

on 10-14-08  
Agenda  
Still Not Adopted  
As of 3-10-09

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2008-39

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, PROVIDING FOR AMENDMENT OF THE LAND DEVELOPMENT CODE TO ESTABLISH STANDARDS FOR MAINTENANCE OF PRIVATE PROPERTY; PROVIDING FOR AMENDMENT OF DIVISION 6 OF THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, notice of this ordinance has been provided in accordance with applicable law; and

WHEREAS, the City Commission has determined that the specified amendments to the Land Development Regulations are necessary to protect and promote the public interest;

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

**Section 1.** The Land Development Code of the City of St. Pete Beach is hereby amended in accordance with the following:

**Section 6.25. Residential and commercial property maintenance.**

All premises shall be maintained in compliance with the following standards:

(a) Standards for improved property:

(1) Foundation. The building foundation system shall be adequately maintained and capable of supporting the load for which it was designed.

a. Wood supports shall be sound and free from insect infestation and rot.

b. Metal supports and connections shall be free from rust and the equivalent of new supports.

c. Skirting shall be maintained free from broken or missing sections, pieces or cross members. Skirting shall be securely

attached and sized from the ground to the lower outside perimeter of the structure.

(2) Exterior walls. Exterior walls of buildings shall be:

- a. Maintained free from holes, breaks, and loose or rotting materials; and
- b. Maintained, weatherproofed and surfaces properly coated as needed to prevent deterioration. Decorative features such as: cornices, belt courses, corbels, trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage. Any graffiti shall be removed or repainted to match existing surfaces.

(3) Windows:

- a. Every window shall be maintained in sound working condition and good repair to be substantially weather tight and rodent proof.
- b. Openings originally designed as windows shall be maintained as windows, unless approved by the building official for enclosure. The enclosure of a window shall be by either bricking the opening, blocking the opening with concrete blocks and stuccoing the exterior, or boarding the opening. When boarding is used, it shall be of trim fit, sealed to prevent water intrusion, and painted or stained to conform to the other exterior portions of the building. The boarding shall remain in place and be properly maintained.

(4) Shutters. All shutters shall be maintained in good repair and securely attached to a structure. Peeling paint or preservatives is prohibited.

(5) Exterior doors. Every exterior door and hatchway or garage door shall be kept in sound working condition and good repair.

(6) Exterior doorframes and storefronts. Exterior doorframes and storefronts shall be maintained in good condition. All moldings shall be securely attached to the structure and maintained in good condition without splitting or deterioration.

(7) Exterior surface treatment. All exterior surfaces, including by way of example and not limitation, doors and window frames, cornices, porches, decks, trim, balconies, fences and docks shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant

woods, shall be protected from the elements and decay by painting or other protective treatment. Peeling paint is prohibited and surfaces shall be repainted. All metal surfaces shall be coated to inhibit rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated.

- (8) Structural supports. Every structural element of a dwelling shall be maintained in a structurally sound condition and shall not show evidence of deterioration that would make it incapable of carrying normal loads.
- (9) Porches and balconies. All exterior porches, balconies, stairs and fire escapes shall include banisters or railings properly designed and maintained to minimize the hazard of falling and installed to withstand the loads prescribed by the building code. All exterior porches, landings, balconies, stairs and fire escapes shall be kept structurally sound, in good repair and free from defects. Paint and other finishes shall be in good condition.
- (10) Stairs. All stairs shall be maintained safe and free from tripping hazards. Treads shall be sound, without broken or chipped edges. Wooden stairs shall be free from decay or substantial wear that could cause a tripping hazard or have an unsightly appearance. Handrails and guardrails shall be maintained to withstand loads prescribed by the building code.
- (11) Roofs. Roofs shall be maintained in a structurally sound and safe manner. Roofs shall be repaired using like materials to existing materials.
- (12) Gutters and downspouts. Gutters and downspouts shall be maintained in good repair and shall be neatly located and securely installed.
- (13) Chimneys, flues, and vent attachments. Chimneys, flues, and vent attachments shall be maintained in a structurally sound manner, free from defects to capably perform the functions for which they were designed.
- (14) Overhang extensions. All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and properly anchored to remain in sound condition. All exposed surfaces of metal or wood shall be protected from the elements, decay or rust.
- (15) Insect screens. All windows and other outside openings required for ventilation of food preparation areas, food service areas, or any areas

where products utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh (16 mesh per 25 mm). Every swinging door shall have a self-closing device in good working condition.

- (16) Commercial parking areas/walkways. Holes, excavations, breaks, projections or obstructions on walks, driveways, parking lots and parking areas and other parts of commercial premises which are accessible to and used by persons on the premises are prohibited. Deficiencies shall be repaired, replaced or removed as appropriate. The building official shall set a time for performance for the owner to comply with this section. This subsection applies to occupied and unoccupied property. All surfaces, including those of parking lots, shall be maintained free of glass, loose shingles, loose wood, crumbling stone or brick, asphalt, concrete, stucco, loose or broken plastic or other similar hazardous conditions.
- (17) Accessory structures. Garages, storage buildings and all other accessory structures shall be maintained and kept in good repair and sound structural condition.
- (18) Swimming pools. All swimming pools, spas and architectural pools, ponds or bodies of water shall be properly maintained so as not to create a safety hazard or harbor insect infestation. Water shall not be allowed to stagnate or to become polluted. All pools shall be free from unsightly appearance.
- (19) Rodent harborage. All structures and exterior premises shall be kept free from rodent harborage and infestation. Where rodents are found, owner shall promptly exterminate rodents through a process which will not be injurious to human health.
- (20) Grass, weeds and uncultivated vegetation. All grasses or weeds, and uncultivated vegetation shall not exceed 12 inches in height, including the area between the edge of the curb or street pavement and the lot line. These standards shall apply to all properties subsequent to development, redevelopment or demolition. Areas covered by rock, stone or other non-vegetative ground cover shall be kept free of any non-ornamental vegetation, including grass and weeds.
- (21) Shrubbery, plants, and ground cover. All premises, including vacant and undeveloped property, shall be maintained in a condition to prevent erosion of soil by wind or water and shall be:

- a. Landscaped with grass, trees, shrubs or other planted ground cover; or
- b. Such other suitable means as shall be approved by the city.

(22) Trees. Trees shall be maintained or removed as follows:

a. Hazardous trees: Dead, dying damaged or diseased trees are prohibited. A finding by a registered forester or certified arborist employed by the city that a tree is in danger of falling upon an adjacent lot or street due to death, disease or damage, including damage caused by weather conditions, is prima facie evidence of a violation of this section.

b. Prohibited conditions: The following conditions are prohibited:

1. Trees, plants, shrubs, vegetation, or parts thereof, which (a) overhang any sidewalk, street, alley or fire hydrant, and (b) which obstruct or impair the free and full use of the sidewalk, street, alley or fire hydrant by the public.
2. Grass, weeds, shrubs, bushes, trees or vegetation which constitute a fire hazard or a menace to public health, safety or welfare.
3. Removal of obstruction. The owner of any premises shall trim trees, plants, shrubs or vegetation, or any parts thereof as follows: (a) which overhang any sidewalk, alley or street as determined by the building official, and (b) which interfere with the use of any sidewalk, alley, street, poles, wires, pipes, fixtures or any other part of any public utility situated in the right-of-way.

(23) Exterior lighting. All outdoor lighting shall be in compliance with the following:

- a. Non-vehicular light sources that shine into the eyes of drivers of vehicles or pedestrian which could impair safe traverse is prohibited.
- b. All lighting shall be shielded and aimed at owner's premises or sidewalk and street abutting the premises.

(24) Fences and walls. Fences and walls shall be maintained in a safe and structurally sound condition, in good repair. Fences shall be free from

loose or rotting materials. Metal fencing shall be free from rust or deterioration.

(25) All floors, interior walls and ceilings of every structure shall be maintained in a structurally sound manner and in a condition consistent with its use.

(26) All existing miscellaneous elements on building walls, roofs and surrounding premises to include by way of example: empty electrical or other conduits, unused sign brackets shall be removed.

(b) Litter.

(1) Storage of litter.

a. All commercial businesses shall store litter in containers to eliminate wind-driven debris. The number and size of receptacles for each commercial business shall be that number required to maintain clean, neat, and sanitary premises. Spillage and overflow of litter around containers is a violation.

b. Commercial businesses shall provide and maintain litter containers adequate to contain litter generated from such business at its loading and unloading zones.

c. Commercial businesses open to the public shall provide and maintain containers adequate to contain litter generated from such business.

d. Every person in possession or in control of any place, public or private, where litter is accumulated or generated shall provide and maintain adequate and suitable containers capable of holding such litter until proper final disposal is accomplished.

(2) To throw, discard, place, drop, or deposit litter in any manner or amount in or upon any public property, private property, highway, street, right-of-way or body of water within the limits of the City of St. Pete Beach, Florida, except in such containers specifically provided and designated for the disposal of litter is a violation. Litter strewn by a pedestrian except at approved and permitted disposal sites is a violation. Litter ejected or discarded from a motor vehicle, except at approved and permitted disposal sites is a violation.

(3) Accumulation of litter. Any accumulation of litter in or upon any property, vacant or improved, is deemed a nuisance and is prohibited. Failure to remove the accumulation by the property owner, tenant,

occupant, agent, manager or other person who owns, maintains, or controls any premises or portion thereof, whether improved or unimproved, is a violation.

(c) Accessory structures. Garages, storage buildings and all other accessory structures shall be maintained in good repair and sound structural condition. Structures, attached or unattached to the principal structure, which are found by the building official to be structurally deficient, shall be repaired or demolished within the timeframe set by the building official. Maintenance of accessory structures shall comply with the following:

- (1) The exterior of the building and premises to include but not limited to parking areas and landscaped areas shall be maintained in a sound, clean and neat condition.
- (2) Signs shall be maintained in good condition. Where the sign structure remains, the sign faces are to be replaced with blank panels (permit required). The design and color is subject to approval by the building official.
- (3) All advertising structures, awnings and accompanying supporting members shall be maintained in good repair and shall not constitute a nuisance or safety hazard. Advertising structures or awnings not properly maintained in accordance with this subsection shall be removed. Awnings or marquees made of cloth, plastic or a similar material shall not show evidence of tearing, ripping or holes. Upon removal of advertising structure or awning, all supporting members shall be removed. Where supporting members have been left from sign removal prior to adoption of this article, such supporting members shall be removed within three months of the effective date of this article. Nothing in this subsection shall be construed to authorize any encroachments on streets, sidewalks or other parts of the public right-of-way.
- (4) Where parking areas are to be barricaded to prohibit vehicular travel, it shall be accomplished by installation of parking bumpers pinned to the pavement.

#### **Section 6.26. Applicability of standards to vacant buildings.**

The provisions of this article that apply to the exterior premises include vacant structures. Vacant structures are not required to comply with the interior requirements of this article. All vacant structures shall be secured to prevent the entry of unauthorized persons or the formation of nuisance conditions. Securing a vacant structure may include boarding of the building as determined by the building official. If required by the building official, windows and doors shall be

boarded by the owner and the boarding shall be maintained to keep the building secured. The design and color of boarding is subject to approval by the building official and shall be designed so that building does not appear to be abandoned.

**Section 2.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

**Section 3.** If any portion or part of this ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

**Section 4.** This ordinance shall become effective immediately upon adoption.

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**Michael Finnerty, MAYOR**

**FIRST READING** : \_\_\_\_\_  
**PUBLISHED** : \_\_\_\_\_  
**SECOND READING** : \_\_\_\_\_  
**PUBLIC HEARING** : \_\_\_\_\_

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Theresa B. McMaster, City Clerk

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