

BUSINESS ITEM 12

ORDINANCE NO. 1283-15

AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA, PROPERTY MAINTENANCE; ACCUMULATION OF JUNK AND DEBRIS; EXCESSIVE GROWTH AND ACCUMULATIONS; PROVIDING FOR PROCEDURES FOR ENFORCEMENT; PROVIDING FOR A LIEN THEREFORE AND FOR FORECLOSURE IF NOT PAID; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Zephyrhills find that there exist properties in the City that negatively affect the health, safety and general welfare, as well as the appearance, and aesthetics of the City; and

WHEREAS, the public health, safety and general welfare require that such properties be regulated in order to reduce the potential harm, and in order to preserve the quality of urban life and business areas of the community; and

WHEREAS, the location of such properties may adversely affect property values, cause an increase in crime, and encourage residents and businesses therein to move elsewhere; and

Section 1.

The City hereby adopts the following sections as a supplement to

Section 2. Maintenance of residential occupancies.

A. The term "residential occupancy" shall mean buildings in which families or households live or in which sleeping accommodations are provided, and all dormitories. Such buildings include, among others, the following: Dwellings, multiple dwellings and lodging houses.

B. All residential occupancies shall comply with the following minimum standards:

1. *General maintenance.* The exterior of every residential occupancy, and each accessory structure located on the lot or parcel on which the residential occupancy is located, shall be maintained in a good state of repair and all surfaces other than roofs shall be kept painted or whitewashed, or otherwise covered with permanently colored siding, for purposes of preservation and good appearance. All exterior surfaces shall be maintained free of broken glass, loose or rotting shingles and clapboards, crumbling stone or brick, mold, peeling, blistering or chalking paint and other conditions reflective of deterioration or inadequate maintenance. Broken glass in any windows shall be promptly replaced with glass provided, however, that temporary coverings of wood shall be permitted to prevent intrusion of the elements pending repair of the broken glass for a period not to exceed seven (7) days.

2. *Maintenance of painted or whitewashed surfaces.* All exterior painted or whitewashed surfaces of each residential occupancy and all structures accessory thereto shall be maintained such that the surfaces:

a. Are repainted or re-whitewashed, in whole or in part as necessary to cure the deteriorating condition, whenever the painted or whitewashed surfaces begin to blister, peel, chalk or otherwise deteriorate in a noticeable manner; and

b. Are pressure washed or otherwise cleaned whenever the painted or whitewashed surfaces accumulate buildups of mildew, moss, mold, dirt, soot or other removable accumulations.

3. *Maintenance of roofs.* All roofs shall have a covering permitted under applicable building codes that shall at all times be free of holes, cracks, leaks or excessively worn surfaces so as to prevent the entrance of moisture into the structure and so as to provide reasonable durability. Metal roofs showing signs of corrosion, and barrel tile or other tiled roofs showing signs of discoloration, shall be painted with a product approved and recommended by the manufacturer of the roof covering applied in accordance with the specifications of the product manufacturer. Shake shingle roofs showing signs of excessive curling, mildew, moss, rot or other deteriorating conditions shall be repaired, in whole or in part, as necessary to cure the deteriorating condition.

Section 3. Excessive growth, accumulations.

A. It shall be unlawful for any lot, tract, parcel of real property, structure, building or premise located within the incorporated boundaries of the city, whether improved or unimproved, to contain or maintain the existence of:

1. Weeds, grass, undergrowth or other vegetation (other than living trees, shrubs or other vegetation protected by state or local law), whether living or dead, at a height exceeding twelve (12) inches;

2. Plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or which are otherwise dangerous to other plant material, and plant materials that are not maintained, trimmed, or which evidence signs of neglect;

3. Any accumulation of: debris, garbage, rubbish, junk, broken glass, or furniture; appliances including without limitation a refrigerator, stove, washer, dryer, television or other household item; an automobile, boat, truck, trailer, camper, watercraft and/or other vehicle, or any part thereof, whether motorized or non-motorized, that is unlicensed, unregistered, or that is inoperable, is in a state of major disassembly, disrepair, or is in the process of being stripped or dismantled, including painting of vehicles except and unless the disassembly, repair, stripping, or dismantling occurs inside a facility authorized for such use; or construction materials unless occurring pursuant to a valid construction permit; or

4. Any trash in any building, structure or premises so that the same may afford food or harborage for rodents, rats, vermin, snakes, pests or other animal that may be hazardous to the public health, safety or welfare.

B. All tenants or occupants of any real property abutting any local street or alley within the city, or if no tenant or occupant then the owner thereof, shall be required to keep that part of the street or alley between the property lines and the curb, including gutters, or up to the median point of an alley, improved or unimproved, in a safe and sanitary condition at all times. Said area shall be kept free from trash of all kinds except household waste that is being properly disposed. Sidewalks shall be kept free from debris, sand, leaves, algae growth, vegetation and slippery conditions.

Section 4. Commercial, business, institutional and industrial structures.

A. Every structure and the premises on which it is situated in the city used or intended to be used for commercial, business, institutional or industrial purposes shall comply with the provisions of this section, whether or not the structure shall have been constructed, altered or repaired before or after the enactment of this article. This section establishes certain minimum standards for the initial and continued occupancy and use of all such structures and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the structure, the premises or the equipment or facilities contained in the structure or on the premises.

B. No person shall maintain or operate any commercial, business, institutional or industrial structure which does not comply with the following minimum standards:

1. *Maintenance of exterior.* The exterior of the premises and of all structures thereon shall be kept free of all nuisances and any hazards to the safety of occupants, customers, pedestrians and other persons utilizing the premises, and free of insanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include, but are not limited to, the following:

- a. Brush, weeds, broken glass, stumps, roots, obnoxious growths and accumulations of filth, garbage, trash, refuse, debris and inoperative machinery;
- b. Dead and dying trees and limbs;
- c. Loose and overhanging objects which by reason of location above ground level constitute a danger of falling on or striking persons in the vicinity thereof;
- d. Holes, excavations, breaks, projections, obstructions and excretions of pets and other animals on paths, walks, driveways, parking lots and parking areas and other parts of the premises which are accessible to or used by persons on the premises;
- e. Sources of infestation;
- f. Foundations, floors and walls which are not structurally sound;
- g. Chimneys and flue and vent attachments which are not safe, durable, smoketight and capable of withstanding the action of flue gases and heat;
- h. Exterior porches, landings, balconies, stairs and fire escapes which are not provided with banisters or railings properly designed and maintained to minimize the hazard of falling.

2. *Appearance of exterior.* The exterior of the premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the standards of the neighborhood or such higher standards as may be adopted as part of a plan of minimum property standards of the city and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood, including the following:

- a. Premises shall be kept landscaped and lawns, hedges and bushes shall be kept trimmed.
- b. 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 or put into a good state of repair. All non-operative or broken electrical signs shall be repaired or shall, with their supporting members, be removed.
- c. All windows exposed to public view shall be kept clean and free of marks or foreign substances, except when necessary in the course of changing displays.
- d. All storefronts and walls exposed to public view shall be kept in a good state of repair.

e. Except for "For Rent" or "For Sale" signs, any temporary sign or other paper advertising material glued or otherwise attached to a window or windows or otherwise exposed to public view shall be removed at the expiration of the event or sale for which it is erected or within sixty (60) days after erection, whichever shall occur sooner.

f. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or any other portion of the premises shall be maintained in a good state of repair. If the awnings or marquees are made of cloth, plastic or of a similar material, the cloth or plastic where exposed to public view shall not show evidence of excessive weathering, discoloration, ripping, tearing or other holes. Nothing in this subsection shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

3. *General maintenance.* The exterior of every structure or accessory structure shall be maintained in a good state of repair and all surfaces thereof shall be kept painted or whitewashed where necessary for purposes of preservation and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance. In addition, the following requirements shall be met:

a. Floors, interior walls and ceilings of every structure shall be structurally sound and maintained in a clean and sanitary condition.

b. All roofs shall have an approved 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 applied in accordance with the manufacturer's specifications.

c. Every room open to the public or in which persons are employed and every public hall and stairway in every structure shall be adequately lighted at all times that the structure is in use or open to the public. Unless otherwise provided by law, adequate lighting, for the purpose of this subsection, shall mean not less than five (5) footcandles, measured at any point on the floor of a room, hall or stairway.

d. Every structure shall have an unobstructed means of egress leading to open space at ground level.

e. Washroom and water closet compartment floors shall be surfaced with water-resistant materials and shall be kept in a dry, clean and sanitary condition at all times.

f. Supporting structural members are to be kept structurally sound, free of deterioration and capable of bearing imposed loads safely.

g. Walls and ceilings shall be maintained in a good state of repair. Walls shall be provided with paint, paper, sealing material or other protective covering and shall be kept clean, free of visible foreign matter and well-maintained at all times.

h. Every washroom and water closet compartment shall be provided with permanently installed artificial lighting fixtures with a switch and wallplate so located and maintained that there is no danger of short-circuiting from water or plumbing.

i. All premises shall be properly connected to electric power through safely insulated conductors conforming to the building code.

j. All wiring or cables shall be properly affixed or attached to the structure and kept in a good state of repair. No loose cords or loose extension lines in excess of six (6) feet

in length shall be permitted and no ceiling or wall fixture shall be used for supplying power to equipment other than that for which they are designed.

k. Garbage storage containers or garbage disposal facilities shall be provided and maintained for the disposal of garbage at every occupied structure.

l. Inflammable or combustible liquids or other materials may not be stored on the premises unless they are of a type approved for storage by the regulations of the fire department and then only in such quantities and in such fireproof storage containers as may be prescribed by the regulations of the fire department.

4. *Security requirements.* All buildings shall be secured to prevent unauthorized entry when unoccupied or unattended by maintenance or security personnel except buildings used for public assembly which are required to be equipped with exit doors with panic hardware. Public buildings equipped with approved photoelectric, ultrasonic or other intrusion detection devices shall be kept in good working condition.

5. *Duties and responsibilities.* The owner of a structure shall be responsible for maintaining the minimum standards required by this section unless his lease with the operator provides otherwise. In any event, the operator shall be responsible for:

a. Keeping all parts of the premises under the control of the operator in a clean and safe condition and the operator shall refrain from performing any acts which would render other parts of the premises unclean, unsanitary or unsafe or which would obstruct the owner from performing any duty required by this section.

b. The elimination of infestation in and on the premises subject to his control.

c. Maintaining all plumbing fixtures used by the operator in a clean and sanitary condition and he shall not deposit any material in any fixture or sewer system which would result in stoppage of or damage to the fixture or sewer system.

Section 5. General storage, unsanitary conditions and general public nuisances.

No lot, tract, parcel of real property or yard area shall be used as a collection or storage area for debris, garbage, rubbish, junk, broken glass, or furniture; appliances including without limitation a refrigerator, stove, washer, dryer, television or other household item; an automobile, boat, truck, trailer, camper, watercraft and/or other vehicle, or any part thereof, whether motorized or non-motorized, without a current, valid license plate or other registration certificate thereon; construction materials unless collection is maintained pursuant to a valid construction permit; dead, diseased or hazardous trees, lumber, vegetation, branches or sticks; trash not within an approved receptacle in any structure, building or premise or on any lot, tract or parcel of property; or storage or collection of other public nuisance items, unless otherwise specified and/or permitted in this Code.

No lot, tract, parcel of real property or yard area shall be used as a garbage dump or a dead animal rendering plant, nor may manure, rubbish, or public nuisance refuse be stored in the open within any district where the same may be construed as a menace to the public health, safety or welfare. No lot, tract, or parcel of real property shall contain a pool that contains unsanitary water or other conditions detrimental to the public health, safety and welfare. Any public nuisance prohibited by F.S., chapter 823 shall also be prohibited within the boundaries of the city.

It shall be unlawful for any owner or occupant of property to permit or maintain, or for any person to cause, an accumulation of rubbish, waste, trash, or debris, decaying vegetative matter, exposed salvageable material or other manmade materials upon any lot, tract, or parcel of land where the effect of such accumulation is to cause or to create any of the following:

- A. A visual nuisance or other unsightly condition visible from adjoining public or private property; or
- B. An actual or potential haven or breeding place for snakes, rats, rodents or other vermin of like or similar character; or
- C. An actual or potential breeding place for mosquitoes; or
- D. A fire hazard to adjacent properties; or
- E. An adverse effect on or impairment of the economic welfare of adjacent properties; or
- F. A hazard to traffic at road intersections or rights-of-way within the City; or
- G. A nuisance as defined by law, or other unsanitary condition.

Section 6. Violation; penalty.

Violation of any provision of this chapter shall be deemed a civil infraction. Enforcement of this chapter shall be the responsibility of the city's code enforcement officers and the members of the city police department. Enforcement of this chapter shall be pursuant to Pasco County Administrative Order Number 00-05, and all subsequent amendments thereto, in accordance with Chapter 2, Article VIII of the City Code, or by any other method permitted by the City Code, including without limitation through the use of the city's code enforcement board or an injunctive or other action in circuit court.

Section 7. REPEALER.

Any ordinance or part of any ordinance, in conflict herewith is hereby repealed to the extent of any conflict.

Section 8. SEVERABILITY.

It is declared to be the intent of the City Council of the City of Zephyrhills, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision and shall not be affected by such holding.

Section 8. INCLUSION IN CODE.

The provisions of this Ordinance shall become and be made part of the Code of the City of Zephyrhills, Florida. The sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall become effective upon passage on the third reading and signing by the Mayor.

The foregoing Ordinance No. 1283-15 was read and passed on the first reading in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 12th day of October, 2015.

Attest: _____
Linda D. Boan, City Clerk

Kenneth M. Burgess, Jr., Council President

The foregoing Ordinance No. 1283-15 was read and passed on the second reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 26th day of October, 2015.

Attest:

Linda D. Boan, City Clerk

Kenneth M. Burgess, Jr., Council President

The foregoing Ordinance No. 1283-15 was approved by me this 26th day of October, 2015.

Gene Whitfield, Mayor

Approved as to legal form and legal content

Joseph A. Poblick, City Attorney