

ARTICLE III. RESIDENTIAL, COMMERCIAL, BUSINESS AND INDUSTRIAL MINIMUM STANDARDS¹

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 the 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;

¹**County code reference**—Commercial, business and industrial standards code, § 22-156 et seq.

Cross reference(s)—Businesses, ch. 18.

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- (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 and 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 affects 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(s)—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.

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- (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 a 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.

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- (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 safely 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.

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- (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(s)—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.

DIVISION 2. STRUCTURES UNFIT FOR OCCUPANCY

Sec. 14-91. Declaration of unfit structure.

Whenever the enforcing authority finds that any structure constitutes a hazard to the safety, health, or welfare of the occupants or to the public because it lacks maintenance or because it lacks the sanitary facilities or equipment or otherwise fails to comply with the minimum provisions of this article, he may declare such structure

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as unfit for occupancy and order it to be vacated. It shall be unlawful to again occupy such structure until it or its occupation, as the case may be, has been made to conform to the law.

(Code 1983, § 6-221)

Sec. 14-92. Notice denying occupancy—Posting; form.

Any structure declared as unfit for occupancy shall be posted with a placard by the enforcing authority. The placard shall be in substantially the following form:

VIOLATION

By order of the City of Madeira Beach, Florida, this structure is declared unfit for occupancy and ordered vacated. The use of this structure for occupancy is prohibited.

This order is posted pursuant to the Madeira Beach Code of Ordinances.

A penalty is provided in the Madeira Beach Code for any person who alters, defaces or removes this notice or occupies this structure without authorization from the undersigned.

Mayor-Commissioner or City Manager

(Code 1983, § 6-222)

Sec. 14-93. Same—Form and contents.

Whenever the enforcing authority has declared a structure as unfit for occupancy, he shall give notice to the owner of such declaration and placarding of the structure as unfit for occupancy. Such notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the reason or reasons why it is being issued;
- (4) State the time in which to correct the condition;
- (5) State the time occupants must vacate the structure.

(Code 1983, § 6-223)

Sec. 14-94. Same—Service.

Service of notice to vacate shall be as follows:

- (1) By delivery to the owner personally or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
- (2) By depositing the notice in the United States post office addressed to the owner at his last known address with postage prepaid thereon; or
- (3) By posting and keeping posted for 24 hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated.

(Code 1983, § 6-224)

Sec. 14-95. Same—Defacing or unauthorized removal.

No person shall deface or remove the placard from any structure which has been declared or placarded as unfit for human occupancy except by authority in writing from the enforcing authority.

(Code 1983, § 6-225)

Sec. 14-96. Vacating of declared structure.

Any structure which has been declared and placarded as unfit for occupancy by the enforcing authority shall be vacated within a reasonable time as required by the enforcing authority and it shall be unlawful for the owner or operator to allow any person to enter such structure except to repair. No person shall occupy any structure which has been declared or placarded by the enforcing authority as unfit for occupancy after the date set forth in the placard. It shall be unlawful for any person to occupy the structure which has been so declared or placarded after the date set forth.

(Code 1983, § 6-226)

Sec. 14-97. Occupancy of building; removal of placard by enforcing authority.

No structure which has been declared or placarded as unfit for occupancy shall again be used for occupancy until written approval is secured from the enforcing authority. The enforcing authority shall remove such placard whenever the defect or defects upon which the declaration and placarding action were based have been eliminated.

(Code 1983, § 6-227)

Sec. 14-98. Report of notice to vacate.

The enforcing authority shall furnish a copy of each notice to vacate a building to the county health officer or any other designated official of the city concerned therewith.

(Code 1983, § 6-228)

Sec. 14-99. Emergency order.

Whenever the enforcing authority finds that an emergency exists which requires immediate action to protect the health and safety of any person, he may issue an order reciting the existence of the emergency and requiring immediate action be taken as deemed necessary to meet the emergency. Notwithstanding any other provision of this article such order shall take effect immediately. Any person to whom such order is directed shall comply therewith immediately.

(Code 1983, § 6-229)

Sec. 14-100. Persons aggrieved; appeal to court.

Any person aggrieved by the decision of the board of commissioners or by any order issued by the enforcing authority may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this state.

(Code 1983, § 6-230)

Secs. 14-101—14-120. Reserved.

DIVISION 3. UNDERGROUNDING UTILITIES

Sec. 14-121. Utilities to new or improved structures or when utilities are converted.

This section requires that all utility service drops be placed underground for new structures or improvements to existing structures or when a utility converts its supply lines from overhead to underground.

(Ord. No. 1017, § 1, 2-24-04)

Sec. 14-122. Definitions for terms used in this division.

Improvement shall mean any addition, remodel or renovation work that would increase the existing service conductors, or any changes to the utility company's service drop, customer's service entrance cable, weather-head or mast/conduit, meter enclosure(s) performed on any structure.

The term "improvement" shall not include repairs made necessary because of damage from a storm event, tornado or other natural disaster which is the cause requiring the repair.

Structure shall mean any residential, commercial, or institutional building which receives any utility service of any kind.

Utility shall mean any telecommunications service provider, electric utility provider, gas utility provider, cable utility provider, or other utility provider that installs facilities into structures.

(Ord. No. 1017, § 1, 2-24-04; Ord. No. 2022-24, § 1, 9-14-22)

Sec. 14-123. Utility facilities required to be underground.

- (a) New overhead utility service drops shall not be allowed. Permitting of all new construction or improvements of structures shall require all utility service drops located on the lot to be placed underground. Any service drops that cannot be placed underground due to technical or physical impossibility may remain above ground.
- (b) If at any time a utility converts its supply lines from overhead to underground, the owner of the lot shall also convert his/her/its facilities to accept the underground utility service.
- (c) Underground utility systems shall be installed in accordance with approved engineered drawings as prepared by the utility providing service. A copy of said drawings to be submitted for city approval with a building permit application.

(Ord. No. 1017, § 1, 2-24-04)

Editor's note(s)—Ord. No. 1017, § 1, adopted February 24, 2004, enacted provisions intended for use as subsections 14-123(1)—(3). To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as subsections 14-123(a)—(c).

Secs. 14-124—14-130. Reserved.

DIVISION 4. RENTAL OF RESIDENTIAL DWELLING UNITS²

Sec. 14-130.1. Purpose.

The city recognizes the need for safe, decent, well maintained residential property within the city. The state regulates residential rental properties with five or more units. This regulation is intended to ensure that residential rental units (four units or less on a residential rental property) meet minimum standards for the health, safety, and welfare of all city residents, and that responsible persons are readily available to respond and take appropriate action when necessary to prevent or remedy the occurrence of nuisances.

(Ord. No. 2013-08, § 1, 12-10-13; Ord. No. 2015-02, § 1, 3-10-15)

Sec. 14-130.2. Definitions.

International Property Maintenance Code or *property maintenance code* refers to the minimum standards for maintenance of residential properties as set forth in the 2009 edition of the International Property Maintenance Code, as it may be amended from time to time. *Residential rental property* means the contiguous lot or parcel of real property under single ownership on which one or more residential rental units are located. *Residential rental unit* means any building, structure, living unit, room, enclosure, mobile home, or part thereof, located within the city which is rented or offered for rent as the primary residence of any person, or which is rented or offered for rent to serve or which does serve as the residence of such person for a continuous period of more than 30 days. Residential rental unit does not include living quarters provided by any institution or facility, whether public or private, incidental to the provision of medical, geriatric, educational, counseling, religious, or similar services; a property or unit which is occupied under a contract for sale; transient lodgings occupied for less than a 30-day period and which are not the primary residence of the transient occupant.

(Ord. No. 2013-08, § 1, 12-10-13; Ord. No. 2015-02, § 2, 3-10-15; Ord. No. 2015-07, § 1, 6-9-15)

Sec. 14-130.3. Applicability.

The requirements of this division shall apply to all residential rental properties with one to four units located within the city, and the owners of all such units and properties and their agents.

(Ord. No. 2013-08, § 1, 12-10-13)

²Editor's note(s)—Ord. No. 2013-08, § 1, adopted December 10, 2013, enacted provisions intended for use as division 4, sections 14-131—14-144. Inasmuch as there are already provisions designated as sections 14-136—14-139, and at the discretion of the editor, the provisions of Ord. No. 2013-08 have been redesignated as division 4, sections 14-130.1—14-130.14.

Sec. 14-130.4. License required.

- (a) It shall be unlawful to rent or lease, or offer to rent or lease, any residential rental unit without a current residential rental license for the unit, a copy of which shall be posted or available at the residential rental property.
- (b) No license shall be issued or renewed for a residential rental unit unless the residential rental property and unit are in compliance with the requirements of this article and applicable provisions of the Land Development Code.

(Ord. No. 2013-08, § 1, 12-10-13)

Sec. 14-130.5. License application; registration statement.

- (a) Application for a residential rental license for each residential rental unit shall be made in writing on forms supplied by the city. The application shall be submitted along with the submission required for payment of the local business tax under chapter 62 of this Code.
- (b) The application shall include a registration statement providing the following information:
 - (1) The street address of the residential rental property.
 - (2) The number of residential rental units located on the property, type of each unit (e.g. detached single-family dwelling unit, apartment, sleeping room, etc.), and the unit number or other identifying designation of each unit.
 - (3) Name, address, and phone number of the property owner or owners.
 - (4) Name, address, and phone number of any designated agent authorized to act on behalf of the owner. If the owner is not a natural person, a natural person shall be designated as agent.
 - (5) Name, address, and phone number of any person authorized to make or order repairs or services for the property, if the person is different than the owner or designated agent.
 - (6) Name, address, and phone number of a natural person 18 years of age or older who can be contacted 24 hours a day, seven days a week, regarding the residential rental unit. This contact person may be the owner, the owner's agent, or any other person other than a resident of the rental unit who has agreed to be the contact person.
- (c) After submission of the application and registration statement, the residential rental property owner or designated agent shall have a continuing obligation to notify the city in writing within 15 calendar days of any change in the information provided in the registration statement. Failure to notify the city of changes shall be a violation of this article.

(Ord. No. 2013-08, § 1, 12-10-13; Ord. No. 2015-02, § 3, 3-10-15)

Sec. 14-130.6. Inspection; issuance of license and renewal.

- (a) After receipt of the initial complete application satisfying the requirements above and the application fee, the city shall schedule the inspection of the residential rental property and units to determine compliance with all applicable provisions of the Land Development Code, including the International Property Maintenance Code, and shall issue the license or provide the applicant with written notice of any defects upon the completion of the inspection.

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- (b) The license shall be renewed each year in the same manner as, and concurrent with, the business tax receipt renewal as provided in chapter 62 of this Code.
 - (c) Each residential rental property and unit regulated by this division shall be re-inspected within a period of 24 months from the last inspection, contingent upon department resources and the number of units to be inspected. The city shall maintain a re-inspection schedule for currently licensed units. In addition, any currently licensed unit or property may be inspected upon reasonable notice. The property owner and agent shall permit the city to inspect all premises governed by this division to determine compliance, and shall fully cooperate with such inspections. The property owners or their agents shall notify tenants of planned inspections of their residential rental units for inspection purposes.
 - (d) A tenant may request an inspection of the residential rental property or unit in which he or she currently resides at any time if violations of International Property Maintenance Code are suspected.

(Ord. No. 2013-08, § 1, 12-10-13; Ord. No. 2015-02, § 4, 3-10-15)

Sec. 14-130.7. Fees.

- (a) There shall be an initial inspection fee of \$40.00 and a biennial license renewal fee of \$15.00.
- (b) There shall be an initial inspection fee of \$50.00 per unit paid upon application and a biennial inspection fee assessed of \$70.00 per unit.
- (c) A re-inspection fee of \$100.00 will be assessed for every re-inspection after the second inspection if the failure to correct noted code violations is due to owner/manager negligence.
- (d) A penalty of ten percent shall be assessed for failure to submit a timely renewal fee during the first month of such delinquency, and an additional five percent penalty shall be assessed for each month of delinquency thereafter.
- (e) Failure to renew within four months of expiration will result in code enforcement action. In addition to the late fee provided in subsection (d), the special magistrate may impose any fines and issue any orders authorized by law.

(Ord. No. 2013-08, § 1, 12-10-13; Ord. No. 2015-02, § 5, 3-10-15; Ord. No. 2015-14, § 1, 11-10-15)

Sec. 14-130.8. Enforcement.

- (a) The code enforcement special magistrate shall have jurisdiction to enforce the provisions of this division, and any person, firm, corporation, or agent determined to be in violation shall be subject to all penalties and remedies available to the special magistrate as provided by law.
- (b) Any violation of this article may be treated as a civil infraction in accordance with the supplemental municipal code enforcement procedures as set forth in F.S. ch. 162, part II, as may be amended from time to time. Any code enforcement officer designated by the city manager is hereby empowered to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted provision of this article. For a person who does not contest the citation, initial violations shall carry a civil penalty of \$100.00 payable to the city clerk. A person may contest the citation in the county court and shall be subject to a maximum civil penalty imposed by the court of \$500.00.
- (c) The city may institute any appropriate legal action or procedure to bring about compliance or remedy violations of this article.

(Ord. No. 2013-08, § 1, 12-10-13; Ord. No. 2015-02, § 7, 3-10-15)

Editor's note(s)—Ord. No. 2015-02, §§ 6 and 7 adopted March 10, 2015, repealed former § 14-130.8, and renumbered the remaining §§ 14.130.9—14.130.14 as §§ 14-130.8—14-130.13. Former § 14.130.8 pertained to tenants and derived from Ord. No. 2013-08, adopted December 10, 2013.

Sec. 14-130.9. Violations related to act or omission of tenant.

If a notice of violation arises due to acts or omissions of a tenant, and the tenant fails to make the necessary correction, the property owner or agent shall remedy the condition by whatever means necessary. No adverse action shall be taken against a licensee for failure to remedy a condition related to a tenant during the pendency of a bona fide eviction proceeding against the tenant which is diligently pursued by the licensee.

(Ord. No. 2013-08, § 1, 12-10-13; Ord. No. 2015-02, § 7, 3-10-15)

Note(s)—Former § 14-130.10. See editor's note, § 14-130.8.

Sec. 14-130.10. Suspension or revocation of license.

- (a) Failure to comply with any of the requirements of this division shall subject the licensee to suspension or revocation of the license, in addition to other remedies and penalties provided by law.
- (b) Repeated incidents occurring on the residential rental property which threaten public safety including but not limited to assaults, batteries, robberies, burglaries, prostitution, sexual offenses, or narcotics possession, use or sales, or other criminal activity, shall be grounds for license revocation.
- (c) Repeated incidents of violation or continuing violation of state or local laws which violations adversely affect the rights of nearby residents to the quiet enjoyment of their property, including but not limited to violations of noise, animal control, solid waste, yard parking, storage, trash, and yard maintenance regulations constitute a public nuisance and shall be grounds for license revocation.
- (d) Prior to initiating suspension or revocation proceedings, written notice shall be delivered (via certified mail) to the owner or designated agent identified in the registration statement. The notice shall specifically identify the provision of this division which has not been complied with, or shall specifically identify the repeated or continuing incidents of violations of state or local laws, and shall state that failure to remedy the violation or further incidents of violations will result in revocation of the residential rental license for all units on the property.

(Ord. No. 2013-08, § 1, 12-10-13; Ord. No. 2015-02, §§ 7, 8, 3-10-15)

Note(s)—Former § 14-130.11. See editor's note, § 14-130.8.

Sec. 14-130.11. Suspension or revocation hearing.

- (a) If the violation is not corrected after written notice, or if further violations occur, a hearing shall be held to determine whether the license should be suspended or revoked, as follows:
 - (1) Written notice to appear and show cause why the license should not be suspended or revoked shall be delivered to the property owner or designated agent identified in the registration statement by person delivery or by certified mail, return receipt requested, to the address of the owner or agent. The notice shall set the date, time, and place for the hearing.
 - (2) The hearing shall be held no sooner than 15 days after service of the notice to show cause. The hearing shall be conducted by the special magistrate appointed by the city commission. The special magistrate shall explain the rules of procedure governing the hearing. The city and the licensee shall have an opportunity to present evidence through witnesses and documentary evidence. All testimony shall be

under oath. Testimony and evidence shall be limited to matters directly relating to the pending suspension or revocation. Irrelevant or unduly repetitive testimony or evidence may be excluded. To the maximum extent practicable, the hearing shall be informal. Reasonable cross examination of witnesses shall be permitted, but questioning shall be confined as closely as possible to the scope of direct testimony. The special magistrate may call and question witnesses or request additional evidence as he or she deems necessary and appropriate. The special magistrate shall decide all questions of procedure or standing.

- (3) Lack of knowledge of, acquiescence, or participation in, or responsibility for, a public nuisance on the part of the licensee or agent shall not be a defense by such licensee or agent. However, proof that the licensee or agent has commenced and is diligently pursuing under state law process of terminating tenancy and recovering possession of the residential rental unit from the tenant or tenants causing the violations, or has completed such process, shall be a defense.
- (4) The special magistrate shall render a written decision within 30 days after the hearing concludes. The original shall be filed with the city clerk and a copy shall be delivered to the property owner or designated agent by personal delivery or by certified mail, return receipt requested. In addition, a copy shall be posted at the residential rental property.
- (5) If the special magistrate finds that the violation or violations have been corrected, that no threat to public safety or public nuisance exists, or that the owner has completed the process of terminating the tenancy of those persons causing the violations, the action shall be dismissed. If the special magistrate finds the owner has commenced and is diligently pursuing the process of terminating tenancy of those persons causing the violations, the special magistrate shall continue the action until completion of the process under state law.
- (6) If the special magistrate finds that the violation or violations have not been corrected, or that a threat to public safety or public nuisance exists and has not been corrected, he or she shall issue a final order suspending or revoking the license.
- (7) A licensee aggrieved by a decision of the special magistrate may challenge the decision as provided by law for appeal of administrative decisions by filing a petition for writ of certiorari with the clerk of the circuit court no later than 30 days after the decision of the hearing officer is filed with the city clerk. The record will consist of the complete record of the proceedings before the special magistrate.

(Ord. No. 2013-08, § 1, 12-10-13; Ord. No. 2015-02, § 7, 3-10-15)

Note(s)—Former § 14-130.12. See editor's note, § 14-130.8.

Sec. 14-130.12. Obligation to terminate tenancies after license revocation.

- (a) If the license is suspended or revoked pursuant to this article, the licensee shall have 15 days from the date of the order to commence proceedings to terminate any existing tenancies and recover possession of the residential rental property and unit or units under state law. The licensee shall diligently pursue the process to completion. Upon request, the licensee shall provide copies of all documents provided to the tenants or filed with the court to the city. After completion of the process and removal of any tenants, no unit or units shall be relet to any person during the period of suspension or revocation.
- (b) Reletting a unit or units during a period of suspension or revocation shall constitute a violation of this division.

(Ord. No. 2013-08, § 1, 12-10-13; Ord. No. 2015-02, § 7, 3-10-15)

Note(s)—Former § 14-130.13. See editor's note, § 14-130.8.

Sec. 14-130.13. Reinstatement of license after suspension or revocation.

The special magistrate may establish terms and conditions from reinstatement of a license after a period of suspension or revocation, which terms and conditions shall include payment of the reasonable costs of the hearing. An application for reinstatement of a license shall be subject to the same fees and application and inspection process as an original application.

(Ord. No. 2013-08, § 1, 12-10-13; Ord. No. 2015-02, § 7, 3-10-15)

Note(s)—Former § 14-130.14. See editor's note, § 14-130.8.