

ORDINANCE NO 13-07

AN ORDINANCE OF THE CITY OF AVON PARK, FLORIDA, ADDING CHAPTER 22, ARTICLE XIV, SECTIONS 22-601, 22-602, 22-603, 22-604, 22-605, 22-606, 22-607, and 22-608 OF THE CODE OF ORDINANCES OF THE CITY OF AVON PARK, FLORIDA; PROVIDING FOR MINIMUM MAINTENANCE STANDARDS AND GUIDELINES FOR STRUCTURES, EQUIPMENT AND EXTERIOR PROPERTIES PROVIDING FOR REPEAL OF ANY ACTS OR ORDINANCES IN CONFLICT THEREWITH, PROVIDING FOR EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA THAT:

1. Article XIV will be added to Chapter 22 of the City of Avon Park Code of Ordinances to read as follows:

ARTICLE XIV MINIMUM MAINTENANCE STANDARDS FOR STRUCTURES, EQUIPMENT AND EXTERIOR PROPERTIES

SECTION 22-601 GENERAL

(a) Scope. The provisions of this chapter shall govern the minimum requirements and the responsibilities for maintenance of structures, equipment and exterior property.

(b) Responsibility. Property owners shall maintain their structures and exterior areas in such a way as to comply with the requirements of this article, except as otherwise provided. 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 article. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.

(c) Vacant structures and land. All vacant structures shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause blight or adversely affect the public health or safety. Vacant land shall be maintained in a clean, safe, and sanitary condition as provided herein so as not to cause blight or adversely affect the public health or safety.

(d) Community Redevelopment Area (CRA) Minimum Maintenance Standards. The City Council has previously enacted Minimum Maintenance Standard Ordinances for the Main Street and Southside CRA. The provisions of this ordinance will supplement but not supersede the CRA ordinances. In cases where the provisions of the CRA ordinances are more stringent than those of this ordinance, the provisions of the CRA ordinances shall prevail.

SECTION 22-602 EXTERIOR PROPERTY AREAS

(a) 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.

(b) 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, or within any structure located thereon. Approved retention areas and reservoirs are exempted from this section.

(c) Sidewalks, walkways, stairs, parking lots and spaces and driveways.

1.) General. 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. All parking spaces will be paved or stabilized (cement, gravel, brick, etc.) to meet code. Materials used to stabilize parking spaces shall not be of such a nature as to produce airborne particulates during windy conditions. Driveways shall be paved or stabilized to preclude the production of airborne particulates during windy conditions. Such parking spaces as required by this section shall in no part exist upon, and any portion of any vehicle shall overhang, the right of way of any public road, street, alley or walkway (LDR 3.03.04(A) (1.)). All parking spaces shall meet the dimensions as specified in the Land Development Regulation as shown in Exhibit "A". In no case shall ingress or egress to or from a parking space or lot be over any curb or sidewalk except in those instances when the sidewalk is an integral part of a properly permitted driveway. Curb cuts shall not be provided into a property except to accommodate a properly designed, constructed and permitted driveway.

2.) Commercial parking lots and spaces. This section applies to all parking spaces other than residential. Parking spaces shall meet the dimensions as specified in the Land Development Regulation. Parking lots and spaces must be maintained and kept free of overgrowth, potholes, weeds, trash and debris. Paving and striping shall be maintained in good repair, neat in appearance and clearly marked. Required landscaping shall be maintained

3.) Residential driveways and parking. All single-family residential units shall have a stabilized driveway capable of parking at least two non-commercial vehicles (LDR, Table 3.5). There shall be no off-street parking in the front yards of single-family residences except as normally exists in driveways (LDR 3.03.04(A) (1.)). On local residential streets not divide by a stripped center line, vehicular parking will be allowed only on one side of the street. On north-south streets vehicles will be parked on the east side of the street facing in a northerly direction. On east-west streets vehicles will be parked on the north side facing in an westerly direction. Parked vehicles shall not prevent access to properly permitted driveways or fire hydrants. Partial waiver of the provisions of this section may be allowed for private special events upon request by the resident to the office of the City Manager. In all cases, vehicles will be parked in such a manner as to allow the passage of emergency vehicles; fire truck, ambulance and police vehicle. Non-commercial vehicles may be parked for storage purposes in a side yard not less than five feet from the side property line and within a rear yard not less than five feet from the rear property line.

(d) Lawn maintenance. All exterior areas to include rights of way and easements from the curb or edge of pavement and/or adjoining property line throughout front, side and rear yards will be maintained by the property owner in accordance with this article. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches. All noxious weeds shall be prohibited. All dead trees, including, but not limited to those planted in city right of way, and limbs shall be removed from the property.

(e) Rodent and insect harborage. All structures and exterior property shall be kept free from rodent and insect harborage and infestation. Where rodents and/or insects 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 re-infestation.

(f) 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.

(g) Accessory structures. All accessory structures, including but not limited to detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(1) Gates. Gates which are required to be self-closing and self-latching in accordance with the Florida Building Code shall be maintained such that the gate will positively close and latch when released from a still position.

(2) Swimming pools. Swimming pools to include required fencing and self-locking gates shall be maintained in a clean and sanitary condition, and in good repair.

(h) Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. A vehicle of any type is permitted to undergo major overhaul, including bodywork, provided that such work is performed inside a fully enclosed structure or similarly fully enclosed area designed and approved by the City for such purposes.

(i) 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.

(j) Vacant lots. Where a vacant lot exists or is created through demolition, the owner shall cover all areas with grass or other ground cover. Said ground cover shall be maintained at a height not to exceed six (6) inches and the property kept free of growth weeds (definition of weeds above includes grass), trash and debris.

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SECTION 22-603 EXTERIOR STRUCTURE

(a) General. 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.

(b) 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. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. If the paint on more than 25 percent of the exterior surface of the structure is missing, peeling, flaking and/or chipped the surface shall be 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 water tight. 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, mold and mildew shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(c) Premises identification. Buildings shall have approved address numbers affixed to the principal structure and placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5 inch (12.7mm).

(d) Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(e) 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.

(f) 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. Existing miscellaneous elements on the exterior of the building such as empty electrical conduits, unused brackets, etc. shall be removed. Wires and conduits shall be secured and located as inconspicuously as possible.

(g) 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. No more than 10 percent of the area of the roof shall be missing tiles or shingles. Metal roofs shall be kept free of rust and/or oxidation. If more than 10 percent of the roof is rusted or oxidized, the roof shall

be refurbished. In the case of natural disasters such as hurricanes or tornados where the roof is damaged to the extent that a "blue tarp" is required to prevent water intrusion, the maximum time allowed for repair of the roof and removal of the "blue tarp" is eighteen (18) months.

(h) Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features, where permitted, shall be maintained in good repair with proper anchorage and in a safe condition.

(i) Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts, where permitted, 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.

(j) Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be structurally sound, in good repair, have proper anchorage and be capable of supporting the design loads.

(k) Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be structurally safe 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.

(l) 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.

(m) Window, skylight and doorframes. Every window, skylight, doorframe shall be kept in sound condition, good repair and weather tight. Broken or missing windows, skylight and doorframe shall be replaced within 30 days of breakage or removal. Windows, skylights, and/or openings shall not be boarded or covered with materials not normally used in finished construction except on a temporary (not to exceed 30 days) basis until repair or replacement can be effected. During emergency situations such as hurricanes additional time for replacement may be granted with approval of the City Council.

(n) Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Broken or missing doors shall be replaced within 30 days of breakage or removal. Doors, and/or openings shall not be boarded or covered with materials not normally used in finished construction except on a temporary (not to exceed 30 days) basis until repair or replacement can be effected. During emergency situations such as hurricanes additional time for replacement may be granted with approval of the City Council.

(o) Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

(p) Guards for basement windows. Every basement window that is capable of being opened shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

SECTION 22-604 RUBBISH AND GARBAGE

(a) Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. Rubbish includes; but is not limited to abandoned vehicles and equipment, tires, white goods, scrape metal or wood, construction and demolition material etc.

(b) Approved garbage containers. For residential solid waste no more than two galvanized metal or plastic containers of the type commonly sold as garbage containers of a capacity not to exceed 32 gallons. Such containers are required to have handles on the sides of the container by which it may be lifted. Each container shall have a tight fitting top or cover. For large solid waste producers a cubic-yard container of the appropriate size as determined by the Public Works Coordinator. (City of Avon Park Code of Ordinances, Chapter 82, Article II, Sections 82-31 and 82-33).

(c) Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by arranging pickup by the City of Avon Park Public Works Department or a private rubbish hauler.

(d) Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in garbage containers approved by the City.

SECTION 22-605 EXTERMINATION

(a) Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

(b) Owner. The owner of any structure shall be responsible for extermination within the structure.

(c) Single-occupant. The occupant as well as the owner of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

(d) Multiple occupants. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior

property. If infestation is caused by failure of occupant to prevent such infestation in the area occupied, the occupant as well as the owner shall be responsible for extermination.

(e) Occupant. The occupant as well as the owner of any structure shall be responsible for the continued rodent and pest-free condition of the structure. Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

SECTION 22-606 UNSAFE STRUCTURES AND EQUIPMENT

(a) General. When a structure or equipment is found by the any code enforcement officer, based on the opinions of experts regarding structural, electrical, plumbing and fire hazards or other structural safety experts, if applicable, to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

(b) Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(c) Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(d) Structure unfit for human occupancy. A structure is unfit for human occupancy whenever any code enforcement officer finds based on the opinions of experts regarding structural, electrical, plumbing and fire hazards or other structural safety experts, if applicable, that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lack of maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under code, or was erected, altered or occupied contrary to law.

(e) Closing of vacant structures. If the structure is vacant and unfit for human habitation or occupancy, and is not in danger of structural collapse, any code enforcement officer is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, usually 72 hours, the code enforcement officer shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be liened against the real estate upon which the structure is located and shall be a lien, upon such real estate and may be collected by any other legal resource.

(f) Notice. Whenever any code enforcement officer has condemned a structure or equipment under the provisions of this section, notice shall be posted in conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

(g) Placarding. Upon failure of the owner or person responsible to comply with the notice provision within the time given, the code enforcement officer shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(h) Prohibited occupancy. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION 22-607 EMERGENCY MEASURES

(a) Imminent danger. When, in the opinion of the building official based on the opinions of experts regarding structural, electrical, plumbing and fire hazards or other structural safety experts, if applicable, there is imminent danger created by the condition of a building or structure, or remains thereof, which endangers the public safety, health or welfare, endangers any person by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code enforcement officer is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. Any code enforcement officer shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the City of Avon Park," and shall immediately thereafter provide notice to the Owner in the manner prescribed by this Code for Code Enforcement, to appear before the code enforcement board of special magistrate regarding the building's noncompliance with the code. It shall be unlawful for any person to enter such structure except by written permission of the City for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(b) Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code enforcement officer, there is imminent danger due to an unsafe condition, the code enforcement officer shall order the necessary work to be done if such work can be reasonably accomplished without endangering the health and safety of the worker(s), including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code enforcement officer deems necessary to meet such emergency providing reasonably prudent precautions for accomplishment of such work. The costs of any work and precautionary measures being performed by the

SECTION 22-608 DEMOLITION

(a) General. If in the building official's judgment based on the opinions of experts regarding structural, electrical, plumbing and fire hazards, if applicable, the building or structure is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, the building official may request that the code enforcement board or special magistrate enter an order to demolish and remove such structure; or if such structure is capable of being made safe by repairs, the building official may seek an order of the code enforcement board or special magistrate allowing a reasonable period of time to bring the building into compliance with the code, or be subject to substantial daily penalties to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

(b) Failure to comply. If the owner of a premises fails to comply with a demolition order within ninety days, the code enforcement officer shall with the approval of the City Council of the City of Avon Park and proper posting of the premises, cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be liened against the real estate upon which the structure is located and shall be a lien upon such real estate.

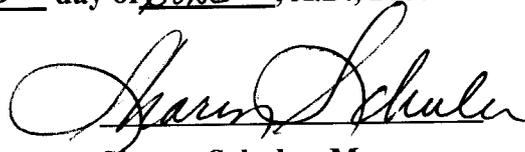
(c) Salvage materials. When any structure has been ordered demolished and removed by the City, the City under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials in a manner similar to sheriff's sales of levied property as conducted in Highlands County, or any other commercially reasonable manner. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 22-609 Violations of this ordinance shall be enforced through the Code Enforcement Civil Citation Program, the Code Enforcement Board, Special Magistrate, or any other legal means deemed necessary by the City of Avon Park. If enforced through the Code Enforcement Civil Citation Program, violations of this ordinance shall be a Class II violation unless the infraction has been assigned a Class of Violation by other sections of the Code of Ordinances.

That all Ordinances or Charter provisions in conflict with this ordinance are to extent of such conflict are hereby repealed.

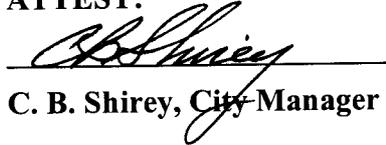
This Ordinance shall become effective upon adoption.

PASSED, ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA, on the 25th day of JUNE, A.D., 2007.



Sharon Schuler, Mayor

ATTEST:


C. B. Shirey, City Manager

Approved as to Form and Content:

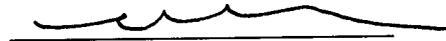

Gerald T Buhr, City Attorney

EXHIBIT A

Table 3.7
Parking Space Dimensions

A (Degrees)	B (Feet)	C (Feet)	D (Feet)	E (Feet)	F (Feet)
0	9.5	10.0	12.0	23.0	32.0
20	9.5	16.2	12.0	29.2	44.4
30	9.5	18.7	12.0	20.0	49.4
40	9.5	20.5	12.0	15.6	53.0
45	9.5	21.2	12.0	14.1	54.4
50	9.5	21.7	16.0	13.1	59.4
60	9.5	22.3	18.0	11.5	62.6
70	9.5	22.2	20.0	10.6	64.4
80	10.0	21.4	24.0	10.2	66.8
90	10.0	20.0	24.0	10.0	64.0

A = Parking Angle
B = Stall Width
C = Stall Depth
D = Aisle Width
E = Curb Length Per Car
F = Lot Width