information, and the date and time when the matter will be considered by the city council. City staff shall review the proposal and comment on the reasonable expectations of compliance or noncompliance with the provisions of this article and the likely impacts to the surrounding community. The proposal, along with staff's comments, shall be reviewed by the city council at an advertised public hearing. Any waiver granted will specify which provisions of this article are waived, the times they are waived, and any additional conditions which apply.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-27. Enforcement.**

Code enforcement and the police department shall have primary enforcement responsibility for article II (Noise). If violations are enforced through code enforcement, the process will be held in accordance with article XXVII.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-28. Penalties.**

- (a) *Criminal.* Any person, organization or corporation violating the provisions of this article shall, upon conviction, be subject to the penalties provided in section 1-8 of the code of ordinances of the city. Violation of this article is a second-degree misdemeanor. Violators may be given a "notice to appear" or in the appropriate circumstances a physical arrest may be made.
- (b) *Cease-and-desist order.* Upon determination by the police department that a source of noise is being conducted in violation with this article, the police department shall issue an order directing the operator thereof to cease and desist such operations until the violation is corrected. If an owner fails to comply with a

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valid, duly served cease-and-desist order, he shall be guilty of misdemeanor and punished heretofore provided.

- (c) *Civil proceedings.* Upon determination by the city manager or his designee that a source of noise is being conducted in violation of this article or a cease-and-desist order issued by the police department, in addition to other remedies provided by this article and in the laws of the state, the city manager or his designee may, upon authorization by the city council, institute any appropriate action or proceedings to restrain, correct or abate such violations or otherwise prevent the unlawful use of such noise operation or the unlawful operation of such facility by any person. Upon conviction of three violations of this article within a 12-month period, the noise creating equipment may be confiscated by the court until the offender can satisfy the court that he is prepared to and in fact will operate said equipment with limits of this article. Further violation shall result in the permanent confiscation by the court upon correction.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Secs. 10-29—10-39. Reserved.**

***ARTICLE III. CLEANLINESS AND SANITATION OF PREMISES***

**Sec. 10-40. Littering—Public property and waterways.**

- (a) It shall be unlawful for any person to dump, throw, place or cast, or cause to be dumped, thrown, placed or cast any refuse, rubbish, litter, trash, junk, garbage, or other unwholesome matter or substance of any kind whatsoever on any street, avenue, road, highway, waterway or any public way or along the rights-of-way thereof, including city, county, state and federal roads and highways, and waterways, within the city, or in any public park, beach or other public grounds in the city.
- (b) It shall be unlawful for any person, directly or through an agent or employee to distribute or cause to be distributed, deposited, placed, thrown, cast, scattered, handed out or circulated any handbill, commercial advertisement or newspaper not subscribed on any unattended vehicle, known vacant property or property with the appearance of vacancy or with the accumulation of greater than two days of such material.
- (c) It shall be unlawful for any person to distribute, cast, throw, or otherwise place circulars, handbills, newspapers, magazines, papers, merchandise or discarded material on residential, commercial or public real property after receiving notification by the owner or occupant thereof that said owner or occupant does not wish to receive the item being distributed.
- (d) It is to be expressly understood that the prohibitions set forth in subsection (a) do not prohibit the orderly placing of refuse, litter, trash and garbage at street side for systematic collection by the city, but do specifically prohibit the indiscriminate and disorderly casting of wastes on city streets.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2020-O-03, Pt. A(Exh. A), 3-2-20)

**Sec. 10-41. Same—Property of another.**

It shall be unlawful for any person to place, sweep or scatter any trash, garbage, debris, or any unwholesome or unsanitary matter or substance, in or upon any vacant lot or improved property of another within the city.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Sec. 10-42. Same—Declaration of illegality and nuisance.**

The allowing of debris, rubbish, garbage, trash, tin cans, papers, or other unsanitary accumulations on any lot, tract, or parcel of land in the city to the extent that it constitutes or may reasonably become a menace to life, property, health, the public welfare, or provide a nest and/or breeding ground for mosquitoes, rats, mice, other rodents, snakes and other types of pests and vermin shall be unlawful and hereby prohibited and declared to be a public nuisance.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-43. Inspection to determine prohibited conditions.**

It shall be the duty of the code enforcement office(s) to make periodic inspections of the city for the purpose of determining whether debris, rubbish, garbage, trash, tin cans, papers or other unsanitary conditions have accumulated or occurred, on any lot, tract, or parcel of land within the city to the extent that it constitutes or may reasonably become a menace to life, property, health, the public welfare or provides a nest and/or breeding ground for mosquitoes, rats, mice, other rodents, snakes, and other types of pests and vermin.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Secs. 10-44—10-78. Reserved.*****ARTICLE IV. PROHIBITED USES*****Sec. 10-79. Vehicle sales.**

A limit of one vehicle may be displayed for sale on each residential district or property where the primary use is residential subject to the following:

- (1) The vehicle must not be in violation of sections 10-82, 10-113 and 10-115.
- (2) The vehicle must be registered to the owner or tenant of the residential property at which the vehicle has been placed for sale.
- (3) A sign not to exceed 200 square inches may be used to advertise the sale of the vehicle.

No vehicle or combination of vehicles shall be displayed for sale more than two times in a calendar year with a total duration of 30 days per occurrence.

(Ord. No. 2017-O-61, Pt. A(Exh. A), 1-8-18)

**Sec. 10-80. Outdoor storage—Residential.**

Open outdoor storage in residential districts or property where the primary use is residential is expressly prohibited when seen from the right-of-way, except those items authorized in this chapter.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17)



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### **Sec. 10-81. Storage on vacant lots; public right-of-way.**

The sale, lease, or offering for sale or lease, or storage of any vehicles, including but not limited to, cars, trucks, commercial vehicles, semi tractors, tractor trailers, watercraft, trailers, recreational vehicles, campers, and equipment shall be prohibited on all vacant lots and all public rights-of-way within the city.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-61, Pt. A(Exh. A), 1-8-18)

### **Sec. 10-82. Commercial vehicles in residential areas.**

For the purposes of this section, "commercial vehicle" means a vehicle or trailer designed, intended, or used for transportation of people, goods, or things as part of a business.

- (a) It shall be unlawful for a commercial vehicle, commercial trailer, semi tractors, tractor trailers, step vans, cargo vans, box trucks, busses, or concession vehicles, with a greater than one-ton rated capacity to be parked on any property whose primary use is residential.
- (b) No more than one commercial vehicle with less than or equal to a one-ton rated capacity shall be permitted to park on any property whose primary use is residential.
- (c) A limit of one emergency vehicle or a commercial vehicle such as a tow truck, Florida Power and Light vehicle, gas company vehicle and Florida East Coast Railway vehicle that are subject for immediate recall to an emergency may be permitted on property whose primary use is residential subject to the following:
  - (1) The vehicle must not be in violation of sections 10-115 and 10-5.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-83. Neglected premises.**

- (a) It shall be the duty of any person owning or controlling a house or other building or premises to maintain such premises in a reasonably clean and orderly manner and to a standard conforming to other orderly premises in that vicinity. It shall be a violation of this section to abandon, neglect, or disregard the condition or appearance of any premises.
- (b) Every exterior wall of every building shall be free of holes, breaks, loose or rotting boards, or timbers. All siding material shall be kept in repair. Roofs shall be structurally sound and maintained in a safe manner and have no defects.
- (c) All portions of existing buildings, both interior and exterior, shall be maintained in such a manner that structural strength, stability, sanitation, adequate light and indoor air quality, and safety to life and property from fire and other hazards are provided for public safety, health, and general welfare.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-84. Parking on drainage or maintenance easements or public rights-of-way.**

It shall be unlawful to park or store any vehicle, boat, trailer, equipment or item(s) of any kind that cause or may cause an impediment/obstruction on city, county, or state maintained drainage easements or public rights-of-way, including lawn ornaments or any other objects not permitted by the city and/or other appropriate jurisdictional authority.

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(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17)

**Sec. 10-85. Portable outdoor storage units—Residential zoning.**

Portable on demand storage type units such as PODS and CONEX containers or other similar type of units may only be placed on developed residentially zoned property for a time period not to exceed 30 days. Additional days may be approved by the building department when a permit has been issued for the repair of a structure or for new construction. Placing portable on demand type units on undeveloped property is prohibited.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-86. Portable outdoor storage units—Commercial zoning.**

Portable on demand storage type units such as PODS and CONEX containers and trailers or other similar type of units may only be placed on developed commercially zoned property. Portable on demand type units and trailers in this section shall be considered an accessory use as defined and regulated in the land development code. Portable on demand storage type units and trailers shall be screened from view when visible from any public right-of-way or adjacent property by a privacy fence or wall. The City of Edgewater Technical Review Committee shall determine the allowable duration that a portable on demand unit(s) and trailer(s) may remain on the property. The building department may approve the temporary placement of a storage unit when a permit has been issued for the repair of a structure or for new construction. Placing portable on demand type units and trailers on undeveloped property is prohibited.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Secs. 10-87—10-89. Reserved.**

***ARTICLE V. SEWAGE DISPOSAL***

**Sec. 10-90. Sanitary disposal methods—Required generally.**

Every residence and building in which human beings reside, are employed or congregate, shall be required to have a sanitary method of disposing of human excrement, namely either a sanitary water closet that is connected with the city sewer, or connected to an approved type of septic tank. A septic tank may be used only on properties designated for single-family residential (SFR) use and said SFR property boundaries are located more than 200 feet from the sewer line. Properties with more than two residential dwellings or any non-residential use shall connect to city sewer regardless of the 200-foot rule.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-91. Same—Rented premises.**

It shall be unlawful for any person owning or leasing any premises in the city to permit the disposal of any human excrement on any property, leased or rented by any such person or the agent of any such person, except in a sanitary water closet.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Secs. 10-92—10-95. Reserved.**

**ARTICLE VI. WEEDS, GRASS AND BRUSH; STANDARDS FOR PROPERTY  
MAINTENANCE**

**Sec. 10-96. Purpose and intent.**

The continuous growth and urban development of the city requires the reasonable and effective control and regulation of excessive accumulation of weeds, grass, brush, undergrowth and other similar plant life. Standards for property maintenance are necessary to prevent fire hazards; deposit of litter; debris or combustible materials; infestation by rodents and other health endangering wild animals; the breeding of mosquitoes and vermin; or, other nuisances which threaten the public safety, or endanger the public health or adversely affect the economic welfare of adjacent property.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-97. Reserved.**

**Sec. 10-98. Property maintenance—Duty of the owner.**

- (a) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and all weeds, grass and brush exceeding 12 inches in height. However, nothing in this section shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Unimproved vacant parcels adjacent to improved parcels will be inspected by the city to determine severity of hazard to the improved property. If it is determined by the city that the property does pose a hazard, the owner of the unimproved vacant parcels will be required to keep 20 feet of their parcel that is adjoining an improved parcel of land free and clear of all fallen trees, limbs and brush exceeding 36 inches in height.
- (b) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and brush shall be cut to a height not exceeding 12 inches. However, nothing in this section shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas.
- (c) *Maintenance of unimproved residential lots.* Unimproved vacant parcels adjacent to improved parcels will be inspected by the city fire department and/or code enforcement to determine severity of hazard to the improved property. If it is determined by the city that the property does pose a hazard, the owner of the unimproved vacant lot in a residential zone will be required to keep 20 feet of their parcel/lot that is adjoining an improved lot free and clear of all fallen trees and limbs, and all weeds, grass and brush therein shall be cut to a height not exceeding 36 inches within such areas.
- (d) *Maintenance of rights-of-way and abutting property owners.* It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed, the grass and weeds and to cause to be cut and trimmed, the flowers, vines and shrubbery. Performance shall be in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the right of way abutting their properties. It shall also be the duty of every owner of real property to properly dispose of said trimmings. Rights-of-way abutting improved residential or commercial lots shall be maintained as provided in subsections (a) and (b). Rights-of-way abutting unimproved residential lots shall be

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maintained as provided in subsection (c) for the maintained portion of residential lots. This maintenance area is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. The ground cover in the rights-of-way and other areas subject to erosion shall be grass unless other ground cover has been approved by the city.

- (e) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (f) *No property maintenance permit required; other restrictions and requirements applicable.* No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental preservation, tree removal, change of grade, etc., shall be applicable. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-99. Excessive growth prohibited.**

No person shall permit weeds, grass, brush or other similar plant life to grow to a height exceeding 12 inches on any property within the city which has been mowed, cleared or altered from its original natural state.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-100. Damaging ground cover**

It shall be unlawful to intentionally damage the grass ground cover in the right-of-way area or any required ground cover on any improved lot.

(Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17)

### **Secs. 10-101—10.105. Reserved**

## ***ARTICLE VII. RUBBISH AND GARBAGE***

### **Sec. 10-106. Accumulation of rubbish or garbage.**

- (a) All exterior property and premises, and the interior of every structure, shall be free from any accumulation of debris, newspapers, rubbish, junk, trash, cans, paper, tires, furniture, building materials or appliances.
- (b) It shall be the duty of any person owning or controlling a house or other building or premises to remove any uncontained rubbish or garbage on both the subject parcel and the adjacent right-of-way.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Sec. 10-107. Disposal of rubbish or garbage.**

- (a) Every occupant of a structure shall dispose of all rubbish or garbage in a clean and sanitary manner by placing such items in approved containers provided by the occupant.
- (b) All containers shall be stored on the premises of the owner or tenant behind the front dwelling line, until containers are placed at the right-of-way on scheduled pickup days.
- (c) Containers may be placed in the adjacent street right-of-way no earlier than 4:00 p.m. the evening before the scheduled pickup service and shall be removed no later than 11:00 p.m. on the day of scheduled pick up service.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-108. Approved containers.**

Approved containers shall be leakproof and have close-fitting lids that deter animals from accessing the containers.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-109. Burning or burying garbage, other refuse.**

No garbage, trash, brush, natural cover or other refuse shall be burned and no garbage shall be buried within the city.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Secs. 10-110, 10-111. Reserved.**

## ***ARTICLE VIII. VEHICLES***

**Sec. 10-112. Scope.**

The purpose of this article is to establish criteria for the identification and regulation of inoperable, abandoned and/or wrecked vehicles.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-113. Inoperable, abandoned, and/or wrecked vehicles.**

- (a) A vehicle shall be determined or defined as inoperable, abandoned, and/or wrecked by the code enforcement officer should any of the following be applicable:
  - (1) The vehicle creates a threat to public health, safety or welfare due to its condition or the conditions in, under or around subject vehicle.
  - (2) The vehicle causes violations of federal, state or local environmental regulations by leaking noncontained hazardous fluids, such as oil, fuel, gear grease, hydraulic fluid, ethylene-glycol or antifreeze coolant additives and any other regulated chemicals which pose a threat to public health,

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safety or welfare by entering the groundwater supply or significantly running off the vehicle onto the surrounding area, creating dangerous/hazardous conditions for passing motorists or persons.

- (3) The vehicle is associated with discarded items accumulating in, on or around its immediate area, causing vehicle to meet criteria for "nuisance".
  - (4) A vehicle that is stored with open hood, doors, hatches and compartments exposed to the general public or neighboring properties for any period exceeding 24 hours.
  - (5) A vehicle visible to the general public or neighboring properties, which a code enforcement officer cannot establish ownership or the responsible party declines to resolve valid issues contained within this article, shall be determined to be abandoned.
  - (6) The vehicle is without a current valid assigned license tag and registration that is appropriately displayed or a current vehicle restoration permit.
  - (7) The vehicle is wrecked, meaning any motor vehicle the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power on any public street, or from which the wheels, engine, transmission or other substantial part thereof is inoperable and/or removed.
- (b) Vehicles deemed to be inoperable, abandoned and/or wrecked shall not be stored in any zoning district except as provided for in section 10-114.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17)

#### **Sec. 10-114. Same—Restoration and permits—For residential properties.**

- (a) Any person seeking to openly restore a vehicle on property designated for residential use shall obtain a vehicle restoration permit issued by the code enforcement officials. The vehicle restoration permit shall be posted conspicuously at the residence during the period of restoration.
- (b) The application for a vehicle restoration permit shall include the following:
  - (1) Current photograph of the vehicle;
  - (2) Description of restoration plan(s) including a schedule;
  - (3) Vehicle identification number;
  - (4) Fees paid as determined by resolution.
- (c) A vehicle restoration permit authorizes the following:
  - (1) Restoration may be performed in an open area. When stored, the vehicle shall be stored in an area not visible to the public or neighboring properties.
  - (2) A vehicle being restored shall be stored in an area hidden from view by stockade fencing, chain link fencing with slatting, masonry wall, custom car cover or stored inside a garage.
- (d) The term of the permit shall be six months. Additional renewals will be available provided that restoration progress is consistent.
- (e) Vehicles being restored shall be owned by the occupant of the property.
- (f) A donor vehicle stored on property to supply parts for the permitted restoration vehicle shall comply with all of the above.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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## Sec. 10-115. Parking in residential areas.

All motor vehicles shall be kept on an approved driveway.

Overflow parking is allowed only after the approved driveway has reached its parking capacity. Overflow parking is limited to no more than two operable motor vehicles parked in the area immediately parallel towards the side lot line away from the front yard of an approved driveway. The ground beneath the vehicle parked off the approved driveway must be maintained to promote an aesthetically pleasing appearance.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

## Secs. 10-116. Food Trucks

- (a) Food Truck(s) are allowed to operate with the Highway Commercial (B-3), Light Industrial (I-1), Heavy Industrial (I-2), Recreation (R), Public/Semi-Public (P/SP) zoning designations.
- (1) Food Truck(s) are allowed to operate in Residential Zoning districts through the use of a special activities permit for special events including, but not limited to birthday parties, graduation ceremonies, celebrations of life, etc.
- (2) Food Truck(s) may only operate under a special activities permit in Residential Zoning districts from the hours of 9:30 am and 9:00 pm. No more than two (2) food trucks may be allowed to operate in the Residential Zoning district.
- (b) Food Trucks must adhere with the following standards:
- (1) Food Truck(s) must receive approval from the property owner to operate on their property.
- (2) Food Truck(s) may only operate between the hours of ~~7~~6:00-am and 10:00pm. In Industrial Zoning Districts, Light Industrial and Heavy Industrial, Food Truck(s) may operate between the hours of 5:00am and 10:00pm.
- ~~(3) Food Trucks may not operate upon any parcel that has a restaurant, or sells food and beverages with the exception of gas stations.~~
- (43) Food Truck(s) may not connect to City utilities. This shall not be construed to mean Florida Power and Light.
- (54) Food Truck(s) may not operate on any parcel that does not have a principal use. Food Trucks are prohibited from operating on vacant parcel(s) unless a specific site plan has been approved for said parcel for the operation of a food truck court or a special activities permit has been obtained for a "food truck rally".
- (65) No more than two (2) Food Truck(s) may be located on any given parcel unless a specific site plan has been approved for said parcel for the operation of a food truck court or a special activities permit has been obtained for a "food truck rally".
- (76) Food Truck(s) shall not decrease the amount of parking on a subject parcel by more than 20 percent (20%) from the Food Truck(s) or the associated table and chairs. Food Truck(s) shall be allowed one (1), six (6) foot portable table(s); and six (6) portable chair(s), however they cannot be left overnight. Said table and chairs shall be placed in the adjacent parking stall.
- (87) Food Truck(s) are required to park on paved surfaces within the Highway Commercial (B-3), Light Industrial (I-1), Heavy Industrial (I-2), Recreation (R), Public/Semi-Public (P/SP) zoning designations.
- (98) Food Truck(s) shall provide their own waste collection in the form of portable trash can(s).

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(109) Food Truck(s) may not operate within rights-of-ways, landscape buffers, stormwater collection and conveyance systems, or easements.

(110) Within the Highway Commercial (B-3), Light Industrial (I-1), Heavy Industrial (I-2), Recreation (R), Public/Semi-Public (P/SP) zoning designations Food Truck(s) shall not operate within twenty five (25) feet of a residential structure or parcel unless a specific site plan has been approved for said parcel for the operation of a food truck court.

(111) Food Truck(s) shall not park overnight within Highway Commercial (B-3), Light Industrial (I-1), Heavy Industrial (I-2), Recreation (R), Public/Semi-Public (P/SP) zoning designations.

(112) Food Truck(s) shall not display any form of temporary sign except for a sandwich board to advertise specials. Food Truck(s) shall only be allowed to utilize the vehicle including attachments as the means of advertising, all other forms and typologies of signage not on or attached to the food truck(s) are prohibited.

## **ARTICLE IX. WATERCRAFT, WATERCRAFT TRAILERS, MOTOR HOMES, TRAILERS, RECREATIONAL VEHICLE TRAILERS AND CAMPERS**

### **Sec. 10-120. Scope.**

The purpose of this article is to establish criteria for the parking and storage of noncommercial watercraft, watercraft trailers, motor homes, trailers, recreational vehicle trailers and campers on property designated for residential areas.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-121. Same—Storage/parking.**

- (a) Watercraft, watercraft trailers, motor homes, trailers, recreational vehicle trailers and campers stored on property designated for residential use shall have a current and valid assigned license tag and registration that is appropriately displayed, except any boat or trailer out of view of the general public or neighboring properties shall not be required to have a valid license tag.
- (b) Watercraft, watercraft trailers, motor homes, trailers, recreational vehicle trailers and campers stored on property designated for residential use shall be maintained in an operable condition.
- (c) Watercraft, watercraft trailers, motor homes, trailers, recreational vehicle trailers and campers may be parked or stored on an approved driveway, immediately parallel towards the side lot line away from the front yard of an approved driveway, alongside the house behind the front dwelling line or in the backyard subject to the following conditions:
  - (1) No watercraft, watercraft trailers, motor homes, trailers, recreational vehicle trailers and campers or any part thereof may rest on or occupy airspace past the property line or right-of-way.
  - (2) Watercraft must be stored on operable trailers.
- (d) Boat motors of watercraft parked or stored on property designated for residential use shall not be operated before 7:00 a.m. or after 10:00 p.m.
- (e) Watercraft, watercraft trailers, motor homes, trailers, recreational vehicle trailers and campers stored on property designated for residential use shall not be used as a dwelling nor shall waste materials be permitted to discharge.



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- (f) Watercraft, watercraft trailers, motor homes, trailers, recreational vehicle trailers and campers stored on property designated for residential use shall meet reasonable standards of appearance and maintenance as follows:
- (1) The ground beneath the watercraft, watercraft trailers, motor homes, trailers, recreational vehicle trailers and campers shall be maintained to promote an aesthetically pleasing appearance and not create a nuisance.
  - (2) Watercraft trailers, motor homes, trailers, recreational vehicle trailers and camper tires shall be inflated to tire specifications.
  - (3) The watercraft, watercraft trailer, motor home, trailer, recreational vehicle trailer and camper shall be kept clean and not be allowed to become a nuisance that can be detected beyond the owner's property line.
  - (4) Only routine repairs and maintenance may be performed on watercraft, watercraft trailers, motor homes, trailers, recreational vehicle trailers and campers parked in front yards.
- (g) The owner of the watercraft, watercraft trailers, motor homes, trailers, recreational vehicle trailers and campers must reside on the premises where the item is parked or stored. Additional property owned by the resident adjacent to the residence is considered to be a part of the premises for this purpose. The vehicles shall not be used for residential purposes, except during an emergency or natural disaster. The vehicles may be used for residential purposes only after application for building permit(s) for repair after a natural disaster and until the restoration of water, sewer and electrical services. If the building is uninhabitable, as determined by the building official, an additional six months from utility restoration may be permitted at the discretion of the city manager.
- (h) Visitors may reside in their motor homes on property designated for residential use for a maximum of a two-week period with a permit. Waste materials shall not be permitted to discharge. A visitor residing in a motor home shall be permitted no more than twice in a six-month period. These permits shall be issued by the city clerk's office and prominently displayed so as to be visible from the street.
- (i) A limit of one vehicle (watercraft, watercraft trailer, motor home, trailer, recreational vehicle trailer or camper) per 4,000 square feet of lot area may be stored on residentially zoned property.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17)

**Secs. 10-122—10-125. Reserved.**

## ***ARTICLE X. INSPECTIONS***

### **Sec. 10-126. Existing building inspections.**

Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install or change the occupancy. He or she shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He or she shall make a record of every such examination and inspection and of all violations of the technical codes.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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### **Sec. 10-127. Manufacturers and fabricators.**

When deemed necessary by the building official, he or she shall make or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-128. Inspection service.**

The building official may make or cause to be made, the inspections required by this chapter. He or she may accept reports of department inspectors, independent inspectors or recognized inspection services, provided that after investigation he or she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this Code shall not be based on such reports unless recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections are certified in accordance to F.S. ch. 468.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-129. After-hours inspections.**

The term after hours shall mean that time after 4:30 p.m. and prior to 8:00 a.m. weekdays. In the event that a permitted construction project requires after hours or weekend inspection, requests shall be completed on the approved request form, submitted within the specified time frame and the fee for such inspection shall be paid in accordance with the established fee table. In order to obtain after hours inspection the following must be met:

- Requests must be made before noon on the day preceding the day the inspection is needed; and
- Requests for weekend or holiday inspections must be submitted one week in advance.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-130. Site debris.**

Property owners are responsible for assuring that the work sites on their property and the adjacent streets are not littered during any construction period. This obligation and duty includes unused or discarded work materials in addition to personal trash of the workmen (lunch items, cans, papers, etc.). All debris shall be kept in such a manner as to prevent it from being spread by any means. Construction job sites must be kept clean, such that accumulation of construction debris must not remain on the property for a period exceeding 14 days. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving a final inspection approval. All waste removal receptacles must be city-approved. Streets must remain passable and not obstructed by vehicles or associated machinery or equipment utilized for the building process. Construction materials may not be placed on the roadway or right-of-way area.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17)

### **Sec. 10-131. Tent permits.**

- (a) *Required.* No tent shall be erected within the city until a permit has been obtained from the building division and the fire department.

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- (1) Tents/canopies meeting all of the following requirements are exempt from permitting:
- Is 400 square feet or less;
  - Does not have attachable sides;
  - Does not have provisions for electricity;
  - Is not utilized for a place of assembly for more than 50 people; and
  - Does not provide for the sale of hazardous materials.
- (b) *Application.* An application for a tent permit shall include the following:
- Letter from the property owner, authorizing use of the property.
  - Certification of tent fire resistance, effective for the period specified by the permit.
  - Tent permit application form.
- (c) *Issuance; conditions.* A permit shall be subject to the following conditions:
- Inspection shall be requested by the permittee when the grounds are prepared by cutting grass, removing debris or any other potential fire hazards and electric service is ready for connection. Inspection approval will authorize erection of the tent.
  - Final inspection by the building department and fire prevention inspector shall be requested by the permittee when the tent is erected, sanitary facilities are provided and seats and fire extinguishers are installed.
  - The tent shall not be occupied or electrical service connected until satisfactory final inspections, as determined by the city, have been performed.
  - Permits are limited to two weeks, with provision for one extension of two weeks after satisfactory reinspection and approval by the city to ensure safety to life conditions have not deteriorated.
  - No tent shall be permitted on a site for a period longer than 28 days unless authorized by the development services director or his designee. No permit shall be issued for the same site within a period of 180 days following expiration of a tent permit.
  - Adequate parking shall be provided.
- (Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Secs. 10-132—10-135. Reserved.**

## ***ARTICLE XI. UNSAFE OR UNSANITARY BUILDINGS***

### **Sec. 10-136. Authority to condemn.**

The city is authorized to condemn and order to be demolished and removed, or to be put in a sound state of repair, any and all buildings and structures within the city found to be in a dilapidated, unsanitary, unsafe or uninhabitable condition. Additionally, city officials, as designated herein in emergency circumstances, are authorized to demolish and remove or to be put in a sound state of repair, any and all buildings and structures within the city found to be in a dilapidated, unsanitary, unsafe or uninhabitable condition as set forth in the city's codes and ordinances adopted from the most current edition of the Unsafe Building and Abatement Code.

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(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17)

**Sec. 10-137. Periodic inspection of buildings; notice of condemnation; hearing.**

- (a) The building official, the fire chief, the code official or their designees, are authorized to periodically inspect buildings and structures within the city and if such official finds any building or structure to be in a dilapidated, unsanitary, unsafe or uninhabitable condition, shall report such fact in writing to the city manager, specifying in detail the condition of the building or structure. The city shall thereupon determine whether or not a public hearing shall be held to condemn such building or structure. If the city manager determines such hearing will be held, he or she shall cause to be placed upon such building or structure a notice of condemnation and simultaneously therewith direct to be delivered to the owner or owners or any one owner, and any mortgagee or lienholder as outlined in section 10-349 "Notices", that the building or structure thereon has been found by officials of the city to be in dilapidated, unsanitary, unsafe or uninhabitable condition, and that the city intends to condemn the same. Such notice shall further provide that a hearing will be held before the special magistrate at a stated time and at a stated place, and that at such time and place a full determination will be made by the special magistrate as to the condition of the building or structure.
- (b) The property owner and the city manager, or designee, at the hearing, shall be heard and be permitted to present such relevant evidence as they desire. The special magistrate may accept evidence from the general public as deemed appropriate for the particular case.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17)

**Sec. 10-138. Uninhabitable, dilapidated, unsafe or unsanitary buildings or structures.**

- (a) A building or structure shall be uninhabitable, dilapidated, unsafe or unsanitary when:
  - (1) An order has been issued by the city under its codes or ordinances finding that a public nuisances exists; and
  - (2) It is found to have one or more of the following characteristics:
    - a. It is vacant, unguarded and open at doors or windows;
    - b. There is an unwarranted accumulation of debris or other combustible material therein;
    - c. The structure's condition creates hazards with respect to means of egress and fire protection as provided for the particular occupancy;
    - d. There is a falling away, hanging loose or loosening of any siding, block, brick or other building material;
    - e. There is a deterioration of the structure or structural parts;
    - f. The structure is partially destroyed;
    - g. There is an unusual sagging or leaning out of plumb of the structure or any parts of the structure and such effect is caused by deterioration or over-stressing;
    - h. The electrical or mechanical installations or systems create a hazardous condition; or
    - i. An unsanitary condition exists by reason of inadequate or malfunctioning sanitary facilities or waste disposal systems;

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- (3) It is found to have one or more of the characteristics in subsections (2)(a) through (2)(i) and an order has been issued by the special magistrate sitting as the city's public nuisance abatement official declaring the subject property to be a public nuisance.
- (b) A building or structure found to be uninhabitable, dilapidated, unsafe or unsanitary as provided in this section shall be subject to demolition.
- (c) The city may sell any material salvaged from any demolished building or structure and any other property contained therein or thereupon and credit the proceeds against the cost of demolition or removal or where an independent contractor is employed to demolish or remove any such building or structure, to convey such material or property to the contractor as compensation or partial compensation for such demolition or removal. Should the proceeds from the disposition of such materials or property exceed the cost of such demolition or removal, such excess shall be used, applied or paid over in accordance with the written directions of the parties entitled thereto.
- (d) The city is authorized to appropriate and expend such funds as may be necessary to carry out the provision of this article. Nothing contained herein shall require the city to appropriate or expend any funds to carry out the purpose of this article. The authority granted herein is permissive and shall not be construed to impose an obligation on the building official or the city to condemn any building or structure.
- (e) Nothing herein precludes exercise of emergency powers otherwise available in the face of imminent threat to public safety.
- (f) The provisions of this article shall not be deemed to repeal or modify any provision of a city code or ordinance relating to condemning of buildings and structures but the provisions herein shall be supplemental and in addition to the powers that may be exercised by the city through its city council or its officers and employees.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17)

### **Sec. 10-139. Order of condemnation; repair or removal.**

If the special magistrate determines upon hearing that such building or structure should be condemned, such fact shall be stated in writing to the property owner including reasonable specifications as to the deficiencies justifying such condemnation and the property owner shall be given a reasonable time, according to the size, condition and location of such building or structures, in which to cause the building or structure to be demolished and removed, the illegal conditions abated or placed in a state of sound repair. In the event of failure on the part of the property owner within such time period to effect the demolition and removal, abatement or repair, then such building or structure will be demolished and removed by the city and the cost of the same specially assessed as a lien against the land. The order of condemnation shall be delivered to the property owner or owners or any one owner, as outlined in section 10-349 ("Notices"). The lack of a signed returned receipt shall not constitute a failure to notify owners or interested parties. Service shall be deemed complete upon mailing. The order of condemnation shall be recorded in the public records of the county as a municipal special assessment lien. The recordation of such order of condemnation as a municipal special assessment lien as provided in this section shall constitute notice to any subsequent purchasers, transferees, grantees, mortgagors, mortgagees, lessees, lienors and all persons having, claiming or acquiring any interest in the property described therein or affected thereby. No condemned building or structure stating that the same is condemned shall be occupied or used for any purpose during the period of time the same is condemned.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17)

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### **Sec. 10-140. Demolition by city; municipal special assessment lien.**

If, within the time stated in the order of condemnation/municipal special assessment lien provided for in section 10-137, the property owner fails to demolish and remove or repair such condemned building or structure and has not shown cause which justifies an extension of time, the city shall forthwith order such building or structure to be demolished or removed by the city and the actual costs including administrative costs of the same specially assessed as a municipal special assessment lien upon the land. The city may enforce its municipal special assessment lien and maintain a personal action against the property owner or owners at the same time to recover such cost and any and all interest accrued thereon. In any suit by the city either at law or in equity for the collection of the amount of the lien, the city shall be entitled to recover its actual costs and attorney's fee for the suit and such costs and attorney's fee shall also become a lien upon the land. Any lien for costs and fees incurred pursuant to sections 10-136 through 10-141 shall constitute a lien for special assessments and with the same penalties and rights of collection, foreclosure, sale and forfeiture as obtained for special assessment liens.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17)

### **Sec. 10-141. Emergency powers.**

The city manager, building official, fire chief, or code enforcement officer shall have the power to promptly cause a building, structure or portion thereof to be made safe or cause its removal in cases of emergency which have been determined to involve imminent danger to human life or health. For this purpose such structure or land on which such structure stands or abutting land or structures may be entered by such official with such assistance and at such cost as the official may deem necessary. The official may order the vacation of adjacent structures and may protect the public by appropriate fencing or such other means as may be necessary and for this purpose may close a public or private way. All costs incurred by the city pursuant to this section shall be assessed and enforced as stated in section 10-344 and other controlling provisions of the city's codes and ordinances.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Secs. 10-142—10-145. Reserved.**

## ***ARTICLE XII. APPLICABILITY***

### **Sec. 10-146. General.**

The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in this chapter. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-147. Maintenance.**

Equipment, systems, devices and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Code are not

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intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

#### **Sec. 10-148. Application of other codes.**

Repairs, additions or alterations to a structure or changes of occupancy, shall be done in accordance with the procedures and provisions of the most current edition of the Florida Building Code. Nothing in this Code shall be construed to conflict with any provision of the Florida Building Code.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17)

#### **Sec. 10-149. Existing remedies.**

The provisions of this Code shall not be construed to abolish or impair existing remedies of the city or its officers or agencies relating to the removal or demolition of any structure, which is dangerous, unsafe and unsanitary.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

#### **Sec. 10-150. Workmanship.**

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

#### **Sec. 10-151. Historic buildings.**

The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

#### **Sec. 10-152. Referenced codes and standards.**

The codes and standards referenced in this Code shall be those that are listed in Florida Building Code requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Sec. 10-153. Requirements not covered by code.**

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the code official.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Secs. 10-154—10-157. Reserved.*****ARTICLE XIII. DUTIES AND POWERS OF THE CODE OFFICIAL*****Sec. 10-158. General.**

The code official shall enforce the provisions of this Code.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-159. Authority.**

The city manager shall have authority as necessary in the interest of public health, safety and general welfare, to promulgate procedures to implement this Code. The code official shall have the authority to interpret and implement the provisions of this Code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such interpretations shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code or of violating accepted engineering methods involving public safety.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-160. Inspections.**

The code official shall make all of the required inspections or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the city manager.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-161. Right of entry.**

The code enforcement officers are authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code enforcement officers are authorized to seek the city attorney to take actions to pursue recourse as provided by law.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17)



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**Sec. 10-162. Identification.**

The code officials shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-163. Notices and orders.**

The code officials shall issue all necessary notices or orders to ensure compliance with this Code.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-164. Department records.**

The code officials shall keep official records of all business and activities of the department specified in the provisions of this Code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Secs. 10-165—10-167. Reserved.*****ARTICLE XIV. UNSAFE STRUCTURES AND EQUIPMENT*****Sec. 10-168. General.**

When a structure or equipment is found by the code official to be unsafe; or when a structure is found unfit for human occupancy, or in a dilapidated, unsanitary, or uninhabitable condition, or is found unlawful, such structure shall be condemned pursuant to the provisions of the city's codes and ordinances.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-169. Unsafe structures.**

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-170. Unsafe equipment.**

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

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(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-171. Structure unfit for human occupancy.**

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-172. Unlawful structure.**

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code or was erected, altered or occupied contrary to law.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-173. Prohibited occupancy.**

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. It is prohibited and unlawful for any person to occupy a placarded premises or to operate placarded equipment.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-174. Vacant or uninhabited structures.**

Damaged openings such as doors, windows or other apertures or holes in the building envelope shall be allowed to be temporarily protected for a period of time not to exceed 90 days. Materials used to protect or cover the opening can be any material approved for use by the then current edition of the Florida Building Code. If using wood structural panels, oriented strand board (OSB), plywood or any other natural wood product, the material used to enclose the building must be neatly fitted to protect the opening and shall be painted to blend in or match the rest of the building.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-175. Occupied or inhabited structures.**

Damaged openings such as doors, windows or other apertures or holes in the building envelope shall be allowed to be temporarily protected, but repairs or replacement of the damaged doors, windows or other apertures must take place within 90 days. Materials used to temporarily protect, cover or replace the opening can be any material approved for use by the then current edition of the Florida Building Code.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Sec. 10-176. Reserved.**

Editor's note(s)—Ord. No. 2017-O-23, Pt. A(Exh. A), adopted July 17, 2017, repealed § 10-176, which pertained to existing opening protective and derived from Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14.

**Secs. 10-177, 10-178. Reserved.**

***ARTICLE XV. EMERGENCY MEASURES***

**Sec. 10-179. Imminent danger.**

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-180. Temporary safeguards.**

Notwithstanding other provisions of this Code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall request the city manager to order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-181. Closing streets.**

When necessary for public safety, the code official shall temporarily close structures and close or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-182. Emergency repairs.**

For the purposes of this section, the code official shall request the city manager to authorize the necessary labor and materials to perform the required work as expeditiously as possible.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Sec. 10-183. Costs of emergency repairs.**

Costs incurred in the performance of emergency work shall be paid by the owner of the property causing such costs to the city. Upon failure to pay the city, the city shall record a municipal special assessment lien upon the property.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-184. Hearing.**

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter and upon petition directed to the city manager, be afforded a hearing consistent with controlling law.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Secs. 10-185—10-189. Reserved.*****ARTICLE XVI. MAINTENANCE OF STRUCTURES, EQUIPMENT AND EXTERIOR PROPERTY*****Sec. 10-190. Scope.**

Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this article. The provisions of this article shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-191. Interchangeability.**

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-192. Reserved.****Sec. 10-193. Terms defined in other codes.**

Where terms are not defined in this Code and are defined in the Florida Building Code or the city's codes and ordinances, such terms shall have the meanings ascribed to them as stated in those codes when applicable.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Sec. 10-194. Terms not defined.**

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-195. Parts.**

Whenever the words "dwelling unit," "dwelling," "efficiency unit," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof."

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-196. Reserved.****Sec. 10-197. Responsibility.**

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, efficiency unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-198. Vacant structures and land.**

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Secs. 10-199—10-201. Reserved.*****ARTICLE XVII. EXTERIOR PROPERTY AREAS*****Sec. 10-202. Sanitation.**

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. Nothing in this Code shall be deemed to preclude action being taken by the city under the provisions of article VI relating to weeds, wild growth and debris remediation by the city.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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### **Sec. 10-203. Grading and drainage.**

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereof or within any structure located thereon, except for approved retention areas and reservoirs.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-204. Sidewalks and driveways.**

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-205. Rodent harborage.**

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-206. Exhaust vents.**

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-207. Accessory structures.**

All accessory structures, including but not limited to fences and walls, greenhouses, gazebos, storage buildings, storage shed, garages, carports and the like shall be maintained structurally sound and in good repair.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-208. Vehicles.**

Except as provided for in other regulations, no inoperative or unlicensed vehicle shall be parked, kept or stored on any premises (including public property) and no vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Removal of junk vehicles on public property shall be subject to the provisions of chapter 17 article IV of the city code.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, on a property owner's property if such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

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(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-209. Defacement of property.**

It is prohibited and unlawful for a person to willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti, to include specific murals, paintings and wording that is not permitted within the Edgewater Land Development Code or consistent with the structure type, design or location. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Secs. 10-210—10-213. Reserved.**

***ARTICLE XVIII. RESERVED***

**Secs. 10-214—10-218. Reserved.**

***ARTICLE XIX. EXTERIOR STRUCTURE***

**Sec. 10-219. General.**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-220. Protective treatment.**

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, roofs, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Excessive oxidation stains shall be removed from exterior surfaces. Surfaces designed to stabilization by oxidation are exempt from this requirement.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-221. Structural members.**

All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Sec. 10-222. Foundation walls.**

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-223. Exterior walls.**

All exterior walls shall be free from holes, breaks and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-224. Roofs and drainage.**

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-225. Decorative features.**

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-226. Overhang extensions.**

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17)

**Sec. 10-227. Stairways, decks, porches and balconies.**

Every exterior stairway, deck, porch and balcony and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with property anchorage and capable of supporting the imposed loads.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)



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**Sec. 10-228. Chimneys and towers.**

All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-229. Handrails and guards.**

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-230. Window, skylight and door frames.**

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-231. Glazing.**

All glazing materials shall be maintained free from cracks and holes.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-232. Openable windows.**

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-233. Insect screens.**

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.

Exceptions: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Sec. 10-234. Doors.**

All exterior doors, door assemblies and hardware shall be maintained in good condition. Doors providing access to a dwelling unit, efficiency unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a lock designed to be readily openable from the side from which egress is to be made without the need for keys. Such locks shall be installed according to the manufacturer's specifications, maintained in good working order and shall tightly secure the door.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-235. Basement hatchways.**

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Basement hatchways that provide access to a dwelling unit, efficiency unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-236. Guards for basement windows.**

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-237. Building security.**

Doors, windows or hatchways for dwelling units, efficiency units, rooming units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-238. Windows.**

Windows manufactured to be operable must remain operable. Windows required for emergency egress shall be operable and located in whole or in part of the structure, dwelling unit, efficiency unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-239. Temporary storm protection.**

Openings such as doors, windows or other apertures may be temporarily protected up to 14 days prior to the projected landfall of any named storm or weather system. Temporary protection must be removed within 14 days after the storm threat has passed. Materials used to protect or cover the opening can be any material approved for use by the then current edition of the Florida Building Code.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Secs. 10-240—10-245. Reserved.**

## ***ARTICLE XX. INTERIOR STRUCTURE***

### **Sec. 10-246. General.**

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-247. Structural members.**

All structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-248. Interior surfaces.**

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17)

### **Sec. 10-249. Stairs and walking surfaces.**

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-250. Handrails and guards.**

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-251. Interior doors.**

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

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(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Secs. 10-252—10-255. Reserved.**

## ***ARTICLE XXI. EXTERMINATION***

### **Sec. 10-256. Infestation.**

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-257. Owner.**

The owner of any structure shall be responsible for extermination within the structure.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Secs. 10-258—10-260. Reserved.**

## ***ARTICLE XXII. LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS***

### **Sec. 10-261. Scope.**

The provisions of this article shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-262. Responsibility.**

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy, any premises that do not comply with the requirements of this article.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-263. Alternative devices.**

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Florida Building Code shall be permitted.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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### **Sec. 10-264. Habitable spaces (light).**

Every sleeping space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 square meters). The exterior glazing area shall be based on the total floor area being served.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-265. Common halls and stairways.**

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 square meters) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress, including but not limited to, stairways, shall be illuminated at all times within the building space served by the means of egress is occupied with a minimum of one footcandle (11 lux) at floors, landings and treads.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-266. Other spaces.**

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions and the safe occupancy of the space; and utilization of the appliances, equipment and fixtures.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-267. Habitable spaces (ventilation).**

Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in section 10-264.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 square meters). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-268. Bathrooms and toilet rooms.**

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by section 10-267, except that a window shall not be required in such spaces equipped with a mechanical

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ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-269. Cooking facilities.**

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

- (1) Where specifically approved in writing by the code official.
- (2) Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-270. Process ventilation.**

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-271. Clothes dryer exhaust.**

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-272. Privacy.**

Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-273. Minimum room widths.**

A habitable room, other than a kitchen, shall not be less than seven feet (2,134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (914 mm) between counterfronts and appliances or counterfronts and walls.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Sec. 10-274. Minimum ceiling heights.**

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet (2,134 mm).

Exceptions:

- (1) In one- and two-family dwellings, beams or girders spaced not less than four feet (1,219 mm) on center and projecting not more than six inches (152 mm) below the required ceiling height.
- (2) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet eight inches (2,033 mm) with not less than six feet four inches (1,932 mm) of clear height under beams, girders, ducts and similar obstructions.
- (3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet (2,134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet (1,524 mm) or more shall be included.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-275. Bedroom and living room requirements.**

Every bedroom and living room shall comply with the requirements of sections 10-273 and 10-274.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-276. Room area.**

Every living room shall contain at least 120 square feet (11.2 square meters) and every bedroom shall contain at least 70 square feet (6.5 square meters).

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-277. Access from bedrooms.**

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-278. Water closet accessibility.**

Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or access to a facility located on an adjacent story.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Sec. 10-279. Prohibited occupancy.**

Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-280. Other requirements.**

Bedrooms shall comply with the applicable provisions of this Code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this article; the plumbing facilities and water-heating facilities requirements of article XXIII; the heating facilities and electrical receptacle requirements of article XXV.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-281. Overcrowding.**

The number of persons occupying a dwelling unit shall not create conditions that the code enforcement officer finds and determines, based upon generally accepted practices and principles, endanger the life, health, safety or welfare of the occupants.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-282. Efficiency unit.**

Efficiency units shall meet the following requirements:

- (1) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 square meters). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 square meters). These required areas shall be exclusive of the areas required by subsections (2) and (3).
- (2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this Code shall be provided.
- (3) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
- (4) The maximum number of occupants shall be three.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-283. Food preparation.**

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)



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**Secs. 10-284, 10-285. Reserved.**

## ***ARTICLE XXIII. PLUMBING FACILITIES AND FIXTURE REQUIREMENTS***

### **Sec. 10-286. Scope.**

The provisions of this article shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-287. Responsibility.**

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this article.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-288. Dwelling units.**

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-289. Rooming houses.**

At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-290. Hotels.**

Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

### **Sec. 10-291. Employees' facilities.**

A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Sec. 10-292. Drinking facilities.**

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-293. Privacy.**

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-294. Location.**

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-295. Location of employee toilet facilities.**

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-296. Floor surface.**

In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-297. General (plumbing fixtures).**

All plumbing fixtures shall be properly installed and maintained in working order and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Sec. 10-298. Fixture clearances.**

Plumbing fixtures shall have adequate clearances for usage and cleaning.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-299. Plumbing system hazards.**

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-300. General (water system).**

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-301. Contamination.**

The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-302. Supply.**

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely and free from defects and leaks.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-303. Water heating facilities.**

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Sec. 10-304. General.**

All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-305. Maintenance.**

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Secs. 10-306—10-308. Reserved.**

***ARTICLE XXIV. STORM DRAINAGE***

**Sec. 10-309. General.**

Drainage of roofs and paved areas, yards, courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Secs. 10-310, 10-311. Reserved.**

***ARTICLE XXV. MECHANICAL AND ELECTRICAL REQUIREMENTS***

**Sec. 10-312. Scope.**

The provisions of this article shall govern the minimum mechanical and electrical facilities and equipment to be provided.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-313. Responsibility.**

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this article.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Sec. 10-314. Mechanical appliances.**

All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-315. Removal of combustion products.**

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-316. Clearances.**

All required clearances to combustible materials shall be maintained.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-317. Safety controls.**

All safety controls for fuel-burning equipment shall be maintained in effective operation.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-318. Combustion air.**

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-319. Energy conservation devices.**

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-320. Facilities required-electrical.**

Every occupied building shall be provided with an electrical system in compliance with the requirements of this article.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Sec. 10-321. Service.**

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the Florida Building Code, Electrical. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 60 amperes.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-322. Electrical system hazards.**

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code enforcement officer shall require the defects to be corrected to eliminate the hazard.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-323. Installation-electrical equipment.**

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-324. Receptacles.**

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-325. Luminaries.**

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-326. Elevators, escalators, and dumbwaiters.**

Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, appendix N, except where otherwise specified by the authority having jurisdiction.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

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**Sec. 10-327. Elevators.**

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-328. Same—Duct systems.**

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Secs. 10-329—10-332. Reserved.*****ARTICLE XXVI. HEATING FACILITIES*****Sec. 10-333. Elevators—Heating facilities.**

Heating facilities shall be provided in structures as required by this section.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-334. Residential occupancies.**

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the Florida Building Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exceptions: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Sec. 10-335. Heat supply.**

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

- (1) When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating

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system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Florida Building Code.

- (2) In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

#### **Sec. 10-336. Occupiable work spaces.**

Indoor occupiable work spaces shall be supplied with heat during the period to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

- (1) Processing, storage and operation areas that require cooling or special temperature conditions.
- (2) Areas in which persons are primarily engaged in vigorous physical activities.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

#### **Sec. 10-337. Room temperature measurement.**

The required room temperature shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

#### **Secs. 10-338—10-340. Reserved.**

### ***ARTICLE XXVII. CODE COMPLIANCE PROCESS***

#### **Sec. 10-341. Intent.**

- (a) It is the intent of this article to promote, protect and improve the health, safety, welfare and to safeguard property values of the citizens of the city by providing an equitable, expeditious, effective and inexpensive method of enforcing the various codes of the city.
- (b) The provisions of this article is intended to provide an additional and supplemental means of enforcing the laws, codes of ordinances and statutes in force in the city and nothing contained herein shall prohibit the city from enforcing its codes or ordinances by any other means available, specifically including Parts I and II, of F.S. ch. 162.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

#### **Sec. 10-342. Abolishing code enforcement board.**

The citizen code enforcement board is abolished effective upon adoption of this Ordinance pursuant to section F.S § 162.03(1). Any matter that would be heard/considered before the citizen code enforcement board will now be heard/considered by the special magistrate. Any and all current/existing and future matters for consideration by the board shall now be delegated to the special magistrate.



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(Ord. No. 2017-O-45, Pt. A, 11-13-17)

**Sec. 10-343. Special magistrate.**

- (a) The city hereby establishes a citation-fine code compliance process for the enforcement of its various codes. The special magistrate shall have the power to impose administrative costs, fines and various noncriminal, civil penalties and to provide for an equitable, expeditious and effective process to achieve compliance and/or enforcement of the laws; code of ordinances and statutes in force in the city. Nothing in this article shall prohibit or limit the city from enforcing the laws, codes of ordinances and statutes in force in the City by any other means available, specifically including Parts I and II, of F.S. ch. 162. The provisions of this article are merely an additional means of obtaining compliance.
- (b) The special magistrate shall have the power to:
  - (1) Adopt rules for the conduct of hearing.
  - (2) Hold hearings and assess fines against violators of the various codes of the city.
  - (3) Subpoena alleged violators and witnesses to the hearing. Subpoenas may be served by any law enforcement officer of the city or as otherwise permitted by law.
  - (4) Subpoena evidence to the hearings.
  - (5) Take testimony under oath.
  - (6) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance with city codes or ordinances. However, any orders that require the city to expend money or directs city employees to perform work, i.e., demolition or repair of a structure must be approved by the city manager or city council before becoming effective.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-61, Pt. A(Exh. A), 1-8-18)

**Sec. 10-344. Enforcement procedures.**

- (a) It shall be the duty of the code enforcement officer to investigate violations of city codes and to initiate enforcement proceedings relative thereto. The special magistrate shall not have any independent authority to conduct their investigation of such complaints or to initiate enforcement proceedings.
- (b) A code enforcement officer may not initiate enforcement proceedings for a potential violation of a duly-enacted code or ordinance by way of an anonymous complaint. A person who reports a potential violation of a code or an ordinance must provide his or her name and address to the city before an enforcement proceeding may occur. This paragraph does not apply if the code enforcement officer has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.
- (c) Except as provided in subsections (f) and (g), if a violation of a code is found, the code enforcement officer shall notify the violator by issuing a notice of violation in accordance with the requirements of subsection 10-345(a) and [section] 10-349. If, upon reasonable investigation, a code enforcement officer has reasonable cause to believe the violation continues to exist beyond the time specified for correction in the notice or if the violation is corrected and then recurs within one (1) year of issuing said notice of violation, the code enforcement officer shall issue a citation to the violator in accordance with the requirements of subsection 10-345(c) and [section] 10-349.
- (d) The violator may elect to pay the fine set forth in the citation at any time prior to the hearing. If the violator elects to pay the fine prior to the hearing, it will be deemed as an admission of the commission of the

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violation and an order may be issued by the special magistrate to that effect. If the violator does not pay the fine set forth in the citation prior to the hearing, the matter will be heard before the special magistrate.

Further, if a violator fails to appear at the hearing to contest the violation, the violator shall be deemed to have waived his or her right to contest the violation. If the violation is correct and then recurs, or if the violation is not corrected by the time specified for correction in the notice of violation, the case may be presented to the special magistrate even if the violation has been corrected prior to the hearing.

- (e) It is the responsibility of the violator to notify the city that the violation has been corrected. The violation will be deemed to have continued until the code enforcement officer has determined that the violation has been corrected.
- (f) If a repeat violation is found, the code enforcement officer shall notify the violator and advise him or her of the nature of the repeat violation, but is not required to give the violator a reasonable time to correct the repeat violation. The code enforcement officer shall issue a citation to the violator in accordance with the requirements of subsection 10-345(c) and [section] 10-349. The violator may elect to pay the fine at any time prior to the hearing. However, the case may be presented to the special magistrate even if the repeat violation has been corrected prior to the hearing and the special magistrate may determine and impose, as costs against the violator, reasonable enforcement fees incurred by the city. The repeat violator may choose to waive his or her rights to this hearing and pay said costs as determined by the special magistrate. The special magistrate shall also have the authority to levy a per day fine beginning on the day that the violation was first observed by the code enforcement officer.
- (g) If a code enforcement officer has a reason to believe a violation presents a serious threat to the public health, safety or welfare or if the violation is irreparable or irreversible or if the violator is engaged in violations of an itinerant or transient nature, a code enforcement officer shall make a reasonable effort to notify the violator of the same and may immediately issue a citation, in accordance with the requirements of subsection 10-345(c) and [section] 10-349.
- (h) If the owner of the property which is subject to enforcement proceeding before the special magistrate transfers ownership of such property between the time the notice of violation was served and the time of the hearing before the special magistrate, such owner shall:
  - (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
  - (2) Deliver to the prospective transferee a copy of the notices, citations, and other materials relating to the code enforcement proceeding received by the transferor.
  - (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
  - (4) File a notice with the code enforcement officer of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days after the date of transfer
- (i) A failure to make the disclosures described in subsections (1), (2) and (3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing before the special magistrate, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.
- (j) Each day that a violation exists shall constitute a separate violation for the purpose of assessing a fine by the special magistrate.
- (k) All fines imposed pursuant to this article shall be paid to the city through its finance department and shall be paid by cash or check with coins only being accepted for any amounts which may require change to pay the exact amount.

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(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17; Ord. No. 2017-O-61, Pt. A(Exh. A), 1-8-18; Ord. No. 2023-O-22, Pt. A(Exh. A) 7-3-23)

### **Sec. 10-345. Notice of violations; repeat violators; citations.**

- (a) *Notice of violation.* Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of a code and advise him or her of the nature of the violation and shall give the violator a reasonable time to correct the violation.
- (b) *Repeat violators.* A code enforcement officer does not have to provide a repeat violator with a reasonable time period to correct a repeat violation prior to issuing a citation and may immediately issue a citation if a repeat violation is found to exist or if there is reason to believe that the violation presents a serious threat to the public health, safety or welfare or if the violation is irreparable or irreversible.
- (c) *Citations.* A citation issued by a code enforcement officer shall be in the form prescribed by the city and shall contain:
  - (1) The date and time of issuance of the citation.
  - (2) The name and address of the person, if known, to whom the citation is issued.
  - (3) The date and time the violation was first observed.
  - (4) The section of the code that has been violated and a description of the nature of the violation.
  - (5) The applicable civil fine as prescribed in section 10-348.
  - (6) The necessary corrective action.
  - (7) The name, work phone number and work address of the code enforcement officer.
  - (8) That it is the responsibility of the person to contact the city for an inspection when the violation is corrected and that the violation will be deemed to be in existence until the code enforcement officer determines that the violation has been corrected.
  - (9) The procedure for the person to follow in order to pay the applicable civil fine or to contest the citation; and, that if the person elects to pay the fine, it will be deemed as an admission of the commission of the violation.
  - (10) That if the person fails to pay the fine, the violation will be heard before the special magistrate and the date, time, and place that said hearing will be conducted.
  - (11) A conspicuous statement that if the person fails to appear at the hearing to contest the violation, the person shall be deemed to have waived his or her right to contest the violation and that, in such case, an order may be entered against the person for an amount up to the maximum civil fine in accordance with section 10-348.
- (d) After issuing a citation to an alleged violator, the code enforcement officer shall deposit the original citation in a file for the special magistrate.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-61, Pt. A(Exh. A), 1-8-18; Ord. No. 2023-O-22, Pt. A(Exh. A) 7-3-23)

### **Sec. 10-346. Conduct of hearing.**

- (a) Hearings shall be held once a month, but may be held more or less often as the demand necessitates. Minutes shall be kept of all hearings and all such hearings shall be open to the public. The city manager or his

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designee shall provide clerical and administrative personnel as may be reasonably required for the proper performance of his or her duties. At any hearing, the special magistrate may continue any matter to a future hearing date.

- (b) Each case before the special magistrate shall be presented by a code enforcement officer, a member of the city administrative staff, the city attorney, any assistant city attorney or any special counsel. If the city prevails in prosecuting a case before the special magistrate, it shall be entitled to recover all costs incurred in prosecuting said case and such costs may be added to the fine and become part of any lien authorized under section 10-347.
- (c) The special magistrate may, for good cause shown, continue a case on the agenda for the respective hearing. All testimony shall be under oath and shall be recorded. Formal rules of evidence shall not apply, however, fundamental due process shall be observed and shall govern all proceedings. Both the city and the alleged violator shall have the right to subpoena witnesses to testify at the hearing.
- (d) At the hearing, the special magistrate shall advise the alleged violator of the section of the code of which he or she is accused of violating and the nature of the violation. The special magistrate shall first seek to determine whether or not the alleged violator admits the violation. If the alleged violator admits the violation, the special magistrate shall hear such testimony and evidence as he or she deems necessary to determine the extent of the violation and appropriate fine amount. If the alleged violator denies that a violation has occurred, the special magistrate shall hear first from the city and any city witnesses and evidence, and the alleged violator shall have the right to cross-examine city witnesses. At the close of the presentation of the city's case against the alleged violator, the alleged violator shall be permitted to present his or her evidence, testimony of other witnesses and his or her own testimony in his or her defense. The city shall have the right to cross-examine the alleged violator and his or her witnesses. The city shall have the burden of proving the violation by a preponderance of the evidence.
- (e) At the conclusion of the hearing, the special magistrate shall issue findings of fact based on the evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with the powers granted herein. The order may include a notice that it must be complied with by a specified date, that a fine may be imposed for noncompliance, and the cost of repairs may be included along with the fine under the conditions specified in section 10-347 if the order is not complied with by the prescribed date. A certified copy of such order may be recorded in the public records of Volusia County and shall constitute notice to any subsequent purchasers, successors in interest or assigns if the violation concerns real property and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest or assigns. If an order is recorded and the order is complied with by the date specified in the order, the city shall record an order acknowledging compliance of the code violation and satisfaction of the fine. A hearing is not required for the issuance of such an order acknowledging compliance.
- (f) In addition to the provisions of subsection (e) of this section, in cases involving drug related, prostitution related, or stolen property related public nuisances and criminal gang activity the special magistrate may declare the place or premises to be such a public nuisance, as defined in this article, and may enter an order requiring the owner of such place or premises to adopt such procedure as may be appropriate under the circumstances to abate any such nuisance or may enter an order immediately prohibiting:
  - (1) The maintaining of the nuisance;
  - (2) The operating or maintaining of the place or premises, including the closure of the place or premises or any part thereof; or
  - (3) The conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance.

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- (g) An order entered under this subsection (f) shall expire after one year or at such earlier time as may be stated in the order.
  - (h) An order entered under this subsection (f) may be enforced pursuant to the procedures contained in F.S. § 120.69. This subsection shall not be construed as subjecting the city or special magistrate to any other provision of F.S. ch. 120.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17; Ord. No. 2017-O-61, Pt. A(Exh. A), 1-8-18)

### **Sec. 10-347. Administrative fines and liens.**

- (a) *Order imposing fine.* The special magistrate, upon notification by a code enforcement officer that a previous order of a code board or the special magistrate has not been complied with by the prescribed time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this article for each day the violation continues past the date set by the special magistrate for compliance; or in the case of a repeat violation, for each day the repeat violation continues to exist, beginning with the date the repeat violation is found to have occurred by the code enforcement officer. Further, if the violation is a violation described in subsection 10-344(g), the special magistrate shall notify the city manager or city council, which may authorize and take all reasonable remedial actions that are required to bring the property into compliance, and the reasonable cost of those remedial actions may be charged against the violator along with any fine imposed pursuant to this article. Taking such remedial actions does not create a continuing obligation on the part of the city to make further repairs or to maintain the property and does not create any liability against the city for any damages to the property if such remedial actions were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, the special magistrate finds a violation to be irreparable or irreversible in nature, the special magistrate may order the violator to pay a fine as specified in subsection (b).
- (b) *Amount of administrative fine.* The special magistrate may impose the applicable civil fine prescribed in section 10-348 or may determine and impose a fine up to the maximum amount described in this subparagraph as provided below:
  - (1) A fine imposed pursuant to this section shall not exceed \$250.00 per day for the first violation and shall not exceed \$500.00 per day for a repeat violation and, in addition thereto, may include all costs of remedial repairs pursuant to subsection (a). However, if the special magistrate finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation.
  - (2) In determining the amount of the fine, if any, the special magistrate shall consider the following factors:
    - a. The gravity of the violation.
    - b. Any actions taken by the violator to correct the violation; and
    - c. Any previous violations committed by the violator.
  - (3) Each day a violation exists shall constitute a separate violation for the purpose of assessing such a fine.
- (c) *Reduction of the fine.* Once a violation has been brought into compliance, the city manager or his/her designee may reduce any fine imposed pursuant to this article however, said reduction shall not be less than the costs and expenses incurred by the city. Only the city manager may reduce any fine imposed pursuant to this article less than the costs and expenses incurred by the city.

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- (d) *Lien for unpaid fine.* A certified copy of the order imposing fine or a fine plus repair costs, may be recorded in the public records of Volusia County and shall thereafter constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including execution any levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this article, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the city and the city manager may authorize the execution of a satisfaction and release of lien entered pursuant to this article. After three months from the filing of any such lien which remains unpaid, the city may authorize the city attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this section may be foreclosed on real property that is homestead under section 4, article X of the Florida Constitution.
- (e) *Fee for lien inquiry/report.* A fee shall be charged per parcel of property for searching the city's official records and producing a city lien inquiry/report. Said fee shall be established and modified from time to time as needed by resolution of the city council. Said report shall contain all code enforcement, special assessment and any and all other city liens on the property that are reasonably ascertainable by search of the city's official records. The form of the report shall be in the manner prescribed by the city manager or his/her designee. A copy of the report shall be filed with the finance department.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-61, Pt. A(Exh. A), 1-8-18; Ord. No. 2023-O-22, Pt. A(Exh. A) 7-3-23)

#### **Sec. 10-348. Classification of violations and a schedule of civil fines, penalties and/or costs.**

The city hereby authorizes and provides for classifications of violations and a schedule of corresponding civil fines, penalties and/or costs to be established and modified from time to time, as needed by resolution of the city council

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

#### **Sec. 10-349. Notices.**

- (a) All notices required by this article shall be provided to the alleged violator by:
- (1) Certified mail to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database. The city may also provide additional notice to any address it may find for the property owner. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing notice may be provided by posting as described in subsection (b)(2); or
  - (2) By hand delivery by the sheriff or other law enforcement officer, or code enforcement officer; or
  - (3) By leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or
  - (4) In the case of commercial property, leaving the notice with the manager or other person in charge.
- (b) In addition to providing notice as set forth in subsection (a) notice may also be served by publication or posting, as follows:

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- (1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in Volusia County. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements. Proof of publication shall be made as provided in F.S. § 50.041 and § 50.051.
  - (2) In lieu of publication as described in paragraph (b)(1), such notice may be posted for at least ten days in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at city hall. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
  - (3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a). Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a), together with proof of publication or requirements of this section having been met, without regard to whether or not the alleged violator actually received such notice.
- (c) The provisions of this section shall not apply to the enforcement, pursuant to F.S. § 553.79 and § 553.80, as amended from time to time, of the building codes adopted pursuant to F.S. § 553.73 as they apply to construction, provided that a building permit is either not required or has been issued. For purpose of this section, building codes mean only those codes adopted pursuant to F.S. § 533.73.
- (d) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a), together with proof of publication or posting as provided in subsection (b), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2023-O-22, Pt. A(Exh. A) 7-3-23)

### **Sec. 10-350. Appeals.**

Except as otherwise provided herein, an aggrieved party, including the city, may appeal a final administrative order of the special magistrate by certiorari to the Circuit Court of Volusia County. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special magistrate. An appeal shall be filed within 30 days for the execution of the order to be appealed.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-61, Pt. A(Exh. A), 1-8-18)

### **Secs. 10-351—10-399. Reserved.**

## ***ARTICLE XXVIII. PROPERTY MAINTENANCE NUISANCE AND ABATEMENT***

### **Sec. 10-400. Property maintenance nuisance conditions; abatement; notice and hearing; lien for expenses.**

- (a) It is declared by the city council that the following shall each individually or in combination be a property maintenance nuisance when they exist upon any right-of-way, parcel, lot, lots, adjacent lots, or property:
- (1) Any dead, damaged or diseased tree, located within 35 feet of any public roadway, public or private sidewalk that is adjacent to a public roadway, or any developed property when the tree has been declared a hazard by a code enforcement officer or an arborist.

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- (2) Grass, weeds, brush and undergrowth (specifically excluding trees, planted ornamental shrubs and saw palmettos) that are allowed to reach a height in excess of 12 inches on an improved or developed lot, which impair or may impair the economic welfare of the adjacent property, contribute to a fire hazard and/or create a health hazard when any part of those growths are located on any lot adjacent to the boundary of any developed lot.
  - (3) Accumulation of waste, yard trash, or rubble and debris that may harbor rodents or snakes or that may contain pools of water that may serve as breeding grounds for insects or other disease transmitters.
- (b) If the code enforcement officer determines that a property maintenance nuisance exists on any lot, tract, or parcel of land within the city, the code enforcement officer shall provide notice to the violator. The notice shall have the following information:
- (1) The name and address of the property owner.
  - (2) The location of the property maintenance nuisance.
  - (3) The date and time the property maintenance nuisance notice was issued.
  - (4) The date and time the property maintenance nuisance was first observed.
  - (5) The section of the code that has been violated and a description of the nature of the property maintenance nuisance.
  - (6) Necessary corrective action.
  - (7) The name and contact information of the code enforcement officer issuing the notice.
  - (8) The date in which the violation must be corrected. The violator has ten days to correct the property maintenance nuisance from the date the notice was issued as outlined in section 10-400(c).
  - (9) A conspicuous statement that the city will correct the property maintenance nuisance and shall place a lien against the property for all cost incurred if the violation isn't corrected or a request for a hearing isn't received by the indicated date on the notice.
- (c) All property maintenance nuisances notices required by this article shall be provided to the alleged violator by:
- (1) Certified mail, return receipt requested to the address listed in the tax collector's office for tax notices, or to the address listed in the county property appraiser's database. The city may also provide additional notice to any address it may find for the property owner. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. The code enforcement officer shall post a copy of the notice of property maintenance nuisance at the property upon which the violation is alleged to exist and at city hall. Proof of posting shall be by affidavit of the person posting the notice; or
  - (2) By hand delivery by the code enforcement officer; or
  - (3) In the case of commercial property, leaving the notice with the manager or other person in charge.
- (d) Evidence that an attempt has been made to hand deliver or mailing notice and posting shall be sufficient to show that the notice requirements have been met, without regard to whether or not the alleged violator actually received such notice.
- (e) If the owner does not correct the condition and does not request a hearing within the ten-day period, the city shall have the condition abated and shall have a lien against the property for cost incurred.
- (f) If a hearing is requested, it shall be held before the special magistrate. The issues to be determined shall be whether the condition that exists constitutes a property maintenance nuisance as outlined in section 10-400(a). Upon appropriate findings, the special magistrate shall direct the owner of the property to correct



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the nuisance conditions within ten days, after which the city shall correct the nuisance conditions and shall have a lien against the property for all cost incurred.

- (g) Costs shall include the cost of correcting the violation, together with any other expenses, which the city has incurred.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-61, Pt. A(Exh. A), 1-8-18)

#### **Sec. 10-401. Imminent health hazards on private property.**

When an imminent health hazard exists on private property, the city is authorized to enter the private property and remove the imminent health hazard after all reasonable efforts have been made to contact the owner. The owner shall be responsible for any costs incurred by the city for abatement of the hazard, and a lien shall be imposed on the property in accordance with section 10-347.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14; Ord. No. 2017-O-23, Pt. A(Exh. A), 7-17-17)

#### **Sec. 10-402. Alternate method of enforcement.**

It shall be unlawful for any person owning property in the city to allow a lot to exist in a property maintenance nuisance condition as described in the article. As an alternative to the procedures of this article at the option of the code enforcement officer, violations of this article may be enforced by article XXVII or any other means available as provided by city ordinance or by law.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

#### **Secs. 10-403—10-499. Reserved.**

### ***ARTICLE XXIX. MAINTENANCE OF COMMERCIAL PROPERTIES***

#### **Sec. 10-500. Minimum standards.**

The minimum standards for the maintenance of commercial properties are as follows:

- (1) All buildings and walls shall present a neat and clean appearance and be free of all peeling paint, mildew, rust, graffiti, dirt, and deteriorated or mismatched roofing material.
- (2) Nonfunctional elements on any building, structure, or premises, such as unused sign poles, brackets, empty electrical conduit, etc., shall be removed and the remaining surface shall, if damaged, be repaired or rebuilt to match adjacent surfaces and to the original condition. All loose wires and/or conduits shall be secured.
- (3) Awnings shall be properly maintained and present a neat and clean appearance. Awnings shall be deemed as non-maintained if any part thereof is broken, tattered, torn, faded, or otherwise in disrepair.
- (4) All roofs, gutters, and downspouts shall be maintained to prevent damage to the structure and adjoining properties.
- (5) All parking areas shall be kept free of weeds, trash and debris. Potholes and broken pavement shall be repaired. Paving and striping shall be maintained to a neat and clean appearance.

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- (6) Landscaping shall be maintained in a healthy condition, including but not limited to, sufficient watering and trimming. Landscaping shall be reasonably free of weeds and foreign matter.
  - (7) All grass covered areas shall be maintained in a healthy condition, including but not limited to, sufficient watering and maintenance as outlined in section 10-98.
  - (8) The premises shall be free of any condition that tends to or could hamper or interfere with the suppression of fire or the use of emergency vehicles upon the premises or adjacent premises.
  - (9) All retaining walls, nonstructural walls, dumpster enclosures, fences, lighting devices and supports and outdoor seating areas shall be maintained to a neat, clean, and functioning condition with a clean appearance.

(Ord. No. 2014-O-10, Pt. A(Exh. A), 6-2-14)

**Secs. 10-501—10-599. Reserved.**