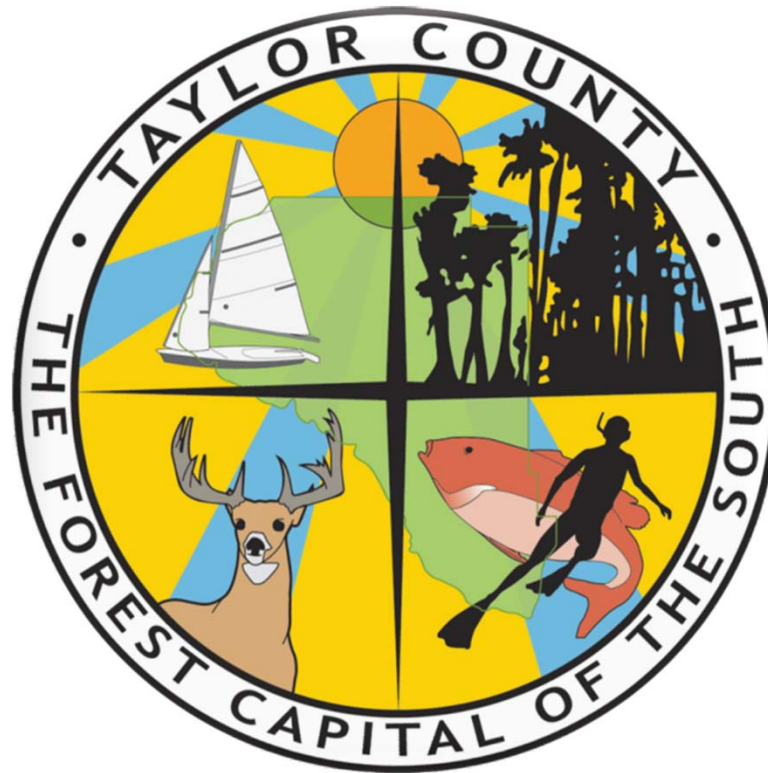




BOARD WORKSHOP



JUNE 30, 2015
6:00 PM



BOARD WORKSHOP

Prayer

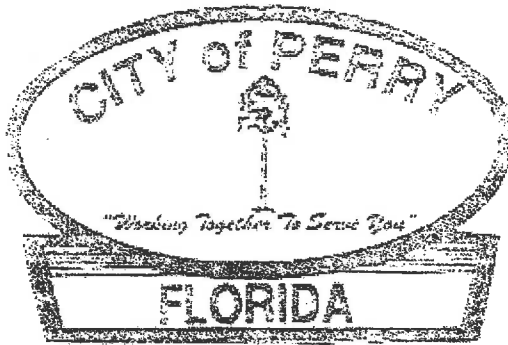
Pledge of Allegiance



BOARD WORKSHOP

Agenda

1. THE BOARD TO REVIEW AND DISCUSS
US-19 CORRIDOR APPEARANCE
ORDINANCES AS ADOPTED BY THE CITY
OF PERRY.



Weight
COMMUNITY CHAMPION
2015 Recognition Program

224 South Jefferson Street, Perry, FL. 32347-3235

850-584-7161

May 26, 2015

Chairperson Pat Patterson
Vice-Chair Person Pam Feagle
Commissioner Malcom Page
Commissioner Jim Moody
Commissioner Jody DeVane

Dear Chairperson Patterson and Honorable Commissioners,
The City has recently stepped up its efforts to improve the appearance of US 19, our front yard to most who pass through our community. We see it as an important component of efforts to enhance economic development and create good jobs for our citizens. The Taylor County Development Authority agrees and has asked elected officials to help in this important endeavor.

The City has done the following to improve appearances on US 19 this year:

- Upgraded our US 19 property appearance ordinance to correspond with the downtown appearance ordinance and to require landscaping on certain vacant properties along US 19.
- Passed an abandoned shopping cart ordinance to remove those eyesores from US 19 and the rest of the City.
- Approved a grant program for exterior building improvements along certain sections of US 19 similar to the DREAM Grant program which has improved the appearance of downtown
- Partnered with Keep Taylor County Beautiful, FDOT, and Duke Energy to place decorative banners on utility poles along sections of US 19
- Worked with FDOT to replace missing palm trees and install other decorative bushes along medians and other parts of US 19

The unincorporated sections of US 19 between the Fenholloway River and Wright Road seem to be "Perry" to those passing through. We encourage the commission to join us in passing an appearance ordinance along those sections to help with economic development. It's a shame that a few property owners can give a bad impression of over 20,000 citizens who are trying to improve their quality of life. The ordinance is a virtual no cost way for the County to help the community take a huge step forward in the impression we give the nearly 4.5 million vehicles a year that pass through Perry. We have included a copy of our ordinance which can be used as a template.

Mayor Mike Deming

Vice-Mayor Venita Woodfaulk

Councilmember Shirlie Hampton

Councilmember Alan Hall

Councilmember David Sullivan

INTRODUCED 28 Oct. 2008
FIRST READING 28 Oct. 2008
PASSAGE 11 Nov. 2008
EFFECTIVE DATE 11 Nov. 2008
PUBLIC HEARING 11 Nov. 2008
ADVERTISEMENT DATE 31 Oct. 2008
PAGES Five (5)

ORDINANCE NO: 866

AN ORDINANCE OF THE CITY OF PERRY, FLORIDA, WHICH PROVIDES LEGISLATIVE FINDINGS, A DECLARATION OF NECESSITY, BUILDINGS AFFECTED, STANDARDS FOR EXTERIOR PROPERTY AREAS, PENALTIES, COMPLIANCE PERIOD, PROVIDES FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE.

WHEREAS, Section 166.021(1), Florida Statutes, as amended, empowers the City Council of the City of Perry, Florida, hereinafter referred to as the City Council, to exercise governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services and to exercise any powers for municipal purposes, except where expressly prohibited by law; and

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PERRY, FLORIDA, that:

Section 1. Chapter 5 – Buildings, is hereby amended as follows:

CHAPTER 5. BUILDINGS

Sec. 5.6 (1). Findings of fact and declaration of necessity.

The city commission finds the following:

(1) *Existence of conditions.* There exists within the city blighted buildings or other structures used or intended to be used for commercial, business, institutional, industrial, single family or multifamily dwelling purposes that are contiguous to the right of way of U.S. Highway 19 and that because of structural or maintenance problems are abandoned, unsafe, and endanger the general health, welfare and safety of the general public and those who use or visit the structures.

(2) *Results if conditions uncorrected.* Such blighted buildings and structures contribute to the development of, or increase in crime, increase costs to public revenue and impair the efficient and economical exercise of governmental functions in such areas; and necessitate excessive and disproportionate expenditure of public funds for public safety, crime prevention, fire protection and other public services.

(3) *Necessity to protect public health, safety and welfare.* The adoption of this article is necessary to protect the public health, safety and welfare of the people of the city by establishing minimum standards governing the facilities, repair and maintenance of buildings and grounds used for or intended to be used for commercial, business, institutional, industrial, single family or multi-family dwelling purposes. This article is intended to be remedial and essential to the public interest and welfare and to this extent it is intended that this commercial building code be liberally construed to effectuate the purposes stated herein.

Sec. 5.6 (2). Buildings affected.

Every portion of a building or premises, used or intended to be used for commercial, business, institutional, industrial, single family or multi-family dwelling purposes that are contiguous to the right of way of Highway 19, shall comply with the provisions of this article, irrespective of when the building shall have been constructed, altered or repaired, except where specifically exempt as stated in this article, and irrespective of any permits or licenses that have been issued for the use of the building or premises, for the construction or repair of the building or for the installation or repair of equipment or facilities prior to the adoption of this article.

Sec. 5.6 (3). Conflicts resolved.

In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or other code provision of this city, the provision that establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail if the defect cited is hazardous to the health, safety and welfare of the people using the building or adjoining properties and the defect must be replaced to comply. If repairs will correct the defect cited, the repairs may be made using the same methods and materials used in the original construction.

Sec. 5.6 (4). Standards for exterior property areas.

(a) *Sanitation.* All exterior property and premise shall be maintained in a clean, safe and sanitary condition. Each occupant of the property shall keep that part of the exterior property that the occupant occupies or controls in a clean and sanitary condition.

(b) *Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten inches. Weeds shall mean all grasses, annual plants and vegetation, other than trees or shrubs; however, the term shall not include cultivated flowers and gardens.

(c) *Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained so that they are structurally sound and in good repair.

(d) *Motor vehicles.* Except as permitted by the land development code in a particular zoning district, no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled unless such work is performed inside a structure or similarly enclosed area designed for, and approved by the city for, such purpose.

(e) *Hazardous conditions.* It shall be unlawful for the owner or occupant to create, maintain, keep or allow the existence of any hazardous condition, equipment, facility, fixture, premises or building.

Sec. 5.6 (5). Exterior structures.

- (a) *General.* The exterior of all buildings and structures shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- (b) *Exterior painting.* All wood and metal surfaces, including but not limited to window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.
- (c) *Street numbers.* Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way.

Sec. 5.6 (6). Exterior walls.

Building walls shall be maintained in a secure and safe manner as follows:

- (1) All defective structural and decorative elements of the building facade shall be removed, replaced or repaired.
- (2) All exterior walls shall have all loose material removed. Patching and resurfacing shall match the existing or adjacent surfaces as to material, color, bond and joinings.
- (3) All cornices, trim, and window frames that are damaged, sagging or otherwise deteriorated shall be removed, repaired or replaced so that they are structurally sound and secure.
- (4) All exposed materials shall be painted, stained or otherwise treated to protect them from the elements.

Sec. 5.6 (7). Door and window openings.

- (a) All window and door openings shall be safe and secure. Sashes with rotten wood, broken joints, or deteriorated mullions or muntins shall be removed, repaired or replaced.
- (b) All exterior doors and windows shall be maintained in an unbroken and secure condition. No door or window shall be removed and enclosed, covered or boarded up unless treated as an integral part of the building facade, compatible with the design, material and finish of the adjoining walls of which the opening is a part. This subsection shall not apply to the temporary short-term covering or boarding up of windows or doors while undergoing replacement or repair. However, all damaged or broken doors and windows shall be restored, repaired or replaced within 60 days following breakage or damage.

Sec. 5.6 (8). Roofs.

Roofs shall be maintained in a secure, safe and watertight condition. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

Sec. 5.6 (9). Accessory and appurtenant structures.

Signs, awnings, canopies, freestanding walls, and fences shall be maintained in good repair and condition. Deteriorated signs, torn or unsecured awnings or canopies, and any dilapidated free-standing wall or fence shall be removed, repaired or replaced.

Sec. 5.6 (10). Compliance period.

(a) Any other provision of this Code notwithstanding, corrective action ordered by the city manager or designee and which is visible from the right of way of U.S. Highway 19 shall be commenced and completed within the following time periods:

- (1) Property having an assessed value of \$100,000.00 or less as determined by the Property Appraiser of Taylor County, Florida, corrective action shall be commenced within 90 days and shall be completed within 90 days from the date of written notice of noncompliance.
- (2) Property having an assessed value of more than \$100,000.00, but less than \$200,000.00 as determined by the Property Appraiser of Taylor County, Florida, corrective action shall be commenced within 60 days and shall be completed within 90 days from the date of written notice of noncompliance.
- (3) Property having an assessed value of \$200,000.00 or more as determined by the Property Appraiser of Taylor County, Florida, corrective action shall be commenced within 30 days and shall be completed within 90 days from the date of written notice of noncompliance.

(b) The city manager or designee may stay enforcement for a further period of time, not to exceed six months from the initial notice, if the property owner demonstrates with tangible evidence that he/she is taking affirmative steps to abate the violations and requires additional time to fully comply.

Sec. 5.6 (11) Penalty for Violation

A violation of the provisions of this section shall be subject to penalties set forth in Section 5.5 of this Chapter.

Section 2. Severability.

If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This Ordinance may be read by title only pursuant to Section 2.13(b), Ordinance in General, of the Charter of the City of Perry, Florida.

Section 4. Conflict. All Ordinances or portions of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED and ADOPTED in regular session by the City Council of the City of Perry, Florida on this 11 day of November, 2008.

Attest:


Clerk of the Council

CITY COUNCIL
CITY OF PERRY, FLORIDA


EMILY WEED KETRING, MAYOR

Approved as to form:


ROBERT BROWN, City Manager


MICHAEL S. SMITH, City Attorney

INTRODUCED 3-24-2009
FIRST READING 3-24-2009
PASSAGE 4-14-2009
EFFECTIVE DATE 4-14-2009
PUBLIC HEARING 4-14-2009
ADVERTISEMENT DATE 3-27-2009
PAGES Six (6)

ORDINANCE NO: 868

AN ORDINANCE TO AMEND ORDINANCE NO. 866, ADOPTED NOVEMBER 11, 2008. AN ORDINANCE OF THE CITY OF PERRY, FLORIDA, WHICH PROVIDES LEGISLATIVE FINDINGS, A DECLARATION OF NECESSITY, BUILDINGS AFFECTED, STANDARDS FOR EXTERIOR PROPERTY AREAS, PENALTIES, COMPLIANCE PERIOD, PROVIDES FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE.

WHEREAS, Section 166.021(1), Florida Statutes, as amended, empowers the City Council of the City of Perry, Florida, hereinafter referred to as the City Council, to exercise governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services and to exercise any powers for municipal purposes, except where expressly prohibited by law; and

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PERRY, FLORIDA, that:

Section 1. Chapter 5 – Buildings, is hereby amended as follows:

CHAPTER 5. BUILDINGS

Sec. 5.6 (1). Findings of fact and declaration of necessity.

The city commission finds the following:

(1) *Existence of conditions.* There exists within the city blighted buildings or other structures used or intended to be used for commercial, business, institutional, industrial, single family or multifamily dwelling purposes that are contiguous to the right of way of U.S. Highway 19 and that because of structural or maintenance problems are abandoned, unsafe, and endanger the general health, welfare and safety of the general public and those who use or visit the structures.

(2) *Results if conditions uncorrected.* Blighted buildings and structures contribute to the development of an increase in crime, costs to public revenue and impair the efficient and economic exercise of governmental functions in such areas; and necessitate excessive and

disproportionate expenditure of public funds for public safety, crime prevention, fire protection and other public services.

(3) *Necessity to protect public health, safety and welfare.* The adoption of this article is necessary to protect the public health, safety and welfare of the people of the city by establishing minimum standards governing the facilities, repair and maintenance of buildings and grounds used for or intended to be used for commercial, business, institutional, industrial, single family or multi-family dwelling purposes. This article is intended to be remedial and essential to the public interest and welfare and to this extent it is intended that this building code be liberally construed to effectuate the purposes stated herein.

Sec. 5.6 (2). Buildings affected.

Every portion of a building or premises, used or intended to be used for commercial, business, institutional, industrial, single family or multi-family dwelling purposes that are contiguous to the right of way of Highway 19, shall comply with the provisions of this article, irrespective of when the building shall have been constructed, altered or repaired, except where specifically exempt as stated in this article, and irrespective of any permits or licenses that have been issued for the use of the building or premises, for the construction or repair of the building or for the installation or repair of equipment or facilities prior to the adoption of this article.

Sec. 5.6 (3). Conflicts resolved.

In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or other code provision of this city, the provision that establishes the higher standard for the promotion and protection of the public health, safety and welfare of the people shall prevail if the defect cited is hazardous to the health, safety and welfare of the people using the building or adjoining properties and the defect must be replaced to comply. If repairs will correct the defect cited, the repairs may be made using the same methods and materials used in the original construction.

Sec. 5.6 (4). Standards for exterior property areas.

(a) *Sanitation.* All exterior property and premise shall be maintained in a clean, safe and sanitary condition. Each occupant of the property shall keep that part of the exterior property that the occupant occupies or controls in a clean and sanitary condition. Signage from a closed commercial business, institution or industrial operation shall be removed within one (1) year from closure.

(b) *Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten inches. Weeds shall mean all grasses, annual plants and vegetation, other than trees or shrubs; however, the term shall not include cultivated flowers and gardens.

(c) *Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained so that they are structurally sound and in good repair.

(d) *Motor vehicles.* Except as permitted by the land development code in a particular zoning district, no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled unless such work is performed inside a structure or similarly enclosed area designed for, and approved by the city for, such purpose. Unlicensed and/or uninsured motor vehicles, miscellaneous motor vehicle parts, materials, unmounted tires, scrap and salvage visible from the right of way of U.S. Highway 19 is prohibited.

(e) *Hazardous conditions.* It shall be unlawful for the owner or occupant to create, maintain, keep or allow the existence of any hazardous condition, equipment, facility, fixture, premises or building.

Sec. 5.6 (5). Exterior structures.

(a) *General.* The exterior of all buildings and structures shall be in compliance with the Florida Building Code and maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(b) *Exterior painting.* All wood and metal surfaces, including but not limited to window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

(c) *Street numbers.* Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way.

Sec. 5.6 (6). Exterior walls.

Building walls shall be maintained in a secure and safe manner as follows:

(1) All defective structural and decorative elements of the building facade shall be removed, replaced or repaired.

(2) All exterior walls shall have all loose material removed. Patching and resurfacing shall match the existing or adjacent surfaces as to material, color, bond and joinings.

(3) All cornices, trim, and window frames that are damaged, sagging or otherwise deteriorated shall be removed, repaired or replaced so that they are structurally sound and secure.

(4) All exposed materials shall be painted, stained or otherwise treated to protect them from the elements.

Sec. 5.6 (7). Door and window openings.

(a) All window and door openings shall be safe and secure. Sashes with rotten wood, broken joints, or deteriorated mullions or muntins shall be removed, repaired or replaced.

(b) All exterior doors and windows shall be maintained in an unbroken and secure condition. No door or window shall be removed and enclosed, covered or boarded up unless treated as an integral part of the building facade, compatible with the design, material and finish of the adjoining walls of which the opening is a part. This subsection shall not apply to the temporary short-term covering or boarding up of windows or doors while undergoing replacement or repair. However, all damaged or broken doors and windows shall be restored, repaired or replaced within 60 days following breakage or damage.

Sec. 5.6 (8). Roofs.

Roofs shall be maintained in a secure, safe and watertight condition. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

Sec. 5.6 (9). Accessory and appurtenant structures.

Signs, awnings, canopies, freestanding walls, and fences shall be maintained in good repair and condition. Deteriorated signs, torn or unsecured awnings or canopies, and any dilapidated free-standing wall or fence shall be removed, repaired or replaced.

Sec. 5.6 (10) Non-Conforming Structure.

All structures which were non-conforming as of the date of the adoption of the Land Development Regulations of the City of Perry (LDR) or in violation of the provisions of the Florida Building Code shall be subject to the following:

- (a) Enlargement of Structures - Non-Conforming structures shall not be enlarged or altered in a manner which increases its non-conformity or in violation of the Florida Building Code.
- (b) Damaged or Destruction of Structure - Non-Conforming structures which are damaged to the extent of more than fifty percent (50%) of their replacement value shall not be repaired, reconstructed or improved unless in compliance with the LDR and Florida Building Code. Structures which are destroyed shall not be rebuilt unless in compliance with the LDR and Florida Building Code.
- (c) Relocation of Structure - Non-Conforming structures shall not be relocated, moved or repositioned unless in compliance with the LDR and Florida Building Code.

Sec. 5.6 (11). Compliance period.

- (a) Any other provision of this Code notwithstanding, corrective action ordered by the city manager or designee and which is visible from the right of way of U.S. Highway 19 shall be commenced and completed within the following time periods:

- (1) Property having an assessed value of \$100,000.00 or less as determined by the Property Appraiser of Taylor County, Florida, corrective action shall be commenced within 90 days and shall be completed within 90 days from the date of written notice of noncompliance.
- (2) Property having an assessed value of more than \$100,000.00, but less than \$200,000.00 as determined by the Property Appraiser of Taylor County, Florida, corrective action shall be commenced within 60 days and shall be completed within 90 days from the date of written notice of noncompliance.
- (3) Property having an assessed value of \$200,000.00 or more as determined by the Property Appraiser of Taylor County, Florida, corrective action shall be commenced within 30 days and shall be completed within 90 days from the date of written notice of noncompliance.

(b) The city manager or designee may stay enforcement for a further period of time, not to exceed six months from the initial notice, if the property owner demonstrates with tangible evidence that he/she is taking affirmative steps to abate the violations and requires additional time to fully comply.

Sec. 5.6 (12) Penalty for Violation

A violation of the provisions of this section shall be subject to penalties set forth in Section 5.5 of this Chapter.

Section 2. Severability.

If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This Ordinance may be read by title only pursuant to Section 2.13(b), Ordinance in General, of the Charter of the City of Perry, Florida.

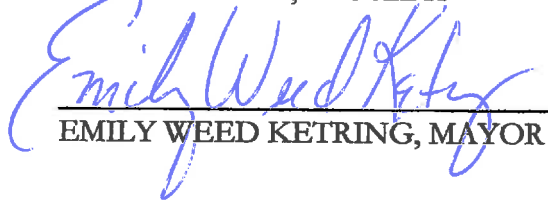
Section 4. Conflict. All Ordinances or portions of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED and ADOPTED in regular session by the City Council of the City of Perry, Florida on this 14 day of APRIL, 2009.

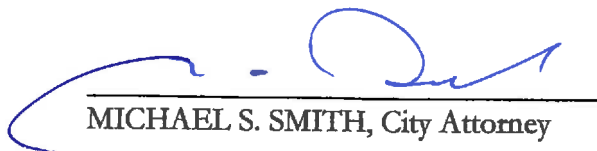
CITY COUNCIL
CITY OF PERRY, FLORIDA

Attest: 
Clerk of the Council


EMILY WEED KETRING, MAYOR

Approved as to form:


ROBERT BROWN, City Manager


MICHAEL S. SMITH, City Attorney

INTRODUCED 07-23-2013
FIRST READING 07-23-2013
PASSAGE 08-13-2013
EFFECTIVE DATE 08-13-2013
PUBLIC HEARING 08-13-2013
ADVERTISEMENT DATE 07-27-2013
PAGES Six (6)

ORDINANCE NO: 928

AN ORDINANCE TO AMEND ORDINANCE NO. 868, ADOPTED APRIL 14, 2009, AN ORDINANCE OF THE CITY OF PERRY, FLORIDA, WHICH PROVIDES LEGISLATIVE FINDINGS, A DECLARATION OF NECESSITY, BUILDINGS AFFECTED, STANDARDS FOR EXTERIOR PROPERTY AREAS, PENALTIES, COMPLIANCE PERIOD, PROVIDES FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE.

WHEREAS, Section 166.021(1), Florida Statutes, as amended, empowers the City Council of the City of Perry, Florida, hereinafter referred to as the City Council, to exercise governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services and to exercise any powers for municipal purposes, except where expressly prohibited by law; and

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PERRY, FLORIDA, that:

Section 1. Chapter 5 – Buildings, is hereby amended as follows:

CHAPTER 5. BUILDINGS

Sec. 5.6 (1). Findings of fact and declaration of necessity.

The city commission finds the following:

(1) *Existence of conditions.* There exists within the city blighted buildings or other structures used or intended to be used for commercial, business, institutional, industrial, single family or multifamily dwelling purposes that are contiguous to the right of way of U.S. Highway 19 and that because of structural or maintenance problems are abandoned, unsafe, and endanger the general health, welfare and safety of the general public and those who use or visit the structures.

(2) *Results if conditions uncorrected.* Blighted buildings and structures contribute to the development of an increase in crime, costs to public revenue and impair the efficient and economic exercise of governmental functions in such areas; and necessitate excessive and

disproportionate expenditure of public funds for public safety, crime prevention, fire protection and other public services.

(3) *Necessity to protect public health, safety and welfare.* The adoption of this article is necessary to protect the public health, safety and welfare of the people of the city by establishing minimum standards governing the facilities, repair and maintenance of buildings and grounds used for or intended to be used for commercial, business, institutional, industrial, single family or multi-family dwelling purposes. This article is intended to be remedial and essential to the public interest and welfare and to this extent it is intended that this building code be liberally construed to effectuate the purposes stated herein.

Sec. 5.6 (2). Buildings affected.

Every portion of a building or premises, used or intended to be used for commercial, business, institutional, industrial, single family or multi-family dwelling purposes that are contiguous to the right of way of Highway 19, shall comply with the provisions of this article, irrespective of when the building shall have been constructed, altered or repaired, except where specifically exempt as stated in this article, and irrespective of any permits or licenses that have been issued for the use of the building or premises, for the construction or repair of the building or for the installation or repair of equipment or facilities prior to the adoption of this article.

Sec. 5.6 (3). Conflicts resolved.

In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or other code provision of this city, the provision that establishes the higher standard for the promotion and protection of the public health, safety and welfare of the people shall prevail if the defect cited is hazardous to the health, safety and welfare of the people using the building or adjoining properties and the defect must be replaced to comply. If repairs will correct the defect cited, the repairs may be made using the same methods and materials used in the original construction.

Sec. 5.6 (4). Standards for exterior property areas.

(a) *Sanitation.* All exterior property and premise shall be maintained in a clean, safe and sanitary condition. Each occupant of the property shall keep that part of the exterior property that the occupant occupies or controls in a clean and sanitary condition. Signage from a closed commercial business, institution or industrial operation shall be removed within one (1) year from closure.

(b) *Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten inches. Weeds shall mean all grasses, annual plants and vegetation, other than trees or shrubs; however, the term shall not include cultivated flowers and gardens.

(c) *Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained so that they are structurally sound and in good repair.

(d) *Motor vehicles.* Except as permitted by the land development code in a particular zoning district, no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled unless such work is performed inside a structure or similarly enclosed area designed for, and approved by the city for, such purpose. Unlicensed and/or uninsured motor vehicles, miscellaneous motor vehicle parts, materials, unmounted tires, scrap and salvage visible from the right of way of U.S. Highway 19 is prohibited.

(e) *Hazardous conditions.* It shall be unlawful for the owner or occupant to create, maintain, keep or allow the existence of any hazardous condition, equipment, facility, fixture, premises or building.

Sec. 5.6 (5). Exterior structures.

(a) *General.* The exterior of all buildings and structures shall be in compliance with the Florida Building Code and maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(b) *Exterior painting.* All wood and metal surfaces, including but not limited to window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

(c) *Street numbers.* Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way.

Sec. 5.6 (6). Exterior walls.

Building walls shall be maintained in a secure and safe manner as follows:

(1) All defective structural and decorative elements of the building facade shall be removed, replaced or repaired.

(2) All exterior walls shall have all loose material removed. Patching and resurfacing shall match the existing or adjacent surfaces as to material, color, bond and joinings.

(3) All cornices, trim, and window frames that are damaged, sagging or otherwise deteriorated shall be removed, repaired or replaced so that they are structurally sound and secure.

(4) All exposed materials shall be painted, stained or otherwise treated to protect them from the elements.

Sec. 5.6 (7). Door and window openings.

(a) All window and door openings shall be safe and secure. Sashes with rotten wood, broken joints, or deteriorated mullions or muntins shall be removed, repaired or replaced.

(b) All exterior doors and windows shall be maintained in an unbroken and secure condition. No door or window shall be removed and enclosed, covered or boarded up unless treated as an integral part of the building facade, compatible with the design, material and finish of the adjoining walls of which the opening is a part. This subsection shall not apply to the temporary short-term covering or boarding up of windows or doors while undergoing replacement or repair. However, all damaged or broken doors and windows shall be restored, repaired or replaced within 60 days following breakage or damage.

Sec. 5.6 (8). Roofs.

Roofs shall be maintained in a secure, safe and watertight condition. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

Sec. 5.6 (9). Accessory and appurtenant structures.

Signs, awnings, canopies, freestanding walls, and fences shall be maintained in good repair and condition. Deteriorated signs, torn or unsecured awnings or canopies, and any dilapidated free-standing wall or fence shall be removed, repaired or replaced.

Sec. 5.6 (10) Non-Conforming Structure.

All structures which were non-conforming as of the date of the adoption of the Land Development Regulations of the City of Perry (LDR) or in violation of the provisions of the Florida Building Code shall be subject to the following:

- (a) Enlargement of Structures - Non-Conforming structures shall not be enlarged or altered in a manner which increases its non-conformity or in violation of the Florida Building Code.
- (b) Damaged or Destruction of Structure - Non-Conforming structures which are damaged to the extent of more than fifty percent (50%) of their replacement value shall not be repaired, reconstructed or improved unless in compliance with the LDR and Florida Building Code. Structures which are destroyed shall not be rebuilt unless in compliance with the LDR and Florida Building Code.
- (c) Relocation of Structure – Non-Conforming structures shall not be relocated, moved or repositioned unless in compliance with the LDR and Florida Building Code.
- (d) No person or entity shall engage in any form of business or commerce by selling, trade, barter, donation, or in any other manner unless sale, display, preparation, and storage is conducted within a completely enclosed building that meets Florida Building Code or in a non-conforming structure that has continually existed and been occupied since the adoption of ordinance 868 on April 14, 2009 which had this building requirement intent. The limitation

on display will comply with the applicable City of Perry Land Development Regulations for the zoning district a property is located within. Conformity with all other City ordinances and Land Development Regulations are also required.

Sec. 5.6 (11). Compliance period.

(a) Any other provision of this Code notwithstanding, corrective action ordered by the city manager or designee and which is visible from the right of way of U.S. Highway 19 shall be commenced and completed within the following time periods:

- (1) Property having an assessed value of \$100,000.00 or less as determined by the Property Appraiser of Taylor County, Florida, corrective action shall be commenced within 90 days and shall be completed within 90 days from the date of written notice of noncompliance.
- (2) Property having an assessed value of more than \$100,000.00, but less than \$200,000.00 as determined by the Property Appraiser of Taylor County, Florida, corrective action shall be commenced within 60 days and shall be completed within 90 days from the date of written notice of noncompliance.
- (3) Property having an assessed value of \$200,000.00 or more as determined by the Property Appraiser of Taylor County, Florida, corrective action shall be commenced within 30 days and shall be completed within 90 days from the date of written notice of noncompliance.

(b) The city manager or designee may stay enforcement for a further period of time, not to exceed six months from the initial notice, if the property owner demonstrates with tangible evidence that he/she is taking affirmative steps to abate the violations and requires additional time to fully comply.

Sec. 5.6 (12) Penalty for Violation

A violation of the provisions of this section shall be subject to penalties set forth in Section 5.5 of this Chapter.

Section 2. Severability.

If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.


Section 3. This Ordinance may be read by title only pursuant to Section 2.13(b), Ordinance in General, of the Charter of the City of Perry, Florida.

Section 4. Conflict. All Ordinances or portions of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED and ADOPTED in regular session by the City Council of the City of Perry, Florida on this 13 day of August, 2013.

Attest:


Clerk of the Council

CITY COUNCIL
CITY OF PERRY, FLORIDA


DARYL GUNTER, MAYOR

Approved as to form:


ROBERT BROWN, City Manager


MICHAEL C. SMITH, City Attorney

Introduced: April 14, 2015
Advertised: April 17, 2015
First Reading: April 14, 2015
Public Hearing: April 28, 2015
Passage: April 28, 2015
Effective Date: April 28, 2015
Pages: (3) Three

ORDINANCE NO. 946

AN ORDINANCE TO AMEND CHAPTER 5, SECTION 5.6 OF THE CODE OF ORDINANCES. AN ORDINANCE OF THE CITY OF PERRY, FLORIDA, WHICH PROVIDES LEGISLATIVE FINDINGS, A DECLARATION OF NECESSITY, BUILDINGS AFFECTED, STANDARDS FOR EXTERIOR PROPERTY AREAS, PENALTIES, COMPLIANCE PERIOD, PROVIDES FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the City is granted the authority, under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 166.021(1), Florida Statutes, as amended, empowers the City Council of the City of Perry, Florida, hereinafter referred to as the City Council, to exercise governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services and to exercise any powers for municipal purposes, except where expressly prohibited by law; and

WHEREAS, the City Council of the City of Perry, Florida, hereby finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Perry.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS THAT THE CODE OF ORDINANCES OF THE CITY OF PERRY IS AMENDED AS FOLLOWS:

SECTION I:

Chapter 5, Section 5.6 shall be amended to read as follows:

(~~Strikethrough~~ indicates deletion; Underline indicates added text)

Section 5.6(4). Standards for exterior property areas.

(f) *Paved Areas.* Any paved surface greater in area than one hundred (100) square feet that is not currently serving as parking space or other accessory for an active business enterprise at the location shall be aesthetically maintained by taking any of the following action(s):

(i) Erecting and maintaining planter boxes with decorative shrubbery that tends to obstruct the view of the paved surface from motorists traversing Highway 19, with an aggregate height of at least six (6) feet, running parallel to Highway 19 for the length of the paved surface, and being placed no more than five (5) feet from the sidewalk.

(ii) Erecting and maintaining any other method of beautification with the consent of the City Manager.

SECTION II:

Chapter 5, Section 5.6 shall be amended to read as follows:

(~~Strikethrough~~ indicates deletion; Underline indicates added text)

Section 5.6(7). Door and window openings.

(c) All first floor windows visible from the street of occupied commercial buildings must have displays in the windows relating to the commercial business activity or other decorative displays. All first floor windows visible from the street of unoccupied commercial buildings must have decorative displays relating to the history of Perry/Taylor County, and/or the current climatic and/or holiday season, and/or curtains/blinds/sheers or other similar window treatment to eliminate a vacant appearance.

SECTION III:

Chapter 5, Section 5.6 shall be amended to read as follows:

(~~Strikethrough~~ indicates deletion; Underline indicates added text)

Section 5.6(11). Penalty for Violation.

A violation of the provisions of this section shall be subject to penalties set forth in Section 5.5 of this Chapter. In addition to the penalties set for in Section 5.5 of this Chapter, a violation of Section 5.6(4)(f) or 5.6(7) may be, pursuant to order of the Code Enforcement Board or Magistrate as applicable, remedied and brought into compliance by the City of Perry with the City of Perry being able to place a lien against the property for the cost of taking the corrective action.

SECTION IV:

If any section, clause, sentence, or phrase of this Ordinance as amended is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the viability of the remaining portions of this Ordinance.

SECTION V:

Section I of this Amendment shall be effective six months after its adoption by the City Council of the City of Perry. Section II of this Amendment shall be effective thirty (30) days after its adoption by the City Council of the City of Perry. Section III of this Amendment shall be effective thirty (30) days after its adoption by the City Council of the City of Perry. All other Sections of this Amendment shall be effective immediately after its adoption by the City Council of the City of Perry.

BE IT SO ORDAINED by the City Council of the City of Perry, Florida, in a regular meeting assembled on the 28th day of April, 2015.


MIKE DEMING, MAYOR

ATTEST:


CLERK OF THE CITY COUNCIL



Emailed 4/15/15

April 15, 2015

CITY OF PERRY

PURCHASE ORDER #: 53387

(PLEASE INCLUDE P. O. # ON INVOICE)

NEWSPAPER: PERRY NEWS HERALD

ISSUE DATE: APRIL 17, 2015

PLEASE RUN AS LEGAL ADVERTISEMENT

PROOF OF PUBLICATION REQUIRED

.....
NOTICE

Pursuant to Section 2.13(B) of the City Charter of the City of Perry, Florida, notice is hereby given that the City Council had Introduction and First Reading on Ordinance No. 946 on April 14, 2015 in the City Council Chambers, 224 S. Jefferson Street, Perry, Florida. A Public Hearing and Final Reading on Ordinance No. 946 is scheduled for April 28, 2015 in the City Council Regular Meeting Council Room 224 S. Jefferson Street, Perry, Florida at 5:30 p. m. or as soon thereafter as possible. The public hearing may be continued to a future date at the meeting, without further legal notice advertisement in the local newspaper. The public hearing date will be set at a future Council meeting. Any interested persons may appear and be heard on the aforementioned public hearing date. Notice is also given, pursuant to Florida Statutes 286.0105 that any person deciding to appeal any decision of the City Council with respect to any matter considered at the meeting will need a record of that meeting and 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 heard.

ORDINANCE NO. 946

AN ORDINANCE TO AMEND CHAPTER 5, SECTION 5.6 OF THE CODE OF ORDINANCES. AN ORDINANCE OF THE CITY OF PERRY, FLORIDA, WHICH PROVIDES LEGISLATIVE FINDINGS, A DECLARATION OF NECESSITY, BUILDINGS AFFECTED, STANDARDS FOR EXTERIOR PROPERTY AREAS, PENALTIES, COMPLIANCE PERIOD, PROVIDES FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

Robert A. Brown, Jr.
City Manager

Mike Deming
Mayor





thehappiestmomontheblog.blogspot.com



Landscaping timbers are most effective when used in a log cabin pattern.







BOARD WORKSHOP

Agenda

2. THE BOARD TO RECEIVE AN UPDATE ON COURTHOUSE SECURITY PLANNING AND IMPLEMENTATION.



BOARD WORKSHOP





BOARD WORKSHOP

Agenda

3. THE BOARD TO RECEIVE AN UPDATE REGARDING THE DOCTORS' MEMORIAL HOSPITAL BOND ISSUE.



BOARD WORKSHOP

Agenda

4. THE BOARD TO DISCUSS FISCAL YEAR 2016 BUDGET PLANNING.



BOARD WORKSHOP

Agenda

5. THE BOARD TO DISCUSS THE ANIMAL TRAP LENDING POLICY.



Taylor County

Board of County Commissioners'

Policy Manual

5.07

Policy #: Title: Effective Date:

2009-09

Animal Trap Loans

PURPOSE

To provide guidelines for citizens needing to trap stray or feral animals.

REFERENCE

None

POLICY

All citizens requesting live traps for animals will be directed to pick up a trap and sign the appropriate paperwork (see attached) at the Animal Control Facility. Any citizen with extenuating circumstances will be handled on a case by case basis. Ex. Any citizen without transportation to and from the Animal Shelter will be advised that an Officer will bring a trap to the appropriate location as soon as possible depending on the day to day case load. Potentially aggressive animals will be handled in a timely manner. All others will be handled as soon as case load permits.

Any person requesting a live trap from Taylor County Animal Control must adhere to the trap agreement guidelines as stated in the attached form. All monies received for late fees or damage fees will be deposited in the appropriate account.

RESPONSIBLE DEPARTMENT

Environmental Services Department – Animal Control

DATE ISSUED/SUNSET DATE

Revision Date:

Taylor County Animal Control

302 W. Maurice Linton Rd

Perry, FL 32347

(850)838-3525

Trap Rental Agreement

I request a humane live animal trap belonging to ANIMAL CONTROL DEPARTMENT, TAYLOR COUNTY, be placed on my property, and I agree to the following conditions:

- ☐ I will safeguard the trap and any animal trapped therein to the best of my ability.
- ☐ I will provide food and water as necessary - when it can safely be done.
- ☐ I will not permit use of this trap by anyone else.
- ☐ I will not set this trap during adverse weather conditions, on **weekends** or **holidays**. The only exception is in order to capture an injured or diseased animal.
- ☐ I will notify Animal Control promptly when an animal is trapped therein and bring such animal to the shelter if possible.
- ☐ Animals caught in the trap between 3:30 pm and 7:30 am will be picked up by Animal Control or brought to the shelter the following morning.
- ☐ I understand that the trap must be returned to the Animal Control Facility on Friday before noon. If trap is late I agree to pay the late fee of \$10.00 per day.
- ☐ I agree that I am responsible for the trap and will return in the same condition that it was checked out in. If trap is lost/stolen/damaged I agree to pay the replacement cost of:
DOG TRAP: \$225.00
CAT TRAP: \$75.00
SQUIRREL TRAP: \$50.00
- ☐ Animals other than those belonging to requester caught in trap become the property of TCAC.
- ☐ I will NOT release any animal other than my own caught in trap. I will NOT handle any wildlife caught in trap and will notify Animal Control immediately.

Animal Control, unless otherwise arranged, will not monitor this trap. Requester will monitor it. It can be pulled at anytime after it has been set for 24 hours.

Name & Address (location of trap)

Phone

Type of Trap and ID #: CAT _____ DOG _____ OTHER (explain) _____

Requester's Signature

Animal Control Officer

Date Out: _____

Date To Return: _____

Trap Returned: _____

Animal Control Division, Taylor County reserves the right to refuse to set traps according to location or circumstances. No trap will be set without a requester's signature.



BOARD WORKSHOP

Agenda

6. THE BOARD TO DISCUSS CODE ENFORCEMENT ISSUES AT THE BOAT RAMPS.



BOARD WORKSHOP

Agenda

Revenue Account	Name	FY15 Collections	FY 14 Collections	FY 13 Collections	FY 12 Collections	FY 11 Collections	FY 10 Collections	FY Average
3479010	Keaton Beach Boat Ramp Fees On-site	\$1,908.05	\$7,175.11	\$6,125.73	\$7,004.28	\$7,894.59	\$5,968.63	\$6,833.67
3479013	Aucilla Boat Ramp Fees	\$144.45	\$465.41	-\$6.17	\$222.42	\$931.41	\$533.08	\$429.23
3479014	Steinhatchee Boat Ramp Fees	\$1,327.67	\$6,801.19	\$7,859.00	\$10,534.96	\$4,714.21	N/A	\$7,477.34
3479015	Dark Island Boat Ramp Fees	\$76.76	\$274.77	\$313.54	\$310.18	N/A	N/A	\$299.50
	Total Boat Ramp Cash Collections	\$3,456.93	\$14,716.48	\$14,292.10	\$18,071.84	\$13,540.21	\$6,501.71	\$13,424.47
3479011	Boat Ramp Fees (License Decals)	\$10,524.30	\$30,230.83	\$23,395.32	\$18,141.11	\$12,689.72	\$6,275.73	\$18,146.54
	Total Year End Revenues	\$13,981.23	\$44,947.31	\$37,687.42	\$36,212.95	\$26,229.93	\$12,777.44	\$31,571.01
	Percentage of Revenues from Cashbox	24.73%	32.74%	37.92%	49.90%	51.62%	50.88%	42.52%

ARTICLE III. - BOAT RAMPS

FOOTNOTE(S):

--- (4) ---

Editor's note—Ord. No. 2011-11, adopted July 19, 2011, repealed Art. III and enacted a new article as set out herein. The former Art. III, §§ 78-71—78-74, pertained to similar subject matter and derived from Ord. No. 2007-03, §§ 1—4, adopted May 22, 2007.

Sec. 78-71. - Use.

It is unlawful for any person to be in or on the premises of, or use any county boat ramp, dock, parking area or related facility that is under the ownership, care, custody or jurisdiction of the county contrary to the intended use of such facility or during the hours such areas are closed to the public as may be determined by the board.

(Ord. No. 2011-11, § 3, 7-19-2011)

Sec. 78-72. - Operations of public boat ramps.

- (a) The board of county commissioners shall determine the most appropriate manner to effectively and efficiently manage any public boat ramp under the ownership, care, custody, or jurisdiction of the county. This may include but not be limited to the use of county staff, county volunteers, not-for-profits, or by lease to a vendor, or any other legal means.
- (b) Any use of public boat ramps in conjunction with fishing tournaments must be scheduled through and approved by the county administrator or his or her designee.

(Ord. No. 2011-11, § 3, 7-19-2011)

Sec. 78-73. - Fee.

- (a) There shall be a fee established by resolution for the launching of each boat at the boat ramps under the jurisdiction of the board of county commissioners and the proceeds of such permit fees shall be used for the operation and maintenance of the boat ramp for which the fee was collected.
- (b) There shall be an annual permit fee established by resolution for the launching of boats on an annual basis. Any person may purchase an annual permit to use boat ramps in the county under the jurisdiction of the county commissioners and the proceeds of such permit fees shall be used for the operation and maintenance of the boat ramps in the county. Annual permit fees will be prorated to the various boat ramps based upon the percentage of collections.
- (c) The launch fee for each boat or the annual permit fee may be changed by resolution of the board of county commissioners at any time.

(Ord. No. 2011-11, § 3, 7-19-2011)

Sec. 78-74. - Prohibitions.

It shall be unlawful and prohibited to:

(1)

Exceed 30 minutes of docking time for the loading or unloading of passengers or materials within the area of, or for the mooring of watercraft for more than 30 minutes at any public boat ramp under the ownership, care, custody, or jurisdiction of the county.

- (2) Not pay the established launch fee or to have a valid annual launch permit displayed.
- (3) Solicit or advertise for commercial activities at public boat ramps, docks, or adjacent parking areas and/or facilities.
- (4) Designate the address of a public boat ramp, dock, adjacent parking area and/or facilities as the physical address of a commercial business or the meeting place of a commercial activity.
- (5) Collect or attempt to collect any compensation at a public boat ramp, dock, or adjacent parking areas, and/or facilities for any commercial activity or purpose unless authorized by the board of county commissioners.

(Ord. No. 2011-11, § 3, 7-19-2011)

Sec. 78-75. - Enforcement and penalties for violations of this article.

- (a) Any person who violates this article shall be guilty of a civil infraction and subject to a civil infraction fine of \$75.00 for the first offense, \$150.00 and for the second offense and \$300.00 for the third offense. The fine is established the board of county commissioners.
- (b) No person shall oppose, obstruct or resist any enforcement officer designated by the county administrator whether code enforcement officer, county staff, county volunteer, or law enforcement officer in the discharge of his or her duties in regard to any public boat ramps, adjacent docks, parking areas and/or facilities.
- (c) The remedies and penalties provided in this section are not exclusive, and the county may seek whatever other remedies are authorized by statute, at law, or in equity against any person who violates the provisions of this article.

(Ord. No. 2011-11, § 3, 7-19-2011)

ARTICLE V. - BOARDS, COMMISSIONS AND AUTHORITIES

FOOTNOTE(S):

--- (5) ---

Cross reference— Construction industry licensing board, § 18-99; fire advisory board, § 34-1; fire department authorities, § 34-31 et seq.; technical review board, § 42-48; land development code board of adjustments and appeals, § 42-49; planning board, § 42-81 et seq.; building and fire safety code administrative board, § 42-323; Perry/Taylor County airport zoning board of adjustment, § 42-930; affordable housing advisory committee, § 58-37; special acts boards, commissions and authorities, app. B, § 301 et seq.; special acts development authority, app. B, § 316 et seq.; special acts pertaining to Taylor County Port Authority, app. B, § 341 et seq.

DIVISION 1. - GENERALLY

Sec. 2-126. - Civil infractions.

(a) *Definitions.* For purposes of this section, the following definitions shall apply:

Code enforcement officer means any employee or agent of the county who is designated by the county administrator to enforce codes and ordinances enacted by the county. Provided, however, nothing herein shall be construed to authorize any person designated as a code enforcement officer to perform any function or duties of a law enforcement officer other than as specified. A code enforcement officer shall not make physical arrests or take any person into custody.

County shall mean the unincorporated areas of Taylor County, or any municipalities within Taylor County that have entered interlocal agreements with the board of county commissioners for the provision of code enforcement services.

(b) *Authority to issue citations.* Any code enforcement officer is hereby empowered to issue citations to any person when, based upon personal investigation (including license plate information), the officer has reasonable cause to believe that the person has committed a violation of a duly enacted Taylor County code or ordinance.

(c) *Ordinances enforced and penalties assessed.* All Taylor County codes and/or ordinances may be enforced by this section by citation to the appropriate county court of the county, except where prohibited by law or statute. Violations of codes and ordinances shall carry a fine as provided from time to time by resolution of the board. However, in no event shall a fine exceed \$500.00 per violation.

(d) *Violations procedure.*

- (1) A code enforcement officer or law enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted Taylor County code or ordinance. In the case of boat ramp violations the code enforcement officer is to issue a citation without a warning. However, in the case of animal control issues or junk and debris, prior to issuing a citation, a code enforcement officer may provide notice to the person that the person has committed a violation of code or ordinance and shall establish a reasonable time period

within which the person must correct the violation. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the time period, a code enforcement officer may issue a citation to the person who has committed the violation. A code enforcement officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if the code enforcement has reason to believe that the violation presents a serious threat to the public health, safety or welfare, or if the violation is irreparable or irreversible.

- (2) A code enforcement officer shall issue a notice of violation in a form prescribed by the county and it shall contain:
 - a. The date and time of issuance.
 - b. The name and address of the person to whom the citation is issued.
 - c. The date and time the civil infraction was committed.
 - d. The facts constituting reasonable cause.
 - e. The number or section of the code or ordinance violated.
 - f. The name and authority of the code enforcement officer.
 - g. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
 - h. The applicable civil penalty if the person elects to contest the citation.
 - i. The applicable civil penalty if the person elects not to contest the citation.
 - j. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citations, he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (3) After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original citation and one copy of the citation with the county court.
- (4) Upon a finding of a violation at a contested hearing in county court, the county judge shall have the authority to impose a civil fine not to exceed \$500.00.
- (5) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or F.S. § 775.083.
- (6) In regard to boat ramp or other parking violations the code enforcement officer will leave the citation under the windshield wiper blade on the driver side of the vehicle.

(Ord. No. 2005-8, 2-16-2005; Ord. No. 2010-12, § 1, 11-16-2010)

Secs. 2-127—2-145. - Reserved.

DIVISION 2. - CODE ENFORCEMENT BOARD

FOOTNOTE(S):

--- (6) ---

Cross reference— Land development code, ch. 42.

Sec. 2-146. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Code inspector means any designated employee or agent of the county whose duty it is to enforce codes and ordinances enacted by the county. Provided, however, nothing herein shall be construed to authorize any person designated as a code enforcement officer to perform any function or duties of a law enforcement officer other than as specified. A code enforcement officer shall not make physical arrests or take any person into custody.

Cost of repair shall include but not be limited to: court costs, attorney's fees, administrative fines, travel expenses, clean-up expenses, storage expenses, tipping fees that would have normally been paid if the violator had property disposed of or cause to be disposed any junk, debris, unserviceable vehicles, litter or abandoned property.

Enforcement board means the code enforcement board.

Repeat violation means a violation of a provision of a code or ordinance by a person who has been previously found through a code enforcement board or any other quasi-judicial or judicial proves to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations which occur at different locations.

(LDC §§ 11.04.02, 12.14.01(B); Ord. No. 2005-8, 8-16-2005)

Cross reference— Definitions generally, § 1-2.

State Law reference— Similar provisions, F.S. § 162.04.

Sec. 2-147. - Created.

There is created a code enforcement board.

(LDC § 11.04.01; Ord. No. 2005-8, 8-16-05)

Sec. 2-148. - Membership; terms of office; chairman; quorum; compensation; counsel.

- (a) The code enforcement board shall consist of seven members.
- (b) Members of the code enforcement board shall be residents of the county. Appointments shall be made by the board of county commissioners in their sole discretion on the basis of experience or interest in the code enforcement. The code enforcement board membership shall, whenever possible, include an architect, a businessperson, an engineer, a general contractor, a subcontractor and a realtor.
- (c) Members of the code enforcement board shall be appointed for terms of three years with eligibility for reappointment.
- (d) An appointment to fill any vacancy on the code enforcement board shall be for the remainder of the unexpired term of office. If any member fails to attend two of three successive meetings without cause and without prior approval of the chairman, the code enforcement board shall declare the member's office vacant, and the board of county commissioners shall promptly fill such vacancy.
- (e) The members of the code enforcement board may be suspended and removed for cause as provided in such ordinances for removal of members of boards.
- (f)

The members of the code enforcement board shall elect a chairman, who shall be a voting member, from among the members of the code enforcement board. The presence of four or more members shall constitute a quorum of any seven-member code enforcement board, and the presence of three or more members shall constitute a quorum of any five-member code enforcement board. Members shall serve without compensation but may be reimbursed for such travel, mileage and per diem expenses as may be authorized by the board of county commissioners or as are otherwise provided by law.

- (g) The county attorney shall either be counsel to the code enforcement board or shall represent the county by presenting cases before the code enforcement board, but in no case shall the county attorney serve in both capacities.

(LDC §§ 11.04.03, 11.04.04(A), (B), 11.04.07; Ord. No. 2005-8, 8-16-05)

State Law reference— Similar provisions, F.S. § 162.05.

Sec. 2-149. - Jurisdiction.

The code enforcement board shall be vested with the authority to enforce all ordinances of the county. The jurisdiction of the code enforcement board shall not be exclusive. Any alleged violation of any codes and ordinances may be pursued by appropriate remedy in court at the option of the board of county commissioners.

(LDC § 11.04.05; Ord. No. 2005-8, 8-16-05)

Sec. 2-150. - Enforcement procedure.

- (a) It shall be the duty of the code inspector to issue citation and initiate enforcement proceedings or ordinances; however, no member of the code enforcement board shall have the power to initiate such enforcement proceedings.
- (b) Except as provided in subsections (c) and (d) of this section, if a violation of any code is found, the code inspector shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector may issue a citation and may notify the code enforcement board and request a hearing. When requested by the code inspector, the code enforcement board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed to the violator as provided in section 2-156. At the option of the code enforcement board, notice may additionally be served by publication or posting as provided in section 2-156. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the code enforcement board even if the violation has been corrected prior to the code enforcement board hearing, and the notice shall so state.
- (c) If a repeat violation is found, the code inspector shall notify the violator, but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, may issue a citation and may notify the code enforcement board and request a hearing. When requested by the code inspector, the code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to section 2-156. The case may be presented to the code enforcement board even if the repeat violation has been corrected prior to the code enforcement board hearing, and the notice shall so state. If the repeat violation has been corrected, the code enforcement board retains the right to schedule a hearing to determine costs and

impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his rights to this hearing and pay such costs as determined by the code enforcement board.

- (d) If the code inspector has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may issue a citation and may immediately notify the code enforcement board and request a hearing.
- (e) If the owner of property which is subject to an enforcement proceeding before the code enforcement board or a court transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner shall:
 - (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
 - (2) Deliver to the prospective transferee a copy of the pleadings, notices and other materials relating to the code enforcement proceeding received by the transferor.
 - (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
 - (4) File a notice with the code enforcement official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days after the date of the transfer.
- (f) A failure to make the disclosures set forth in subsections (e)(1)-(4) of this section before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

(LDC § 12.14.02; Ord. No. 2005-8, 8-16-05)

State Law reference— Similar provisions, F.S. § 162.06.

Sec. 2-151. - Conduct of hearing.

- (a) Upon request of the code inspector, or at such other times as may be necessary, the chairman of the code enforcement board may call a hearing of the code enforcement board; a hearing also may be called by written notice signed by at least three members of the code enforcement board. Minutes shall be kept of all hearings by the code enforcement board, and all hearings and proceedings shall be open to the public. The board of county commissioners shall provide clerical and administrative personnel as may be reasonably required by the code enforcement board for the proper performance of its duties.
- (b) Each case before the code enforcement board shall be presented by the county attorney or by a code enforcement officer. If the board of county commissioners prevails in prosecuting a case before the code enforcement board, it shall be entitled to recover all costs incurred in prosecuting the case before the code enforcement board and such costs may be included in the lien authorized under section 2-153(c).
- (c) The code enforcement board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The code enforcement board shall take testimony from the code inspector and the alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- (d)

At the conclusion of the hearing, the code enforcement board shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted in section 2-152. The finding shall be by motion approved by a majority of those members present and voting, except that at least four members must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed and, under the conditions specified in section 2-153(a), the cost of repairs may be included along with the fine if the order is not complied with by such date. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest or assigns if the violations concerns real property, and the findings shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the code enforcement board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such and order acknowledging compliance.

(LDC §§ 11.04.04(C), (D), (E), 12.14.03; Ord. No. 2005-8, 8-16-05)

State Law reference— Similar provisions, F.S. § 162.07.

Sec. 2-152. - Powers.

(a) The code enforcement board shall have the power to:

- (1) Adopt rules for the conduct of its hearings.
- (2) Subpoena alleged violators and witnesses to its hearings and such subpoenas may be served by the county sheriff.
- (3) Subpoena evidence to its hearings.
- (4) Take testimony under oath.
- (5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

(LDC §§ 11.04.06, 12.14.04; Ord. No. 2005-8, 8-16-05)

State Law reference— Similar provisions, F.S. § 162.08.

Sec. 2-153. - Administrative fines; costs of repair; liens.

(a) The code enforcement board, upon notification by the code inspector that an order of the code enforcement has not been complied with by the set time, or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the code enforcement board for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector, in addition, the code enforcement board may notify the board of county commissioners which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the find imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the board of county commissioners to make further repairs or to maintain the property and does not create any liability against the board of county commissioners for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this section, a hearing shall not be

necessary for issuance of the order imposing the fine. If, after due notice and hearing, the code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection (b) of this section.

- (b) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for repeat violation, and in addition, may include all costs of repairs pursuant to subsection (a) of this section; however, if the code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation. Determining the amount of the fine, if any, the code enforcement board shall consider the gravity of the violation, and actions taken by the violator to correct the violation and any previous violations committed by the violator. The code enforcement board may reduce a fine imposed pursuant to this section.
- (c) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever comes first. A lien arising from a fine imposed pursuant to this section runs in favor of the board of county commissioners, and the board of county commissioners may execute a satisfaction or release of lien entered pursuant to this section. After three months from the filing of any such lien which remains unpaid, the code enforcement board may authorize the board of county commissioners' attorney to foreclose on the lien. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under article X, section 4 of the states constitution.

(LDC § 12.14.05; Ord. No. 2005-8, 8-16-05)

State Law reference— Similar provisions, F.S. § 162.09.

Sec. 2-154. - Duration of lien.

No lien provided under this division shall continue for a period longer than 20 years after the certified copy of and order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien under this division, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the foreclosure. The board of county commissioners shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

(LDC § 12.14.06; Ord. No. 2005-8, 8-16-05)

State Law reference— Similar provisions, F.S. § 162.10.

Sec. 2-155. - Appeals.

An aggrieved party, including the board of county commissioners, may appeal a final administrative order of the code enforcement board in the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the code enforcement board. An

appeal shall be filed within 30 days of the execution of the order to be appealed.

(LDC § 12.14.07; Ord. No. 2005-8, 8-16-05)

State Law reference— Similar provisions, F.S. § 162.11.

Sec. 2-156. - Notices.

(a) All notices required by this division shall be provided to the alleged violator by:

- (1) Certified mail, return receipt requested, provided if such notice is sent under this subsection to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the local government by such owner, and is returned as unclaimed or refused, notice may be provided by posting as described in subsection (b) of this section and by first class mail directed to the addresses furnished to the local government with a properly executed proof of mailing or affidavit confirming the first class mailing;
- (2) Hand-delivery by the sheriff or other law enforcement officer, code inspector or other person designated by the board of county commissioners;
- (3) Leaving the notice at the violator's usual place of residence with any person residing therein who is over 15 years of age and informing such person of the contents of the notice; or
- (4) In the case of a commercial premises, leaving the notice with the manager or other person in charge.

(b) In addition to providing notice as set forth in subsection (a) of this section, at the option of the code enforcement board, notice may also be served by publication or posting, as follows:

- (1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements. Proof of publication shall be made as provided in F.S. §§ 50.041, 50.051.
- (2) In lieu of publication as described in subsection (b)(1) of this section, such notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the front door of the county courthouse. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting. Notice by publication or posting may run concurrently with, or may follow, an attempt to provide notice by hand-delivery or by mail as required under subsection (a) of this section.

(c) Evidence that an attempt has been made to hand-deliver or mail such notice as provided in subsection (a) of this section, together with proof of publication or posting as provided in subsection (b) of this section, shall be sufficient to show that the notice requirements of this division have been met, without regard to whether or not the alleged violator actually received such notice.

(LDC § 12.14.08; Ord. No. 2005-8, 8-16-05)

State Law reference— Similar provisions, F.S. § 162.12.

Sec. 2-157. - Division supplemental.

It is the legislative intent of this division to provide an additional or supplemental means of obtaining compliance with local codes. Nothing contained in this division shall prohibit the board of county commissioners from enforcing ordinances by any other means.

State Law reference— Similar provisions, F.S. § 162.13.

Sec. 2-158. - Special magistrate.

References in this division to a code enforcement board, except in section 2-148, shall include a special magistrate. A special magistrate shall have the same status as a code enforcement board. The board of county commissioners may appoint a special magistrate to hear code enforcement violations, the county commission shall set the compensation for the special magistrate. The special magistrate shall be an attorney at law and a member of the Florida Bar.

(Ord. No. 2005-8, 8-16-05)

Secs. 2-159—2-181. - Reserved.



BOARD WORKSHOP

Agenda

7. THE BOARD TO RECEIVE AN UPDATE
ON ACTIVE COUNTY PROJECTS.



BOARD WORKSHOP

Agenda

INFORMATIONAL ITEMS:

MEETING ADJOURNED