

**CITY OF STUART, FLORIDA  
AGENDA ITEM REQUEST  
City Commission**

**Meeting Date:** 6/27/2022

**Prepared by:** Michael Mortell

**Title of Item:**

PROPERTY MAINTENANCE CODE CHANGES (RC):

ORDINANCE No. 2496-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION 10-59 THROUGH 10-84; SECTION 26-30; AND SECTIONS 42-38 THROUGH 42-305; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**Summary Explanation/Background Information on Agenda Request:**

During routine code inspections, staff has determined that there are policies and procedures in the current code which have become outdated. In addition, the code needed clarification regarding storage, trailers and other matters. The draft changes attached as Exhibit A are based upon the feed back from staff as well as recommendations from the Code Enforcement Magistrate.

**Funding Source:**

N/A

**Recommended Action:**

Move approval of Ordinance No. 2496-2022 on First Reading.

**ATTACHMENTS:**

1. Ordinance 2496-2022 Amend Chapter 10-59-10-84 Code Enforcement
2. Ordinance 2496-2022 Exhibit A



**BEFORE THE CITY COMMISSION  
CITY STUART, FLORIDA**

**ORDINANCE NUMBER 2496-2022**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION 10-59 THROUGH 10-84; SECTION 26-30; AND SECTIONS 42-38 THROUGH 42-305; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

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**WHEREAS**, the City of Stuart has adopted a Code of Ordinances encompassing regulations adopted by the City Commission which are intended to serve and provide public benefit to the residents and visitors of the City of Stuart; and

**WHEREAS**, the City Commission of the City of Stuart has regulations in place pertaining to the parking and storage of vehicles as well as the occupation and maintenance of structures within the geographic boundaries of the City; and

**WHEREAS**, the City Commission updates its regulations from time to time to provide benefit to the community and clarify any ambiguities; and

**WHEREAS**, the City Commission finds that the code needs to be updated to remain consistent with the policies and regulations adopted by the Commission.

**WHEREAS**, the City Commission wishes to revise portions of the Code in order to provide clarity and assist the Code Enforcement staff.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA THAT:**

**SECTION 1.** The foregoing WHEREAS clauses are ratified and incorporated as the legislative intent of this Ordinance. The Regulation of Communications Facilities on Private Property is found within Chapter 36, Article V, of the City of Stuart Code of Ordinances.

**SECTION 2.** That CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, PROPERTY MAINTENANCE, SECTIONS 10-59 through 10-84; CHAPTER 26, LAW ENFORCEMENT, ARTICLE II, CODE COMPLIANCE, SECTION 26-30, Schedule of fines and costs; and CHAPTER 42, UTILITIES, ARTICLE II, WATER, SECTION 42-38, 42-180 and 42-305 Tampering with water system and illicit connections are hereby repealed and replaced with such language attached as **Exhibit “A”**;

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

**SECTION 4.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

**SECTION 5.** This ordinance shall become effective upon passage.

Passed on first reading the \_\_\_ day of \_\_\_\_\_ 2022.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_.

Commissioner \_\_\_\_\_ offered the following ordinance and moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a roll call vote, the vote was as follows:

MERRITT MATHESON, MAYOR  
TROY MCDONALD, VICE MAYOR  
BECKY BRUNER, COMMISSIONER  
EULA R. CLARKE, COMMISSIONER  
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
MARY R. KINDEL  
CITY CLERK

\_\_\_\_\_  
MERRITT MATHESON  
MAYOR

APPROVED AS TO FORM  
AND CORRECTNESS:

\_\_\_\_\_  
MICHAEL J. MORTELL, ESQ.  
CITY ATTORNEY

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**Sec. 10-59. Occupancy of certain buildings, dwelling units and roominghouses.**

- (a) It shall be unlawful for any person to occupy or permit to be occupied any building or portion of a building, dwelling unit or rooming house which is not free of all sanitary nuisances defined in F.S. ch. 386.
- (b) It shall be unlawful for any person to occupy or permit to be occupied any building or portion of a building, dwelling unit or rooming house which is not free of all nuisances defined in section 10-58.
- (c) Any person, who occupies a building after being ordered to vacate or not to occupy such building by the building official because it is unsanitary pursuant to ch. 386, F.S., or is a nuisance pursuant to sec. 10-58, city code, shall be guilty of a state misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days, or a fine of not more than \$500, or both a fine and imprisonment.

(Code 1995, § 18-305; Ord. No. 2156-08, § 1(18-305), 4-14-2008; Ord. No. 2440-2020 , § 1, 5-26-2020; [Ord.](#))

**Sec. 10-61. Maintenance of structures, equipment and exterior property.**

- (a) *Scope.* The provisions of this section shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior of all residential and commercial property.
- (b) *Responsibility.* The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this article. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this section. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.
- (c) *Vacant structures and land.* All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein, including soil stabilization so as not to cause a blighting problem or adversely affect the public health or safety.
- (d) *Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
- (e) *Grading and drainage.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon. All rain gutter down spout and roof discharge water must be directed in a manner not to cause water accumulation or create flooding conditions to abutting properties. This requirement shall not apply to required retention areas.
- (f) *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
- (g) *Rodent harborage.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent infestation. (See also subsection 10-64(a), pertaining to extermination of infestations.)

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- (h) *Exhaust vents.* Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
  - (i) *Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
  - (j) *Exterior property and storage prohibited:*
    - (1) General storage, of materials shall be located entirely within an enclosed building or screened from view of the surrounding properties with a sight obscuring fence and/or landscaping, except as otherwise required by this Code.
    - (2) No accumulation or storage of the following materials shall be located within any required front, side or rear yard, side yard or carport that is visible from public view:
      - (2) a. Solid waste, rubbish, white goods (washers, dryers, refrigerators, other appliances), mattresses, household furniture typically not for outdoor use, scrap lumber, metals, concrete pieces and concrete block, glass, tires, machinery, auto parts, construction materials and equipment, paint cans and buckets, dead flora potted or un-potted, junk or abandoned: play gym equipment, merchandise, and landscape equipment
  - (k) *Defacement of property.* No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.
  - (l) *Temporary storage containers, pertaining to residential use.*
    - (1) All portable on-demand storage containers must be of an approved type such as pods, etc. Special "emergency disaster pods" are not permitted for storage and are only to be used in prescribed areas that are designated by federal, state, or local emergency management authorities.
    - (2) Truck beds or truck bodies are considered not to be approved storage containers and therefore not permitted for use in either commercial or residential zoning districts.
    - (3) A permit is required and will expire within six months of issue. An extension may be granted on a case by case basis, not to exceed 12 consecutive months and is limited to only one container per residence, placed on the premise's driveway; only.
  - (m) *Exterior structure.*
    - (1) *Generally.* The exterior of a structure shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the public health, safety or welfare.
    - (2) *Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition and free from mold and mildew. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

- (3) *Structural members.* All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.
- (4) *Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
- (5) *Exterior walls.* All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration and must be free from loose materials subject to becoming projectiles under high wind conditions.
- (6) *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Roofs must be free from loose materials subject to becoming projectiles under high wind conditions.
- (7) *Temporary coverings.* Temporary or emergency roof covering, tarps and the like must be removed within 12 months from the event causing damage; it being the intent of this section that damaged roofs be repaired or replaced within the same time period.
- (8) *Decorative features.* All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition and free from loose materials subject to becoming projectiles under high wind conditions.
- (9) *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 be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (10) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- (11) *Chimneys and towers.* All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (12) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (13) *Window, skylight and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight.
  - (3) a. *Glazing.* All glazing materials shall be maintained free from cracks and holes.
  - (4) b. *Openable windows.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- (14) *Insect screens.*
  - (5) a. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or 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 per inch (16 mesh per

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25 millimeters), and every screen door used for insect control shall have a self-closing device in good working condition.

- (6) b. *Exception:* Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.
- (15) *Doors.* All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with NFPA-1.
  - (16) *Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit let shall be equipped with devices that secure the units from unauthorized entry.
  - (17) *Guards for basement windows.* Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.
  - (18) *Doors.* Doors providing access to any dwelling unit, rooming unit or housekeeping unit shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than one inch (25 millimeters). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.
  - (19) *Windows.* Operable windows located in whole or in part within six feet (1,828 millimeters) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.
  - (20) *Storm shutter regulations.*
    - (7) a. Protection from windborne debris is encouraged for all structures certified for occupancy in the city. Storm shutters, or hurricane protection devices, shall be designed and installed in conformance with the state building code in effect at the time such hurricane protection was permitted by the building department of the city. Plywood shutters shall be painted to match the color of the structure.
    - (8) b. Except during the period from June 1 through November 30 each calendar year, hurricane protective devices are not permitted to be in the closed/secured position, except during the period unless, there is a hurricane or tropical storm watch or warning outside of the designated hurricane season. Placement of storm shutters during the allowed period shall be as provided in subsection c., below.
    - (9) c. *Storm shutter placement.* Hurricane protective devices that impede egress, light, and/or ventilation in a closed/secured position on occupied buildings must be removed no later than 14 days after the termination of a hurricane event (watch, warning, or actual hurricane or tornado) Exceptions:
      - 1. Unoccupied vacant/part-time residents will be permitted to hang shutters during the time of vacancy from June 1 through November 30, except for the front windows in public view. Upon return, occupants must remove shutters within 14 days. Plywood shutters are to be painted to match structure.
      - 2. A hurricane or tropical storm watch occurs in the 14 day period, at which point the 14 day period begins anew the day after the hurricane or tropical storm conditions have subsided; or



- 3. Hurricane or tropical storm watch conditions are predicted to occur within 48 hours after the fourteenth day; or
- 4. The structure is used for residential purposes, but no person is in residence; or the structure has been condemned by the building official, who has ordered that the structure not be occupied, as provided in sec. 10-84.

(10) d. Violation of the provisions in this section are a class 2 offense as provided in sec. 26-30. After 14 days a notice will be issued giving five additional days to remove the shutters or a schedule 2 fine as stated in section 26-30 will be levied.

(Code 1995, § 18-307; Ord. No. 2156-08, § 1(18-307), 4-14-2008; Ord. No. 2226-2011, § 1, 9-12-2011; Ord. No. 225-2013, § 1, 2-25-2013; Ord. No. 2261-2013, § 1, 2013; Ord. No. 2440-2020, § 1, 5-26-2020)

**~~Sec. 10-84. Prohibited occupancy.~~**

- ~~(a) It is unlawful for any person to maintain or permit the existence of any unsafe building within the city. It is also unlawful for the owner, tenant or occupant of any unsafe building to permit such building to remain in an unsafe condition or to permit the occupancy of an unsafe building while it is or remains in an unsafe condition.~~
- ~~(b) It is unlawful for any person to disobey an order of the building official issued pursuant to section 10-85 that an unsafe building be immediately vacated and not reoccupied until the specified repairs and improvements are completed.~~

**~~(Code 1981, § 6-511; Code 1995, § 18-257; Ord. No. 1905, § 1, 12-9-2002; Ord. No. 2034, § 1, 6-13-2005; Ord. No. 2440-2020, § 1, 5-26-2020)~~**

**Sec. 10-69. ~~Motor vehicle parking and storage.~~**

~~(a)~~

(a) Definitions. The definitions provided below are intended to supplement those definitions found in F.S. §§ 316.003, 327.02, and 330.27, as amended from time to time, all of which are incorporated herein. Any conflict between the state statutes and the definitions herein shall be resolved by using the more stringent definition. As used in this section, the following definitions shall apply, unless preempted by state statute:

*Aircraft* means any conveyance for travel through the air and for carrying persons or property, including, but not limited to, an airplane, helicopter, seaplane, amphibian, gyrocopter, balloon, blimp, glider, hovercraft and ultralight aircraft. The term aircraft shall also include any trailer when used to carry or cradle an aircraft.

*Approved paved surface* means a pervious or impervious surface constructed of concrete, asphalt, brick pavers, paver stones, turf blocks, or stabilized gravel, or ~~on~~ another similar surface acceptable and approved by the development director or designee~~Neighborhood Services~~, in an approved site plan or other approval document, in advance of the use. As provided in the land development code, turf may be acceptable parking surface for some

(Supp. No. 34)As of 09/10/21

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uses. the public works director. to Under certain circumstances, the Neighborhood Services Department may authorize turf as an approved surface.

Commercial vessel means:

- (1) Any vessel primarily engaged in the taking or landing of saltwater fish or saltwater products or freshwater fish or freshwater products, or any vessel licensed pursuant to F.S. § 379.361. from which commercial quantities of saltwater products are harvested, from within and without the waters of this state for sale either to the consumer, retail dealer, or wholesale dealer; or
- (2) Any other vessel, except a recreational vessel as defined herein.

Canopy or canopy carport means an attached or detached fabric, fiberglass or metal structure used as a temporary cover for an aircraft, vessel or vehicle.

Driveway means an approved paved surface for the parking of vehicles, or vessels on trailers, which is continuously paved to a private or public right-of-way. Note: Driveways are included in calculating a site's maximum impervious surface area as set forth in section 2.04.01 of the Stuart Land Development Code, unless the surface and base are semi-pervious, and approved by the development public works director or designee.

Fully operable means a vehicle or vessel which is capable of performing its intended use or purpose, without further repair or reconstruction, and which has a current title and registration with the state or federal government, if the same is required by law to be registered.

Heavy truck means any truck which is not classified as a light or medium truck, as provided herein.

Light or medium truck means a pickup truck or a van of Classes 1, 2, or 3, with a maximum gross vehicle weight rating (GVWR) of 14,000 pounds or less, as provided in the table of US Gross Vehicle Weight Ratings published by the U.S. Department of Energy (see <https://afdc.energy.gov/data/10380>).

Light utility trailer means an open or closed trailer which can be towed by an automobile or light truck.

Noncommercial light truck means a light truck that has no painted or applied signs, advertisement, equipment, pipe racks, ladders, tanks, or other indicia of a vehicle used in the performance of a commercial activity.

Overnight parking means parking a vehicle in each location at any time during the hours from 3:00 a.m. to 6:00 a.m., daily.

Parking means to drive a vehicle and to stop it in a given location, such that the vehicle is standing, whether occupied or not, except when temporarily and actually engaged in loading or unloading merchandise or passengers; it denotes a temporary situation from which the vehicle shall be relocated or driven away within 72 hours.

Recreational vehicle means a motor home, travel trailer, pop-up camper, light truck camper top, recreational vessel on a trailer, closed or open utility trailer, house trailer (fifth wheel only), all-terrain vehicle, or similar vehicle (such as a tiny home trailer) for recreational or other noncommercial use.

Recreational vessel means any vessel:

- (1) Manufactured and used primarily for noncommercial purposes; or
- (2) Leased, rented, or chartered to a person for the person's noncommercial use.

Registration or registered means a state operating license on a vehicle or vessel which is issued with an identifying number, a certificate of registration, and a decal designating the year for which a registration fee is paid.

(Supp. No. 34) As of 09/10/21

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"..."

<https://afdc.energy.gov/data/10380>

**Federal Highway Administration  
Table of US GVWR classifications  
US truck class**

Duty classification Weight limit [1][7] Examples  
**Class 1 Light truck** 0–6,000 pounds (0–2,722 kg) Chevrolet Colorado/GMC Canyon, Ford Ranger, Honda Ridgeline FWD[8], Jeep Gladiator, Nissan Frontier, Toyota Tacoma  
**Class 2a Light truck** 6,001–8,500 pounds (2,722–3,856 kg) Chevrolet Silverado/GMC Sierra 1500, Ford F-150, Honda Ridgeline AWD[8][9][10], Ram 1500, Nissan Titan, Toyota Tundra  
**Class 2b Light/Medium truck** 8,501–10,000 pounds (3,856–4,536 kg) Chevrolet Silverado/GMC Sierra 2500, Ford F-250, Nissan Titan XD, Ram 2500[8][9][10]  
**Class 3 Medium truck** 10,001–14,000 pounds (4,536–6,350 kg) Chevrolet Silverado/GMC Sierra 3500, Ford F-350, Ram 3500  
Isuzu NPR[11]

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"..."

Depends on how it is used. For instance, "overnight parking" in your driveway at home, is permitted. This only defines the time, not the location!

*Sidewalk* means any improved walkway on public or private property that is designed to be used by pedestrians, and which is open to use by the public or by invitees, and specifically includes outdoor walkways for pedestrian use.

*Storageing* or *storage* means to put away, or maintain an aircraft, vehicle, ~~or vessel~~ or other ancillary equipment or object ~~or object~~ materials away or into safekeeping, such as to be available for later use; ~~and it denotes no active use for 72 hours or more.~~

*Vehicle* means a conveyance for travel on land and for carrying persons or property, including but not limited to an automobile, bus, school bus, motorcycle, farm tractor, road tractor, truck tractor, farm labor vehicle, light or heavy truck, tractor, golf cart, go-cart, straight truck, tri-vehicle, pop-up camper trailer, motor home, house trailer, recreational vehicle, pole trailer, utility trailer, semi-trailer, all-terrain vehicle, hovercraft, and including any motor vehicle, but not including any bicycle, motorized scooter, electric personal assistive mobility device, or moped.

*Vessel* means any conveyance for travel over or under water and for carrying persons or property, including but not limited to a motorboat, sailboat, barge, floating structure, houseboat, raft, yacht, canoe, racing shell, kayak, submersible, airboat, personal watercraft, or hovercraft or as otherwise defined in section 10-58, Stuart City Code. The term "vessel" shall also include any trailer when used to carry or cradle a vessel.

- (b) *Parking and storing; generally.*

(1) This section shall apply broadly to the parking or storageing of aircraft, vehicles and vessels in ~~the R-1A, R-1, R-2, and R-3 residential land use (zoning residential zoning district including PUD and Condition Use) all zoning districts,~~ and on any real property in the city specified herein, where the primary use is residential, regardless of zoning district, unless otherwise provided herein, and it ~~and~~ shall apply to both the owners, and occupants, and visitors to ~~of~~ the property.

(2) ~~Notwithstanding anything contained in this section to the contrary, p~~ Parking and storing of recreational vehicles in the R-3 multifamily land use district shall be in accordance with an ~~the~~ approved site plan or planned unit development ~~ordinance~~ ordinance approved for the site. To the extent that an approved site plan or planned unit development ~~ordinance~~ ordinance is silent as to parking and storing of recreational vehicles, or in the event that no site plan or planned unit development exists for the property, then parking only (not including storageing) shall be permitted for recreational vehicles in designated parking spaces appropriately dimensioned for the vehicle being parked. I and n ~~and n~~ multifamily or commercial zoning districts, such parking areas shall also be appropriately signed for the use of such vehicles, if any. No other parking or storage of aircraft, recreational vehicles or vessels shall be permitted.

*(Notice: condominium and homeowners' associations may have separate covenants, bylaws, or rules and regulations regarding parking and storage, which are more stringent than the city code, and while the city does not enforce those covenants, bylaws or rules and regulations, the condominium or homeowners' association may enforce them.)*

(3) No ~~heavy dump~~ heavy dump trucks, motorized construction equipment, including but not limited to motorized cranes, motorized excavators, shovels, rollers, dozers, special mobile equipment, loaders, other vehicles designed for the transportation of persons or property to which machinery has been attached, ~~heavy trucks, commercial vessels, commercial vessels on trailers, or aircraft, or construction vehicles or equipment.~~ shall be stored on any residential property, and the same shall not be parked on any residential property unless such equipment or vehicle is being actively used on the property for a permitted construction activity, or unless such equipment, vehicle, vessel or aircraft is parked or stored in a fully enclosed garage. A garage does not include a carport or canopy. This provision shall

Commented [mm5]: Better define: Such as maintain available for use while not in use.

FIXED

Commented [6]: Reply to michael mortell (05/13/2021, 15:03):

"..."  
Okay... see major changes; but remember this section only applies to vehicles, and not items such as refrigerators or building materials, which should be considered elsewhere in the code.

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not ~~apply to affect~~ bona fide delivery vehicles while ~~making~~being used to make such deliveries to a residential property.

(4) No aircraft, vehicle or vessel shall be:

- a. Disassembled or dismantled, except in a fully enclosed ~~building garage; or-~~ A garage does not include an attached or detached carport or a canopy.
- b. Spray-painted, except in a fully enclosed and approved spray paint booth; ~~or-~~
- c. Stored or parked overnight on the public right-of-way, unless otherwise permitted in this code; or-
- d. Parked or stored over or on a sidewalk, at any time; ~~or-~~ No withstanding the definitions of parked or stored, it shall be a violation of ordinance to block the public access to a sidewalk.
- e. Parked or sStored on a vacant lot, or on real property which is under a condemnation order, or which has no legal primary use, or on real property where the legal primary use does not permit outdoor storage as an accessory use.

~~f)Notwithstanding this provision,— Parked on a vacant lot, or on real property which is under condemnation order or which has no legal primary use, except that owners, agen owners, agents and conts and contractors may can park vehicles, or construction equipment vy trucks, light trucks or other vehicles only automobiles, light and heavy trucks, motorcycles, commercial motor vehicles, dump trucks, motorized cranes, motorized shovels, special mobile equipment, other vehicles designed for the transportation of persons or property to which machinery has been attached, heawhen required to be on such property during the bonafide performance of bona fide construction, sales, or rental activities; or-~~

~~(11) — Automobiles and light trucks may be parked on a property for the purpose of allowing the property to be shown to bona fide buyers or lessees.~~

~~(12)(11) (5) —~~

~~(5) No aircraft, or or~~ vessel shall be parked on the public right-of-way, at any time.

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~~(6) —~~ No trailer, including any light utility trailer, shall be parked on a public right-of-way, unless it is attached to a fully operable vehicle, and only in an approved parking space, designated for such use.

~~8) — On corner properties, driveways may be on either or both side yards and automobiles, light trucks, motorcycles and light utility trailers may be parked on any approved driveway. However, only the side yard providing the least visibility to the adjacent public right-of-way shall be used for the parking and storage of recreational vehicles or the storage of vehicles. ((7) No trailer shall be parked overnight on a public right-of-way.~~

~~(79) —~~ Only fully operable vehicles, vessels on trailers, or aircraft on trailers, shall be parked or stored on residential property.

~~(810) No vehicle, vessel, or aircraft shall be parked or stored on any any front, side or rear lawn or front yard, except on an approved driveway or "approved surface, as defined herein".~~

(c) ~~Single-family and duplex R~~residential vehicle parking and storage.

(1) ~~Parking only. Operators of Only~~ fully operable; automobiles, recreational vehicles, light trucks, motorcycles, vessels on trailers, and light utility trailers ~~parked on properties otherwise permitted to~~

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be used for parking, in the ~~shall be parked in~~ R-1A, R-1, or R-2 residential land use (zoning) districts and on occupied single-family and duplex ~~on~~ residential properties wherever located in the city, ~~subject to the following, shall park;~~ their vehicles only in the following order:

- a. ~~First~~ in a permitted garage or carport, or
- b. ~~on a designated and approved driveway, or approved surface such that no part of a vehicle overhangs a sidewalk; or and~~
- b. ~~Second, in when the City Right of Way if issued a revocable permit or in a legal designated parking space on the public right-of-way,~~ if any, subject to a revocable permit, if required by this Code; and ~~;~~ or
- c. ~~ed park~~ be may ~~Third, additional automobiles, light trucks, motorcycles and light utility trailers on one side yard of the property in compliance with "motor vehicle parking or storage of vehicles and vessels" as set forth in subsection (3) of Table 10-69~~ this section.

~~(13)~~

~~(14)(12)~~ D. ~~—No vehicle, trailer, vessel or aircraft automobiles, recreational vehicles, light trucks, motorcycles, vessels and light utility trailers, shall be hooked up to water or sewer, or used for habitation while parked or stored on any the property, other than at a bonafide trailer park or area approved for the same by the city.~~

~~(15)~~

~~(16)(13)~~ E. ~~—AAny vehicle, unregistered or inoperable automobile, recreational vehicle, light truck, motorcycle, vessel on a trailer, or trailer which is or light utility trailer stored or maintained on an occupied residential lot shall be properly completely covered with reasonably fitting cover composed of opaque fabric.~~

~~(47)~~

~~(48) (2)~~ ~~—~~ *Parking in R-1A districts.* Notwithstanding the provisions in subsection (1) of this section, the following additional regulations shall apply in the R-1A land use district:

~~(49) a.~~ ~~—~~ The only trucks allowed to be parked overnight in the R-1A land use district shall be noncommercial light trucks.

~~(50) b.~~ ~~—~~ Vessels, trailers, and recreational vehicles shall not be parked overnight in a front driveway or front yard.

~~(51)~~ residential properties wherever located in the city, and only as follows:

~~(52)~~ single-family and duplex-occupied properties otherwise permitted to be used for parking or storing, in the R-1A, R-1, and R-2 residential land use (zoning) districts, and on only on their vehicles automobiles, light trucks, motorcycles, vessels, light utility trailers and recreational vehicles shall park or store Operators of fully operable (3) ~~—~~ *Parking or storing of vehicles and vessels.* a. ~~—~~ Each vehicle shall be parked or stored only in one side yard between the front and rear building lines, as shown in figure 10-69. ~~Reserved~~

~~(53)(45)~~ b. ~~—~~

~~(54)~~ No part of a vehicle, vessel or trailer shall be higher than the highest part of the building or roof on the subject property, whichever is higher.

- ~~c.~~ ~~—~~ No vehicle, vessel or trailer shall be hooked up to water or sewer.

Commented [mm8]: Fix this definition

Commented [9]: Reply to michael mortell (05/13/2021, 15:03):  
"..."  
Fixed... to clarify type of material to be used.

~~• d. — No vehicle, vessel or trailer, shall be used for habitation while parked or stored on the property.~~

• e. —

~~(58)~~ Electrical power supply to vehicles, vessels or trailers may be provided for operation of air conditioning, dehumidifying, or refrigerating equipment, and refrigeration for environmental purposes only, as provided in subsection 10-67(d)(4)a, City Code.

• f. —

~~(60) A Reserved. II vehicles, vessels, and trailers shall be parked or stored on an approved paved surface.~~

• g. —

• Only automobiles, motorcycles, light trucks, and vessels shall be stored on a front yard driveway, and only with a property vehicle cover.

•

(d) *Grandfathered driveways.* On ~~lots in the R-1A, R-1, and R-2 residential land use (zoning) districts and on~~ occupied single-family and duplex residential properties wherever located in the city, where parking has ~~historically occurred for more than (5) consecutive years prior to adoption of this ordinance (date: \_\_\_\_\_)~~ on a substandard or non-approved driveway surface, including turf, such parking shall be allowed to remain as a lawful nonconforming use, subject to ~~a determination by the development director or designee, applying~~ the provisions of section 8.03.01 et seq., Stuart Land Development Code. ~~For good cause shown, the development director or designee may issue an administrative variance for the use of turf as an approved pervious parking surface.~~

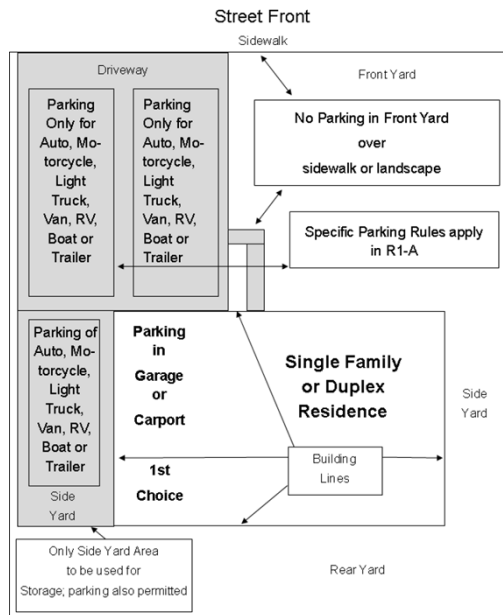
(e) *Irregular lots.* On ~~occupied~~ lots in the R-1A, R-1, and R-2 residential land use (zoning) districts ~~and on occupied single-family and duplex residential properties~~ wherever located in the city that are irregularly dimensioned, parking and storing of vehicles and vessels shall occur in accordance with this section ~~10-69~~ to the greatest extent feasible and practical. The owners or occupants of such lots may apply for an administrative variance ~~for the minimum exception necessary to deviate from this section~~ where the dimensions of the lot make it unfeasible or impractical to comply with this section, and such finding shall constitute a reasonable of practical difficulty necessary for the granting of an administrative variance, when determined by the development director.

(f) *Administrative variance.* For good cause shown by substantial competent evidence, which shall include a demonstration of hardship, or a reasonable avoidance of practical difficulties, and using the procedures provided in section 8.04.08, Stuart Land Development Code, the development director may vary the provisions of this section, but in considering such variance shall grant the least amount of variance and obtain compliance with as many applicable provisions of the section as can reasonably be achieved. The fee, if any, for said administrative variance shall be ~~as~~ established by resolution of the city commission, ~~as provided~~, from time to time. ~~“Good cause” for the use of turf or other pervious surface as a parking surface shall include, but shall not be limited to no rutting or other damage to the turf or other pervious parking surface.~~

Table: Sec. 10-69. Motor vehicle parking and storage.

**Figure 10-69.**

Parking in R-1A, R-1 and R-2 districts, and other areas where single-family and duplex residential uses are allowed.



(Ord. No. 2261-2013, § 2, 2013; Ord. No. 2440-2020 , § 1, 5-26-2020)(Ord xxx-2021).

Editor's note(s)—Ord. No. 2261-2013, § 2, adopted in 2013, amended § 10-69 Editor's note(s)—in its entirety to read as herein set out. Former § 10-69 Editor's note(s)—pertained to similar subject matter and derived from Ord. No. 2226-2011, § 2, adopted Sept. 12, 2011.

Sec. 10-84. Prohibited occupancy.

- (a) It is unlawful for any person to maintain or permit the existence of any unsafe building within the city. It is also unlawful for the owner, tenant or occupant of any unsafe building to permit such building to remain in an unsafe condition or to permit the occupancy of an unsafe building while it is or remains in an unsafe condition.
- (b) It is unlawful for any person to disobey an order of the building official issued pursuant to section 10-85 that an unsafe building be immediately vacated and not reoccupied until the specified repairs and improvements are completed.
- (c) Any person, who occupies an unsafe building after being ordered to vacate or not to reoccupy such unsafe building by the building official, shall be guilty of a state misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days, or a fine of not more than \$500, or both a fine and imprisonment.

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(Code 1981, § 6-511; Code 1995, § 18-257; Ord. No. 1905, § 1, 12-9-2002; Ord. No. 2034, § 1, 6-13-2005; Ord. No. 2440-2020, § 1, 5-26-2020)

**Sec. 26-30. Schedule of fines and costs.**

The city commission hereby establishes the following schedule of fines and costs for various violations of the city codes and ordinances. [See Inset Table "A".] In lieu of using the schedule of costs contained in the Appendix to this code, the city may present reasonable actual costs to the magistrate for approval. In such instance, the respondent may *voir dire* the city regarding the costs, and present argument regarding the same.

TABLE "A"

Code Section	Violation	Class
4-7	Consumption of alcohol on city property or rights-of-way without a permit	I
8-1	Sec. 9.96A, MC Code—Animal at large, barking or fouling	II
8-27	Hunting or killing animals	Mandatory
10-1	105.1.1 FBC—Building permit required	II
10-83	Unsafe building	II
10-84	Unsafe building—Occupancy	III <u>or class 2 misdemeanor</u>
10-60	Unsanitary or nuisance maintained building—Occupancy	II <u>or class 2 misdemeanor</u>
10-61	Maintenance of buildings—Required; harboring rats	II
10-63	Minimum living standards	Mandatory
10-200	Contractor license required	III
12-42	Outdoor sales—Permit required	II
18-64	Alarm system—Permit required	I
18-73	Excessive false alarms — 3rd and 4th violations	\$50.00
18-73	Excessive false alarms — 5th and 6th violations	\$100.00
18-73	Excessive false alarms — 7th and 8th violations	\$200.00
18-73	Excessive false alarms — 9th or more (\$400.00 each)	Mandatory
20-20	General sanitation of property	II
20-21	Tall grass, weeds and underbrush (8 inches or more)	I

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20-22	Trash and solid waste; mosquito breeding; nuisance	II
20-50	Abandoned, junked, inoperable vehicle and watercraft	II
20-78	Graffiti	II
20-151	Noise prohibited—Motor vehicles	I
20-151	Noise prohibited-- <u>Property</u> (1st, 2nd and 3rd violation)	III
20-151	Noise prohibited -- <u>Property</u> (4th & <u>Subsequent</u> violations <u>or more</u> )	Mandatory
20-157	Pet Waste — 1st Violation	\$25.00
20-157	Pet Waste — 2nd Violation	\$50.00
20-157	Pet Waste — 3rd & Subsequent Violations	\$100.00
20-170	Fertilizer — 1st Violation	\$50.00
20-170	Fertilizer — 2nd Violation	\$100.00
20-170	Fertilizer — 3rd Violation	\$200.00
20-170	Fertilizer — 4th & Subsequent Violations	\$500.00
22-68	Open burning without a permit	II
26-28	Costs of Magistrate action (minimum)—Notice of Violation	\$300.00
26-28	Costs of Magistrate action (minimum)—Citation	\$100.00
28-2	Discharge of fireworks without a permit	I
28-4	Discharge of air rifle, BB or pellet gun	I
30-3	Prohibited conduct in park	I
30-4	Prohibited conduct on city piers and riverwalk	I
34-2	Dumpster diving ( <u>removal of solid waste from receptacle</u> )	I
34-2	<u>Other p</u> rohibited solid waste activities	II
34-9	Burial of debris <u>or solid waste</u>	Mandatory
34-41	Improper placement of garbage for collection	I
36-4	Sidewalk clearance (4 feet) required	I
36-5	Swale area maintenance; required	I

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36-31	Site address numbers; required	I
38-58, et seq.	Failure to pay local business tax	III
40-37	Prohibited parking/standing/stopping	\$25.00
40-37	Blocking a driveway	\$25.00
40-37	Parking on <u>or over</u> a sidewalk	\$25.00
40-37	Parking in a loading zone	\$25.00
40-37	Parking <u>in a direction against lawful lane traffic flow</u> <u>left side to curb</u>	\$25.00
40-37	Parking by a yellow-marked curb	\$25.00
40-37	3 hour parking <u>violation</u> — first 3 violations in a 12-month period	\$25.00
40-37	3 hour parking <u>violation</u> — 4th & 5th violations in a 12-month period	\$50.00
40-37	3 hour parking <u>violation</u> — 6th or <u>subsequent</u> <u>more</u> violations in a 12-month period	\$200.00
40-37	Parking in an intersection or obstructing traffic	<del>\$50</del> 25.00
40-37	Parking within 15 feet of a fire hydrant	\$25.00
40-37	Parking in a fire lane	<del>\$50</del> 25.00
40-37	Parking in "Emergency vehicle only" space	<del>\$50</del> 25.00
40-37	Failure to display disabled (handicapped) parking permit	\$25.00
40-37	<u>Heavy</u> Truck ( <del>one-ton or more</del> )( <u>more than 14,000 lbs. gvwr</u> ) parking in a residential zone	<del>\$50</del> 25.00
40-37	Failure to park in a designated parking space	\$25.00
40-37	Parking in a "tow-away zone"	\$100.00
40-45	Illegal parking in <u>a designated</u> handicapped <u>parking</u> space or access aisle	\$250.00
40-48	Truck parking in residential area	\$25.00
40-151	<u>Illegal o</u> Operation of golf carts—1st and 2nd violation	\$25.00
40-151	<u>Illegal o</u> Operation of golf	Mandatory

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	carts—3rd violation (up to \$250.00) 4th violation (up to \$500.00 and revocation of permit)	
10-69(b)	<del>Other</del> illegal parking or storage in a residential area	I
40-167	Ready-mix concrete spill on street	III
42-38	Tampering and/or theft of water ( <del>up to \$1,000.00 and 1 year</del> )	Mandatory <del>Class 1 misdemeanor (up to \$1,000.00 and/or 1 year)</del>
42-128	Illegal irrigation or watering (1st violation)	\$25.00
42-128	Illegal irrigation or watering (2nd <del>&amp; subsequent</del> violations <del>or more</del> )	\$50.00
42-305	Unlawful connection to sewer	Mandatory
44-23	Trespass by vessel (1st violation)	\$25.00
44-23	Trespass by vessel (2nd violation or more)	II
44-37	Vessel — Speeding or harmful wake (in creeks & canals)	I
Penalties for Certain Violations:		
Class I	1st violation (\$50.00); 2nd violation (\$100.00); 3rd or more violations (\$200.00); plus costs	
Class II	1st violation (\$100.00); 2nd violation (\$200.00); 3rd or more violation (\$400.00); plus costs	
Class III	1st violation (\$150.00); 2nd violation (\$300.00); 3rd violation (\$500.00); plus costs	
Mandatory	A mandatory appearance is required by the Respondent and subjects the violator to a fine of up to \$250.00 for a 1st violation, and a fine of up to \$500.00 for a repeat violation, as provided in this code; plus costs	

(Code 1995, § 2-199; Ord. No. 2051, § 1, 11-28-2005; Ord. No. 2099-07, § 1, 2-12-2007; Ord. No. 2154-08, § 1(2-199), 3-24-2008; Ord. No. 2250-2012, § 3, 11-5-2012; Ord. No. 2318, § 1, 9-14-2015 )

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**Sec. 42-38. Tampering, etc., with water system.**

It shall be unlawful for any person to:

- (1) Alter, tamper with or damage any water meter or water pipe belonging to the city in such a manner as to prevent any meter from accurately registering the quantity of water which otherwise would pass through the same or in any way to hinder or interfere with the proper action or accurate registration of any such city water meter, or knowingly to use water, or suffer the waste of water passing through any such water meter or pipe after such water meter or pipe has been tampered with, altered, or damaged;
- (2) Change or replace any water meter owned by the city without the city's written consent;
- (3) Make any temporary or permanent connection or reconnection to the city water system without the city's written consent;
- (4) Alter, tamper with or damage any fire hydrant within the city limits;
- (5) Obtain water for private uses or purposes from any fire hydrant located within the city limits, without the city's written consent.
- (6) Any person, who violates this section shall be guilty of a state misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days, or a fine of not more than \$500, or both a fine and imprisonment.

(Code 1981, § 17-20; Code 1995, § 82-32)

State law reference(s)—Criminal mischief, F.S. § 806.13.

**Sec. 42-180. Same—Illicit connections.**

(1) No person may maintain, use or establish any direct or indirect connection to the stormwater system that results in any discharge in violation of this division. This prohibition is retroactive and applies to connections made in the past, regardless of whether made under a permit, or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.

(2) Any person, who violates this section shall be guilty of a state misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days, or a fine of not more than \$500, or both a fine and imprisonment.

(Code 1995, § 82-186; Ord. No. 2048, § 1, 11-14-2005)

**Sec. 42-305. Unauthorized connections unlawful.**

(a) No sanitary sewer collection system shall be connected to the city sanitary sewage system for the discharge of wastewater unless said system meets the city sanitary sewer collection design and construction standards set forth in this division. A complete copy of the standards shall be maintained in the city public works department as a public record. All connections to the city sanitary sewage system for the discharge of wastewater shall be first approved by the city public works director.

(b) Any person, who violates this section shall be guilty of a state misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days, or a fine of not more than \$500, or both a fine and imprisonment.

(Code 1995, § 82-158; Ord. No. 1730, § 2, 6-12-2000)

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