

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2009-04

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF CHAPTER 98 OF THE CITY OF ST. PETE BEACH MUNICIPAL CODE OF ORDINANCES; PROVIDING FOR ESTABLISHMENT OF ARTICLE III OF CHAPTER 98; PROVIDING FOR THE MAINTENANCE OF IMPROVED AND UNIMPROVED REAL PROPERTY AND STRUCTURES; PROVIDING FOR FINDINGS OF FACT; GENERAL PROVISIONS, INCLUDING MAINTENANCE REQUIREMENTS, APPLICATION OF OTHER CODES, NON IMPAIRMENT OF OTHER REMEDIES, AUTHORITY OF THE BUILDING OFFICIAL TO DETERMINE CERTAIN REQUIRMENTS; PROVIDNG FOR AUTHORITY FOR DEVIATIONS FROM THIS CODE; PROVIDNG FOR COMPLIANCE AND FOR THE EFFECT OF CONFLICTS WITH OTHER CODES; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITION OF UNSIGHTLY CONDITIONS; PROVIDING MAINTENANCE STANDARDS FOR IMPROVED AND UNIMPROVED REAL PROPERTY; PROHIBITING AND ABATING STORAGE, PARKING, ABANDONING, KEEPING OR LEAVING OF CERTAIN VEHICLES OR BOATS IN CERTAIN CONDITIONS; PROVIDING FOR REMOVAL, STORAGE, DISPOSAL OF THE SAME AND ASSESSMENT OF THE COSTS THEREOF AND IMPOSITION OF LIENS THEREFORE; PROVIDING FOR DEMOLITION OF STRUCTURES; PROVIDNG FOR BONDS TO GUARANTEE PERFORMANCE; PROVIDING FOR RESPONSIBILITES OF OWNERS OF BOTH IMPROVED AND UNIMPROVED REAL PROPERTY RELATED TO SUCH PROPERTY; DEFINING CERTAIN REAL PROPERTY AND CONDITIONS THEREOF TO CONSTITUTE A NUISANCE AND REQUIRING ENCLOSURE THEREOF; PROVIDNG FOR BOARDING OF CERTAIN VACANT BUILDINGS OR DWELLINGS; PROVIDNG FOR THE POWERS AND DUTIES OF THE CITY MANAGER AND THE SPECIAL MAGISTRATE RELATED TO THIS ORDINANCE; PROVIDNG FOR APPEALS; PROVIDING FOR EMERGENCY POWERS OF THE CITY MANAGER; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to maintain and enhance the safety of the public and preserve the quality of the public environment in the City through proper maintenance of real property; and

WHEREAS, the City Commission has found this ordinance to be consistent with the City's adopted comprehensive plan; and

WHEREAS, the City Commission has found this ordinance to be in the best interest of the health, safety and welfare of the citizens of the city; and

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

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

Section 1. Article III of Chapter 98 of the City of St. Pete Beach Municipal Code of Ordinances is hereby established as follows:

ARTICLE III PROPERTY MAINTENANCE

Sec. 98-61. Findings of Fact.

The City Commission finds and determines that it is necessary to establish the minimum standards contained herein for the maintenance, upkeep and appearance of improved or unimproved real property; to minimize impacts of construction; and to provide a just, equitable and practicable method to preclude:

- (1) Residential and non residential buildings, structures and premises from causing and/or endangering the life, limb, health, property, safety or welfare of the general public or their occupants;
- (2) Diminished property values;
- (3) Detraction from the appropriate aesthetics of the City; and
- (4) Creation of nuisance and other undesirable and unhealthy conditions.

Sec. 98-62. General provisions.

(a) *Maintenance.* Equipment, systems, devices and safeguards required by this article or a prior code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this article are not intended to provide the basis for removal or abrogation of fire protection or safety systems and devices in existing structures. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures and premises.

(b) *Application of other codes.* Repairs, additions or alterations to a structure, or changes of occupancy, shall be performed in accordance with all other applicable regulations of the City, County, State or Federal Government and other agencies having jurisdiction.

(c) *Existing remedies.* The provisions in this article shall not be construed to abolish or impair other remedies of any local, state or federal or other jurisdiction or its officers or agencies relating to the removal or demolition of any structure.

(d) *Requirements not covered by this article.* The Building Official shall determine requirements necessary for the strength, stability or proper operation and general conditions acceptable for an existing fixture, structure or equipment not specifically covered by this article.

(e) *Deviation from article.* Where practical difficulties make strict compliance with the provisions of this article impractical due to cost or otherwise, the Building Official has the authority to grant modifications for individual cases. The modification shall be the minimum deviation necessary and shall be such as to achieve to the extent possible compliance with the intent and purpose of this article and shall not lessen health, life and fire safety requirements. The basis for granting modifications shall be recorded and entered in the department files.

(f) *Compliance.* It shall be the duty of each and every owner and operator of improved or unimproved real property within the City to comply with the requirements set forth in this article. No permit or certificate of occupancy shall be issued unless there is compliance with all applicable sections of this article. No real property, premises or building, or combination, shall be used in a manner inconsistent with or in conflict with the requirements of this article.

(g) *Conflict with other codes.* The provisions of this article shall apply to all real property, buildings, structures or premises within the City limits. Where the provisions of this article impose a standard different than that set forth in any other applicable ordinance of the City, code adopted by the City, or by other unit of local government or under the laws of the state, the most restrictive standard shall prevail.

Sec. 98-63. Definitions.

Terms defined in other codes. Where terms are not defined in this article and are defined in the Florida Building Code and technical codes or in the City Land Development Code, such terms shall have the meanings ascribed to them as in those codes.

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

The following definitions shall apply for purposes of this article:

Abandoned or disabled motor vehicle is an inoperative vehicle (see inoperative vehicle).

Abandoned property means any wrecked, inoperative, derelict or partially dismantled property having little, if any, value other than nominal salvage value, which has been left unattended and unprotected from the elements, which shall include, but not be limited to, motor vehicles, trailers, boats, machinery, appliances such as refrigerators and washing machines, plumbing fixtures, furniture, vessels, and any other similar articles.

Approved means approved by the building official or the building official's designated representative.

Boat means any vessel, barge, airboat, canoe, raft or watercraft of any description used, or capable of being used, as a means of transportation on water.

Building means any structure that is enclosing a space used for sheltering any occupancy. The term "building" shall include commercial buildings, single or multifamily dwellings and vacant structures, whether occupied or not.

Building code and technical codes means the Florida Building Code and the technical codes adopted pursuant to Article III of this chapter.

Commercial business means any business or enterprise that offers for sale goods or services, or which in any manner conducts commerce.

Condemn means to judge unfit for occupancy or use.

Contractor means and includes owner, operator, owner-builder or licensed contractor.

City waters shall mean all waters of the state, public navigable waters, creeks, bayous, canals and channels, whether natural or manmade, located within the City of St. Pete Beach, and including all such waters within the jurisdiction of the city in which the tide ebbs and flows.

Demolition means the deconstructing, destroying, raising, tearing down, or wrecking of any building, including its foundation. As used herein, the word "demolition" shall not apply to partial demolition associated with major or minor remodeling.

Derelict vessel means any vessel, as defined in Section 327.02, Florida Statutes, which is left, stored, or abandoned: (a) in a wrecked, junked, or substantially dismantled condition upon any City Waters or on property that is not zoned for repair or storage of such vehicles. (b) Docked or grounded at or beached upon the property of another without the consent of the owner of the property. Deterioration means the condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, rusting, peeling paint or other evidence of physical decay, including the landscaping and the parking areas.

Enclosed container means, for purposes of this article, any physical structure which prevents materials from falling out, spilling, or coming out by other accidental means during storage or transport, and shall include, but not be limited to, garbage cans, boxes, truck bodies capable of being enclosed and any means sufficient to prevent the accidental scattering or leaking of said materials.

Exterior property means the open space on the premises outside of the building.

Fire hazard (see "nuisance") means any thing or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than reasonable, or which may unreasonably obstruct, delay or hinder or may unreasonably become the cause of an

obstruction, a delay, a hazard or an unreasonable hindrance to the prevention, suppression or extinguishment of fire.

Food waste means the animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food.

Imminent danger means a condition that could cause serious or life-threatening injury or death at any time.

Improved property means real property which contains buildings or other structural improvements.

Inert waste materials means brick, block, concrete, rock, stone, earth, and sand, free from contamination or other types of waste and capable of serving as fill material without harm to, or pollution of, ground or surface waters.

Infestation – Shall mean the presence within or around a commercial property of insects, rodents, or pests which are detrimental to the public health, safety, and general welfare of occupants or visitors; and, in the case of a structure, that if left unattended, may result in structural deterioration.

Inoperative Motor Vehicle – Shall mean a motor vehicle which is missing functioning parts including, but not limited to, the chassis, engine, wheels, or tires; or any vehicle which is incapable of movement under its own power and will remain so unless repair or reconstruction occurs. The term, for purposes of this Article, includes Derelict Vessels (see Derelict Vessel).

Litter means any discarded, used, unconsumed substances or wastes, including but not limited to those specified in Section 403.413, Florida Statutes. Litter shall include, but shall not be limited to, garbage, solid waste, trash, refuse, debris, paper products (including newspapers and magazines), glass, metal, plastic or other containers, cloth, wood and wood products, sweepings, liquids (other than uncontaminated water), sludge, grass clippings, tree limbs, trunks and roots, undergrowth and materials produced by clearing and grubbing and other horticulture wastes, motor vehicle parts and tires, furniture, oil or grease, hazardous wastes (including gasoline, paint thinners and other similar types), the carcass of a dead animal, any obnoxious or offensive matter of any kind, and any object or condition of any unsightly nature, which may have been discarded, abandoned or otherwise disposed of improperly.

Lot means a parcel of real property.

Motor Vehicle means a motor vehicle as the same is defined in Section 320.01, Florida Statutes.

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 the ordinances of the city;
- (2) Any condition, including an attractive nuisance, which may prove detrimental to human health or safety, whether in a building or on the premises;
- (3) Physical conditions dangerous to human life or detrimental to health of persons in, on or near the premises where the condition exists;
- (4) Unsanitary conditions or conditions that are dangerous to public health, well-being or the general welfare;
- (5) Fire hazards; and
- (6) Unsightly conditions.

Occupant means any individual living or sleeping in a building, or having possession of a space within a building.

Operator means any person who has charge, care or control of real property or a part thereof.

Owner means any person, firm, corporation or other legal entity who, individually or jointly or severally with others, holds the legal or beneficial title to any real property, building, facilities, equipment or premises subject to the provisions of this chapter. The term shall include the owner's duly authorized agent, a purchaser, devisee, fiduciary, property holder as any other person, firm, corporation or legal entity having a vested or contingent interest or, in the case of a leased premises, the legal holder of the lease of his legal representative. It is intended that this term shall be construed as applicable to the person, firm, corporation or legal entity responsible for the construction, maintenance and operation of the building, facilities or premises involved.

Parking lot means any parcel of real property with an outdoor area or space, paved or unpaved, approved for motor vehicle parking or storage.

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

Permit means approvals issued by building official, to include but not be limited to the construction site management plan approved by the building official.

Premises means Real Property and, as the context may dictate, structures located thereon.

Project site means the area within the property line where lot clearing and grading, stockpiling of soil, demolition, excavation, construction, reconstruction, renovation, remodeling, and minor remodeling may occur.

Real property includes any land or real estate within the city limits, whether private or public.

Residential means all single-family and multifamily buildings and structures.

Right-of-way means land to which the state, county or city holds fee simple title or an easement for transportation or utility use.

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

Streets or highways means the entire width and length of any right-of-way between the boundary lines of that publicly maintained or publicly owned real property when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel.

Stop work order means a notice signed by the building official or designee to cease work or other activity on any site for which a permit has been issued or is subject to issuance.

Storage of litter means interim containment of litter in a manner approved by the city council, after generation of such litter and prior to proper and final disposal.

Street means the paved or improved portion of the right-of-way which is intended for public use by vehicles, pedestrians, bicycles and others and which affords the principal means of access to abutting property.

Tenant means a person, corporation, partnership or group who has the occupation or temporary possession of a dwelling unit or commercial premises, but does not hold title to same.

Vacant building means any building being without lawful tenant, or lawful occupant or without a certificate of occupancy.

Vacant commercial storefront means any building or structure which has been utilized for a commercial purpose and which contains windows on the ground floor which front upon a public street, sidewalk or right-of-way.

Vacant or unimproved lot means any parcel of land not containing a building or structure

Vehicle includes all motor vehicles and also means a machine propelled by power, other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and to transport persons, property, equipment or pull machinery, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, motorbikes and tractors.

Waters of the State means those waters as defined in Section 327.02, Florida Statutes.

Weeds means all weeds, annual plants and uncultivated vegetation; however, this term shall not include trees, cultivated flowers, cultivated shrubs and gardens.

Sec. 98-64. General maintenance.

(a) *Nuisances and hazards.* Real property shall be maintained free of nuisances and any hazards to the safety of the occupants, customers or persons utilizing the premises or to pedestrians passing by.

(b) *Walls exposed as a result of demolition.* Where a wall of a building is exposed as a result of demolition, the owner of the building shall have the wall with its doors, windows, vents or other similar openings closed with material of the type composing the wall. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stuccoed or bricked, and weatherproofed, if necessary, based on construction material, to prevent deterioration of the wall.

(c) *Storage of flammable or combustible materials.* There shall be no storage or accumulation of flammable or combustible liquids or other materials on the premises unless approved for storage by applicable regulations or the codes and only in such quantities prescribed by the regulations.

(d) *Abandoned curb cuts.* Where curb cuts are abandoned due to new construction or change of access by the owner, the curb cut shall be closed and replaced by the owner with a standard sidewalk, curb and gutter design, to match original.

(e) *Sidewalks or curbs damaged by delivery vehicles.* Damage to public sidewalks or curb and gutter located in the public right-of-way shall be repaired or replaced by the owner at no expense to the City when such damage is caused by vehicles making deliveries to the commercial premises.

Sec. 98-65. Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(1) Structures that are:

a. Partially destroyed; or

b. Left in a state of disrepair; or

c. Left in a state of partial construction beyond the valid timeframe of the permit.

(2) Abandoned or broken equipment; broken or discarded furniture and household appliances in visible yard areas.

(3) Building exteriors in a condition of deterioration or disrepair such that the condition causes measurable diminution of surrounding property values.

(4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a violation. The owner and operator shall keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.

(5) Clotheslines visible from the street.

(6) Garbage and trash containers stored in a manner visible from the street.

Sec. 98-66. Residential and commercial property maintenance.

(a) All premises shall be maintained in compliance with the standards in this section.

(b) *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 Florida 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 Florida 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 subsection. 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, the 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 10 inches in height on improved property, including the area between the edge of the pavement in the street and the lot line.

(21) *Shrubbery, plants, and ground cover.* All real property shall be maintained in a condition to prevent erosion of soil by:

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

(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 overhang any sidewalk, street, alley or fire hydrant, and 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 real property shall trim trees, plants, shrubs or vegetation, or any parts thereof as follows: which overhang any sidewalk, alley or street as determined by the Building Official, and 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. Nonvehicular light sources that shine into the eyes of drivers of vehicles or pedestrians which could impair safe traverse are prohibited.
- b. All light sources greater than 100 watts shall be shielded and directed such that no direct source of illumination shall be visible beyond the lot line of the structure or use involved.

(24) *Fences and walls.* Fences and walls shall be maintained in a safe and structurally sound condition, in good repair with the surface coated or painted. Fences shall be free from loose or rotting materials. Metal fencing shall be free from rust or deterioration.

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

(27) *Landscape maintenance.* Where landscape plans have been specifically incorporated and approved in a development plan, the landscape areas shall be maintained in a manner equal to the original landscaping approval.

(c) *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 a 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) *Depositing litter.* It shall be unlawful to throw, discard, place, drop, or deposit litter in any manner or amount in or upon any real property, highway, street, right-of-way or body of water within the limits of the City, 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.

(d) *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 an advertising structure or awning, all supporting members shall be removed. Where supporting members have been left from sign removal prior to adoption of the ordinance from which this article is derived, such supporting members shall be removed within 3 months of the effective date of such ordinance. 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.

(d) *Outdoor Storage*

Outside storage of materials and equipment shall be restricted to the rear yard area and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot.

Section 98-67 Junk Vehicle, Junk Vessels and Abandoned Property

(a) Enforcement.

The following requirements may be enforced by any law enforcement officer or any code enforcement officer of the City.

(b) Incorporation of State Statutes.

The provisions of Chapter 705, Florida Statutes, are adopted, incorporated in and made a part of this article, to be enforced in addition to and in concert with this article for the purpose of achieving proper control and uniformity in the regulation of those specific issues and actions involving lost or abandoned personal property upon public real property within the City. This article, in addition, regulates and prohibits the type of action and conduct described within areas and locations not covered by or made applicable under the regulatory scheme of Chapter 705, Florida Statutes. This article is not to be interpreted as being in conflict with the provisions of Chapter 705, Florida Statutes; however, to the extent that any such conflict shall arise, the provisions of the statute shall prevail.

(c) Parking, storage, abandoning, keeping or leaving of certain vehicles or boats restricted and prohibited.

It shall be unlawful for any person to park, store, abandon, keep or leave exposed or outside any enclosure any vehicle or boat which is in a wrecked, junked, inoperative, partially dismantled or abandoned condition on any real property, private or public, within the City limits for such time and under such circumstances as to reasonably cause such vehicle or boat to be a danger to the public health, safety and welfare, or to be an eyesore, to be unsightly or to be aesthetically unpleasing due to such conditions and appearance. It shall not be a violation of this article if the person's action is in connection with a bona fide business purpose or enterprise that is lawfully situated and licensed within the City, or if the vehicle or boat is being actively restored and worked upon by the owner and kept within an enclosure on his real property.

(d) Public nuisance declared.

All vehicles or boats violating or found to be in violation of the provisions of this article are declared to be a public nuisance, illegal and subject to removal as provided for by statute or by this article as may be applicable.

(e) Absence of a current license plate or current registration as prima facie evidence of abandonment.

For the purpose of the enforcement of this article, the absence of a current license plate or current registration on a vehicle or boat shall be prima facie evidence that such vehicle or boat is abandoned, junked or discarded. The presence of a current license plate or registration solely shall not, in and of itself, exempt any vehicle or boat from the provisions of this article.

(f) Leaving of wrecked, junked, inoperative, partially dismantled or abandoned vehicles or boats on streets or highways prohibited.

No person shall leave for more than 24 consecutive hours, whether currently licensed, registered or not licensed or registered, any wrecked, junked, inoperative, partially dismantled or abandoned vehicle or boat on any street or highway within the City limits.

(g) Responsibility for removal and procedures.

Any person who causes, permits or allows any wrecked, junked, inoperative, partially dismantled or abandoned vehicle or boat in violation of the provisions of this article to be kept on such person's private real property, on any public real property or on any street or highway within the City shall be in violation of this article and responsible for its removal. After giving appropriate notice and following the procedures set forth in F.S. Chapter 705, relating to public property, if the vehicle or boat is not removed from public property, it is subject to removal by the City under the provisions of the statute and this article. If the violation is upon private real property, the violator shall be appropriately noticed or cited. The violator shall be responsible for all costs reasonably associated with the enforcement of this article necessitated by his failure to remove the property.

(h) Removal of lost vessels and abandoned vessels from City waters.

(1) *Removal.* City code enforcement officers are hereby authorized to remove any lost vessel and any abandoned vessel found in or upon City waters. A conviction for violation or a finding of violation of this article is not a precondition to the removal of a lost vessel or abandoned vessel. The City's code enforcement officers are hereby authorized to commence and complete the removal of any lost vessel or abandoned vessel, in the manner and sequence authorized by the Act, regardless of whether a citation is issued to the owner of such vessel, and regardless of any prosecution for violation or any proceeding before the code enforcement board.

(2) *Storage and disposal.* All lost vessels and abandoned vessels removed from City waters pursuant to this section shall be confiscated, stored, conveyed, donated and/or disposed of in accordance with the requirements of the Act.

(3) *Costs and liens.* All costs of removal, storage and disposal (whether by destruction, sale or otherwise) of a lost vessel or abandoned vessel shall be charged to the owner of such vessel to the full extent permitted by the Act. Pursuant to Section 705.103(4) of the Act, any person who neglects or refuses to pay such amount shall not be entitled to be issued a certificate of registration for such boat, or any other boat, until such costs have been paid. The City attorney is hereby authorized to file such instruments as are necessary to establish and enforce any lien upon any such boat for such costs.

(i) Procurement of services.

Subject to any limitations in the City's procurement policies, the City Manager is hereby authorized to procure services for the removal, storage, salvage and/or disposal of lost vessels and abandoned vessels removed from City waters.

Section 98-68 Junk and Disabled Vehicles on Private Property

(a) Liability.

The City and its agents and officers shall not be liable:

- (1) To any owner of any vehicle removed pursuant to the terms of this Article.
- (2) To any owner of residential real property in an action based upon trespass for the removal of a vehicle under this Article.

(b) Nuisance Declared.

The outdoor storage of abandoned or disabled motor vehicles is a public nuisance, and removal of such vehicles is the abatement of a public nuisance.

(c) Owner to remove unlicensed vehicle.

Any abandoned or disabled motor vehicle shall be removed by the owner of any residentially zoned real property upon which the vehicle sits or by the owner of the vehicle within 30 days after the expiration date shown on the license tag or within 30 days after the license tag shall have been removed from the vehicle.

(d) Notice to remove.

At any time after a motor vehicle license tag shall have expired, the City shall send written notice by certified mail to the record title owner of the residentially zoned real property and to the person to whom the vehicle is registered as shown by motor vehicle registration records of this state or any other state or district, stating that the vehicle will be removed at the expense of the vehicle owner or the residential real property owner not less than 30 days after mailing of such notice.

(e) Failure to comply; removal of vehicle.

If a vehicle shall not be removed and current license plates shall not be displayed and the vehicle shall not be enclosed in a permanent structure before the expiration of 31 days from the date of the mailed notice, the City may cause the vehicle to be removed by a public or private towing concern.

(f) Storage; owner's duty.

A vehicle removed under this Article shall be stored by the public or private agency removing same and the owner of the vehicle shall be liable to such agency for all towing and storage charges.

(g) Notice of charges.

If any abandoned or disabled motor vehicle is removed pursuant to this Article and there exist unsatisfied charges to the City to compensate it for expenses incurred, the City shall notify the record title holder of the real estate by certified mail that there are charges due and the amount of such charges and that that amount must be paid to the City within 30 days of the mailing of such notice.

(h) Lien.

If the charges specified are not paid within the time allowed, the City may place a lien against the real property involved and may enforce the lien as prescribed by Florida Statutes and shall be entitled to compensation for all costs of enforcing such lien plus reasonable attorney's fees.

Sec. 98-69. Responsibilities of owner and operator.

(a) It shall be the duty and responsibility of the operator and the owner to ensure compliance with the following:

(1) All parts of the premises under the control of the owner or operator shall be maintained in a safe and sanitary condition consistent with the business use.

(2) The owner or operator shall not perform any acts:

a. Which render other parts of the premises unsafe or unsanitary; or

b. Which obstruct any adjacent owner or operator from performing any duty required, or maintaining the premises in a safe and sanitary condition.

(3) Every owner or operator shall eliminate infestation of rodents or insects in and on the premises subject to the owner's or operator's control.

(4) Every owner or operator shall maintain all plumbing fixtures in a safe and sanitary condition.

- (5) No litter shall be stored or accumulated on the premises unless placed in a container in compliance with solid waste regulations.
- (6) Upon learning of a defect or inoperable status of any facility, utility or equipment required under this article which is the owner's responsibility, the operator shall provide written notice to the owner.

Sec. 98-70. Reserved.

Section 98-71. Demolition of Structures

(a) Submission of plans, bond.

Prior to the issuance of any permit for the demolition of a structure or any portion thereof, the applicant shall submit to the Building Official for review and approval two copies of a demolition plan and, where required, a regrading and revegetation plan along with a bond in the amount of 125 percent of the estimated cost of implementing the regrading and revegetation plan.

(b) Demolition plan.

The demolition plan shall include:

- (1) A written description and/or graphic display of the buildings and/or portions of buildings to be demolished.
- (2) A description of the means of demolition to be utilized.
- (3) The expected date for demolition to begin.
- (4) The estimated number of days necessary to complete the demolition and remove the resulting debris. The actual time of demolition, cleanup and, where applicable, regrading and revegetation shall not exceed 100 working days, exclusive of Saturdays, Sundays and holidays.

(c) Regrading and revegetation plan.

If the proposed demolition will remove an entire building or any portion thereof, the applicant for a demolition permit shall also submit a regrading and revegetation plan prepared by a registered landscape architect. This plan shall include:

- (1) A regrading plan providing for the regrading of the site so that it will be generally smooth and level so that there are no drop-offs, holes or other features which might pose a safety hazard or threaten to damage adjacent Property or any areas likely to hold standing water that might pose a potential health or safety hazard.
- (2) A revegetation plan providing that the site shall be revegetated by being properly treated with topsoil, sprigged or sodded with a lawn grass commonly used in Pinellas County, and maintained until growth is self-sustaining. If the demolition site is beachfront property and the City Building Official determines that portions of the site are not suitable for revegetation with any of the lawn grasses commonly used in Pinellas County, then the City Building Official may approve revegetation of those portions of the demolition site with plants from the following list:

TABLE INSET:

<i>Scientific Name</i>	<i>Common Name</i>
Cakile	Sea rocket

Hetrotheca subaxillaris	Camphorweed
Ipomoea pes-carprae	Railroad vine/beach morning glory
Panicum amarularum	Dune panic grass
Paspalum vaginatum	Salt jointgrass
Scaevola plumieri	Inkberry
Sesuvium portulacastrum	Sea purslane
Smilax spp.	Bamboo vine
	Horsebriar
	Greenbriar
Spartina patens	Saltmeadow cordgrass
Uniola planiculata	Sea oats

or any other plants certified by a registered landscape architect as being equivalent to the species listed in this subsection. These plants shall also be maintained until they become self-sustaining.

(3) A Written estimate, certified by a registered landscape architect, specifying the cost of implementing the regrading and revegetation plans.

(4) The estimated number of days necessary to complete the implementation of the regrading and revegetation plan. This time, other than the maintenance period necessary to achieve self-sustained growth, shall not exceed ninety (90) days from the date demolition is begun.

(d) Regrading and revegetation bond.

The applicant shall post and maintain at all times during completion of the regarding and vegetation, a surety or cash performance bond running to the City equal to 125 percent of the estimated cost of implementing the regrading and revegetation plans, to ensure the regrading and revegetation of the Property within the time required by this Article and otherwise to protect the City against any costs which it may incur for the subsequent revegetation of the Property if the Owner or permit holder fails to complete revegetation within the time required by this Article. Upon failure of the permit holder or Owner of Property to remedy the conditions in violation of the requirements of this Article within ten days after service of notice as provided in this section, the City Manager is authorized to take all necessary steps to regrade and revegetate the Property utilizing the proceeds from the bond. Any necessary costs incurred by the City for that purpose in excess of the bond amount, along with all costs incurred in establishing such lien, shall be a lien upon such Property.

98-72. Vacant Buildings, Vacant Structures and Vacant or Unimproved Lots

(a) Responsibilities of owners.

All owners of nonresidential structures, vacant buildings, vacant structures and vacant or unimproved lots shall comply with the requirements in this Article.

(b) Nonresidential structures.

- (1) All nonresidential structures shall be watertight, weathertight, rodent proof and insect proof and in good repair.
 - (2) Every foundation, exterior wall and roof shall be reasonably watertight, weathertight and rodent proof, shall adequately support the building at all times, and shall be in a workmanlike state of maintenance and repair.
 - (3) Every interior partition, wall, floor and ceiling shall be reasonably tight and maintained in a workmanlike state of repair and in a clean and sanitary condition.
 - (4) All rainwater shall be so drained and conveyed from every roof, and the lot shall be so graded and drained, as not to cause dampness in the walls, ceilings, floors or basement of a dwelling.
 - (5) Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight, and rodent proof and shall be maintained in sound condition and repair, and secured with proper hardware.
 - (6) Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and it shall be maintained in sound condition and repair.
 - (7) Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in sanitary working condition, free from defect, leaks, and obstruction.
 - (8) Every toilet, restroom and bathroom floor shall be constructed and maintained so as to be reasonably impervious to water, and such floors shall be kept in a clean and sanitary condition.
 - (9) Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed and installed that it will function safely, and effectively, and shall be maintained in good working condition.
 - (10) All exterior surfaces shall be protected from decay by painting or other protective covering or treatment. All siding shall be weather-resistant and watertight.
 - (11) No abandoned or inoperative vehicle shall be permitted on nonresidential property in view of the general public in violation of chapter 34, article IV, of this Code, relating to abandoned or inoperative vehicles.
- (c) Structures, unimproved lots.
- (1) Every owner of a building, structure or lot, vacant or occupied, shall keep the premises in clean and sanitary condition, including yards, lawn, courts and driveways.
 - (2) Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora.
 - (3) Every owner of a building, structure or lot, vacant or occupied, shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water thereon.
 - (4) Animals and pets shall not be kept on the premises in such manner as to create unsanitary conditions or constitute a public nuisance.
 - (5) Every owner of a vacant building, structure or lot shall keep the premises reasonably free from rodents, insects and vermin.
 - (6) The roof of every vacant building or structure shall be well-drained of rain water.
 - (7) All exterior surfaces shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.

(8) Every owner of a building, structure or lot, vacant or occupied, shall be responsible for removing any unauthorized obsolete, noncomplying or any deteriorated signs, posters and graffiti from the building's exterior.

(9) All materials used to board or secure a vacant building against entry shall be painted in a workmanlike fashion in the same color as other exterior walls of the building.

(10) Every owner of a building or structure that is vacant and unsecured shall secure and maintain in secure condition all entrances and all other openings of such building or structure including, but not limited to, windows and doorways.

(11) Such vacant building or structure shall be secured as follows:

(A) On all vacant buildings or structures other than vacant commercial storefronts, the ground floor entrances, windows and other openings of such vacant building or structure shall be secured and sealed with concrete block or other materials providing the same level of protection against forced entry as determined by the Building Official or his designee. For purposes of this section the term "ground floor entrances" shall include all openings which are readily accessible to a person six feet in height without use of a ladder or other climbing aid.

(B) All other unsecured entrances, windows and openings not otherwise covered by this section shall be secured by wood or other similar materials approved by the Building Official or his designee. Entrances and windows above the ground floor shall be regarded as secure if the entrances are locked and not otherwise open to entry and the windows contain glass which is not cracked or broken or shutters which prevent entry.

(C) As an alternative, vacant buildings and structures may be secured in accordance with a total building security plan if approved by the Building Official.

(D) Whenever any ground floor window of a vacant commercial storefront is found to be shattered, cracked, missing or broken, the owner of such building shall be required to repair or replace the window.

(12) Every owner of a vacant building, structure or lot, shall provide and maintain all unpaved areas of the site with grass, ground cover, shrubbery, or other suitable plant material. Paving of vacant lots shall be prohibited unless a site plan has been approved by the planning and zoning department.

Sec. 98-73. Unsanitary vacant properties declared nuisances; enclosure required; action by City when owner fails to enclose.

(a) The City Commission finds and determines that there exist within the City numerous vacant lots and lots containing vacant buildings and structures whereon the excessive growth and accumulation of weeds, other plant life, trash and waste occurs in such manner as to cause infestation by rodents and wild animals, the breeding of mosquitoes and vermin and threatens or endangers the public health, or adversely affect and impair the economic welfare of adjacent property. Such properties constitute a public nuisance to the community.

(b) The presence of a fence or wall surrounding vacant lots and lots containing vacant buildings and structures is a deterrent to the unauthorized and illegal use of such lots as dumping sites for trash, debris and waste.

(c) The requirements set forth in this article are necessary to protect the public health, safety and welfare of the City.

(1) *Unsanitary vacant properties declared nuisances.*

The existence of excessive accumulation or untended growth of weeds or either dead or living plant life or any garbage or rubbish upon any vacant lot, tract or parcel of land or any land containing a vacant building or vacant structure and located within 200 feet of the boundary line of any improved property within the City, to the extent and in the manner that such property is or may become infested or inhabited by rodents, vermin or wild animals or may furnish a breeding place for mosquitoes, or threatens or endangers the public health, safety or welfare, or adversely affects and impairs the economic welfare of adjacent property, is hereby prohibited and declared to be a public nuisance.

(2) *Enclosure required.*

a. Any vacant building, structure or lot which is not completely enclosed by a wall or a black or green vinyl-coated fence and which is found in violation of this Article by the City's Special Magistrate or County Court judge or any such vacant lot which has been cleared by the City due to the owner's failure to comply with lot maintenance requirements of this Article on two separate occasions in any two-year period shall be enclosed by its owner by a wall or a black or green vinyl-coated fence to of at least six feet in height. The code inspector shall notify such owner by certified mail when a wall or a black or green vinyl-coated fence is required pursuant to this section, and the owner shall have 45 days from receipt of such notice to cause the wall or a black or green vinyl-coated fence to be erected.

b. If an owner believes that the code inspector has erred in determining that enclosure is required, such determination may be appealed to the Special Magistrate. If the Special Magistrate determines that enclosure is required, the owner shall have 30 days from the date of such determination to enclose the property.

c. Where City Code permits walls or fences to exceed five feet in height, the owner may choose to erect a wall or a black or green vinyl-coated fence exceeding five feet in height in keeping with that code. Walls or fences erected pursuant to this section shall also conform to all other requirements of the Land Development Code, including those pertaining to the type of fencing materials permitted.

(3) *Action by City when owner fails to enclose.* If within 45 days after mailing of the required notice, or if an appeal is requested, within 30 days of the determination of the Special Magistrate, the required wall or fence has not been erected, the City may cause the subject property to be enclosed by a black or green vinyl-coated five-foot fence at the property owner's expense. Chainlink fence shall be used for this purpose where permitted.

(4) *Unpaid costs to be secured by lien.* The City shall certify the expense incurred by the City in enclosing the subject property whereupon such expenses, together with the applicable administrative fee, shall be billed to the property owner and shall become due and payable within 30 days of the mailing of such bill. Any such bill which has not been paid within the 30-day period shall become a lien upon the property.

Section 98-74. Boarding of Vacant Buildings or Dwellings

(a) Findings and purpose.

(1) The City Commission finds, determines, and declares that buildings which remain vacant and unoccupied for any unreasonable period of time become an attractive nuisance or dangerous condition to children, a harborage for insects, rodents, vermin, or other pests, an invitation to criminals as a temporary abode and as a place to conduct illegal

conduct, frequently including illegal drug-related activity, and an increased fire hazard; that unkept and unsecured grounds surrounding such buildings invite the dumping of garbage and trash thereon and the congregation of unauthorized persons who use the property for illegal activity; that such buildings contribute to the growth of blight within the City, depress market values of surrounding properties, thereby reducing tax revenues, necessitate additional governmental services, significantly interfere with the use and enjoyment of neighboring properties, create an unhealthy and unsafe condition affecting the public, and constitute an unreasonable use of property and a public nuisance.

(2) The protection of the health, safety, and welfare of the citizens of the City requires the establishment and enforcement of the means by which such nuisance conditions may be prevented and abated.

(b) Application.

(1) The provisions of this Article shall apply generally to all property throughout the City.

(2) Provisions of this article are to be supplementary and complementary to all of the provisions of this Code, state law, and any law cognizable in common law or in equity, and nothing in this article shall be read, interpreted, or construed in any manner so as to limit any existing right or power of the City to abate any and all nuisances.

(c) Responsibility for property maintenance.

Every owner of real property within the City is required to maintain such property in a manner so as not to violate the provisions of this Article, and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.

(d) Nuisances specified.

It is declared unlawful and a public nuisance for any owner of any property in the City to maintain such property or to permit such property to be maintained in such a manner that any one or more of the conditions described in the following subsections are found to exist:

(1) Any vacant and unoccupied building of which doors, windows, or other openings are broken or missing, so as to allow access to the interior, or boarded and which is not secured in compliance with this Article.

(2) Any vacant and unoccupied building of which doors, windows, or other openings are secured by boarding, but for which there is no current and valid boarding certificate as required by this Article.

(e) Certificate required for boarding building.

(1) All buildings which are boarded shall require a Certificate of Boarding be issued by the City. The fee for boarding certificates shall be set by resolution of the City Commission.

(2) No person shall erect, install, place, or maintain boards over the doors, windows, or other openings of any building or structure or otherwise secure such openings by a means other than the conventional method used in the original construction and design of the building or structure without first applying for and, within 30 days of application, completing all of the steps necessary for the issuance of a boarding certificate, and thereafter having a valid and current boarding certificate issued by the Building Official.

(3) The Building Official shall issue a boarding certificate required by subsection (1) of this section upon the submission of a written application by the owner of the property or

his authorized representative or contractor; upon the payment of the required fee; and upon the confirmation, through inspection by a City inspector, that the boarding or other method of securing the building or structure has been done in compliance with this Article.

(4) The boarding certificate issued pursuant to this section shall authorize the boarding or other securing of a building or structure for a period of no greater than six months from the date of the issuance. Renewal of the boarding certificate may be granted by the Building Official after the initial six-month period for an additional six months. The issuance of a renewal boarding certificate shall be subject to all of the following conditions:

(A) The boarding or other method of securing the building or structure has been done in compliance with this Article, as confirmed by a City inspector after inspection of the building or structure by the inspector.

(B) The owner or his authorized representative or contractor has submitted to the Building Official, prior to the hearing, a detailed plan for correction, repair, or rehabilitation of violations of state or local building and housing standards and for the securing of the doors, windows, and other openings by the conventional method used in the original construction and design of the building or structure or, alternatively, a detailed plan for sale of the property to another person or entity with provision in the sale of correction, repair, or rehabilitation.

(C) The owner or his authorized representative or contractor has submitted to the Building Official, prior to the hearing, a time line for applying for all appropriate permits for such work and for completing such work prior to the expiration of the renewal certificate or, alternatively, a time line for the sale of the property.

(D) The renewal certificate may be revoked by the Building Official if the owner fails to comply with the plan for such work or fails to adhere to the submitted time line.

(5) A boarding certificate may not be extended beyond the renewal period except upon demonstration that good cause for the renewal exists. Good cause shall require a showing by the owner that the certificate renewal is made necessary by conditions or events beyond the owner's control, such as inability to obtain financing for repair or rehabilitation, inability to locate a suitable buyer, unanticipated delays in construction or rehabilitation, or unanticipated damage to the property. In addition, where appropriate, good cause shall also require a showing by the owner that the owner has exercised reasonable and due diligence in attempting to complete the needed correction, repair, or rehabilitation, or is attempting to sell the property. If the Building Official determines that there exists good cause to renew the certificate, the certificate may be renewed by the Building Official for a period of up to, but not more than, an additional six months, subject to all of the same conditions imposed on the original renewal certificate.

(e) Standards for securing building.

(1) *Compliance with City specifications.* The boarding of the doors, windows, or other openings of any building or structure, or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, shall comply with the specifications as required by the City.

(2) *Additional requirements.* In connection with the boarding of the doors, windows, or other openings of any building or structure, or any means of securing such openings,

other than by the conventional method used in the original construction and design of the building or structure, the owner shall also comply with all of the following requirements:

(A) All utility service to the building or structure shall be terminated by removal of the meters and termination of electric power at the pole. Compliance with this subsection (A) may be waived in writing by the City as to the electric utility service if electricity is needed to power exterior security lighting, an alarm system, or equipment to be used in connection with the rehabilitation of the building or structure for which there is an active and current building permit.

(B) The sewer shall be capped in a manner approved by the City so as to prevent the accumulation of methane gas in the building or structure.

(C) The interior of the building or structure shall be cleaned of all trash, junk, garbage, debris, and solid waste, and personal possessions shall be removed from the interior of the building or structure, so as to eliminate any fire or health hazard and to prevent hindrance to firefighting equipment or personnel in the event of a fire.

(f) Exceptions.

A boarding certificate shall not be required in the following circumstances:

(1) Temporary emergency situations, including, but not limited to, hurricane preparation and damage caused by weather.

(2) Property which is under the jurisdiction of the nuisance abatement board, pursuant to an order rendered by the nuisance abatement board.

(3) Property which is under the jurisdiction of the construction board of adjustment and appeals, pursuant to an order rendered by the construction board of adjustment and appeals.

(g) Violations; enforcement.

Violations of this Article shall be enforced pursuant to any of the following provisions:

(1) By injunction issued by a court of competent jurisdiction upon a suit brought by the City.

(2) All other remedies and penalties available to the City under this Code, state law, federal law, or common law, including but not limited to those allowed by Chapter 162, Florida Statutes.

(h) Each and every day during which a violation occurs shall be deemed a separate offense.

(i) Costs incurred by City; assessment of lien.

All costs incurred by the City based upon actions taken by the City to cure violations of this Article shall be charged and billed to the person in violation of this Article. Unless payment is made within 30 days of such billing, the City Commission may, by the adoption of a resolution levying such charges, assess against the property a lien in the amount of the charges outstanding, or such lesser amount as the City Commission shall decide is just and fair.

(1) It shall be the duty and responsibility of the Building Official to enforce this article and to proceed against each and every person found in violation of the requirements of this article.

(2) All inspections, regulations and enforcement of violations of the provisions of this article, unless expressly stated to the contrary, shall be under the direction and supervision of the Building Official.

(3) Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the Building Official may enter such building, structure or premises at all lawful times to inspect the same or to perform any duty imposed upon the Building Official by this article. If such building or premises are occupied, the Building Official shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

(4) When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to this article.

Sec. 98-75. Failure of property owner to comply.

Nothing in this section shall be construed to prohibit the City Manager from immediately abating nuisances on an emergency basis by notifying the property owner of the existence of the nuisance, allowing the owner a period of two days from receipt of the notice to either abate the nuisance or file an appeal and if not completed or appealed within such time the City or its contractor may abate the nuisance and the cost of such abatement shall be secured by a lien on the property. . Unless payment is made within 30 days of billing of such amount, the City Commission may, by the adoption of a resolution levying such charges, assess against the property a lien in the amount of the charges outstanding, or such lesser amount as the City Commission shall decide is just and fair

An emergency is defined as the existence of any condition which poses an immanent threat to the physical health or safety of the public.

Sec. 98-76. Priority of Liens.

All liens provided for by this Article, to the extent allowed by law, shall be equal in rank and dignity with the lien of ad valorem taxes and shall be superior in rank and dignity to all other liens, encumbrances, titles, and claims in, to or against the property. Such lien shall be payable with interest at the maximum legal rate and shall have the maximum dignity and priority over other liens as may be allowed by law. Liens shall be filed in the office of the City Clerk and in the public records of the Pinellas County as a lien against the property. Such liens shall be foreclosed in the same manner in which mortgage liens are foreclosed as may be provided by law or ordinance.

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.

Michael Finnerty
Michael Finnerty, MAYOR

FIRST READING : 5-12-09
PUBLISHED : 5-16-09
SECOND READING : 6-11-09
PUBLIC HEARING : 6-11-09

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 11th day of June, 2009.

Theresa McMaster
Theresa B. McMaster, City Clerk