



COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue

Thursday, June 11, 2009

6:30 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

AGENDA MEETING

All items on the Consent Agenda will be enacted by one motion at the Regular Meeting. Items may be removed for discussion, changes, and/or anticipation of a non-unanimous vote and considered separately at the Regular Meeting on the request of anyone on the Commission or by a majority vote of the City Commission upon request of an audience member

REGULAR MEETING

- 1. Presentations**
 - a. Presentation to update City Commission on the Corey Avenue Sunday European Style Market.**
 - b. Project close out of the Beach Drive-Over capital improvement project.**
- 2. Audience Comments**
- 3. Consent**
 - a. Minutes of May 13, 2009 Attorney/Client meeting.**
- 4. Ordinances**

- a. **Ordinance 2009-04, Final Reading and Public Hearing establishing Article III of Chapter 98 of the City of St. Pete Beach Municipal Code of Ordinances providing for new standards for the maintenance of private property.**
- b. **Ordinance 2009-09, Final Reading and Public Hearing, amending Chapter 58 pertaining to Parks and Recreation fees.**
- c. **Ordinance 2009-10, Final Reading and Public Hearing, providing for appropriation and reallocation of budgeted expenditures for fiscal year 2009 in the General Fund, increase in appropriations for the Wastewater Fund, and elimination of the Stormwater Fund and providing for funding.**
- d. **Ordinance 2009-11, First Reading and Public Hearing, 8th Avenue Comprehensive Plan Amendment.**
- e. **Ordinance 2009-12, First Reading and Public Hearing, Charter Amendment.**

5. Action Items

- a. **Donation to the Tampa Bay Beaches Chamber of Commerce for July 4th Fireworks for the balance of the funds requested.**
- b. **Authorize the City Manager to enter into an agreement with Southeastern Petroleum Contractors Inc, Port Richey, Florida for work specified as “Fuel Tank Closures” at the City’s Fire Station #23 and Merry Pier in the amount of \$32,000.**
- c. **Authorization for the City Manager to partner with PSTA to begin replacing the old City owned bus shelters within the City.**

6. Items for Discussion

- a. **Beautification Awards - Commissioner Leonard**

7. City Manager, City Attorney and City Commission Reports

8. Adjournment

APPEALS

If a person decides to appeal any decision made at this hearing, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105) The City does not furnish verbatim transcripts; interested parties should make the necessary arrangements for verbatim transcripts.

Agenda Material is available for review at City Hall on the Friday preceding the meeting. In accordance with the Americans with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Ed Pickhardt at (727) 363-9243 no later than four (4) days prior to the proceeding for assistance.

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Presentation to update City Commission on the Corey Avenue Sunday European Style Market.

Date: June 9, 2009

Prepared By: Steven J. Hallock, Public Services Director

Summary of Issue: City Commission voted on March 10, 2009 to proceed with allowing a Sunday European Style Market on Corey Avenue with the stipulation that the event come back to City Commission in three (3) months for a review and update. From what staff has heard and understands the market has been a relative success to date with all things considered and the stakeholders have strived to overcome obstacles and build new partnerships. Representative(s) from the event will be doing the presentation and the goal is to update City Commission on the event, answer any questions and address any concerns.

**Reviewed by
City Manager:**

MB

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Project close out of the Beach Drive-Over capital improvement project.

Date: June 9, 2009

Prepared By: Steven J. Hallock, Public Services Director

Summary of Issue: In an effort to be transparent and accountable to all of the tax payers in the City of St Pete Beach, staff likes to come back to City Commission after a capital improvement project is completed to report on it. This allows people to see firsthand how their tax dollars were spent and holds staff accountable for how the project was managed. Most times projects go very smoothly like this one did. However, sometimes there are numerous challenges and obstacles to overcome. Either way we like to "close the loop" on projects and close them out in the public eye.

**Reviewed by
City Manager:**

MB

**ST. PETE BEACH COMMISSION MEETING
MINUTES**

**Wednesday, May 13, 2009
4:00 p.m.**

THOSE PRESENT:

**Mayor Mike Finnerty
Commissioner Al Halpern
Commissioner Christopher Leonard
Commissioner Bev Garnett**

ALSO PRESENT:

**City Clerk Theresa McMaster
City Attorney Susan Churuti
City Manager Mike Bonfield**

Mayor Finnerty called the meeting to order.

Susan Churuti explained the purpose of the Attorney/Client Session.

She named cases to be discussed as follows:

Pyle vs. the City of St. Pete Beach Case No. 08-8642-CI
Pyle vs. the City of St. Pete Beach Case No. 08-8129-CI
Pyle vs. the City of St. Pete Beach Case No. 08-6817-CI
Kadoura vs. the City of St. Pete Beach Case No. 09-2731-CI-10
Kadoura vs. the City of St. Pete Beach Case No. 08-1249-CI-19
Pyle vs. the City of St. Pete Beach Division of Administrative Hearings Case No.
08-4672-GM

Attorney Churuti named the parties that would be present as follows:

Mayor Michael Finnerty
Mike Bonfield, City Manager
City Commissioner Beverly Garnett
City Commissioner Chris Leonard
City Commissioner Al Halpern
City Attorney Susan Churuti
City Attorney Suzanne Van Wyk via telephone
a court reporter.
She noted that Commissioner Jim Parent would not be present

Noted that City Attorney Mike Davis would not be present
Noted that City Attorney David Miller would not be present
Mayor Finnerty called the public meeting back to order.

Ms. Churuti reaffirmed who was present at the Attorney/Client. She noted that the official transcript of the meeting will not be a public record until the litigation has been concluded. She also noted that there were documents addressed in the meeting and those are also are not public record at this time, but will be on file to be reviewed at the conclusion of the litigation.

There being no further business, the meeting was then adjourned.

Theresa B. McMaster, City Clerk

Mike Finnerty, Mayor

Minutes approved on

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Final reading and public hearing of Ordinance 2009-04 establishing Article III of Chapter 98 of the City of St. Pete Beach Municipal Code of Ordinances providing for new standards for the maintenance of private property.

Date: June 9, 2009

Prepared By: Karl E. Holley, AICP, Community Development Director

Summary of Issue: The additional standards in the proposed ordinance are intended to address issues and concerns raised by the Commission and identified by staff through the enforcement process, both in recent discussions and over time. The ordinance addresses the following areas of concern:

- 1) Standards related to the maintenance of structures, including aesthetic and functional issues not addressed by the current Building or Housing Codes.
- 2) Standards specific to the regulation of junk and inoperable vehicles and vessels beyond the standard Nuisance Code regulations, including additional authority for the City to abate such nuisances at the property owner's expense.
- 3) Nuisances and unsightly conditions related to the state of aesthetic maintenance of private property, including additional restrictions on materials and equipment in residential yards.
- 4) Revised regulations for building demolition, including requirements to post performance bonds to ensure re-vegetation of sites following demolition.

- 5) Additional requirements for fencing of vacant properties.
- 6) New standards for the boarding of vacant structures and limitations on the time which a building may be boarded prior to rehabilitation or demolition.

Requested Motion:

“I move to approve Ordinance 2009-04 (read title)”

Attachments:

Ordinance 2009-04.

Reviewed by City Manager:

MB

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2009-04

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

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

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

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

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

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

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

ARTICLE III PROPERTY MAINTENANCE

Sec. 98-61. ~~Purpose~~Findings of ~~article~~Fact.

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

(1) Residential and ~~commercial~~ non residential buildings, structures and premises from causing and/or endangering the life, limb, health, property, safety or welfare of the general public or their occupants; ~~or~~

(2) Diminished property values; ~~or~~

(3) ~~Detracting~~ Detraction from the appropriate ~~appearance~~ aesthetics of the ~~residential area, by way of example:~~ City; and

~~a.—Failure to remove abandoned property, litter or debris; or~~

~~b.—Failure to cut and/or remove the accumulation of weeds, grass or uncultivated vegetation~~

(4) Creation of nuisance and other undesirable and unhealthy conditions.

Sec. 98-62. General provisions.

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

systems and devices in existing structures. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures and premises.

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

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

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

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

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

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

Sec. 98-63. Definitions.

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

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

The following definitions shall apply for purposes of this article:

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

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

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

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

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

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

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

Condemn means to judge unfit for occupancy or use.

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

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

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

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

Enclosed container means, for purposes of this article, any physical structure which prevents materials from falling out, spilling, or coming out by other accidental means

during storage or transport, and shall include, but not be limited to, garbage cans, boxes, truck bodies capable of being enclosed and any means sufficient to prevent the accidental scattering or leaking of said materials.

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

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

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

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

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

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

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

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

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

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

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

Lot means a parcel of real property.

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

Nuisance means any one or combination of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Stop work order means a notice signed by the building official or designee to cease work or other activity on any site for which a permit has been issued or is subject to issuance.
Storage of litter means interim containment of litter in a manner approved by the city council, after generation of such litter and prior to proper and final disposal.

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

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

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

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

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

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

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

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

Sec. 98-64. General maintenance.

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

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

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

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

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

Sec. 98-65. Unsightly conditions.

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

- (1) Structures that are:
 - a. Partially destroyed; or
 - b. Left in a state of disrepair; or
 - c. Left in a state of partial construction beyond the valid timeframe of the permit.
- (2) Abandoned or broken equipment; broken or discarded furniture and household appliances in visible yard areas.
- (3) Building exteriors in a condition of deterioration or disrepair such that the condition causes measurable diminution of surrounding property values.
- (4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a violation. The owner and operator shall keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.
- (5) Clotheslines visible from the street.
- (6) Garbage and trash containers stored in a manner visible from the street.

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

- (a) All premises shall be maintained in compliance with the standards in this section.
- (b) *Standards for improved property.*
 - (1) *Foundation.* The building foundation system shall be adequately maintained and capable of supporting the load for which it was designed.
 - a. Wood supports shall be sound and free from insect infestation and rot.
 - b. Metal supports and connections shall be free from rust and the equivalent of new supports.
 - c. Skirting shall be maintained free from broken or missing sections, pieces or cross members. Skirting shall be securely attached and sized from the ground to the lower outside perimeter of the structure.
 - (2) *Exterior walls.* Exterior walls of buildings shall be:
 - a. Maintained free from holes, breaks, and loose or rotting materials; and
 - b. Maintained, weatherproofed and surfaces properly coated as needed to prevent deterioration. Decorative features such as cornices, belt courses, corbels, trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage. Any graffiti shall be removed or repainted to match existing surfaces.
 - (3) *Windows.*
 - a. Every window shall be maintained in sound working condition and good repair to be substantially weather-tight and rodent-proof.
 - b. Openings originally designed as windows shall be maintained as windows, unless approved by the Building Official for enclosure. The enclosure of a window shall be by either bricking the opening, blocking the opening with concrete blocks and stuccoing the exterior, or boarding the opening. When boarding is used, it shall be of trim fit, sealed to prevent water intrusion, and painted or stained to conform to the other exterior portions of the building. The boarding shall remain in place and be properly maintained.
 - (4) *Shutters.* All shutters shall be maintained in good repair and securely attached to a structure. Peeling paint or preservatives is prohibited.

- (5) *Exterior doors.* Every exterior door and hatchway or garage door shall be kept in sound working condition and good repair.
- (6) *Exterior doorframes and storefronts.* Exterior doorframes and storefronts shall be maintained in good condition. All moldings shall be securely attached to the structure and maintained in good condition without splitting or deterioration.
- (7) *Exterior surface treatment.* All exterior surfaces, including by way of example and not limitation, doors and window frames, cornices, porches, decks, trim, balconies, fences and docks, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective treatment. Peeling paint is prohibited and surfaces shall be repainted. All metal surfaces shall be coated to inhibit rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated.
- (8) *Structural supports.* Every structural element of a dwelling shall be maintained in a structurally sound condition and shall not show evidence of deterioration that would make it incapable of carrying normal loads.
- (9) *Porches and balconies.* All exterior porches, balconies, stairs and fire escapes shall include banisters or railings properly designed and maintained to minimize the hazard of falling and installed to withstand the loads prescribed by the Florida Building Code. All exterior porches, landings, balconies, stairs and fire escapes shall be kept structurally sound, in good repair and free from defects. Paint and other finishes shall be in good condition.
- (10) *Stairs.* All stairs shall be maintained safe and free from tripping hazards. Treads shall be sound, without broken or chipped edges. Wooden stairs shall be free from decay or substantial wear that could cause a tripping hazard or have an unsightly appearance. Handrails and guardrails shall be maintained to withstand loads prescribed by the Florida Building Code.
- (11) *Roofs.* Roofs shall be maintained in a structurally sound and safe manner. Roofs shall be repaired using like materials to existing materials.
- (12) *Gutters and downspouts.* Gutters and downspouts shall be maintained in good repair and shall be neatly located and securely installed.
- (13) *Chimneys, flues, and vent attachments.* Chimneys, flues, and vent attachments shall be maintained in a structurally sound manner, free from defects to capably perform the functions for which they were designed.
- (14) *Overhang extensions.* All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and properly anchored to remain in sound condition. All exposed surfaces of metal or wood shall be protected from the elements, decay or rust.
- (15) *Insect screens.* All windows and other outside openings required for ventilation of food preparation areas, food service areas, or any areas where products utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh (16 mesh per 25 mm). Every swinging door shall have a self-closing device in good working condition.
- (16) *Commercial parking areas/walkways.* Holes, excavations, breaks, projections or obstructions on walks, driveways, parking lots and parking areas and other parts of commercial premises which are accessible to and used by persons on the premises are

prohibited. Deficiencies shall be repaired, replaced or removed as appropriate. The Building Official shall set a time for performance for the owner to comply with this subsection. This subsection applies to occupied and unoccupied property. All surfaces, including those of parking lots, shall be maintained free of glass, loose shingles, loose wood, crumbling stone or brick, asphalt, concrete, stucco, loose or broken plastic or other similar hazardous conditions.

(17) *Accessory structures.* Garages, storage buildings and all other accessory structures shall be maintained and kept in good repair and sound structural condition.

(18) *Swimming pools.* All swimming pools, spas and architectural pools, ponds or bodies of water shall be properly maintained so as not to create a safety hazard or harbor insect infestation. Water shall not be allowed to stagnate or to become polluted. All pools shall be free from unsightly appearance.

(19) *Rodent harborage.* All structures and exterior premises shall be kept free from rodent harborage and infestation. Where rodents are found, the owner shall promptly exterminate rodents through a process which will not be injurious to human health.

(20) *Grass, weeds and uncultivated vegetation.* All grasses or weeds, and uncultivated vegetation, shall not exceed 10 inches in height on improved property, including the area between the edge of the pavement in the street and the lot line.

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

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

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

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

b. *Prohibited conditions.* The following conditions are prohibited:

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

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

- a. Nonvehicular light sources that shine into the eyes of drivers of vehicles or pedestrians which could impair safe traverse are prohibited.
- b. All light sources greater than 100 watts shall be shielded and directed such that no direct source of illumination shall be visible beyond the lot line of the structure or use involved.

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

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

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

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

(c) *Litter.*

(1) *Storage of litter.*

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

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

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

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

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

(3) *Accumulation of litter.* Any accumulation of litter in or upon any property, vacant or improved, is deemed a nuisance and is prohibited. Failure to remove the accumulation by the property owner, tenant, occupant, agent, manager or other person who owns, maintains, or controls any premises or portion thereof, whether improved or unimproved, is a violation.

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

(1) The exterior of the building and premises to include but not limited to parking areas and landscaped areas shall be maintained in a sound, clean and neat condition.

(2) Signs shall be maintained in good condition. Where the sign structure remains, the sign faces are to be replaced with blank panels (permit required). The design and color is subject to approval by the Building Official.

(3) All advertising structures, awnings and accompanying supporting members shall be maintained in good repair and shall not constitute a nuisance or safety hazard. Advertising structures or awnings not properly maintained in accordance with this subsection shall be removed. Awnings or marquees made of cloth, plastic or a similar material shall not show evidence of tearing, ripping or holes. Upon removal of an advertising structure or awning, all supporting members shall be removed. Where supporting members have been left from sign removal prior to adoption of the ordinance from which this article is derived, such supporting members shall be removed within 3 months of the effective date of such ordinance. Nothing in this subsection shall be construed to authorize any encroachments on streets, sidewalks or other parts of the public right-of-way.

(4) Where parking areas are to be barricaded to prohibit vehicular travel, it shall be accomplished by installation of parking bumpers pinned to the pavement.

(d) Outdoor Storage

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

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

(a) Enforcement.

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

(b) Incorporation of State Statutes.

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

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

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

within the City, or if the vehicle or boat is being actively restored and worked upon by the owner and kept within an enclosure on his real property.

(d) Public nuisance declared.

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

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

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

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

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

(g) Responsibility for removal and procedures.

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

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

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

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

(3) *Costs and liens.* All costs of removal, storage and disposal (whether by destruction, sale or otherwise) of a lost vessel or abandoned vessel shall be charged to the owner of such vessel to the full extent permitted by the Act. Pursuant to ~~section~~[Section](#) 705.103(4) of the Act, any person who neglects or refuses to pay such amount shall not be entitled to be issued a certificate of registration for such boat, or any other boat, until such costs

have been paid. The City attorney is hereby authorized to file such instruments as are necessary to establish and enforce any lien upon any such boat for such costs.

(i) Procurement of services.

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

Section 98-68 Junk and Disabled Vehicles on Private Property

(a) Liability.

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

(1) To any owner of any vehicle removed pursuant to the terms of this Article.

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

(b) Nuisance Declared.

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

(c) Owner to remove unlicensed vehicle.

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

(d) Notice to remove.

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

(e) Failure to comply; removal of vehicle.

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

(f) Storage; owner's duty.

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

(g) Notice of charges.

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

(h) Lien.

If the charges specified are not paid within the time allowed, the City may place a lien against the real property involved and may enforce the lien as prescribed by Florida

Statutes and shall be entitled to compensation for all costs of enforcing such lien plus reasonable attorney's fees.

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

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

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

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

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

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

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

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

(5) No litter shall be stored or accumulated on the premises unless placed in a container in compliance with solid waste regulations.

(6) Upon learning of a defect or inoperable status of any facility, utility or equipment required under this article which is the owner's responsibility, the operator shall provide written notice to the owner.

~~Sec. 98-70. Construction site management.~~

Sec. 98-70. Reserved.

~~(a) Construction site management plan required. No building permit for new single-family residential construction or any exterior commercial or multi-family construction or improvements shall be issued unless a construction site management plan has been submitted and approved by the Building Official. Persons who intend to make any of the following improvements: lot clearing, grading, stockpiling of soil, demolition, building construction or reconstruction, building alteration or addition, shall designate either a licensed contractor or owner-builder for the purposes of the construction site management requirements. These requirements set minimum standards for the operation of the project site to eliminate or minimize impacts to the site and to the neighborhood to include containment of sediment, surface water discharge, erosion of soil, vehicle parking and loading area, traffic control, fencing, placement of materials, safety, neatness and cleanliness.~~

~~(b) Submittal requirements. The contractor shall submit a construction site management plan with a building permit application which includes the following submittal requirements unless waived by the Building Official:~~

~~(1) Location of proposed demolition.~~

~~(2) Grading and drainage surface water management plan for street and project site, including:~~

~~a. Drainage plan during construction in compliance with subsection (d) of this section.~~

~~b. Final grading and drainage plan upon completion of construction for the street and project site in compliance with subsections (d)(4) and (5) of this section.~~

~~(3) Parking plan, including:~~

- ~~a. Location of on-site and abutting street parking area.~~
- ~~b. Off-site parking plan in compliance with subsection (e)(4) of this section and the following:~~
 - ~~1. A single access with dimensions;~~
 - ~~2. Buffering for adjacent waterways and streets, as approved by the Building Official;~~
 - ~~3. A temporary fence location, height and type of fence with screening;~~
 - ~~4. Narrative describing restoration of the lot and hours of operation.~~
- ~~c. Copy of City right-of-way permit for parking in right-of-way.~~
- ~~(4) Fencing plan, showing location, height and type of fence with screening or evidence that proposed construction does not warrant a construction fence in compliance with subsection (g)(6) of this section as determined by the Building Official.~~
- ~~(5) Location of construction trailers, loading/unloading area and material storage area.~~
- ~~(6) Location of chemical toilets.~~
- ~~(7) Location of dumpster.~~
- ~~(8) Traffic control plan, showing access with dimensions, area to be stabilized, narrative on phasing of construction with provision of adequate parking and delivery of materials.~~
- ~~(9) Other activities, where special conditions are identified by the Building Official.~~
- ~~(10) Proof of notice to owners of property within 100 feet of the outer limits of the subject property, as listed in the property appraiser's records, at least 21 days prior to commencement of construction. The proof consists of a list of property owners and addresses and a receipt or other proof of mailing. Notice is to include:~~
 - ~~a. A phone number for the contractor where a representative of the qualifier is available whenever construction activities are taking place on site and prior to a storm event.~~
 - ~~b. The phone number for the City's Community development Department and Police Department.~~
 - ~~c. An approximate timetable for construction activities to include any demolition, excavation, or pile driving activities.~~
 - ~~d. An offer to have a licensed engineer or City-approved inspector conduct a pre-construction or pre-demolition site inspection of the adjacent properties prior to commencing any demolition, pile driving or similar activities and on-site seismic monitoring during demolition and construction. At a minimum the inspection is to include a visual record of the neighboring properties, a copy of which shall be given to the neighboring property owner and made available to the City on request.~~
- ~~(c) Approval of plan; waivers. The Building Official shall review, approve or deny the construction site management plan. The Building Official is hereby authorized to grant waivers from submittal requirements and corresponding standards:~~
 - ~~(1) If the requirement is unrelated to proposed development; or~~
 - ~~(2) If the impact of the proposed development is negligible in that submittal requirement area.~~
- ~~(d) Grading plan; grading and surface water management standards.~~
 - ~~(1) Grading. The site shall be graded and maintained during construction:~~
 - ~~a. To prevent erosion of soil; and~~
 - ~~b. To control surface water discharge so that no water in excess of pre-construction discharge flows onto abutting property; and~~
 - ~~c. To prevent accumulation of stagnant water for the duration of construction.~~

~~(2) *Sediment fence.* The contractor shall install a sediment fence to protect adjacent properties, including lakes, canals and all other waterways, from discharges of soil, sediment, or construction-related material from the site unless a waiver is obtained from the Building Official.~~

~~(3) *Maintenance.* The contractor shall inspect and maintain all erosion and sediment control practices until construction is complete and the construction site is stabilized. A fence installed to maintain sediment control shall remain in an upright condition until final electrical inspection.~~

~~(4) *Final grading.* Final grading of the site shall be in compliance with the construction site management plan. The design shall ensure that no surface water in excess of the pre-construction amount shall flow onto abutting or adjacent properties. The design shall also ensure that the discharge of surface waters shall be off-site into an approved stormwater system.~~

~~(5) *Surface water.* Surface waters, including dewatering, shall be directed into an on-site settling basin or otherwise filtered before discharge off-site. Off-site discharge shall be directed to an approved surface water management system during construction and upon final grading of the project site. The contractor shall be responsible for removal of any silt, debris, and dirt that accumulates within the City's stormwater management system, including swales, stormwater retention lakes, ponds, canals and waterways. Discharges of sediment into waters in the State of Florida is a violation of water quality and may result in enforcement action by the Southwest Florida Water Management District, the State Department of Environmental Protection or the City. Discharge of water from swimming pools under construction or completed into ponds, lakes, canals and waterways is prohibited.~~

~~(e) *Parking during development of project.*~~

~~(1) *Parking on-site.* The owner or contractor shall provide for parking on the project site to the greatest degree possible. Alternative parking sites may include the abutting right-of-way, adjacent vacant lot or offsite parking lots in the immediate area as approved in the construction site management plan.~~

~~(2) *Access.* Use of the public right-of-way for access to and from the project site as shown on the construction site management plan shall be strictly managed by the contractor. The contractor shall maintain the public street adjacent to the project site free of dirt, sand or any other debris resulting from construction activities. The public right-of-way adjacent to the project site shall be broom swept on a regular basis keeping it free of dirt, sand and other debris. Failure to remove said material on the day of occurrence is a violation.~~

~~(3) *Temporary graveled or stabilized area for construction access and parking.* The contractor shall provide a graveled or stabilized area as shown in the construction site management plan. The stabilized area shall be located at points where vehicles enter and exit the construction site and the parking location. When a right-of-way area is used for parking, the contractor shall provide a graveled or stabilized area on the right-of-way. Upon completion of the project, the contractor shall restore the right-of-way to its original condition or better. The purpose of the graveled or stabilized area at the entrance to the project site is to eliminate and reduce tracking or flow of sand, mud, concrete wash or other related material onto the right-of-way.~~

~~(4) *Parking in the right-of-way.* If the construction site management plan illustrates proposed parking in the right-of-way, the application shall be accompanied by a City right-of-way permit. A construction site supervisor must be present whenever parking or deliveries occur in the right-of-way to ensure that vehicles do not limit access on the right-of-way and no damage occurs to the right-of-way or adjacent properties. The owner and contractor shall assume responsibility for any damage and take steps to correct the damage immediately.~~

~~(5) *Offsite parking.* The Building Official may temporarily permit off-site parking on vacant lots other than the project site with the written permission of the owner of the lot where the vehicles are to be parked and in compliance with the following standards:~~

~~a. Compliance with the construction site management plan.~~

~~b. The lot shall be used for parking only.~~

~~c. There shall be no storage of materials, trailers or construction equipment.~~

~~d. There shall be no loading and unloading of materials or machinery.~~

~~e. The lot shall remain free of debris or trash.~~

~~f. A temporary six foot chain link fence with a single color fabric or other screening materials as approved by the Building Official shall be located at the front, side, and rear lot line of the temporary parking area except where a lot line is located on the water. Where a lot line is along the water, the fence shall be placed no closer to the water than the yard setback line and shall not exceed three feet in height. The fence gate shall remain locked during non-working hours. The fencing shall remain on-site until the off-site parking is no longer needed to complete the project site and shall be removed prior to issuance of a certificate of occupancy for the project site.~~

~~(f) *Material storage.* Material associated with the project site, including equipment, shall be neatly stored on the site (within the fenced area when applicable). The storage of material shall not obstruct access to the structure under construction or create a public safety hazard. All loading or unloading of materials and/or equipment is limited to the construction site and right-of-way.~~

~~(g) *Construction fencing.* A project site that meets the following standards is required to install a construction fence, which means a temporary six foot chain link fence with a single color fabric. The fence and screening must remain in place, upright and in good repair throughout the construction process.~~

~~(1) *Clearing, grading, stockpiling or soil or demolition.* A construction fence is required where clearing, grading, stockpiling of soil or demolition is proposed as follows:~~

~~a. Lots located in multi-family or commercial zoning districts shall install a fence on the front, side, and rear lot lines prior to commencement of clearing, grading or demolition. Fencing may be removed upon final electrical inspection.~~

~~b. Lots located in single-family zoning districts shall contain a fence on the side and rear lot lines. Fencing may be removed upon final grading and landscaping or upon replacement with a permanent fence or wall. If no construction has occurred within 45 days of completion of a demolition or lot clearing, the fence shall be removed within 30 days after the final inspection.~~

~~(2) *Major remodeling.* Major remodeling shall mean an increase in the building volume of 10,000 cubic feet or more, an increase in the building footprint of 1,000 square feet or more or new construction with a building footprint of 1,000 square feet or more. A construction fence is required for major remodeling as follows:~~

~~a. Lots located in multi-family or commercial zoning districts shall contain a fence on the front, side and rear lot lines. Fencing may be removed upon final grading and landscaping or upon replacement with a permanent fence or wall;~~

~~b. All other lots shall contain a fence on the side and rear lot lines. Fencing may be removed upon final grading and landscaping or upon replacement with a permanent fence or wall.~~

~~(3) Major alteration. Major alteration shall mean a change of 50 percent or more of the gross square footage of an existing structure for reconstruction, rehabilitation, removal of walls, or other improvement excluding replacement of the roof. A construction fence is required for major alteration as follows:~~

~~a. Lots located in multi-family or commercial zoning districts shall contain a fence on the front, side, and rear lot lines. Fencing may be removed upon final electrical inspection.~~

~~b. All other lots shall contain a fence on the side and rear lot lines. Fencing may be removed upon final grading and landscaping or upon replacement with a permanent fence or wall.~~

~~(4) Exception from six foot height requirement.~~

~~a. Where a construction fence is required and the property line is located on the water in any residential zoning district, that portion of the construction fence along the water may be reduced to three feet in height within the required yard along the waterfront.~~

~~b. On lots located in multi-family or commercial zoning districts on non-Gulf waterfronts, the side and rear lot line fences shall be lowered to three feet for that portion which is the greater of:~~

- ~~1. 30 feet from the mean high water line; or~~
- ~~2. 30 feet from the platted waterfront building line~~

~~(5) Exception to installation of construction fence. Where a construction fence would be required for a residential lot pursuant to subsection (1)b., (2)b. or (3)b. above and the owner or contractor obtains a construction fence waiver from the owner of the property that abuts the project site, the Building Official may waive the requirement for all or a portion of the construction fence but retains the right to require a construction fence at any time. The three-foot sediment fence will still be required.~~

~~(6) Installation. Installation of a construction fence shall occur prior to any construction activity or material deliveries. The fence shall not be placed so as to create a public safety hazard. Where the project site is enclosed by a fence, the fence gate shall be locked during non-working hours.~~

~~(h) Signs. A 12-inch by 18-inch sign shall be posted by the contractor on the project site in the location approved on the construction site management plan which is readable from the street. The sign shall contain the street address of the property, phone number for the City of St. Pete Beach and the name and phone number of the general contractor. This sign shall be maintained in a readable condition until completion of construction.~~

~~(i) Site cleanliness. The owner or contractor shall have the entire construction site clean and free of debris at all times. Clean for purposes of this section means, without limitation, removal and placement into a dumpster of scrap lumber, concrete remnants and roof tile from the project site. The project site shall be free of all loose debris such as cans, metal, plastic and paper.~~

~~(j) *Temporary trailers.* When a temporary trailer is proposed and a construction fence is required, it shall be located on the project site within the fence at the location shown on the construction site management plan.~~

~~(k) *Chemical toilets.* Chemical toilets shall be located inside the project fence and accessible for servicing. Where a fence is not required, the contractor shall locate the chemical toilet facing towards the rear of the project site and no further than 15 feet from the structure under construction except where another location has been authorized by the Building Official due to the size of the lot and ease of access to the chemical toilet.~~

~~(l) *Landscaping.* Damage to any landscaping on an abutting or adjacent property as a result of the construction shall be replaced and restored at the contractor's expense to its original condition. Failure to replace and repair is a violation.~~

~~(m) *Dumpsters.* Construction site dumpsters shall be located inside the fence. Where a fence is not required, it shall be located on the project site. The dumpster shall be emptied in a timely fashion so there is no overflow of debris or litter. Prior to a certificate of occupancy being issued, the dumpster shall be removed from the site.~~

~~(n) *Permitted days and hours for construction work.* The erection (including excavation), demolition, alteration or repair of any building or delivery of materials other than at the following times is prohibited. Such work must be accomplished on Monday through Saturday. No work may be conducted on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day.~~

~~(1) In residential areas: 7:00 a.m. to 6:00 p.m.~~

~~(2) In nonresidential areas: 6:30 a.m. to 7:00 p.m.~~

~~a. *Special construction activities.* Pile driving and steel erection activity shall be limited to Monday through Friday, excluding federal holidays, during the hours between 8:00 a.m. in the morning until 4:00 p.m. in the evening. Demolition activity shall be limited to Monday through Friday, excluding federal holidays, during scheduled work hours between 8:00 a.m. in the morning and 6:00 p.m. in the evening. Auger cast and hydraulic boring are excluded from this limitation.~~

~~b. *Permit for work during prohibited hours.* Any person may apply to the Building Official for a permit to operate during the hours or days prohibited under this section. If the Building Official or his designee shall determine that substantial loss or substantial inconvenience would result to any party in interest, and that the public health and safety will not be impaired by such operation, a permit may be issued which would allow work to occur during hours or days otherwise prohibited by this subsection. Notice of permit approval shall be provided by the City to adjacent property owners. The permit shall not exceed three days in duration, but may be renewed from time to time for a like period so long as the circumstances described in this subsection exist.~~

~~c. *Emergency and special types of construction.* Where ordinary and necessary trade or engineering practices or an emergency require the continuous operation of pumps, well points, dredges, draglines and other machinery of a like nature during the otherwise prohibited hours, a permit shall be required and such operation shall not constitute a violation of this subsection. It is not the intent of this subsection to require poor or wasteful engineering or building practices in order to comply herewith.~~

~~(o) *Construction-related traffic control.* A contractor, owner, vehicle operator or any person associated with the project site who impedes or obstructs the public right-of-way; or who parks, loads, unloads, or carries on any related activity on the public right-of-way~~

shall also be in violation of this section unless such actions are approved in advance by the Building Official.

~~(p) *Requirements during weather emergency.* It is the responsibility of the owner and contractor to have removed construction materials from the project site or secured construction materials at the project site at least 48 hours prior to the predicted landfall of a tropical storm or hurricane until the time set forth in subsection (7) below.~~

~~(1) *Applicability.* At least 48 hours prior to the predicted landfall of a tropical storm or hurricane for any portion of Pinellas County Florida, as determined by the National Weather Service, National Hurricane Center or appropriate weather agency or as provided in the City's emergency plan; or upon order of the Building Official in anticipation of a storm emergency; all construction materials, including roof tiles, on all project sites within the City shall be secured and stored onsite in a safe manner or removed so that no material can become a safety hazard with hurricane or tropical storm force winds.~~

~~(2) *Notice.* Media broadcasts or notices issued by the National Weather Service or National Hurricane Center of an approaching tropical storm or a hurricane is hereby deemed notice to the owner or contractor. The owner and contractor are responsible for the project site by securing on-site or removing from the site any construction materials or debris to protect against the effect of hurricane or tropical storm force winds. By holding a building permit during hurricane season, the contractor shall monitor the National Weather Service and the National Hurricane Center for weather emergencies.~~

~~(3) *Inspection.* A pre-storm inspection shall be required for all active construction sites involving exterior work and/or exterior storage of materials. The owner and contractor shall be responsible for insuring that the construction site has passed inspection prior to the issuance of a tropical storm warning or hurricane warning. The owner or contractor shall be available by phone until the site has passed the pre-storm inspection. Failure to properly secure a job site and pass inspection will be considered a violation of this ordinance. The City may recover as costs of repairs or compliance, the costs associated with securing job sites that have not complied with this section in addition to any fines imposed by the code board. And such costs shall constitute a lien on the property.~~

~~(4) *Materials stockpiled on site.* Materials stockpiled on any construction site shall be handled as follows:~~

~~a. Band construction materials together and fasten them to the structure in such a manner to prevent the material from becoming airborne during a tropical storm or hurricane; or~~

~~b. Remove construction materials from the top of the structure and secure them to the ground; or~~

~~c. Remove construction materials from the project site; or~~

~~d. Store construction materials inside a structure if said structure is secure from tropical or hurricane force wind loads.~~

~~(5) The contents of construction site dumpsters must be removed or weighted and secured with rope, mesh or other durable, wind resistant material.~~

~~(6) Portable toilets shall be secured to the structure, dumpster or emptied and laid horizontal and secured to the ground.~~

~~(7) During the National Weather Service designated hurricane season, building or roofing materials shall not be loaded on a roof earlier than ten working days prior to the permanent installation of the materials.~~

~~(8) Material capable of becoming airborne. Construction materials, debris or any material capable of becoming airborne shall remain secured and stored on the project site or shall be removed from the project site until the National Weather Service, National Hurricane Center, or the City through local action has removed all persons of the City from those areas included in a tropical storm warning or hurricane warning. Construction shall not resume construction on any construction site until the site is brought into compliance with the construction site management plan.~~

Section 98-71. Demolition of Structures

(a) Submission of plans, bond.

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

(b) Demolition plan.

The demolition plan shall include:

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

(c) Regrading and revegetation plan.

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

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

TABLE INSET:

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

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

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

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

(d) Regrading and revegetation bond.

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

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

(a) Responsibilities of owners.

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

(b) Nonresidential structures.

(1) All nonresidential structures shall be watertight, weathertight, rodent proof and insect proof and in good repair.

(2) Every foundation, exterior wall and roof shall be reasonably watertight, weathertight and rodent proof, shall adequately support the building at all times, and shall be in a workmanlike state of maintenance and repair.

(3) Every interior partition, wall, floor and ceiling shall be reasonably tight and maintained in a workmanlike state of repair and in a clean and sanitary condition.

(4) All rainwater shall be so drained and conveyed from every roof, and the lot shall be so graded and drained, as not to cause dampness in the walls, ceilings, floors or basement of a dwelling.

(5) Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight, and rodent proof and shall be maintained in sound condition and repair, and secured with proper hardware.

(6) Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and it shall be maintained in sound condition and repair.

(7) Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in sanitary working condition, free from defect, leaks, and obstruction.

(8) Every toilet, restroom and bathroom floor shall be constructed and maintained so as to be reasonably impervious to water, and such floors shall be kept in a clean and sanitary condition.

(9) Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed and installed that it will function safely, and effectively, and shall be maintained in good working condition.

(10) All exterior surfaces shall be protected from decay by painting or other protective covering or treatment. All siding shall be weather-resistant and watertight.

(11) No abandoned or inoperative vehicle shall be permitted on nonresidential property in view of the general public in violation of chapter 34, article IV, of this Code, relating to abandoned or inoperative vehicles.

(c) Structures, unimproved lots.

(1) Every owner of a building, structure or lot, vacant or occupied, shall keep the premises in clean and sanitary condition, including yards, lawn, courts and driveways.

(2) Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora.

(3) Every owner of a building, structure or lot, vacant or occupied, shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water thereon.

(4) Animals and pets shall not be kept on the premises in such manner as to create unsanitary conditions or constitute a public nuisance.

(5) Every owner of a vacant building, structure or lot shall keep the premises reasonably free from rodents, insects and vermin.

(6) The roof of every vacant building or structure shall be well-drained of rain water.

- (7) All exterior surfaces shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.
- (8) Every owner of a building, structure or lot, vacant or occupied, shall be responsible for removing any unauthorized obsolete, noncomplying or any deteriorated signs, posters and graffiti from the building's exterior.
- (9) All materials used to board or secure a vacant building against entry shall be painted in a workmanlike fashion in the same color as other exterior walls of the building.
- (10) Every owner of a building or structure that is vacant and unsecured shall secure and maintain in secure condition all entrances and all other openings of such building or structure including, but not limited to, windows and doorways.
- (11) Such vacant building or structure shall be secured as follows:
- (A) On all vacant buildings or structures other than vacant commercial storefronts, the ground floor entrances, windows and other openings of such vacant building or structure shall be secured and sealed with concrete block or other materials providing the same level of protection against forced entry as determined by the Building Official or his designee. For purposes of this section the term "ground floor entrances" shall include all openings which are readily accessible to a person six feet in height without use of a ladder or other climbing aid.
- (B) All other unsecured entrances, windows and openings not otherwise covered by this section shall be secured by wood or other similar materials approved by the Building Official or his designee. Entrances and windows above the ground floor shall be regarded as secure if the entrances are locked and not otherwise open to entry and the windows contain glass which is not cracked or broken or shutters which prevent entry.
- (C) As an alternative, vacant buildings and structures may be secured in accordance with a total building security plan if approved by the Building Official.
- (D) Whenever any ground floor window of a vacant commercial storefront is found to be shattered, cracked, missing or broken, the owner of such building shall be required to repair or replace the window.
- (12) Every owner of a vacant building, structure or lot, shall provide and maintain all unpaved areas of the site with grass, ground cover, shrubbery, or other suitable plant material. Paving of vacant lots shall be prohibited unless a site plan has been approved by the planning and zoning department.

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

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

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

(1) *Unsanitary vacant properties declared nuisances.*

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

(2) *Enclosure required.*

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

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

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

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

(4) *Unpaid costs to be ~~special-assessment~~secured by lien.* The City shall certify the expense incurred by the City in enclosing the subject property whereupon such expenses, together with the applicable administrative fee, shall be billed to the property owner and shall become due and payable within 30 days of the mailing of such bill. Any such bill which has not been paid within the 30-day period shall become a ~~special-assessment-lien upon the property, equal in rank and dignity with the lien of ad valorem taxes and shall be superior in rank and dignity to all other liens, encumbrances, titles, and claims in, to or against the property. Such lien shall be payable with interest at the legal rate from the~~

~~date of the certification until paid, and may be foreclosed in the manner provided by law or ordinance.~~ lien upon the property.

Section 98-74. Boarding of Vacant Buildings or Dwellings

(a) Findings and purpose.

(1) The City Commission finds, determines, and declares that buildings which remain vacant and unoccupied for any unreasonable period of time become an attractive nuisance or dangerous condition to children, a harborage for insects, rodents, vermin, or other pests, an invitation to criminals as a temporary abode and as a place to conduct illegal conduct, frequently including illegal drug-related activity, and an increased fire hazard; that unkept and unsecured grounds surrounding such buildings invite the dumping of garbage and trash thereon and the congregation of unauthorized persons who use the property for illegal activity; that such buildings contribute to the growth of blight within the City, depress market values of surrounding properties, thereby reducing tax revenues, necessitate additional governmental services, significantly interfere with the use and enjoyment of neighboring properties, create an unhealthy and unsafe condition affecting the public, and constitute an unreasonable use of property and a public nuisance.

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

(b) Application.

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

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

(c) Responsibility for property maintenance.

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

(d) Nuisances specified.

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

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

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

(e) Certificate required for boarding building.

- (1) All buildings which are boarded shall require a Certificate of Boarding be issued by the City. The fee for boarding certificates shall be set by resolution of the City Commission.
- (2) No person shall erect, install, place, or maintain boards over the doors, windows, or other openings of any building or structure or otherwise secure such openings by a means other than the conventional method used in the original construction and design of the building or structure without first applying for and, within 30 days of application, completing all of the steps necessary for the issuance of a boarding certificate, and thereafter having a valid and current boarding certificate issued by the Building Official.
- (3) The Building Official shall issue a boarding certificate required by subsection (1) of this section upon the submission of a written application by the owner of the property or his authorized representative or contractor; upon the payment of the required fee; and upon the confirmation, through inspection by a City inspector, that the boarding or other method of securing the building or structure has been done in compliance with this Article.
- (4) The boarding certificate issued pursuant to this section shall authorize the boarding or other securing of a building or structure for a period of no greater than six months from the date of the issuance. Renewal of the boarding certificate may be granted by the Building Official after the initial six-month period for an additional six months. The issuance of a renewal boarding certificate shall be subject to all of the following conditions:
 - (A) The boarding or other method of securing the building or structure has been done in compliance with this Article, as confirmed by a City inspector after inspection of the building or structure by the inspector.
 - (B) The owner or his authorized representative or contractor has submitted to the Building Official, prior to the hearing, a detailed plan for correction, repair, or rehabilitation of violations of state or local building and housing standards and for the securing of the doors, windows, and other openings by the conventional method used in the original construction and design of the building or structure or, alternatively, a detailed plan for sale of the property to another person or entity with provision in the sale of correction, repair, or rehabilitation.
 - (C) The owner or his authorized representative or contractor has submitted to the Building Official, prior to the hearing, a time line for applying for all appropriate permits for such work and for completing such work prior to the expiration of the renewal certificate or, alternatively, a time line for the sale of the property.
 - (D) The renewal certificate may be revoked by the Building Official if the owner fails to comply with the plan for such work or fails to adhere to the submitted time line.
- (5) A boarding certificate may not be extended beyond the renewal period except upon demonstration that good cause for the renewal exists. Good cause shall require a showing by the owner that the certificate renewal is made necessary by conditions or events beyond the owner's control, such as inability to obtain financing for repair or rehabilitation, inability to locate a suitable buyer, unanticipated delays in construction or rehabilitation, or unanticipated damage to the property. In addition, where appropriate, good cause shall also require a showing by the owner that the owner has exercised reasonable and due diligence in attempting to complete the needed correction, repair, or rehabilitation, or is attempting to sell the property. If the Building Official determines

that there exists good cause to renew the certificate, the certificate may be renewed by the Building Official for a period of up to, but not more than, an additional six months, subject to all of the same conditions imposed on the original renewal certificate.

(e) Standards for securing building.

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

(2) *Additional requirements.* In connection with the boarding of the doors, windows, or other openings of any building or structure, or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, the owner shall also comply with all of the following requirements:

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

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

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

(f) Exceptions.

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

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

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

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

~~(4) City-owned property.~~

(g) Violations; enforcement.

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

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

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

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

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

All costs incurred by the City based upon actions taken by the City to cure violations of this Article shall be charged and billed to the person in violation of this Article. Unless

payment is made within 30 days of such billing, the City Commission may, by the adoption of a resolution levying such charges, assess against the property a lien in the amount of the charges outstanding, or such lesser amount as the City Commission shall decide is just and fair. ~~Assessment liens levied in this manner shall be filed in the office of the City Clerk and in the public records of the Pinellas County as a lien against the property and shall be prior in dignity to all other liens against the property, save and except a lien for taxes. Such assessments shall bear interest at the legal rate and such liens may be foreclosed in the same manner in which mortgage liens are foreclosed.~~

~~(h) Designation of authority; inspections; right of entry.~~

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

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

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

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

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

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

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

Sec. 98-76. Priority of Liens.

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

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

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

Section 4. This Ordinance shall become effective immediately upon adoption.

Michael Finnerty, MAYOR

FIRST READING : _____
PUBLISHED : _____
SECOND READING : _____
PUBLIC HEARING : _____

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2009.

Theresa B. McMaster, City Clerk

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2009-04

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

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

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

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

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

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

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

ARTICLE III PROPERTY MAINTENANCE

Sec. 98-61. Findings of Fact.

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

(1) Residential and non residential buildings, structures and premises from causing and/or endangering the life, limb, health, property, safety or welfare of the general public or their occupants;

- (2) Diminished property values;
- (3) Detraction from the appropriate aesthetics of the City; and
- (4) Creation of nuisance and other undesirable and unhealthy conditions.

Sec. 98-62. General provisions.

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

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

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

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

(e) *Deviation from article.* Where practical difficulties make strict compliance with the provisions of this article impractical due to cost or otherwise, the Building Official has

the authority to grant modifications for individual cases. The modification shall be the minimum deviation necessary and shall be such as to achieve to the extent possible compliance with the intent and purpose of this article and shall not lessen health, life and fire safety requirements. The basis for granting modifications shall be recorded and entered in the department files.

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

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

Sec. 98-63. Definitions.

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

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

The following definitions shall apply for purposes of this article:

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

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

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

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

Building means any structure that is enclosing a space used for sheltering any occupancy.

The term "building" shall include commercial buildings, single or multifamily dwellings and vacant structures, whether occupied or not.

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

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

Condemn means to judge unfit for occupancy or use.

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

City waters shall mean all waters of the state, public navigable waters, creeks, bayous, canals and channels, whether natural or manmade, located within the City of St. Pete

Beach, and including all such waters within the jurisdiction of the city in which the tide ebbs and flows.

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

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

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

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

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

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

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

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

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

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

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

Litter means any discarded, used, unconsumed substances or wastes, including but not limited to those specified in Section 403.413, Florida Statutes. Litter shall include, but shall not be limited to, garbage, solid waste, trash, refuse, debris, paper products (including newspapers and magazines), glass, metal, plastic or other containers, cloth, wood and wood products, sweepings, liquids (other than uncontaminated water), sludge,

grass clippings, tree limbs, trunks and roots, undergrowth and materials produced by clearing and grubbing and other horticulture wastes, motor vehicle parts and tires, furniture, oil or grease, hazardous wastes (including gasoline, paint thinners and other similar types), the carcass of a dead animal, any obnoxious or offensive matter of any kind, and any object or condition of any unsightly nature, which may have been discarded, abandoned or otherwise disposed of improperly.

Lot means a parcel of real property.

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

Nuisance means any one or combination of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 98-64. General maintenance.

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

(b) *Walls exposed as a result of demolition.* Where a wall of a building is exposed as a result of demolition, the owner of the building shall have the wall with its doors, windows, vents or other similar openings closed with material of the type composing the wall. No protrusions or loose material shall be in the wall. The exposed wall shall be

painted, stuccoed or bricked, and weatherproofed, if necessary, based on construction material, to prevent deterioration of the wall.

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

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

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

Sec. 98-65. Unsightly conditions.

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

(1) Structures that are:

- a. Partially destroyed; or
- b. Left in a state of disrepair; or
- c. Left in a state of partial construction beyond the valid timeframe of the permit.

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

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

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

(5) Clotheslines visible from the street.

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

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

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

(b) *Standards for improved property.*

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

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

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

c. Skirting shall be maintained free from broken or missing sections, pieces or cross members. Skirting shall be securely attached and sized from the ground to the lower outside perimeter of the structure.

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

a. Maintained free from holes, breaks, and loose or rotting materials; and

b. Maintained, weatherproofed and surfaces properly coated as needed to prevent deterioration. Decorative features such as cornices, belt courses, corbels, trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage. Any graffiti shall be removed or repainted to match existing surfaces.

(3) *Windows.*

a. Every window shall be maintained in sound working condition and good repair to be substantially weather-tight and rodent-proof.

b. Openings originally designed as windows shall be maintained as windows, unless approved by the Building Official for enclosure. The enclosure of a window shall be by either bricking the opening, blocking the opening with concrete blocks and stuccoing the exterior, or boarding the opening. When boarding is used, it shall be of trim fit, sealed to prevent water intrusion, and painted or stained to conform to the other exterior portions of the building. The boarding shall remain in place and be properly maintained.

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

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

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

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

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

(8) *Structural supports.* Every structural element of a dwelling shall be maintained in a structurally sound condition and shall not show evidence of deterioration that would make it incapable of carrying normal loads.

(9) *Porches and balconies.* All exterior porches, balconies, stairs and fire escapes shall include banisters or railings properly designed and maintained to minimize the hazard of falling and installed to withstand the loads prescribed by the Florida Building Code. All exterior porches, landings, balconies, stairs and fire escapes shall be kept structurally sound, in good repair and free from defects. Paint and other finishes shall be in good condition.

(10) *Stairs.* All stairs shall be maintained safe and free from tripping hazards. Treads shall be sound, without broken or chipped edges. Wooden stairs shall be free from decay or substantial wear that could cause a tripping hazard or have an unsightly appearance. Handrails and guardrails shall be maintained to withstand loads prescribed by the Florida Building Code.

(11) *Roofs.* Roofs shall be maintained in a structurally sound and safe manner. Roofs shall be repaired using like materials to existing materials.

(12) *Gutters and downspouts.* Gutters and downspouts shall be maintained in good repair and shall be neatly located and securely installed.

(13) *Chimneys, flues, and vent attachments.* Chimneys, flues, and vent attachments shall be maintained in a structurally sound manner, free from defects to capably perform the functions for which they were designed.

(14) *Overhang extensions.* All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and properly anchored to remain in sound condition. All exposed surfaces of metal or wood shall be protected from the elements, decay or rust.

(15) *Insect screens.* All windows and other outside openings required for ventilation of food preparation areas, food service areas, or any areas where products utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh (16 mesh per 25 mm). Every swinging door shall have a self-closing device in good working condition.

(16) *Commercial parking areas/walkways.* Holes, excavations, breaks, projections or obstructions on walks, driveways, parking lots and parking areas and other parts of commercial premises which are accessible to and used by persons on the premises are prohibited. Deficiencies shall be repaired, replaced or removed as appropriate. The Building Official shall set a time for performance for the owner to comply with this subsection. This subsection applies to occupied and unoccupied property. All surfaces, including those of parking lots, shall be maintained free of glass, loose shingles, loose wood, crumbling stone or brick, asphalt, concrete, stucco, loose or broken plastic or other similar hazardous conditions.

(17) *Accessory structures.* Garages, storage buildings and all other accessory structures shall be maintained and kept in good repair and sound structural condition.

(18) *Swimming pools.* All swimming pools, spas and architectural pools, ponds or bodies of water shall be properly maintained so as not to create a safety hazard or harbor insect infestation. Water shall not be allowed to stagnate or to become polluted. All pools shall be free from unsightly appearance.

(19) *Rodent harborage.* All structures and exterior premises shall be kept free from rodent harborage and infestation. Where rodents are found, the owner shall promptly exterminate rodents through a process which will not be injurious to human health.

(20) *Grass, weeds and uncultivated vegetation.* All grasses or weeds, and uncultivated vegetation, shall not exceed 10 inches in height on improved property, including the area between the edge of the pavement in the street and the lot line.

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

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

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

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

b. *Prohibited conditions.* The following conditions are prohibited:

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

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

- a. Nonvehicular light sources that shine into the eyes of drivers of vehicles or pedestrians which could impair safe traverse are prohibited.
- b. All light sources greater than 100 watts shall be shielded and directed such that no direct source of illumination shall be visible beyond the lot line of the structure or use involved.

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

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

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

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

(c) *Litter.*

(1) *Storage of litter.*

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

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

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

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

(2) *Depositing litter.* It shall be unlawful to throw, discard, place, drop, or deposit litter in any manner or amount in or upon any real property, highway, street, right-of-way or body of water within the limits of the City, except in such containers specifically provided and designated for the disposal of litter, is a violation. Litter strewn by a

pedestrian except at approved and permitted disposal sites is a violation. Litter ejected or discarded from a motor vehicle except at approved and permitted disposal sites is a violation.

(3) *Accumulation of litter.* Any accumulation of litter in or upon any property, vacant or improved, is deemed a nuisance and is prohibited. Failure to remove the accumulation by the property owner, tenant, occupant, agent, manager or other person who owns, maintains, or controls any premises or portion thereof, whether improved or unimproved, is a violation.

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

(1) The exterior of the building and premises to include but not limited to parking areas and landscaped areas shall be maintained in a sound, clean and neat condition.

(2) Signs shall be maintained in good condition. Where the sign structure remains, the sign faces are to be replaced with blank panels (permit required). The design and color is subject to approval by the Building Official.

(3) All advertising structures, awnings and accompanying supporting members shall be maintained in good repair and shall not constitute a nuisance or safety hazard. Advertising structures or awnings not properly maintained in accordance with this subsection shall be removed. Awnings or marquees made of cloth, plastic or a similar material shall not show evidence of tearing, ripping or holes. Upon removal of an

advertising structure or awning, all supporting members shall be removed. Where supporting members have been left from sign removal prior to adoption of the ordinance from which this article is derived, such supporting members shall be removed within 3 months of the effective date of such ordinance. Nothing in this subsection shall be construed to authorize any encroachments on streets, sidewalks or other parts of the public right-of-way.

(4) Where parking areas are to be barricaded to prohibit vehicular travel, it shall be accomplished by installation of parking bumpers pinned to the pavement.

(d) Outdoor Storage

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

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

(a) Enforcement.

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

(b) Incorporation of State Statutes.

The provisions of Chapter 705, Florida Statutes, are adopted, incorporated in and made a part of this article, to be enforced in addition to and in concert with this article for the purpose of achieving proper control and uniformity in the regulation of those specific issues and actions involving lost or abandoned personal property upon public real property within the City. This article, in addition, regulates and prohibits the type of action and conduct described within areas and locations not covered by or made

applicable under the regulatory scheme of Chapter 705, Florida Statutes. This article is not to be interpreted as being in conflict with the provisions of Chapter 705, Florida Statutes; however, to the extent that any such conflict shall arise, the provisions of the statute shall prevail.

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

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

(d) Public nuisance declared.

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

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

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

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

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

(g) Responsibility for removal and procedures.

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

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

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

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

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

(i) Procurement of services.

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

Section 98-68 Junk and Disabled Vehicles on Private Property

(a) Liability.

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

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

(b) Nuisance Declared.

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

(c) Owner to remove unlicensed vehicle.

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

(d) Notice to remove.

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

(e) Failure to comply; removal of vehicle.

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

(f) Storage; owner's duty.

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

(g) Notice of charges.

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

(h) Lien.

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

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

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

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

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

- a. Which render other parts of the premises unsafe or unsanitary; or
- b. Which obstruct any adjacent owner or operator from performing any duty required, or maintaining the premises in a safe and sanitary condition.

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

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

(5) No litter shall be stored or accumulated on the premises unless placed in a container in compliance with solid waste regulations.

(6) Upon learning of a defect or inoperable status of any facility, utility or equipment required under this article which is the owner's responsibility, the operator shall provide written notice to the owner.

Sec. 98-70. Reserved.

Section 98-71. Demolition of Structures

(a) Submission of plans, bond.

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

(b) Demolition plan.

The demolition plan shall include:

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

(c) Regrading and revegetation plan.

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

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

County, then the City Building Official may approve revegetation of those portions of the demolition site with plants from the following list:

TABLE INSET:

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

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

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

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

(d) Regrading and revegetation bond.

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

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

(a) Responsibilities of owners.

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

(b) Nonresidential structures.

(1) All nonresidential structures shall be watertight, weathertight, rodent proof and insect proof and in good repair.

(2) Every foundation, exterior wall and roof shall be reasonably watertight, weathertight and rodent proof, shall adequately support the building at all times, and shall be in a workmanlike state of maintenance and repair.

(3) Every interior partition, wall, floor and ceiling shall be reasonably tight and maintained in a workmanlike state of repair and in a clean and sanitary condition.

(4) All rainwater shall be so drained and conveyed from every roof, and the lot shall be so graded and drained, as not to cause dampness in the walls, ceilings, floors or basement of a dwelling.

(5) Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight, and rodent proof and shall be maintained in sound condition and repair, and secured with proper hardware.

(6) Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and it shall be maintained in sound condition and repair.

(7) Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in sanitary working condition, free from defect, leaks, and obstruction.

(8) Every toilet, restroom and bathroom floor shall be constructed and maintained so as to be reasonably impervious to water, and such floors shall be kept in a clean and sanitary condition.

(9) Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed and installed that it will function safely, and effectively, and shall be maintained in good working condition.

(10) All exterior surfaces shall be protected from decay by painting or other protective covering or treatment. All siding shall be weather-resistant and watertight.

(11) No abandoned or inoperative vehicle shall be permitted on nonresidential property in view of the general public in violation of chapter 34, article IV, of this Code, relating to abandoned or inoperative vehicles.

(c) Structures, unimproved lots.

(1) Every owner of a building, structure or lot, vacant or occupied, shall keep the premises in clean and sanitary condition, including yards, lawn, courts and driveways.

(2) Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora.

(3) Every owner of a building, structure or lot, vacant or occupied, shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water thereon.

(4) Animals and pets shall not be kept on the premises in such manner as to create unsanitary conditions or constitute a public nuisance.

- (5) Every owner of a vacant building, structure or lot shall keep the premises reasonably free from rodents, insects and vermin.
- (6) The roof of every vacant building or structure shall be well-drained of rain water.
- (7) All exterior surfaces shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.
- (8) Every owner of a building, structure or lot, vacant or occupied, shall be responsible for removing any unauthorized obsolete, noncomplying or any deteriorated signs, posters and graffiti from the building's exterior.
- (9) All materials used to board or secure a vacant building against entry shall be painted in a workmanlike fashion in the same color as other exterior walls of the building.
- (10) Every owner of a building or structure that is vacant and unsecured shall secure and maintain in secure condition all entrances and all other openings of such building or structure including, but not limited to, windows and doorways.
- (11) Such vacant building or structure shall be secured as follows:
 - (A) On all vacant buildings or structures other than vacant commercial storefronts, the ground floor entrances, windows and other openings of such vacant building or structure shall be secured and sealed with concrete block or other materials providing the same level of protection against forced entry as determined by the Building Official or his designee. For purposes of this section the term "ground floor entrances" shall include all openings which are readily accessible to a person six feet in height without use of a ladder or other climbing aid.
 - (B) All other unsecured entrances, windows and openings not otherwise covered by this section shall be secured by wood or other similar materials approved by the Building

Official or his designee. Entrances and windows above the ground floor shall be regarded as secure if the entrances are locked and not otherwise open to entry and the windows contain glass which is not cracked or broken or shutters which prevent entry.

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

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

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

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

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

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

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

(1) *Unsanitary vacant properties declared nuisances.*

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

(2) *Enclosure required.*

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

shall have 45 days from receipt of such notice to cause the wall or a black or green vinyl-coated fence to be erected.

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

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

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

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

Section 98-74. Boarding of Vacant Buildings or Dwellings

(a) Findings and purpose.

(1) The City Commission finds, determines, and declares that buildings which remain vacant and unoccupied for any unreasonable period of time become an attractive nuisance or dangerous condition to children, a harborage for insects, rodents, vermin, or other pests, an invitation to criminals as a temporary abode and as a place to conduct illegal conduct, frequently including illegal drug-related activity, and an increased fire hazard; that unkept and unsecured grounds surrounding such buildings invite the dumping of garbage and trash thereon and the congregation of unauthorized persons who use the property for illegal activity; that such buildings contribute to the growth of blight within the City, depress market values of surrounding properties, thereby reducing tax revenues, necessitate additional governmental services, significantly interfere with the use and enjoyment of neighboring properties, create an unhealthy and unsafe condition affecting the public, and constitute an unreasonable use of property and a public nuisance.

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

(b) Application.

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

(2) Provisions of this article are to be supplementary and complementary to all of the provisions of this Code, state law, and any law cognizable in common law or in equity,

and nothing in this article shall be read, interpreted, or construed in any manner so as to limit any existing right or power of the City to abate any and all nuisances.

(c) Responsibility for property maintenance.

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

(d) Nuisances specified.

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

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

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

(e) Certificate required for boarding building.

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

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

(3) The Building Official shall issue a boarding certificate required by subsection (1) of this section upon the submission of a written application by the owner of the property or his authorized representative or contractor; upon the payment of the required fee; and upon the confirmation, through inspection by a City inspector, that the boarding or other method of securing the building or structure has been done in compliance with this Article.

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

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

(B) The owner or his authorized representative or contractor has submitted to the Building Official, prior to the hearing, a detailed plan for correction, repair, or

rehabilitation of violations of state or local building and housing standards and for the securing of the doors, windows, and other openings by the conventional method used in the original construction and design of the building or structure or, alternatively, a detailed plan for sale of the property to another person or entity with provision in the sale of correction, repair, or rehabilitation.

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

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

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

(e) Standards for securing building.

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

(2) *Additional requirements.* In connection with the boarding of the doors, windows, or other openings of any building or structure, or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, the owner shall also comply with all of the following requirements:

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

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

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

(f) Exceptions.

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

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

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

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

(g) Violations; enforcement.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 98-76. Priority of Liens.

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

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

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

Section 4. This Ordinance shall become effective immediately upon adoption.

Michael Finnerty, MAYOR

FIRST READING : _____

PUBLISHED : _____

SECOND READING : _____

PUBLIC HEARING : _____

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2009.

Theresa B. McMaster, City Clerk

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance 2009-09, Final Reading and Public Hearing, amending Chapter 58 pertaining to Parks and Recreation fees.

Date: June 9, 2009

Prepared By: Steven J. Hallock, Public Services Director

Summary of Issue: Ordinance 2009-09 is being amended to charge a \$10 fee to cover the cost of creating recreation cards for residents. Staff temporarily provided these cards free of charge in an attempt to promote the Community Center Complex and stimulate additional memberships. We are now proposing a small fee for the purpose of recouping the cost to create the card and manage the data base.

No changes have been made since first reading was approved.

Requested Motion: “I move to approve Ordinance 2009-09 amending Chapter 58 pertaining to Parks and Recreation fees.”

Attachments: Ordinance 2009-09
Fee Schedule

**Reviewed by
City Manager:** *MB*

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2009 - 09

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF CHAPTER 58 OF THE CODE OF ORDINANCES, PERTAINING TO RECREATION; PROVIDING FOR AMENDMENT OF SECTION 58-1 THEREOF, PERTAINING TO THE RECREATION CARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to update the City's regulations pertaining to the City's recreation facilities; and

WHEREAS, the City Commission has found that this Ordinance to be in the best interest of the health, safety and welfare of the citizens of the City of St. Pete Beach;

See "ATTACHMENT A"

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

Section 1. Section 58-1 of Article of Chapter 58 of the Code of Ordinances, pertaining to definition of terms in the recreation division, is hereby amended as follows:

Section 3. Subsection (f) of Section 58-1 of Article of Chapter 58 of the Code of Ordinance, pertaining to fees for recreation facilities, is hereby amended as follows:

(f) Fees shall be changed for the following:

1. Recreation Cards:

a. Residents ~~Free~~ \$10.00

Section 7. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

Section 8. All ordinances or parts or Ordinance, in conflict herewith are hereby repealed, to the extent of such conflict.

Section 9. This Ordinance shall become effective immediately upon final passage as requested by law.

Michael Finnerty, Mayor

FRIST READING : _____

PUBLISHED : _____

SECOND READING : _____

PUBLIC HEARING : _____

CA: 11/6/07 V1 I, Theresa McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____ day of _____, 2009.

CA6/4/07 Theresa McMaster, CITY CLERK

6/4/2009

“ATTACHMENT A”
APPENDIX A FEE SCHEDULE

This appendix includes all fees and charges established by ordinance of the city commission that do not appear in the Code of Ordinances.

TABLE INSET:

	Chapter 58. Parks and Recreation	
58-3	Fees and Memberships:	
58-3g	Recreation Card:	
58-3g(1) a	Resident fee	Free <u>\$10.00</u>

**St. Pete Beach City Commission
Agenda Report**

ISSUE CONSIDERED: Final Reading: Ordinance 2009-10 providing for appropriation and reallocation of budgeted expenditures for fiscal year 2009 in the General Fund, increase in appropriations for the Wastewater Fund, and elimination of the Stormwater Fund and providing for funding.

DATE: June 9, 2009

PREPARED BY: Elaine Trehy, Finance Director

SUMMARY OF ISSUE: Ordinance 2009-10 provides for a reallocation of funds budgeted in the general fund to cover the additional \$100,000 anticipated costs of extra legal fees for the remainder of the fiscal year. Monies are being reallocated from Streets for a vehicle purchase that has been delayed until implementation of a stormwater fee (\$35,000); Public Services Administration for a decrease in the amount budgeted for PSTA (\$20,000); Police for a reduction in fuel costs (\$30,000); and Fire for the cancellation of 6 months of the Sunstar contract (\$14,000) and fuel (\$1,000).

An increase in donations – recreation in the amount of \$10,000 is also included with a corresponding increase in recreation expenditures for the purchase of the LED sign previously approved by the City Commission.

Also included in this budget adjustment is an increase in the revenues for the Wastewater fund as a result of the recent rate increase of \$422,000. These additional funds will help pay for the repayment of the loan from the General Fund (\$100,000); lift station repairs (\$100,000); manhole replacement (\$50,000); and the creation of an inflow & infiltration program (\$100,000). The balance of the monies will be used toward absorbing some the personnel costs that had been budgeted in the Stormwater fund (\$85,430). Monies budgeted for professional and contractual services have also been reduced \$13,430 to help cover this additional cost.

An additional \$16,500 in costs has been moved to the General Fund due to the delay in implementing the Stormwater Fund. These costs are associated with the mandated National Pollutant Discharge Elimination System (NPDES) expenditure (\$4,000) and minor repairs and maintenance to catch basins and manholes, pipe cleaning and miscellaneous repairs (\$12,500). These additional costs are covered by a transfer from the Community Development Department, Building Services Division in the amount of \$16,500; these funds were available due to a part time permit tech position not being filled.

Also included is the elimination of all revenues and expenditures previously budgeted in the Stormwater Fund.

Note: the original budget adjustment has been amended to transfer \$4,500 from professional/contractual – CDD to the promotional in the City Commission budget to fund donation for fireworks.

REQUESTED MOTION: “I move to approve Ordinance 2009-10, (read title)…”

ATTACHMENTS: Ordinance 2009-10

**REVIEWED BY
CITY MANAGER:**

MB

ORDINANCE 2009-10

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR A REALLOCATION OF BUDGETED EXPENDITURES FOR FISCAL YEAR 2009 IN THE GENERAL FUND; AN INCREASE IN APPROPRIATIONS FOR THE WASTEWATER FUND; A REDUCTION IN APPROPRIATIONS FOR THE STORMWATER FUND; PROVIDING FOR FUNDING; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, estimated revenues and expenditures are provided in Ordinance 2008-36, Budget Ordinance; and

WHEREAS, the authority for appropriation amendments is provided in Article III, Section 3.13 (a) of the City Charter; and

WHEREAS, it is necessary to increase the budget for extra legal fees; and

WHEREAS, the Wastewater rates have been increased for fiscal year 2009 thereby generating additional revenue; and

WHEREAS, the implementation a Stormwater Fee has been delayed.

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

Section One. For the General Fund, the following departments have been increased (decreased): City Commission \$4,500; City Attorney \$100,000; Community Development (\$21,000); Police (\$30,000); Fire (\$15,000); Public Services Administration (\$20,000) and Streets (\$18,500).

Section Two. An increase in Donations – Recreation of \$10,000 and an increase to the Recreation Division budget for an equal amount to be used toward the purchase of an LED sign.

Section Three. For the Wastewater fund the following items have been increased (decreased): Wastewater revenues \$422,000; personnel costs \$85,430; General Fund debt repayment \$100,000; manhole replacement \$50,000 Lift station Repairs \$100,000 and inflow and infiltration program \$100,000 professional/contractual (\$13,430).

Section Four. For the Stormwater Fund a decrease in the following: Stormwater fees (\$210,875); Personnel costs (\$106,425); and operating costs (\$104,450).

Section Five. This ordinance shall become effective upon final passage.

Michael Finnerty, MAYOR

FIRST READING : _____
PUBLISHED : _____
SECOND READING : _____
PUBLIC HEARING : _____

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2009.

Theresa B. McMaster, City Clerk

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance 2009-11, (8th Ave Comp plan amendment)

Date: June 11, 2009

Prepared By: Mike Bonfield, City Manager *MB*

Summary of Issue: Ordinance 2008-24 providing for the establishment of a Special Area Designation of Community Redevelopment District-Eighth Avenue, and providing for amendment of the Future Land Use Map was approved on August 26, 2008. The date for the special election stated in the original ordinance was later changed. The proposed ordinance simply establishes the date of September 1, 2009, as the new date for the election.

Requested Motion: “I move to approve Ordinance 2009-11. . . (read title)”

Attachments: Ordinance 2009-11

**CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2009-11**

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE PLAN ELEMENT; PROVIDING FOR ESTABLISHMENT OF POLICY 1.4.5 THEREOF PERTAINING TO LAND DEVELOPMENT POLICIES FOR THE EIGHTH AVENUE COMMERCIAL DISTRICT IN THE PASS-A-GRILLE AREA; PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE MAP ELEMENT BY CREATING A CLASSIFICATION FOR SPECIAL LAND USE DESIGNATION, LAND USE CATEGORIES AND COMMUNITY REDEVELOPMENT DISTRICT-EIGHTH AVENUE IN PASS-A-GRILLE; PROVIDING LAND DEVELOPMENT STANDARDS FOR THE SAME AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR A REFERENDUM ELECTION IN THE CITY; PROVIDING FOR A BALLOT QUESTION TO BE SUBMITTED TO THE ELECTORS OF THE CITY AT SAID REFERENDUM ELECTION TO BE HELD IN CONJUNCTION WITH THE PRIMARY ELECTION ON SEPTEMBER 1, 2009; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, this ordinance has been reviewed by Department of Community Affairs and found (in compliance).

WHEREAS, the City Commission has, following extensive research and public discussion, determined that redevelopment of specified areas in Pass-a-Grille is in the best interest of the citizens of the City; and

WHEREAS, redevelopment policies for Pass-a-Grille have been devised based upon analysis of economic and land use trends with due consideration of public input; and

WHEREAS, the City Commission finds that appropriate, redevelopment will not occur without City action, and

WHEREAS, the City Commission has determined that this ordinance is necessary for the preservation of the health, welfare and safety of the community.

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

Section 1. Policy 1.4.5 of the Future Land Use Plan Element of the Comprehensive Plan of the City of St. Pete Beach, Florida, is hereby established, as follows:

Policy 1.4.5

The City shall develop and implement Land Development Standards which preserve and promote the continuance of the existing development pattern and architectural aesthetic of the Eighth Avenue commercial district in the Pass-a-Grille area of St. Pete Beach. Such standards may include Special Area Plans consistent with the requirements of the Pinellas County-Wide Plan as administered by the Pinellas Planning Council.

Section 2. The Future Land Use Map Element of the Comprehensive Plan of the City of St. Pete Beach, Florida, is hereby amended by the addition of a classification

for Special Designation Land Use Categories and the Community Redevelopment District-Eighth Avenue is hereby established as follows:

(Special Designation Land Use Categories)

Community Redevelopment District - Eighth Avenue (CRD – EA)

Primary uses - Residential; Office; Retail Commercial; Personal/Business Service; Commercial/Business Service; Transient Accommodation

Secondary uses - Residential equivalent; public/semi-public; ancillary non-residential; recreation/open space

Density/Intensity Standards - Shall include the following:

Density and Intensity of use for commercial and residential components shall be inclusive, i.e. the same land area may be used to support both use types without proration.

Residential use - Shall not exceed 24 dwelling units per acre.

Residential equivalent use - Shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 24 dwelling units per acre.

Non-residential use - Shall not exceed a floor area ratio (FAR) of 1.0 for single use commercial structures or 1.5 for mixed-use development, nor an impervious surface ratio (ISR) of .90. The standard for the purpose of establishing relative intensity and potential impacts shall be an FAR of .75 and an ISR of .75.

Transient accommodation use - Shall not exceed 30 units per acre.

Other Standards - Shall include the following:

Public/semi-public; ancillary non-residential use - Shall not exceed a maximum area of three (3) acres. Any such use, alone or when added to existing contiguous like uses, which exceeds this threshold shall require a plan amendment which shall include such use and all contiguous like uses.

Section 3. The Future Land Use Map of the Comprehensive Plan of the City of St. Pete Beach, Florida, is hereby amended in accordance with the following exhibit:

Exhibit “A”

Section 4. A special city referendum election is called for September 1, 2009 in the City of St Pete Beach. The following ballot question shall be placed on the ballot in said referendum election to be held in conjunction with the Primary Election on September 1, 2009:

**ST. PETE BEACH
COMPREHENSIVE PLAN AMENDMENT
PASS-A-GRILLE AREA
QUESTION NO. ____**

Ordinance 2008-24, amends the Comprehensive Plan by establishing Future Land Use Element Policy and Special Designation Land Use Category Community Redevelopment District-Eighth Avenue in Pass-a-Grille, amends the Future Land Use Map, provides land development standards, including increase in residential density, and commercial floor area ratio and method for calculating permitted density, allowing residential and commercial uses to be supported inclusively by same underlying land area. Should Ordinance 2008-24 be approved?

Yes _____

No _____

Section 5. The city manager is authorized to submit the amendments provided for herein to the Florida Department of Community Affairs, the Pinellas Planning Council, the Tampa Bay Regional Planning Council and the Pinellas County Planning Department for review.

Section 7. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

Section 8. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

Section 9. Sections 1, 2 and 3 of this Ordinance shall become effective as provided in sections 163.3184(9) and (10) and upon approval by a majority of the electors of the City voting in the election provided for in Section herein.

Section 10. The remaining provisions of this order shall become effective immediately upon adoption.

Michael Finnerty, MAYOR

FIRST READING : _____
PUBLISHED : _____
SECOND READING : _____
PUBLIC HEARING : _____

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2009.

Theresa B. McMaster, City Clerk

ELECTION CERTIFICATION

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify the following election results for the foregoing ordinance at the City general election conducted on September 1, 2009, and said ordinance was _____ by a majority of the electors:

YES Votes: _____

NO Votes: _____

Theresa B. McMaster, City Clerk

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance 2009-12 – Charter Amendment

Date: June 11, 2009

Prepared By: Mike Bonfield, City Manager *MB*

Summary of Issue: At the last City Commission meeting a draft ordinance limiting the type of comprehensive plan amendments required to be approved by public referendum was discussed. As requested, staff and the City Attorney reviewed different options to further define the types of amendments requiring referendum approval. As you can see from the attached e-mail exchange, there are a plethora of options that really depend on what is specifically trying to be accomplished.

This ordinance needs to be approved in June if the desire is to have the charter amendment on the September 1 ballot. If we are unable to place the item on the agenda the options would be to either: a) move the September election to November - this would allow more time to discuss the charter amendment and include the vote on the CIP element of the comprehensive plan - the downside is the 8th Avenue & EAR amendment would be further delayed; or b) wait and consider this item for the March 2010 ballot – the downside is we'll need to budget \$20K for a special election in November to approve the CIP element of the comprehensive plan.

Requested Motion: N/A

Attachments: Proposed ordinance

**CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2009-12**

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT TO SECTION 3.15 OF THE CITY CHARTER TO LIMIT THE REQUIREMENT OF VOTER APPROVAL OF COMPREHENSIVE PLAN AMENDMENTS TO PLAN AMENDMENTS CREATING LAND USE CATEGORIES AND THOSE INCREASING DENSITY, INTENSITY OR HEIGHT OF USES; PROVIDING FOR A REFERENDUM ELECTION IN THE CITY; PROVIDING FOR A BALLOT QUESTION TO BE SUBMITTED TO THE ELECTORS OF THE CITY AT SAID REFERENDUM ELECTION TO BE HELD ON SEPTEMBER 1, 2009; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Section 3.15 of the City Charter requires elector approval of all comprehensive plan amendments even though in many cases such amendments are either required by law or are not sufficiently fundamental in nature as to necessitate such elector approval; and

WHEREAS, the City Commission finds that it is appropriate to limit such elector approval to those major decisions where the additional expense and time required is warranted.

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

Section 1. Section 3.15 of the City Charter is amended to read:

Sec. 3.15 Voter approval required for adoption of comprehensive plans and certain comprehensive plan amendments. A comprehensive plan ("Plan") or

comprehensive plan amendment ("Plan Amendment") (both as defined in Florida Statutes Chapter 163) shall not become effective in the City until such proposed Plan or Plan Amendment is approved by the electors in a referendum as provided by Florida Statute Section 166.031 or by amendment of the City Charter or as otherwise provided by law. Elector approval shall not be required for any Plan or Plan Amendment that affects five or fewer parcels of land or as otherwise prohibited by law. Elector approval shall also not be required for a Plan Amendment which does not increase intensity or density of use or height of structures, or which does not create a new land use category.

Section 2. A special city referendum election is called for September 1, 2009 in the City of St Pete Beach. The following ballot question shall be placed on the ballot in said referendum election to be held on September 1, 2009:

**ST. PETE BEACH
CHARTER AMENDMENT
VOTER APPROVAL OF CERTAIN COMPREHENSIVE PLAN
AMENDMENTS
QUESTION NO. ____**

Ordinance 2009-__, amends Section 3.15 of the City Charter to require voter approval only of those comprehensive plan amendments which increase density or intensity of use or height of structures or which add a land use category. The existing charter requires voter approval of all comprehensive plan amendments except for those affecting five or fewer parcels of land or as otherwise prohibited by law. Should Ordinance 2009- be approved?

Yes _____

No _____

Section 3. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

Section 5. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

Section 6. Section 1 of this Ordinance shall become effective immediately upon approval by a majority of the electors of the City voting in the election provided for herein.

Section 7. The remaining provisions of this Ordinance shall become effective immediately upon adoption.

Michael Finnerty, MAYOR

FIRST READING : _____
PUBLISHED : _____
SECOND READING : _____
PUBLIC HEARING : _____

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2009.

Theresa B. McMaster, City Clerk

ELECTION CERTIFICATION

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify the following election results for the foregoing ordinance at the City general election conducted on September 1, 2009, and said ordinance was _____ by a majority of the electors:

YES Votes: _____

NO Votes: _____

Theresa B. McMaster, City Clerk

Colette Graston

From: Mike Bonfield
Sent: Thursday, June 04, 2009 1:48 PM
To: Colette Graston
Subject: FW: Referendum Approval of Comp Plan amendments

Include this e-mail exchange on the back-up for Ord. 2009-12. Thanks

From: Suzanne Van Wyk [mailto:svanwyk@bmolaw.com]
Sent: Wednesday, June 03, 2009 4:34 PM
To: Mike Bonfield
Cc: Mike Davis; kholley@stpetebeach.org
Subject: RE: Referendum Approval of Comp Plan amendments

Yes, Mike, this is tricky and we need to be very clear about what we are targeting. For discussion purposes, focus on comprehensive plan amendments that (1) create new land use categories; (2) map amendments designating property into new categories (except small scale amendments); (3) increasing the maximum density, intensity, height or impervious surface ratio of uses in an existing land use category; (4) changing the use(s) allowed in an existing land use category; and (5) authorizing a variance or changing requirements for a variance, to any development standards in the plan.

For the most part, these amendments will be limited to the Future Land Use element anyway, which will rule out referenda on many other issues. However, it will not capture remedial plan amendments, which I again strongly recommend be exempted from referendum approval.

Mike has my markup of recommended changes to the ordinance draft for changes to 3.15 and will get them to right staff.

Suzanne Van Wyk

Bryant Miller Olive
101 N. Monroe St. Suite 900
Tallahassee, FL 32301
(850) 222-8611
(850) 222-8969 (fax)
svanwyk@bmolaw.com

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From: Mike Bonfield [mailto:citymanager@stpetebeach.org]
Sent: Wednesday, June 03, 2009 2:39 PM
To: Suzanne Van Wyk
Cc: Mike Davis; kholley@stpetebeach.org
Subject: RE: Referendum Approval of Comp Plan amendments

Karl and I discussed this and it seems more confusing and risky to try and exempt by category. I think the real issue are those items relating to development. Do you see a better way to clarify density, intensity, height and use as the issues requiring referendum? It seems these are the concerns regardless of how the changes originated or where they are located in the plan. If this is to be on the September 1 ballot, we'll need to have first reading at the next meeting not just an item for discussion. At this point it is probably easier to use the language previously provided (with any other recommendations you may have to improve) and allow the Commission to discuss ways to further narrow or define the parameters.

Mike

From: Suzanne Van Wyk [mailto:svanwyk@bmolaw.com]
Sent: Wednesday, June 03, 2009 10:48 AM
To: Mike Bonfield
Cc: Mike Davis; kholley@stpetebeach.org
Subject: Referendum Approval of Comp Plan amendments

Mike (Davis) asked me to send you statutory categories of plan amendments in preparation for the Commission's discussion on changes to Section 3.15 of the Charter, requiring approval of all plan amendments.

You could sort through amendments to the various required elements of the plan:

- Future Land Use Plan Element
- Traffic Circulation Element
- Sanitary Sewer, Solid Waste, Potable Water Element
- Conservation Element
- Recreation and Open Space Element
- Housing Element
- Coastal Management Element
- Intergovernmental Coordination Element
- Capital Improvements Element
- Public Educational Facilities Element

My initial thought is that you want to exclude from voter approval amendments to the Capital Improvements Element because you must have flexibility to amend your CIE to demonstrate

financial feasibility of all aspects of the plan. I would also recommend Educational Facilities Element amendments be excluded because they have to be consistent with the Interlocal Agreement and must be amended each year to adopt the School Board's 5-year work plan (why submit that to the voters?). Identifying others that should be excluded is more of a policy decision. For instance, is Coastal Management of such a community importance that it should be subject to voter approval when amended? Future Land Use is also one I think the community would push for a say in. However, selecting out specific elements is still not going to be a panacea, as there will very minor changes that it will seem very wasteful to submit to voter approval.

Another way to approach it is by category of amendments that parallel state review requirements:

small scale amendments

text amendments

map amendments

EAR amendments

compliance agreement amendments

there are others that may never apply in SPB, such as:

Urban Infill and Redevelopment Plan Amendments

Urban Boundary Plan amendments

Housing Incentive Strategy Plan amendments, and others (ports, brownfields, correctional facilities)

At a minimum, compliance agreement amendments should be exempt from referendum approval (that would interfere with implementing a settlement agreement with the state). I would recommend exempting small scale amendments, too, for efficiency. Text amendments are where the real policy decisions will be made - such as height, density, new categories, lot coverage and other development regs that are outside the LDRs. Map amendments is where those policy decisions are implemented on any particular parcel. So, perhaps text amendments make more sense for referendum approval.

You could combine these approaches by limiting referendum approval to text amendments to specific elements (or excluding text amendments to particular elements).

I hope this information helps.

Suzanne Van Wyk

Bryant Miller Olive

101 N. Monroe St. Suite 900

Tallahassee, FL 32301

(850) 222-8611

(850) 222-8969 (fax)

svanwyk@bmolaw.com

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**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Donation to the Tampa Bay Beaches Chamber of Commerce for July 4th Fireworks for the balance of the funds requested.

Date: June 11, 2009

Prepared By: Mike Bonfield, City Manager *MB*

Summary of Issue: At the last meeting the City Commission made a donation toward the July 4th fireworks in the amount of \$4,500. Tonight the Commission is requested to consider the balance requested by the Tampa Bay Beaches Chamber of Commerce.

Requested Motion: “I move to donate the balance of the funds requested by the Tampa Bay Beaches Chamber of Commerce for July 4th fireworks in the amount of \$_____.

Attachments: N/A

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Authorize the City Manager to enter into an agreement with Southeastern Petroleum Contractors Inc, Port Richey, Florida for work specified as "Fuel Tank Closures" at the City's Fire Station #23 and Merry Pier in the amount of \$32,000.

Date: June 9, 2009

Prepared BY: Ed Pickhardt, Contract & Grant Administrator

Through: Steven J. Hallock, Public Services Director

Summary of Issue: Florida Department of Environmental Protection's fuel tank requirements mandate the existing Fire Station #23 and Merry Pier underground fuel storage tanks be taken out of service and properly closed by December 31, 2009. Public Services prepared the scope of work for the tanks to be filled in place with an approved solid material. This method of closure will significantly save funds by not removing the tanks as originally planned and budgeted. Diesel fuel from the Fire Station underground tank was being used for both vehicles and emergency generator. With the tank closure pending, a small fuel storage tank was installed exclusively for the generator and vehicles are now fueling up at other locations. The tank closure project was advertised and seven (7) bids were received:

1. Southeastern Petroleum Contractors Inc.	\$32,000
2. Enviro-Logical Solutions Inc.	\$34,000
3. EnviroTek	\$35,800
4. Fueling Components, Inc.	\$42,525
5. Norris & Samon Pump Service	\$43,985
6. UST Environmental Services Inc.	\$49,101
7. Suncoast Environmental Construction Group Inc.	\$71,900

Pinellas County just completed a similar project at their fleet maintenance yard. They have attested to the excellent work Southeastern Petroleum Contractors performed. Excellent comments were also received from Pasco County Mosquito Control Department and Maricamp Quik King fuel site.

Project Budget:

FY2009 Approved Project Budget	\$130,000
Fire Station Generator Tank Installation	(\$ 15,128)
Lowest Qualified Tank Closure Bid	<u>(\$ 32,000)</u>
Balance – Under Budget	\$ 82,872

It is important to note that a contingency for additional work may be needed for this project if any contamination is found after soil testing is complete. As a result, the budget for this project needs to stay earmarked until project is complete.

Requested Motion: "I move to authorize the City Manager to enter into an agreement with Southeastern Petroleum Contractors Inc, Port Richey, Florida for work specified as 'Fuel Tank Closures' at the City's Fire Station #23 and Merry Pier in the amount of \$32,000."

**Reviewed By
City Manager:**

MB

IV
CITY OF ST. PETE BEACH, FLORIDA PURCHASING AGREEMENT
"ST. PETE BEACH TANK CLOSURES"

THIS AGREEMENT is hereby executed this _____, 2009, between the CITY OF ST. PETE BEACH, FLORIDA (hereinafter "CITY") and Southwestern Petroleum Contractors Inc (hereinafter "VENDOR"), as follows:

WHEREAS, City is desirous of purchasing from Vendor the goods or services described in this agreement; and

WHEREAS, Vendor is in the business of providing the goods or services described herein, and has submitted an appropriate proposal to the City to provide the same; and

WHEREAS, this agreement has been properly approved by the appropriate authority of the City and the Vendor,

NOW, THEREFORE, upon the mutual covenants contained herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereto hereby agree to the following:

1. City hereby agrees to purchase, and Vendor hereby agrees to sell or provide, the goods or services described in the full intended scope of work and proposal received _____ 2009 attached hereto and incorporated herein.

2. Vendor shall deliver the goods, or provide the services, described herein and in the vendor's proposal no later than 60 days after contract is signed.

3. Time is of the essence in the performance of this contract. City shall be entitled to liquidated damages in the amount of \$ 100.00 per day, for each day subsequent to the date set forth in paragraph 2 hereof that Vendor has failed to properly and completely deliver all of the goods or provide all of the services herein specified. Vendor specifically acknowledges that the foregoing sum is reasonable and does not constitute a penalty.

4. Upon Vendor's satisfactory delivery of the goods, or full performance of the services, or in accordance with the payment schedule provided in the attached proposal, City shall pay Vendor the sum of 32,000.00, as full consideration for the goods or services provided hereunder.

5. Vendor fully warrants the title to any goods provided hereunder, and agrees to defend the same against all claims whatsoever. At the time of delivery, Vendor shall furnish to the City a bill of sale absolute, with full warranties, or other evidence of title transfer satisfactory to the City, for the goods specified herein.

6. Vendor expressly warrants that all goods delivered hereunder are of merchantable quality and fit for the purpose for which the City has purchased the same. Vendor further warrants that Vendor shall properly repair any defects in the goods for a period of 12 months from final delivery, including all parts and labor associated with said repairs.

7. City reserves the right to reject any defective goods, notwithstanding City's payment of the purchase price provided herein.

8. Vendor fully warrants that all services provided hereunder have been provided in a good and workmanlike manner. Vendor guarantees said services for a period of 12 months from the date of final performance. Vendor shall provide all labor and materials necessary to repair any defective workmanship reported to Vendor within said guarantee period.

9. To the extent that this agreement requires Vendor to provide any services of any kind, Vendor and all of Vendor's subcontractors shall maintain public liability insurance in a combined single limit for bodily injury and property damage in the amount of not less than \$1,000,000.00 satisfactory to the City Manager or his/her designee, naming the City as additional insured and providing coverage up through and including the final performance of any services provided hereunder. Vendor and all of Vendor's subcontractors shall maintain in full force and effect a policy of worker's compensation insurance for all of Vendor's employees in accordance with applicable state and federal law. Said insurance coverage shall include employer's liability with a single limit of \$1,000,000.00 per accident or occurrence. Vendor shall present City with a certificate for all of the foregoing insurance, at the time of executing this agreement and at such other times requested by the City.

10. In consideration of the payment of ten dollars as part of the above purchase price, Vendor shall indemnify, defend and hold the City harmless for itself, its employees, agents and assigns, from and against any and all losses, claims, damages, suits, actions, or demands, including attorneys fees and costs of litigation through all appellate proceedings, arising from the performance or non-performance of this agreement, whether caused in part by the City or not.

11. This Agreement shall be binding upon the parties, their successors, assigns, and legal representatives. Vendor shall not assign or otherwise transfer any of the rights or duties under this Agreement, without the express written consent of the City.

12. This document embodies the entire agreement of the parties. There are no promises, terms, conditions, or representations binding on either party hereto, other than those contained herein; and this document shall supersede all previous communications, representations, and/or agreements between the parties hereto, whether written or oral. This Agreement may be modified only in writing executed by all parties. This agreement shall be construed according to the laws of Florida, and venue for any action arising herefrom shall be in Pinellas County, Florida.

13. The prevailing party in any action to enforce or interpret this agreement shall be entitled to reasonable attorneys fees incurred through all appellate proceedings.

14. Vendor hereby acknowledges that the person executing this agreement on behalf of Vendor has the full authority to do so and to bind Vendor to the terms hereof.

15. Any notices provided hereunder shall be sent to the parties at the following addresses and shall be considered properly delivered when placed in the U.S. mail, postage prepaid, certified return receipt requested:

As to Vendor:

Southeastern Petroleum Contractors Inc
6710 Embassy Blvd, # 102
Pont Richy, FL 34668
(813) 205-1750

As to City:

City Manager
City of St. Pete Beach, Florida
155 Corey Avenue
St. Pete Beach, Florida 33706

16. To the extent that any terms in the attached proposal conflict with the terms of this agreement, the terms of this agreement shall control and supersede such conflicting terms in the attached proposal, to the extent of such conflict.

17. The following sections, paragraphs or provisions of the attached proposal are hereby deleted from this agreement and shall be of no force or effect:

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

Southeastern Petroleum Contractors Inc CITY OF ST. PETE BEACH, FLORIDA
Vendor

BY *Jeff Burke*
AUTHORIZE REPRESENTATIVE

BY _____
CITY MANAGER

Jeff Burke President
NAME, TITLE (typed or printed)

APPROVED AS TO FORM:

ATTEST:

CITY ATTORNEY

CITY CLERK

SCOPE OF WORK

All the tanks must be filled completely with an approved inert solid material. The Fire Station tank shall be filled with approved expanding polyurethane foam. Merry Pier fuel storage tanks must be filled with a concrete slurry/flowable fill solid material.

1. Remove enough concrete and soil necessary to facilitate the tank closure preparations and cleaning.
2. Pump out and properly dispose of any remaining liquids from all the underground fuel storage tanks.
3. Prepare tank for an approved inert fill material, remove any gases, sludge and/or water. The sludge and water must be discarded properly.
4. Disconnect, remove or cap off piping connected to tanks including submerged pump, vent, fill, vents and conduits.
5. Remove accessible electrical conduits and wiring to the fuel pumps and dispensers. Wiring must be properly terminated at control or breaker box.
6. Dispose of all piping, containments, liners, dispenser and any associated equipment that has been removed.
7. Backfill all excavated areas and add necessary clean natural fill to compensate for the volume of material removed.
8. Include soil sampling as required either by the State or County. Soil testing is usually performed by retrieving a sample from under or next to the underground storage tank. The soil samples are then delivered to an accredited testing laboratory that will provide a written report on the results.
9. Contractor must notify the local office of the Florida Department of Health/Storage Tank Division (727) 538-7277 for approvals. Tank closures shall adhere to Florida Department of Environmental Protection; Rule 17-761 on tank closures. Coordinate entire closure procedures with Department of Health/Pinellas County Health/Storage Tank Division.
10. Contractor is required to provide the closure reports to the Florida Department of Environmental Protection and Department of Health/Pinellas County Storage Tank Division.
11. Contractor will secure the necessary construction and environmental permits from government agencies that regulate tank closures.

If contaminated soil or other conditions dictate that remedial investigation is needed, then written corrective actions with applicable fees must be approved prior to proceeding.

SCOPE DETAILS

The contractor will furnish all necessary labor, materials, tools, equipment and supplies to complete the scope of work. The proposal must include all costs for the fill material, complete disconnection of the fueling system, removal of product, gases, sludge and water from the tanks. Bid must include all transportation costs for these materials being purchased and removed.

It shall be the bidder's responsibility to include those items or services not listed which he/she deems necessary to complete the scope of work. Any such additions and/or corrections shall be highlighted in your proposal response with a corresponding fee.

TOTAL PROPOSED FEE: 32,000 ⁰⁰

Jeff Burke
Southeastern Petroleum Contractors Inc
6710 Embassy Blvd, # 102
Port Richey, FL 34668
(813) 205-1750
PCC # 051753

References

Citgo Plaza Steve Faraj (813) 977-5329 Completed
Removed (3) USTs, replaced w/ new UST, lines, & pumps

Pasco Mosquito Control Dennis Moore (727) 376-4568 Completed
Installed (1) AST ✓

Maricamp Qwik King Sam Patidar (352) 401-0322 Completed
Removed (3) USTs, replaced w/ new UST, lines, & pumps //

Lakeland Chevron Sonny Patel (813) 376-1070 Completed
Removed (3) USTs, replaced w/ new UST, lines, & pumps

Pinellas County Carrie Holmes (727) 582-3000 Completed
Fleet Management
Abandoned in-place (1) UST w/ approved foam —

Keith #

ACORD™ CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 05/15/2009
PRODUCER (813)282-1965 FAX (888)883-8680 Lassiter-Ware Insurance 4401 W. Kennedy Blvd. Suite 200 Tampa, FL 33609		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURED Southeastern Petroleum Contractors, Inc. 6710 Embassy Blvd. Suite 102 Port Richey, FL 34668		
		INSURERS AFFORDING COVERAGE NAIC #
		INSURER A: American Safety Indemnity Co. 25433
		INSURER B: SUA Insurance Company 40134
		INSURER C:
		INSURER D:
		INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR	ADD'L LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR ☒ Pollution Liab	ENV0184420902	02/05/2009	02/05/2010	EACH OCCURRENCE	\$ 2,000,000
		DAMAGE TO RENTED PREMISES (Ea occurrence)				\$ 50,000	
		MED EXP (Any one person)				\$ 5,000	
		PERSONAL & ADV INJURY				\$ 2,000,000	
		GENERAL AGGREGATE				\$ 2,000,000	
		GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMP/OP AGG	\$ 2,000,000
		☒ POLICY ☐ PRO-JECT ☐ LOC					
A		AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ☒ NON-OWNED AUTOS	ENV0184420902	02/05/2009	02/05/2010	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
		BODILY INJURY (Per person)				\$	
		BODILY INJURY (Per accident)				\$	
		PROPERTY DAMAGE (Per accident)				\$	
		GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT	\$
						OTHER THAN AUTO ONLY: EA ACC AGG	\$
		EXCESS/UMBRELLA LIABILITY ☐ OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE ☐ RETENTION \$				EACH OCCURRENCE	\$
						AGGREGATE	\$
							\$
							\$
B		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	WSAUIEC10700901	02/06/2009	02/06/2010	☒ WC STATU-TORY LIMITS ☐ OTH-ER	
		E.L. EACH ACCIDENT				\$ 1,000,000	
		E.L. DISEASE - EA EMPLOYEE				\$ 1,000,000	
		E.L. DISEASE - POLICY LIMIT				\$ 1,000,000	
A		OTHER Professional Liability limits incl with General Liab	ENV0184420902	02/05/2009	02/05/2010	\$2,000,000 Per Claim \$2,000,000 Aggregate Claims Made	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

CERTIFICATE HOLDER City of St. Petersburg Public Service 155 Corey Avenue St. Petersburg Beach, FL 33706	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>10</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE Patricia Schmaltz/JUDES <i>Patricia Schmaltz</i>
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AC# 3960594

STATE OF FLORIDA

DEPARTMENT OF HIGHWAYS AND PROFESSIONAL REGULATION
CONSTRUCTION INDUSTRY LICENSING BOARD

SEQ# L08082902873

DATE BATCH NUMBER

08/29/2008 080057459

PCE05733

THE POLLUTANT STORAGE SYSTEMS CONTRACTOR

NAMED BELOW IS CERTIFIED

UNDER THE PROVISIONS OF CHAPTER 489, FS.

EXPIRATION DATE: AUG 31, 2010

YOUNG, ROBERT EDWARD
SOUTHEASTERN PETROLEUM CONTRACTORS INC
6710 EMBASSY BLVD # 102
FORT RICHEY FL 34668

CHARLIE CRIST
GOVERNOR

CHARLES W. DRAGO
SECRETARY

DISPLAY AS REQUIRED BY LAW

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Authorization for the City Manager to partner with PSTA to begin replacing the old City owned bus shelters within the City.

Date: June 11, 2009

Prepared By: Steven J. Hallock, Public Services Director

Summary of Issue: City staff has been in communication with PSTA to replace some of the bus shelters in the City that are high maintenance and subject to routine vandalism. PSTA will provide the new bus shelters through a grant program and take over all of the operation and maintenance for these new shelters. The City will partner with them by demolishing the old bus shelters. The benefits to the City are that we receive brand new bus shelters and no longer have the operation and maintenance costs of maintaining the old ones.

Requested Motion: "I move to authorize the City Manager to partner with PSTA to begin replacing the old City owned bus shelters within the City."

**Reviewed by
City Manager:**

MB