

## **Short term rental**

[Sec. 110-176](#) R-1, six month minimum

[Sec. 110-201](#) R-2, three month minimum

[Chapter 34, Article VII, Division 3](#)- Short term vacation rentals

[Fl Statutes 509.032\(7\)\(b\)](#): A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

## **High/ Tall Grass**

[Sec. 14-68](#) Maintenance of vegetation, trees, plantings and landscaping.

...Sod shall be maintained at a maximum overall height of six inches or less; other ground cover material shall be maintained at an overall height not to exceed 12 inches...

## **Docks**

[Sec. 78-36](#) Docking limitations

[Sec. 14-164](#) Structures upon docks, seawall, cap, jetties and groins

[Chapter 14, Article V, Division 3](#)- Docks

Sec. 110-176. - Definition; purpose and intent.

The R-1, single-family residential district provides for single-family residential development located where lower density single-family uses are desirable. The R-1, single-family residential district correlates with the residential urban (RU) category of the Countywide Plan. The lots and dwellings are larger sized to provide for the desired density of use. Essential services and public facilities compatible with this residential district are also provided.

Any use which is not specifically identified as a permitted use, accessory use or special exception use is a prohibited use. Prohibited uses shall include, but are not limited to, short term rentals of a housing unit. As used in this division, the term "short term rental" shall mean any rental of a dwelling unit, or portion thereof, for less than a six-month period.

(Code 1983, § 20-404; Ord. No. 1069, § 1, 2-28-06; Ord. No. 1138, § 2, 12-9-08)

**Cross reference**— Definitions generally, § 1-2.

Sec. 110-201. - Definition; purpose and intent.

The R-2, low density multifamily residential district provides for low density multifamily residential correlates with the residential medium (RM) category of the countywide plan and, which does allow for a variety of dwelling types.

Any use which is not specifically identified as a permitted use, accessory use or special exception use is a prohibited use. Prohibited uses shall include, but are not limited to, short term rentals of a housing unit. As used in this division, the term "short term rental" shall mean any rental of a dwelling unit, or portion thereof, for less than a three-month period.

(Code 1983, § 20-404; Ord. No. 1069, § 2, 2-28-06; Ord. No. 1138, § 3, 12-9-08; Ord. No. 2018-07, § 1, 7-11-18)

**Cross reference**— Definitions generally, § 1-2.

### DIVISION 3. - SHORT TERM VACATION RENTALS

#### Sec. 34-501. - Intent.

The city finds that certain transitory uses of residential property tends to affect the residential character of the community and are injurious to the health of the community. Therefore, it is necessary and in the interest of public health, safety and welfare to monitor and provide reasonable means for citizens of the city to mitigate impacts created by such transitory uses of residential property within the city. It is unlawful for any owner of any property within the geographic bounds of the city to rent or operate a vacation rental of residential property contrary to the procedures and regulations established in this division or applicable state statute, except as provided in section 34-504.

(Ord. No. 2015-13, § 1, 11-10-15)

#### Sec. 34-502. - Definitions.

For the purpose of this division, the following terms, phrases, words, abbreviations and their derivations shall have the same meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely a directory. Words not be defined shall be given their meaning as provided in section 1-2, of the Code of Ordinances.

*Garbage* as defined in section 54-1 of the Code of Ordinances.

*Residential property* as defined in section 82-2 of the land development regulations.

*Responsible party* shall mean the owner or person designated by the owner of the property to be called upon to answer for maintenance of the property and the conduct and acts of occupants of residential properties.

*Transient occupants* mean any person or guest or invitee of such person, who occupies or is in actual or apparent control or possession of residential property registered as a vacation rental. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the vacation rental is a transient occupant.

*Vacation rental* shall mean any individually or collectively owned single-family, two-family or three-family house or dwelling unit that is rented to transient occupants for periods of time less than six months in an R-1 zoned district or less than three months in an R-2 zoned district or which is advertised or held out to the public as a place regularly rented to transient occupants.

(Ord. No. 2015-13, § 1, 11-10-15)

Sec. 34-503. - Registration required.

- (a) It is unlawful for any person to allow another person to occupy any residential property as a vacation rental within the city or offer such rental services within the city, unless the person has registered the vacation rental property with the city and the vacation rental property has been issued a certificate of compliance in accordance with the provisions of this division.
- (b) A person may not allow another person to occupy any residential property as a vacation rental without the issuance of a certificate of compliance if;
  - (1) The residential property has an effective and valid license as a vacation rental classification of public lodging establishment issued by the state department of business and professional regulations prior to February 28, 2006; and
  - (2) The residential property is not in violation of any section of the Code of Ordinances; and
  - (3) An application for registration of the residential property as a vacation rental has been filed pursuant to section 34-504 and all applicable fees have been paid; and
  - (4) That said occupancy was scheduled prior to November 10, 2015 as evidenced by a written and valid executed rental agreement or contract provided to city code enforcement no later than December 10, 2015.

(Ord. No. 2015-13, § 1, 11-10-15)

Sec. 34-504. - Application for registration.

Application for registration of a vacation rental shall be made to the city clerk or his or her designee and shall be set forth at a minimum:

- (1) The legal description of the property offered for rent (i.e., address, lot, block and subdivision name).
- (2) Name, address and phone number of owner of said property;
- (3) Name, address and emergency contact phone number of responsible party for said property, which shall be a 24-hour, seven days a week contact number.
- (4) That the phone number for responsible party will be answered 24 hours a day, seven days a week by the responsible party;
- (5) Acknowledgement by owner of the following:
  - a. That all vehicles associated with the vacation rental must be parked in compliance with the Code of Ordinances.

- b. That it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in chapter 34, article III, noise;
  - c. That the owner shall comply with all applicable city, county, state and federal laws, rules, regulations, ordinances and statutes.
  - d. That no solid waste container shall be located at the curb for pickup before 6:00 p.m. the day prior to pick up, and solid waste container shall be removed before midnight of the day of pickup.
  - e. That, whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance or a property, or, having been authorized, licensed, or invited, is warned by the owner or lessee, to depart the property and refuses to do so, commits the offense of trespass in a structure or conveyance;
  - f. That other properties are not jointly shared commodities and should not be considered available for use by transient occupants of the property subject of the application; and
- (6) Proof of owner's current ownership of the property;
  - (7) Proof of registration with the state department of revenue for sales tax collection and county tourist development tax; and proof taxes have been paid prior to February 28, 2006 and all subsequent taxes have been paid.
  - (8) Proof of licensure with the state department of business and professional regulation for a transient public lodging establishment was obtained prior to February 28, 2006 and maintained continuously since acquiring it.
  - (9) Business tax receipt from the city was obtained prior to February 28, 2006 and maintained continuously since acquiring it.
  - (10) Proof of general liability insurance.
  - (11) Proof of passing building and fire inspections.
  - (12) The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements; and
- Submission of an incomplete registration application form shall result in rejection of the application.

(Ord. No. 2015-13, § 1, 11-10-15)

#### Sec. 34-505. - Fees for registration.

The city charges reasonable fees for registration to compensate for administrative expenses. The fees for registration shall be provided for, from time to time, by resolution adopted by the city commission.

(Ord. No. 2015-13, § 1, 11-10-15)

Sec. 34-506. - Responsible party required.

Whenever any property is required to be registered under this division, the owner shall appoint a natural person who resides within 25 miles of the vacation rental property to serve as the responsible party for service of notices, are specified herein and notices given to the responsible party shall be sufficient to satisfy any requirement of notice to the owner. An initial responsible party shall be designated and name submitted with the application for registration and the city clerk or his or her designee shall thereafter be notified of any change of responsible party within 15 days of such change. Further, it is the affirmative duty of the responsible party to:

- (1) Inform all guests, in writing, prior to occupancy of the property of the applicable city ordinances concerning noise, vehicle parking, garbage and common area usage with a copy of the applicable city ordinances printed in the English language and posted prominently near the main entrance of the establishment;
- (2) Maintain all properties under their control in compliance with the occupancy limits, as specified in the Florida Building Code and the Code of Ordinances as determined by the building official or his designee;
- (3) See that the provisions of this division are complied with and promptly address any violations of this division or any violations of law which may come to the attention of the responsible party;
- (4) Be available with authority to address and coordinate solutions to problems with the rental of the property 24 hours a day, seven days a week;
- (5) Be situated close enough to the property as to be able to, and shall, respond to emergency calls within two hours of notification;
- (6) Keep available a register of all guests, which shall be open to inspection by authorized personnel of the city at all times; and
- (7) Maintain the entire property free of garbage and litter, provided however, that this subsection shall not prohibit the storage of garbage and litter in authorized receptacles for collection.

(Ord. No. 2015-13, § 1, 11-10-15)

Sec. 34-507. - False information.

It shall be unlawful for any person to give any false or misleading information in connection with the application for registration required by this division.

(Ord. No. 2015-13, § 1, 11-10-15)

Sec. 34-508. - Minimum requirements for issuance of a certificate of compliance.

The city clerk or his/her designee may issue a certificate of compliance to the applicant upon proof of the following:

- (1) The owner or responsible party completes the city registration application form;
- (2) The registration fee has been paid to the city;
- (3) Business tax receipt from the city was obtained prior to February 28, 2006 and maintained continuously since acquiring it;
- (4) Proof of registration with the state department of revenue for sales tax collection and county tourist development tax; and proof taxes have been paid prior to February 28, 2006 and all subsequent taxes have been paid;
- (5) Proof of licensure with the state department of business and professional regulation for a transient public lodging establishment was obtained prior to February 28, 2006 and maintained continuously since acquiring it;
- (6) An affidavit demonstrating maintaining initial and on-going compliance with vacation rental standards contained herein, plus any other applicable local, state and federal laws, regulations and standards to include, but not limited to chapter 509, Florida Statutes and Rules, chapter 61C and 69A, Florida Administrative code;
- (7) A copy of the form vacation rental/lease agreement to be used when contracting with transient occupants and guests.

(Ord. No. 2015-13, § 1, 11-10-15)

Sec. 34-509. - Initial and routine compliance inspections.

- (a) An inspection of the dwelling unit for compliance with this section is required prior to issuance of an initial vacation rental certificate of compliance. If violations are found, all violations must be corrected and the dwelling unit must be re-inspected prior to issuance of the initial vacation rental certificate of compliance as provided herein.
- (b) Once issued, a vacation rental unit must be properly maintained in accordance with the vacation rental standards herein and will be re-inspected annually. For an inspection, all violations must be corrected and re-inspected within 30 calendar days. Failure to correct such inspection deficiencies in the timeframes provided shall result in the suspension of the vacation rental certificate of compliance until such time as the violations are correct and re-inspected.



- (c) The inspections shall be made by appointment with the vacation rental responsible party. If the inspector has made an appointment with the responsible party to complete an inspection, and the responsible party fails to admit the officer at the scheduled time, the owner shall be charged a "no show" fee in an amount to be determined by resolution of the board of commissioners of the city.
- (d) If the inspector(s) is denied admittance by the vacation rental responsible party or if the inspector fails in at least three attempts to complete an initial or subsequent inspection of the rental unit, the inspector(s) shall provide notice of failure of inspection to the owner to the address as shown on the existing vacation rental certificate of compliance or the application for vacation rental.
  - (1) For an initial inspection, the notice of failure of inspection results in the certificate of compliance not being issued; the vacation rental is not permitted to operate without a valid certificate of compliance.
  - (2) For a subsequent inspection, the notice of failure of inspection is considered a violation and is subject to enforcement remedies as provided herein.

(Ord. No. 2015-13, § 1, 11-10-15)

Sec. 34-510. - Responsible party.

- (a) *Duties of the responsible party.*
  - (1) Be available at the listed phone number 24 hours a day, seven days a week to handle problems arising from the vacation rentals use; and
  - (2) Be able and willing to come to the vacation rental dwelling unit within two hours following notification from the city/code enforcement of issues related to the vacation rental; and
  - (3) Receive service of any notice of violation of this section; and
  - (4) Monitor the vacation rental dwelling unit at least weekly to assure continued compliance with the requirements of this section.
- (b) *Responsible party status.* Responsible party status may be suspended or revoked by the city manager if a vacation rental agent fails to perform any of the above listed duties, after the proper notice and hearing. The city shall maintain a written record of its contacts with responsible parties, including a notation of whether the agent responded within the two hours and how the issue was resolved.
- (c) *Suspension.* The city manager may suspend a person's responsible party status for any or all vacation rental property in the city for minor violations for a period of time not to exceed three months, or until certain conditions have been complied with or violations cured.
- (d) *Revocation.* The city manager may revoke a person's responsible party status for all vacation

rental property in the city for major or repeated violations. After revocation the owner shall not reapply for a responsible party status for any vacation rental property in the city until the basis for the revocation has been resolved and in no event prior to six months following the date of revocation.

- (e) An owner may change his or her designation of a responsible party temporarily or permanently; however, there shall be only one responsible party for each vacation rental property at any given time. To change the responsible party, the owner shall notify the city in writing of the name, contact information and certification as required under "responsible party" for the new responsible party and pay the applicable fee, if any, determined by the resolution of the city. Any notice of violation or legal process which has been delivered or served upon the previous responsible party, prior to the city's receipt of notice of change of responsible party, shall be deemed effective service.
- (f) It shall be the sole responsibility of the property owner to appoint a reliable responsible party and to inform the agent of his or her correct mailing address. Failure to do so shall not be a defense to a violation of this section. No property owner shall designate as a responsible party any person who does not expressly comply with the provisions of this section. The property owner or responsible party shall be deemed to be the "violator" of this section as the term is used in F.S. § 162.06.
- (g) A person may serve as a responsible party for one or more vacation rental property owners if:
  - (1) The responsible party provides the city with a written authorization from each owner represented; and
  - (2) Each authorization must state that the owner has received a copy of and understands this section; and
  - (3) Each owner must sign the authorization and acknowledge the requirements of this section.

(Ord. No. 2015-13, § 1, 11-10-15)

#### Sec. 34-511. - Vacation rental occupants.

- (a) The occupant(s) of each vacation rental dwelling unit shall receive a written copy of this section and the city's noise and trash regulations.
- (b) Occupant(s) may only park in the spaces designated on the vacation rental certificate sketch.
- (c) All occupants must evacuate from the vacation rental upon posting of any non-resident evacuation order.

(Ord. No. 2015-13, § 1, 11-10-15)

#### Sec. 34-512. - Vacation rental dwelling unit.

- (a) There shall be posted on the back of the front door within the dwelling unit, all the following information:
- (1) The name, address, phone number and email address of the responsible party;
  - (2) The maximum occupancy of the unit;
  - (3) The maximum number of vehicles that can be parked at the unit, along with a sketch of the location of the parking spaces;
  - (4) The location of the nearest hospital and phone number along with the county sheriff's phone number;
  - (5) A legible copy of the vacation rental certificate;
  - (6) A legible copy of this section; and
  - (7) A legible copy of the agreement between the owner and the vacation rental occupant(s), for the duration of the rental period covered by that agreement.

(Ord. No. 2015-13, § 1, 11-10-15)

Sec. 34-513. - Garbage containers.

Each vacation rental unit must contain the covered garbage container(s) provided by the owner. Placement of trash container(s) for pickup shall be in compliance with city regulations.

(Ord. No. 2015-13, § 1, 11-10-15)

Sec. 34-514. - No limitation of remedies.

Nothing in this division shall limit the city from enforcement of its code, state or federal law by any other legal remedy available to the city. Nothing in this division shall be construed to limit or supplant the power of the inspector(s), code enforcement inspector or code enforcement special magistrate under the city's ordinances, rules and regulations and the authority granted under state law, to take the necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance as defined under state law or the city ordinances, codes or regulations or to abate a nuisance by any other lawful means or proceedings.

(Ord. No. 2015-13, § 1, 11-10-15)

Sec. 34-515. - Sale or transfer of dwelling unit used for vacation rentals.

Whenever a dwelling unit used for vacation rentals is sold or otherwise changes ownership and the new owner desires to use the unit for vacation rentals, the new owner must schedule and obtain an inspection of the dwelling unit prior to application for a vacation rental certificate. Vacation rental

certificates are not transferrable from one owner to another.

(Ord. No. 2015-13, § 1, 11-10-15)

Sec. 34-516. - Expiration of registration.

All registrations issued under the provisions of this division shall be valid for no more than one year, and all registration shall expire on September 30 of each year. Dates for renewal and applicable late renewal fees shall be established by resolution of the board of commissioners.

(Ord. No. 2015-13, § 1, 11-10-15)

Sec. 34-517. - Revocation.

(a) *Cause for revocation.* Any certificate of compliance issued pursuant to this division may be denied, revoked, or suspended by the city manager upon the adjudication of a violation of this division, any city ordinance, or state law by the responsible party, property owner or transient occupant attributable to the property for which the certificate of compliance is issued. Such denial, revocation or suspension is in addition to any penalty provided herein.

(b) *Offenses/violations.*

- (1) Non-compliance with any provisions of this division shall constitute a violation of this division.
- (2) Separate violations. Each day a violation exists shall constitute a separate and distinct violation.

(c) *Remedies/enforcement.*

- (1) Violations of this division shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal action to accomplish a safe and effective vacation rental program it is key that vacation rental responsible parties are responsive and responsible for the management of the property for compliance with this section.
- (2) Additional remedies. Nothing contained herein shall prevent the city from seeking all other available remedies which may include, but not be limited to, suspension or revocation of a vacation rental certificate of compliance, injunctive relief, liens and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

(d) *Suspension of vacation rental certificate of compliance.* In addition to any fines and any other remedies described herein or provided for by law, a special magistrate may suspend a vacation rental certificate of compliance in accordance with the following:

- (1) Suspension time frames.

- a. Upon a second violation of this division, the vacation rental certificate shall be suspended for a period of 14 calendar days.
  - b. Upon a third violation of this division, the vacation rental certificate shall be suspended for a period of 30 calendar days.
  - c. For each additional violation of this division, the vacation rental certificate shall be suspended for an additional 30 calendar days to a maximum period of 12 months. For example, the fourth violation shall be for 60 calendar days; the fifth violation shall be for 90 calendar days, and so on.
- (2) Suspension restrictions. A vacation rental may not provide transient occupancy during any period of suspension of a vacation rental certificate.
- a. The suspension shall begin immediately following notice, commencing either:
    1. At the end of the current vacation rental lease period; or
    2. Within 30 calendar days, whichever date commences earlier, or as otherwise determined by the special magistrate.
  - b. Operation during any period of suspension shall be deemed a violation pursuant to this division and shall be subject to daily fine, up to \$250.00 for initial violation and \$500.00 for repeat violation, for each day that the vacation rental operates during a period of violation.
- (e) *Number of violations.* For purposes of this section only, violations shall be considered per the rental period or per every seven days, whichever is less and for only those violations in which a code enforcement citation or criminal charge was issued. Violations could potentially occur over multiple times over the same rental period.

(Ord. No. 2015-13, § 1, 11-10-15)

#### Sec. 34-518. - Appeals.

A revocation of responsible party status by the city manager may be appealed to the city, as provided in this subsection.

- (1) *Applicability.* A person may file an appeal of a revocation or suspension of his or her responsible party status.
- (2) *Filing of appeal.* The appeal shall be filed within 30 days of receiving notice of the revocation or suspension by certified mail, in a form specified by the city and accompanied by an application fee in the amount to be determined by resolution of the board of commissioners. Failure to file an appeal within 30 days shall constitute a waiver of all rights to appeal the revocation or suspension.

- (3) *Notice and scheduling of appeal hearing.* The public hearing on the appeal shall be scheduled for the first available special magistrate hearing following completion of the city's review and evaluation of the applicant or such other time as is mutually agreed upon between the applicant and the city manager.
- (4) *Appeal hearing.* At the public hearing the special magistrate shall consider the appeal application, the relevant support materials, the city manager's recommendations and public testimony given at the hearing. If, at any time during the public hearing, the special magistrate determines that the appeal is based upon incomplete or inaccurate information or misstatements of fact, it may deny the appeal or refer the application back to the city manager for further review and revised recommendations. The special magistrate shall presume the original decision of the city manager was correct and shall only overturn such decision where there has been an effort of fact or law. At the close of the public hearing, the special magistrate may approve or deny the appeal.
- (5) *Judicial relief.* The applicant, or any aggrieved person who has opposed the appeal at the public hearing, may appeal the decision of the special magistrate by filing a petition for writ of certiorari in the circuit court in and for the county, in accordance with the procedures provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure.

(Ord. No. 2015-13, § 1, 11-10-15)

Sec. 34-519. - Insurance for responsible party and property managers.

The responsible party, at his or her own cost and expense, shall have in force at all times, and as a condition of being appointed a responsible party, insurance from an insurance company licensed in the state and rated "class A" or better by A.M.

(Ord. No. 2015-13, § 1, 11-10-15)

Sec. 34-520. - Certificate of confirmation.

Once confirmed as a "legal" short term rental, a certificate shall be obtained from the city. This certificate will be renewable yearly. Not transferrable or assignable, if property is sold.

(Ord. No. 2015-13, § 1, 11-10-15)

Sec. 34-521. - Minimum life and safety requirements.

- (a) Residential swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, F.S. ch. 515. In

addition, swimming pools, spas and hot tubs used for vacation rental shall be screened by a six-foot, 100 percent opacity fence.

- (b) Sleeping rooms. Sleeping rooms shall meet the single- and two-family dwelling minimum requirements of the Florida Building Code. Two people per sleeping room. Does not include living room.
- (c) Smoke and carbon monoxide (CO) detection and notification system. If an interconnected and hard-wired smoke and carbon monoxide (CO) detection and notification system is not in place within the vacation rental unit, then an interconnected, hard-wired smoke alarm and carbon monoxide (CO) alarm system shall be required to be installed and maintained on a continuing basis consistent with the requirements of section R314, smoke alarms, and section R315, carbon monoxide alarms, of the Florida Building Code—Residential.
- (d) Fire extinguisher. A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.
- (e) Emergency egress maintenance and lighting.
- (f) Evacuation routes posted.

(Ord. No. 2015-13, § 1, 11-10-15)

#### Sec. 34-522. - Parking standard.

There shall be one off-street parking space for each bedroom. Recreational vehicles and accessory trailers shall not be permitted in driveways or other designated parking areas. No recreational vehicles or any other motor vehicle may be used for sleeping. On street parking with the right-of-way shall not be permitted.

(Ord. No. 2015-13, § 1, 11-10-15)

#### Sec. 34-523. - Vacation rental standards.

- (a) Service for pick-up must be available through owner/agent. When tenants leave, the trash is not allowed on the curb until day of service unless containers meet code.
- (b) Quiet hours: 10:00 p.m. to 7:30 a.m. Sunday through Thursday. 11:00 p.m. to 7:30 a.m. Friday and Saturday, with the exception of swimming pool, spa and hot tub use which is limited to the hours of 10:00 a.m. to 10:00 p.m.
- (c) Vacation rental units may not be rented or occupied by a convicted sexual predator, offender or felon.

(Ord. No. 2015-13, § 1, 11-10-15)



## DIVISION 1. - GENERALLY

## Sec. 14-60. - Declaration of policy.

It is hereby found and declared that there exist in the city structures used for residential, commercial, business or industrial use which are, or may become in the future, substandard with respect to structure, equipment or maintenance, or further, that such conditions, including but not limited to structural deterioration, lack of maintenance and appearance of exterior of premises, infestation, plumbing, lack of maintenance or upkeep of essential facilities and utilities, existence of fire hazards, inadequate provisions for light and air and unsanitary conditions constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens and inhabitants of the city. It is further found and declared that by reason of lack of maintenance and progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums and that if these conditions are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate such conditions, and that by reason of timely regulations and restrictions as contained in this article, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of neighborhoods enhanced and the public health, safety and welfare protected and fostered.

(Code 1983, § 6-202)

## Sec. 14-61. - Purpose and intent.

The board of commissioners finds:

- (1) The public health, safety, and welfare is adversely affected when property, structures, and premises within the city are not maintained to certain minimum standards of maintenance, upkeep and appearance;
- (2) Inadequate maintenance of property, structures, and premises within the city causes or tends to cause the following undesirable and detrimental conditions within the city: breeding areas and habitat for noxious, harmful or undesirable insects, pests, and animals; hazards and dangers to persons on or near the premises or property; increased risk of fire; increased risk of storm and wind damage to persons and property on or near the premises or property; cover and concealment for criminal or unlawful activity; sources of disease or illness; obstructions, obstacles and increased difficulty for firefighting, police, and emergency medical services personnel on or near the premises or property; and diminished property values for surrounding properties;
- (3) The appearance of property and of the exterior of structures and premises within the city

impacts the health, safety, and welfare of the citizens of the city in that structures on premises which are dilapidated, neglected, unsightly or overgrown tend to decrease the property values of surrounding properties;

- (4) Well-maintained properties improve the appearance of the city, enhance the desirability of the city as a place to live and work, and increase the general happiness, well-being and contentment of the citizens of the city, all of which inhere to the health, safety, and welfare of the public.

therefore, it is the purpose and intent of this section to enact certain minimum standards for the maintenance and appearance of property and the exterior of premises and structures within the city in order to foster the public health, safety, and welfare by diminishing or eliminating conditions which may give rise to the harmful, undesirable and adverse effects of inadequately maintained property, premises and structures.

(Code 1983, § 6-203)

#### Sec. 14-62. - 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:

*Accessory structure* means a structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

*Building* means a combination of materials to form a construction adapted to permanent or continuous occupancy for use for private, public, institutional, residence, business or storage purposes.

*Building code* means the Standard Building Code, as amended.

*Deterioration* means the condition or appearance of a building or parts thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, excessive use or lack of maintenance.

*Enforcing authority* means city manager or such other person as he may specifically designate.

*Exposed to public view* means any premises, or any part thereof, or any building, or any part thereof, which may be lawfully viewed by the public or any member thereof, from a sidewalk, street, alley way, water, licensed open-air parking lot or from any adjoining or neighboring premises.

*Exterior of premises* means those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.

*Extermination* means the control and elimination of insects, termites, rodents and vermin by

eliminating their harborage places; by removing or making inaccessible material that may serve as their food by poisoning, spraying, fumigating, tenting, trapping, or by any other approved means of pest elimination.

*Fire hazard* means anything or any act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay or hinder or may become the cause of an obstruction, a delay, a hazard or a hindrance to the prevention, suppression or extinguishment of fire.

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

*Ground cover* includes all plant materials which reach a maximum height of not more than 12 inches and may be used in lieu of grass.

*Health officer* means the health officer of the county.

*Hedges* means a dense row of shrubs forming a boundary which shall be:

- (1) A minimum of 18 inches in height immediately upon planting, with spacing of no more than 30 inches on center and reach an average height of 22 inches within one year of planting.
- (2) Of nondeciduous (leaves not falling off at a certain season) species, planted and maintained so as to form a continuous screen within a maximum of one year of planting.

*Infestation* means the presence of insects, termites, rodents, vermin or other pests on the premises which constitute a health or structural hazard.

*Mixed occupancy* means any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to nondwelling uses.

*Nuisance* means any one or combination of the following:

- (1) Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the state, or ordinances of the city.
- (2) Physical conditions dangerous to human life or detrimental to the health or safety of children, whether in a building, or the premises of a building, or upon an unoccupied lot. This includes, but is not limited to: Abandoned wells, shafts, basements, excavation, abandoned buildings, abandoned ice boxes, refrigerators, motor vehicles and any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation such as poison ivy, oak or sumac, which may prove a hazard for inquisitive minors.

- (3) Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the condition exists.
- (4) Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this article.
- (5) Whatever renders air, food or drink unwholesome or detrimental to the health of human being.
- (6) Fire hazards.

*Operator* means any person who has charge, care or control of premises or a part thereof, whether with or without the knowledge or consent of the owner.

*Owner* means any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises with or without accompanying actual possession thereof, or shall have charge, care or control of premises, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, receiver, or guardian of the estate, or as a mortgagee in possession either by virtue of a court order or by voluntary surrender by the person holding the legal title. Any person who is a lessee, subletting, or reassigning any part or all of any premises shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by such lessee.

*Plumbing* means all of the following supplies, facilities and equipment: Gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bath tubs, shower baths, installed clothes washing machines, catch basins, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines and water pipes and lines utilized in connection with air conditioning equipment.

*Premises* means a lot, plot or parcel of land including the buildings or structures thereon.

*Refuse* means all putrescible or nonputrescible solid wastes (except body wastes), including but not limited to garbage, rubbish, ashes, street cleaning, dead animals, abandoned vehicles, unlicensed vehicles and solid market and industrial wastes.

*Room* means space in an enclosed building or space set apart by a partition or partitions.

*Rubbish* means nonputrescible solid wastes consisting of both combustible and noncombustible waste, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

*Sanitary sewer* means any sanitary sewer owned, operated and maintained by the county or the city and available for public use for the disposal of sewage.

*Sewage* means waste from a flush toilet, bath tub, sink, lavatory, dishwashing or laundry machine, or

the water-carried waste from any other fixture or equipment or machine.

*Shrub* means a low, woody plant with several stems; bush.

*Story* means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. The ground floor of a building may be used for parking and not counted as a story.

*Structure* means a combination of any materials, whether fixed or portable, forming a construction, including buildings.

*Washrooms* means enclosed space containing one or more bath tubs, showers, or both, and which shall also include toilets, lavatories, or fixtures serving similar purposes.

*Water closet compartment* means enclosed space containing one or more toilets which may also contain one or more lavatories, urinals and other plumbing fixtures.

*Weathering* means deterioration, decay or damage caused by exposure to the elements.

*Vacant lot* means a lot without improvements.

(Code 1983, § 6-204; Ord. No. 2011-06, § 1, 12-13-11)

**Cross reference**— Definitions generally, § 1-2.

#### Sec. 14-63. - Applicability.

Every residential, commercial, business or industrial establishment and the premises on which it is situated including vacant lots in the city used or intended to be used for residential, commercial, business or industrial occupancy shall comply with the provisions of this article, whether or not such building shall have been constructed, altered or repaired before or after the enactment of the ordinance from which this article derives, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises for the construction or repair of the buildings, or for the installation or repair of equipment or facilities prior to the effective date of this ordinance from which this article derives. This article establishes minimum standards for the initial and continued occupancy and use of all such buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building, equipment or facilities contained therein, except as provided in section 14-65. Where there is mixed occupancy, any commercial, residential, business or industrial use therein shall be nevertheless regulated by and subject to the provisions of this article.

(Code 1983, § 6-205)

#### Sec. 14-64. - Higher standard to prevail in case of conflict with other ordinances or laws.

In any case where the provisions of this article impose a higher standard than set forth in any other ordinance of the city, or under the laws of the state, then the standard as set forth in this article shall prevail, but if the provisions of this article impose a lower standard than any other ordinance of the city or of the laws of the state, then the high standard contained in any such ordinance or law shall prevail.

(Code 1983, § 6-206)

Sec. 14-65. - Issuance and renewal of other permits and licenses.

All licenses and permits shall be issued upon compliance with this article as well as compliance with the ordinance under which such licenses and permits are granted.

(Code 1983, § 6-207)

Sec. 14-66. - Enforcement of and compliance with other ordinances.

No license or permit or other certification of compliance with this article shall constitute a defense against any violation of any other ordinance of the city applicable to any structure or premises, nor shall any provision in this article relieve any owner or operator from complying with any such other provisions or the designated officer of the city from enforcing any such other provision.

(Code 1983, § 6-208)

Sec. 14-67. - Minimum standards for the maintenance and appearance of property, premises, and structures—Duties and responsibilities of owners/occupants.

It is the responsibility of each and every owner/occupant of property, premises, and structures within the city to maintain the same to the extent set forth in this article.

(Code 1983, § 6-209(A))

Sec. 14-68. - Same—Maintenance of vegetation, trees, plantings and landscaping.

The owners/occupants of private property are responsible for the maintenance of plants, trees, grass, ground cover, plantings, landscaping, organic materials, and vegetation of any type or nature (collectively referred to as vegetation and organic material) located on such property and abutting rights-of-way, excluding roads and streets. The board of commissioners may designate by resolution right-of-way areas to be maintained by the city due to special circumstances.

- (1) Private property and rights-of-way shall be maintained with a herbaceous layer of sod, a ground cover material or organic mulch. Sod shall be maintained at a maximum overall

height of six inches or less; other ground cover material shall be maintained at an overall height not to exceed 12 inches. Organic mulch shall be composed of chopped or shredded organic material and maintained in a manner which will retard or prevent the rapid or easy spread of fire.

- (2) No vegetation or organic material shall be kept or maintained in such a manner as to promote or allow the easy or rapid spread of fire. Examples of prohibited vegetation or organic material are accumulations of flammable branches or leaves and dead or flammable grasses or ground cover.
- (3) No termite infested wood shall be kept on private property.
- (4) No vegetation or organic material which evidences rodent, vermin, pest, or insect infestation, nesting or habitation shall be kept on private property.
- (5) Vegetation and organic material shall not impair or obstruct the vision or safe travel of pedestrians, bicyclists, and motorists on sidewalks, streets, and public rights-of-way or while exiting or entering private property.
- (6) Vegetation and organic material including, but not limited to, sod, vines, hedges, and shrubs, shall be maintained so as not to encroach upon sidewalks, streets, and public rights-of-way. Trees, bushes, shrubs and other vegetation which extends over sidewalks, streets, and public rights-of-way shall be maintained so as to allow the safe travel of pedestrians, bicyclists, and motorists.
- (7) Dead and dying trees, bushes, shrubs, or other natural growth, or the branches or limbs thereof, which constitute a hazard to persons on property by reason of rot, deterioration, storm damage, or any other cause, shall be pruned and trimmed to prevent such hazard or danger.
- (8) Vegetation and organic material shall not block or obstruct the windows, doors, or other means of entrance or exit of any structure on private property.
- (9) Vegetation and organic material shall not obstruct access to public utility poles and accesses, fire hydrants, manholes, and storm or sewer drains.
- (10) Hedges shall be maintained as provided in the Land Development Regulations.
- (11) Any private property utilizing xeriscape principles shall be planted with plants, trees, bushes, shrubs, grass, ground cover, and vegetation which are generally accepted and recognized by xeriscape experts as being drought tolerant or native vegetation, suitable for the climate and environment of the property, an ecologically acceptable within this state. Furthermore, private property utilizing xeriscape principles shall be maintained according to an active and ongoing maintenance program which shall include periodic and necessary pruning, mowing, weeding, fertilizing, pest control, irrigation and irrigation

adjustments, seeding and replanting.

(Code 1983, § 6-209(B); Ord. No. 1104, § 1, 2-13-07)

Sec. 14-69. - Same—Maintenance of the exterior of premises.

The exterior of premises and all structures thereon including but not limited to private property and vacant lots shall be kept free of all hazards to the health, safety and welfare of persons on or near the premises. It shall be the duty of the owner/occupant of such property to promptly abate or remove the same.

- (1) Garbage, trash, refuse, debris, accumulations of filth, broken glass, junk, scrap metal, scrap lumber, wastepaper products, discarded building materials, inoperative machinery, machinery parts, and similar materials shall not be stored or maintained on private property.
- (2) Abandoned, inoperable, or unlicensed vehicles, boats, boat trailers, trailers, campers, recreation vehicles, motorcycles, and machinery shall not be stored or maintained on private property except as provided elsewhere in the Code of Ordinances.
- (3) Overhanging or overhead objects which are loose, insecurely fastened or otherwise constitute a danger of falling on persons or property by reason of their location above the ground shall not be stored or maintained on private property.
- (4) Holes, excavations, pits, and depressions which present a danger to persons or property on or near private property shall be filled or safely covered.
- (5) Breaks, projections, obstructions, and other trip and fall hazards on walks, paths, steps, sidewalks, driveways, parking lots, parking areas, and other parts of premises accessible to and used by persons on the property are prohibited.
- (6) Pet and animal waste and excretions shall not be accumulated on private property.
- (7) Water shall not be allowed to collect, stand, or accumulate on private property so as to constitute a breeding ground for mosquitos and other insects.
- (8) Any condition on private property which evidences rodent, vermin, pest, or insect infestation, nesting or habitation is prohibited.
- (9) All permanent signs and billboards exposed to public view permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair. Any signs which have excessively weathered or faded, or those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed forthwith or put into a good state of repair. All nonoperative or broken electrical signs shall be repaired or shall, with their supporting members be removed forthwith.



- (10) All store fronts and walls exposed to public view shall be kept in good repair. Paint or similar protective coating shall be applied where required, and shall not constitute a safety hazard or nuisance. If repairs to a store front become necessary, such repairs shall be made with the same or similar materials used in the construction of the store front in such a manner as to permanently repair the damaged area or areas. Any cornice visible above a store front shall be kept painted, where required, and in good repair.
- (11) Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. If such awnings or marquees are made of cloth, plastic or of a similar material, such cloth or plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

(Code 1983, § 6-209(C))

Sec. 14-70. - Same—General maintenance.

The exterior of every structure or accessory structure (including fences, signs, screens and store fronts) shall be maintained in good repair, termite free and all surfaces thereof shall be kept painted or have similar protective coating where necessary for purpose of preservation and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end which the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties will be protected from conditions which tend to decrease the property values of surrounding properties.

- (1) All reconstruction of walls and sidings shall conform to the requirements of the Standard Building Code and shall be finished in a manner such that the materials used will not be of a kind which by their appearance, under prevailing practices and standards, will depreciate the values of the neighboring and adjoining premises.
- (2) Floors, interior walls and ceilings of every structure shall be structurally sound.
- (3) Floors shall be considered to be structurally sound when capable of safely bearing imposed loads and shall be maintained at all times in a condition so as to be smooth, free from cracks, breaks and other hazards.
- (4) All roofs shall have a suitable covering free of holes, cracks or excessively worn surfaces,

which will prevent the entrance of moisture into the structure and provide reasonable durability. Metal roofs showing signs of corrosion shall be painted with an approved product or have similar protective coating applied in accordance with the manufacturer's specifications.

- (5) Washrooms and water closet compartment floors shall be surfaced with water resistant materials and shall be kept in a sanitary condition at all times.
- (6) Supporting structural members are to be kept structurally sound, free of deterioration and capable of bearing imposed loads safely.
- (7) Walls and ceilings shall be in good repair, free from excessive cracks, breaks, loose plaster and similar conditions. Walls shall be provided with paint, wall covering materials or other protective covering.
- (8) Every washroom and water closet compartment shall be provided with permanently installed lighting fixtures with a switch and wall plate so located and maintained to ensure there is no danger of short circuiting from water, from other bathroom facilities or from splashing of water.
- (9) All premises shall be properly connected to and be provided with electric power through safely insulated conductors and shall conform to all provisions of the National Electrical Code.
- (10) The owner/occupant shall have the duty and responsibility of providing storage containers for the storage and disposal of garbage.
- (11) Foundation and walls shall be maintained structurally sound, free from defects and damage and capable of bearing imposed loads safely.
- (12) Chimneys and all flue and vent attachments thereto shall be maintained structurally sound, free from defects and so maintained as to capably perform at all times the function for which they are designed. Chimneys, flues, gas vents, or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke tight and capable of withstanding the action of flue gases.
- (13) Exterior porches, landings, balconies, stairs and fire escapes shall be provided with railings properly designed and maintained to minimize the hazard of people falling, and the same shall be kept structurally sound, in good repair and free from defects.

(Code 1983, § 6-209(D))

Sec. 14-71. - Duties and responsibilities of operator.

- (a) Upon discovery by an occupant of any condition on the premises which constitutes a violation

of this article, the occupant shall report such condition to the enforcing authority responsible for the enforcement under this article.

- (b) All parts of the premises under the control of the operator shall be kept in a clean and satisfactory condition and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or unsanitary or which would obstruct the owner or operator from performing any duty required hereunder or maintaining the premises in a clean and sanitary condition.
- (c) Every operator shall be responsible for the elimination of infestation in and on the premises subject to his control.
- (d) Every operator shall be responsible for willfully or maliciously causing damage to any part of the premises.
- (e) Every operator shall maintain all plumbing fixtures used by him in a clean and sanitary condition and he shall not deposit any material in any fixture or sewer system which would result in stoppage in or damage to the fixture or sewer system.
- (f) Where the owner would not otherwise know of a defect of any facility, utility or equipment required to be furnished hereunder and the facility, utility or equipment is defective or inoperable, each operator affected thereby shall, upon learning of such defect, provide notice to the owner or person in charge of the premises. Nothing in this subsection shall be construed to provide a defense to any owner violating this article.

(Code 1983, § 6-210)

Sec. 14-72. - Supervision vested in the enforcing authority.

Responsibility for enforcement of this article shall be pursuant to the code enforcement procedures in chapter 2, article VII and all inspections, regulations, enforcement and hearings on violations of the provisions of this article, unless expressly stated to the contrary, shall be under his direction and supervision of the enforcing authority. The enforcing authority may appoint or designate other officials or employees of the city to perform duties as may be necessary to the enforcement of this article, including the making of inspections.

(Code 1983, § 6-211)

Sec. 14-73. - Inspections; access.

All buildings and premises subject to this article are subject to inspection from time to time by the enforcing authority. At the time of such inspections, all rooms and parts of the premises must be available and accessible for such inspections, and the owner or operator is required to provide the

necessary arrangements to facilitate such inspections. Such inspections on commercial or industrial establishments shall be made during regular open hours of the business occupying the premises unless there is reason to believe a violation exists of a character which is an immediate threat to health or safety requiring inspection or abatement without delay.

(Code 1983, § 6-212)

Sec. 14-74. - Refusal of entry.

Where the enforcing authority or his agent is refused entry or access or is otherwise impeded or prevented by the owner or operator from conducting an inspection of the premises, such persons shall be in violation of this article and subject to the penalties in this article.

(Code 1983, § 6-213)

Secs. 14-75—14-90. - Reserved.

**Editor's note—** Ord. No. 2011-06, § 3, adopted December 13, 2011, repealed the former sections 14-75—14-81 in their entirety, which pertained to procedure where violation is discovered; contents of notice; service of notice of violation; hearings; decision of board of commissioners; failure to petition for hearing; failure to comply with order, and prosecution of violation, respectively, and derived from the Code of 1983, §§ 6-214—6-220, and Ord. No. 919, § 1, adopted December 7, 1999.

Sec. 78-36. - Docking limitations.

- (a) The owner or lessee of a dock or docks may moor boats to the dock or lease the dock or slip, provided the following conditions are met:
  - (1) No part of the boat projects beyond the property lines extended into the bay or channel.
  - (2) The moored boat does not interfere with the flow of boat traffic.
  - (3) The dock/slip is in good condition. If any mooring and/or docking facility used by any vessel is determined to be in disrepair, hazardous, or inadequate for the purpose intended, the city manager or his designated representative, at his sole discretion, may direct the owner or authorized agent to make the necessary repairs.
  - (4) The moored boat or vessel must be placed within 25 percent of the navigable waterway. If tie piles are at 25 percent of the waterway, the vessel must be moored within the tie piles.
- (b) Additionally, the owner or lessee of a dock in an R-1 or R-2 residential area may moor boats to the dock or lease the dock or slip provided the following conditions are met:
  - (1) The boat is not for hire while moored at the residential dock.
  - (2) The boat is clean and odor free while moored at the residential dock.
  - (3) Boats which are used full time for commercial purposes may not be fueled, loaded or unloaded at a residential dock.
  - (4) Not more than one commercial boat may be docked at any one lot zoned residential.
  - (5) Owners or lessee who rent three or more slips shall obtain a local business tax receipt.
  - (6) The moored boat or vessel must be placed within 25 percent of the navigable waterway. If tie piles are at 25 percent of the waterway, the vessel must be moored within the tie piles.

(Code 1983, § 5-109; Ord. No. 934, § 3, 12-5-00; Ord. No. 1111, § 4, 5-8-07)

Sec. 14-164. - Structures upon docks, seawall, cap, jetties and groins.

- (a) *Residential zone.* No structure shall be constructed on any seawall, cap, bulkhead, retaining wall, jetty, groin, tie pole or dock in any residential zone. Davits as approved by the city manager or his designated representative may be allowed.
- (b) *Business or commercial zone.* No structure shall be built on any groin, jetty, or adjoining jetty or seawall, in any business or commercial zone within the city until the plans and specifications therefor shall have been submitted to the city manager or his designated representative and approved by the city manager or his designated representative.
- (c) *Minimum specifications for docks.* The following shall not be construed as a design but as a minimum code:
  - (1) Residential docks shall be constructed in accordance with the following:
    - a. Concrete piling shall incorporate at least four one-half-inch diameter steel rods running the entire length thereof and covered by at least two inches of concrete. Concrete piling shall be precast concrete, testing 3,500 psi, or better in 28 days. Concrete piling shall be at least eight inches square in cross-section, and be of a length that will permit 25 percent of the length thereof to be embedded in the compacted bottom. Providing, however, that this penetration does not create a hardship due to rock or impenetrable material. In no event shall penetration be less than six feet.
    - b. Wooden piling shall be CCA salts pressure impregnated marine piles. The minimum tip size shall be six inches in diameter and the minimum butt size shall be nine inches in diameter.
    - c. Tie piling shall project above the surface of the water or land only as high as may be reasonably necessary for use and application, and all such piling shall be CCA salts pressure impregnated marine piles at least ten inches in diameter or prestressed concrete.
    - d. All fastenings shall be hot-dip galvanized and/or better.
    - e. All other timber shall be pressure treated.
    - f. Span spacing between pile bents shall not exceed 12 feet. For timber decked-dock construction the second bent shall not exceed 12 feet in front of the beginning of the dock. Outside stringer systems shall be doubled two inch by eight inch pressure-treated timber or greater. Five-eighths-inch diameter galvanized bolts or greater are to be used for attachment of stringers to caps on piling. Intermediate stringers shall be single two inch by eight inch with a maximum three feet on center spacing. Decking shall be two inch by six inch, two inch by eight inch size or greater pressure-treated timber.

- (2) Commercial docks shall be constructed in such a manner so as to equal or better the construction requirements set out in this section for residential.
- (3) No covered boat house shall be built upon any existing piling and no repairs which will extend the life of an existing boathouse in any residential zone shall be allowed.
- (4) If any pier or dock constructed hereunder or continued in existence hereunder is permitted to fall into disrepair so as to become a dangerous structure involving risks to the safety and well being of the community or individual members thereof such structure must either be removed or repaired so as to conform with the requirements of these regulations.
- (5) Upon determination by the city manager or his designated representative that any pier or dock has become a dangerous structure written notice thereof shall be given by mail. Any party so informed shall have 30 days within which to remove or repair such structure so as to conform with the requirements of these regulations.

(Code 1983, § 5-209; Ord. No. 2014-14, § 5, 11-12-14)

### DIVISION 3. - DOCKS

#### Sec. 14-205. - Design criteria for private docks.

In addition to the design criteria for all private docks regulated by the county water and navigation control authority, the following additional design criteria shall apply to those private docks lying within the municipal boundaries of the city.

Private docks to be constructed in the waters of the city shall be constructed so that the length of the dock shall not extend from the mean high water line or seawall of the property further than one-half the width of the property at waterfront. This requirement may be waived by the city manager or his designated representative, provided signed statements of no objection from both adjacent waterfront property owners have been submitted or an approved variance is granted by the special magistrate.

Private docks and boat lifts must be constructed within the center one-third of the applicant's waterfront property or 50 feet from the adjacent property, whichever is less restrictive. This requirement may be waived by the city manager or his designated representative, provided that signed statements of no objection from the property owner encroached upon has been submitted or an approved variance is granted by the special magistrate.

Tie piles may be a maximum distance of twenty-five percent (25%) of the navigable portion of the waterway from the waterfront property line and no closer than the side setback for a structure located on the property to the projection of any side or interior lot line. This requirement may be waived by the city manager or his designated representative, provided that signed statements of no objection from the property owner encroached upon has been submitted or an approved variance is granted by the special magistrate.

(Code 1983, § 5-202; Ord. No. 934, § 1, 12-5-00; Ord. No. 941, § 1, 5-11-01; Ord. No. 2022-22, § 1, 9-14-22)

#### Sec. 14-206. - Design criteria for commercial and multiuse private docks.

- (a) In addition to the design criteria for all commercial and multiuse private docks regulated by the county water and navigation control authority, the following additional design criteria shall apply to those commercial and multiuse private docks lying within the municipal boundaries of the city.
- (b) Docking facilities constructed in the waters of the city shall be constructed so that the width of such facilities shall not exceed 75 percent of the width of the property at the waterfront and shall be further constructed so that the length of the facility shall not extend from the mean high water line or seawall of the property further than 75 percent of the width of the property



at the waterfront. All docking facilities must be located so that no portion of the proposed facility is closer to either adjacent extended property line than ten percent of the property width at the waterfront. Multiuse private and commercial docks abutting adjacent waterfront residential property must be setback a minimum of one-third of the applicant's waterfront property width from the adjacent waterfront residential property. This requirement may be waived by the city manager or his designated representative, provided signed statements of no objection from the affected property owners have been submitted.

(Code 1983, § 5-203)

Sec. 14-207. - Minimum criteria for design and construction for seawalls and bulkheads.

The criteria for design, structure type, quality of materials and methods of construction presented herein are minimum and are not to be construed as being applicable to all sites and conditions. The design professional has the responsibility for determining the appropriate level of design and construction applicable to a particular site. Where the minimum standard is determined to be inappropriate, then a higher criteria shall be applied, where necessary, to satisfy actual site and estimated services conditions.

(Code 1983, § 5-207(A))

Sec. 14-208. - Permit—Required for repairs.

No building permit shall be issued for the construction of a concrete block seawall. However, a building permit will be required for the repair of any concrete block seawall now in existence, which are located on Boca Ciega Bay, provided that such concrete block seawall is in a repairable condition.

(Code 1983, § 5-207(B))

Sec. 14-209. - Same—Procedures.

The following procedure shall be followed in applying for a construction permit to repair a concrete block seawall:

- (1) Submit two copies of a drawing of the existing seawall, in plan and profile, on which will be shown the area to be repaired. The drawings shall indicate the areas of failure (wall, footing, or cap) as well as the reasons for such failures.
- (2) Submit two copies of specifications indicating the method to be used in making the repairs, material specifications, placing of forms and tie-backs and all other pertinent information which will be of assistance in passing upon the feasibility of the repair.

(Code 1983, § 5-207(B)(1))

Sec. 14-210. - Same—Review of plans and specifications.

Upon request of a property owner to repair a concrete block seawall, the city manager or his designated representative will review the plans and specifications, after which an on-site inspection may be made to verify the accuracy of the plans and information submitted, prior to the issuance of any repair permit.

(Code 1983, § 5-207(B)(2))

Sec. 14-211. - Material specifications.

Insofar as possible, material specifications that apply to seawall on Boca Ciega Bay will apply to all work on repair of concrete block seawalls. This will include concrete tie-backs, reinforcing steel, etc. Due to the variable factors involved in the repair of all concrete block seawalls, it will be impossible to allow repair of all concrete block seawalls. Therefore, each application will be considered on its own merits and the opinion of the city manager or his designated representative will be considered final in all cases except as otherwise provided in this division.

(Code 1983, § 5-207(B)(3))

Sec. 14-212. - Alternative materials.

Where it is determined that a concrete block seawall cannot be repaired and it is impossible to construct a concrete slab seawall from the land side, the city manager or his designated representative may approve an appropriate aluminum seawall using a concrete seawall cap.

(Code 1983, § 5-207(B)(4))

Sec. 14-213. - Location on Boca Ciega Bay and John's Pass east of John's Pass Bridge—Construction specifications generally.

All seawall or bulkheads on Boca Ciega Bay or on John's Pass east of John's Pass Bridge, shall be of reinforced concrete construction or of alternative materials with drawings signed and sealed by a registered Florida professional engineer, with the exception of concrete block seawalls which can be repaired under sections 14-208 through 14-212, and construction must be in accordance with the following minimum specifications:

- (1) All concrete shall be Class A with compressive strength of not less than 3,500 psi after 28 days curing. If in the opinion of the city manager or his designated representative at the

time of pouring of the concrete it does not meet the above specifications, he shall then require the contractor to pour two standard compression test cylinders under his direction. One of these cylinders, after proper curing for seven days, shall be tested for compressive strength by an approved testing laboratory. If this cylinder indicates compressive strength in excess of 2,100 psi, it shall be presumed that the concrete has met compressive strength requirements; otherwise, the second cylinder shall be tested at the end of 28 days. The city manager or his designated representative shall handle procedures for marking the cylinders and all costs of the pouring and testing will be borne by the contractor.

- (2) Reinforced concrete slabs shall not be less than 5  $\frac{5}{8}$  inches in thickness, not more than six feet in width, and a minimum length of ten feet. Vertical reinforcing steel rod shall extend the full length of the slab minus two inches each end and shall be of not less than No. 4 (one-half-inch) diameter steel reinforcing bar on six-inch centers. Horizontal reinforcing shall extend the full width of the slab minus two inches each side and shall not be less than No. 3 (three-eighths-inch) diameter reinforcing steel bar 30 inches on the center for ten-foot slab and 28 inches on the center for 12-foot slab. The edges of all slabs shall be mating tongue and groove with an approved filter system.
- (3) A reinforced concrete cap shall be poured upon the top of all slabs. The cap shall be a minimum of 9  $\frac{1}{2}$  inches thick, 16 inches wide with the slab projecting into the base of the cap not less than 2  $\frac{1}{2}$  inches. Four pieces of No. 4 (one-half-inch) longitudinal steel reinforcing bars shall be installed two inches from the front and rear faces of the cap. All reinforcing rods shall be lapped a distance of not less than 20 inches and shall be properly spaced and supported by ties and chairs. Expansion joints shall be constructed of one-half inch approved expansion material at intervals of not greater than 48 feet.
- (4) All reinforcing steel used shall be placed so as to provide a minimum cover of two inches of concrete to any surface.
- (5) Tie-backs of No. 8 (one-inch) steel reinforcing bar shall be placed at right angles to the line of the cap at intervals not greater than 12 feet on center. Ends of the tie-backs shall be bent at right angles, one end installed in the cap and one end installed in a concrete deadman in firm undisturbed soil. All deadmen shall be poured in place concrete, containing not less than 4  $\frac{1}{2}$  cubic feet of concrete and having not less than 4  $\frac{1}{2}$  square feet of vertical surface perpendicular to the alignment of the tie-rod. Each deadman shall contain vertical and horizontal steel reinforcement equivalent in cross sectional area to two No. 4 (one-half inch) deformed reinforcing bars in each direction. At expansion joints, double tie-backs shall be installed into a common deadman whose vertical face shall be not less than three feet eight inches by one foot six inches and shall be parallel to the

seawall. No deadman shall be less than one foot thick. Tie-backs shall be straight without kinks or bends with a minimum straight length of 12 feet for ten-foot slabs and 14 feet for 12-foot slabs. All tie-backs shall be completely covered with approved plastic pipe extending into seawall cap and deadman at least three inches. Alternative tieback systems may be acceptable with the submission of plans prepared by and signed and sealed by a registered Florida professional engineer.

(6) The top of all caps shall be equal to, or greater than, elevation four feet six inches USCGS datum mean sea level.

(7) New seawall construction or repair/extension of existing seawalls shall not result in vertical extension of the seawall more than 12 inches higher (including cap) than neighboring property and no higher than the crown of the road fronting the lot.

(Code 1983, § 5-207(C)(1)—(6); Ord. No. 2018-18, § 1, 1-8-19)

Sec. 14-214. - Same—Minimum ground penetration.

The minimum penetration of each seawall slab into the ground shall be as follows:

(1) Ten-foot slab minimum penetration four feet.

(2) Twelve-foot slab minimum penetration four feet ten inches.

(3) Fourteen-foot slab minimum penetration five feet seven inches.

(Code 1983, § 5-207(C)(7))

Sec. 14-215. - Same—Backfilling and grading.

As soon as possible after construction has been completed, the installation shall be inspected by the city manager or his designated representative and backfilling shall be performed immediately upon proper curing. The top of the finish grade shall be not lower than the top of the cap.

(Code 1983, § 5-207(C)(8))

Sec. 14-216. - Same—Seawalls continuous within property boundaries.

All seawall must be continuous within the property boundaries. No cuts, projections, ramps or additions will be allowed.

(Code 1983, § 5-207(C)(9))

Sec. 14-217. - Same—Seawall and backfill prerequisite for building permit.

No building permit shall be issued for any structure of any type or description on any bayfront lot or

lots unless such property has been seawalled and backfilled as provided for in this article.

(Code 1983, § 5-207(C)(10))

Sec. 14-218. - John's Pass West from John's Pass Bridge and all the Gulf of Mexico—Construction specifications generally.

All seawalls or bulkheads west from John's Pass Bridge and on the Gulf of Mexico shall be constructed at or landward of the county coastal construction control line with reinforced concrete construction, according to the following minimum specifications:

- (1) Vertical seawall shall be allowed along the Gulf of Mexico as long as they are constructed in compliance with minimum specifications of this section and shall be placed no closer to the Gulf of Mexico than the line defined by the county coastal construction control line established on January 16, 1979.
- (2) All concrete shall be Class A with compressive strength of not less than 3,500 psi after 28 days curing. If in the opinion of the city manager or his designated representative at the time of pouring of the concrete it does not meet the above specifications, he shall then require the contractor to pour two standard compression test cylinders, under his direction. One of these cylinders, after proper curing for seven days, shall be tested for compressive strength by an approved testing laboratory. If this cylinder indicates compressive strength in excess of 2,100 psi, it shall be presumed that the concrete has met the compressive strength requirements; otherwise, the second cylinder shall be tested at the end of 28 days. The city manager or his designated representative shall handle procedures for marking the cylinders and all costs of the pouring and testing will be borne by the contractor.
- (3) Reinforced concrete slabs shall not be less than 7½ inches in thickness, not more than six feet in width, with minimum length of 14 feet. Vertical reinforcing steel shall extend the full length of the slab minus two inches at each end and shall be of not less than No. 6 diameter steel reinforcing bars on 5¾ inch centers. Horizontal reinforcing shall extend full width of the slab minus two inches at each side and shall be not less than No. 3 (three-eighths-inch) diameter reinforcing steel bars on 24-inch centers. The edges of all slabs shall be mating tongue and groove with an approved filter system.
- (4) A reinforced concrete cap shall be poured upon the tops of all slabs. The cap shall be a minimum of 16 inches thick, 20 inches wide, with the slabs projecting into the base of the cap not less than five inches. Not less than four pieces of longitudinal steel reinforcing, of No. 5 (five-eighths-inch) diameter reinforcing steel bar, shall be installed at least two inches from the front and rear faces of the cap. All reinforcing rods shall be lapped a distance of

not less than 20 inches and shall be properly spaced and supported by ties and chairs. Expansion joints shall be constructed of one-half inch approved expansion material at intervals of not greater than 48 feet.

- (5) All reinforcing steel used in the slabs and caps shall be placed so as to provide a minimum cover of at least two inches of concrete to any surface.
- (6) Tie-backs of No. 9 (1½-inch) diameter steel reinforcing bar shall be placed at right angles to the line of the cap at intervals not greater than ten feet on center. Ends of the tie-backs shall be bent at right angles, one end installed in the cap and one end installed in a concrete deadman. Tie-backs shall be straight without kinks or bends with a minimum straight length of 18 feet for a 14-foot slab and all tie-backs shall be completely covered with approved plastic pipe extending at least three inches into cap and deadmen.
- (7) Deadmen shall be poured in place, containing not less than 7½ cubic feet of concrete, and have not less than 7½ square feet of vertical surface perpendicular to the alignment of the tie-rod. Each anchor shall contain horizontal steel reinforcement equivalent in cross sectional area to four No. 4 deformed reinforcing bars and be provided with four No. 2 steel stirrups.
- (8) The penetration of each seawall slab in firm ground shall be equal to or greater than one-half times the total length of the slab. In no case shall the seawall slab be shorter in length than 14 feet.
- (9) The elevation of all seawalls, bulkheads and retaining walls fronting on the Gulf of Mexico shall not be higher than elevation 6½ feet USCGS datum mean sea level.

(Code 1983, § 5-207(D)(1)—(9))

#### Sec. 14-219. - Same—Backfilling and grading.

As soon as possible after construction has been completed, the installation shall be inspected by the city manager or his designated representative and backfilling shall be performed immediately upon proper curing. The top of the finish grade shall not be lower than the top of the cap.

(Code 1983, § 5-207(D)(10))

#### Sec. 14-220. - Same—Technology.

This section recognizes the continuing changes and improvement in design technology, materials and methods of construction. Where a construction type, material or method is not directly measurable by the minimum criteria listed herein, but is otherwise consistent with the provisions of this section with respect to professional site evaluation and design, the city manager or his designated representative

shall make the decision as to the acceptability of the proposed construction on the basis of his judgment of expected equivalent performance.

(Code 1983, § 5-207(E))

Sec. 14-221. - Same—Removal of forms.

No forms for seawall caps or slabs may be moved or removed for a period of 24 hours after pour, without the written approval of the building inspector upon good cause shown.

(Code 1983, § 5-207(F))