

## ORDINANCE 2016-08

(Amendments to Chapter 12, Health, Sanitation, Nuisances, and Minimum Property Maintenance Standards)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHAPTER 12, HEALTH, SANITATION, NUISANCES, AND MINIMUM PROPERTY MAINTENANCE STANDARDS; AMENDING ARTICLE I. IN GENERAL SECTION 12-1 THROUGH 12-7, ARTICLE II NUISANCES DIVISION 1 GENERALLY, DIVISION 2 DEBRIS, WEEDS, WILD GROWTH, DANGEROUS AND UNSANITARY CONDITIONS SECTION 12-36 THOURGH 12-41, DIVISION 4. MOTOR VEHICHLES OR VESSELS SECTION 12-71 and 72, AND DIVISION 5 LITTER, ARTICLE IV MINIMUM PROPERTY MAINTENANCE STANDARDS SECTION 12-226 INTENT, SECTION 12-227.7 REQUIREMENTS NOT COVERED BY CODE, SECTION 12-231 EMERGENCY MEASURES, SECTION 12-232 DEFINITIONS, SECTION 12-233 EXTERIOR PROPERTY AREAS, SECTION 12-235.2 PREMISES IDENTIFICATION, SECTION 12-237 RUBBISH AND GARBAGE; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida:

**SECTION 1: Article I. In General** is amended as follows:

**§ 12-1. Legislative intent.** \*MOVED FROM ARTICLE III - DIVISION 1 - GENERALLY

In accordance with authority granted by F.S. Ch. 162 and 166 it is the intent of the city commission to promote, protect, and improve the health, safety and welfare of the citizens of Lake Wales; to provide an equitable, expeditious, effective and inexpensive method enforcing any city code or ordinance where a violation exists; and to provide authority for the immediate issuance of a citation if a repeat violation is found, if a violation presents a serious threat to the public health, safety or welfare, or if a violation is irreparable or irreversible.

**§ 12-2. Definitions and rules of construction.** \*MOVED FROM ARTICLE III - DIVISION 1 - GENERALLY

(a) The following words, terms or phrases, when used in this article, shall have the meanings ascribed to them in this section:

**Code enforcement board.** The board appointed by the city commission in accordance with authority granted by F.S. § 162.03, and established to impose administrative fines severally.

**Code enforcement officer.** Any designated or authorized employee or agent of the city whose duty it is to enforce or assure compliance with city codes and ordinances.

**Continuing violation.** A violation which continues to occur after notice to correct the violation has been issued to the violator. Each day a violation continues shall

constitute a separate infraction, and a penalty may be assessed for each day of continuing violation.

**Person.** Any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever, or any combination of such, jointly or severally.

**Repeat violation.** A violation of a provision of a code or ordinance by a person whom the code enforcement board has previously found to have violated the same provision within five (5) years prior to the violation.

**Violation.** Any act or failure to act which results in an infraction of a duly enacted city code or ordinance.

(b) For the purpose of administration and enforcement of city codes, unless otherwise stated in this article, the following rules of construction shall apply:

The word "shall" is always mandatory and not discretionary;

The word "may" is permissive.

Unless the context clearly indicates the contrary, where regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or " or "either" the conjunction shall be interpreted as follows:

(1) "And" indicates that all the connected terms, conditions, provisions, or events shall apply.

(2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

(3) "Either" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

**§ 12-3. Applicability.** \*MOVED FROM ARTICLE III - DIVISION 1 - GENERALLY

The provisions of this article shall apply in the incorporated area of Lake Wales to the enforcement of city codes as they may be amended from time to time.

**§ 12-4. Severability** MOVED FROM ARTICLE II NUISANCES - DIVISION 4. MINIMUM PROPERTY MAINTENANCE

STANDARDS 12-228

If any section, subsection, paragraph, sentence, clause or phrase of this Division Chapter is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of these regulations shall continue in full force and effect, it being the intent of the city commission to have adopted these regulations without such unconstitutional or invalid section, subsection, paragraph, sentence, clause or phrase.

**§12-5. Authority and Liability of City Officials**

a) It is unlawful for any person to obstruct or resist the City Manager, his designee, or any person authorized by the City Manager in the discharge of his duties, as provided for in this chapter is guilty of a misdemeanor and upon conviction thereof shall be

punishable by a fine not to exceed five hundred dollars(\$500.00) , imprisonment in jail not to exceed sixty (60) days or both.

b) The City Manager, his designee, or the City shall not be liable for any damages caused during the removal or impounding of any vehicle(s) or vessel(s) impounded or disposed of in accordance with the provisions of this chapter.

c) In addition to enforcement procedures provided under this chapter, any person violating any prohibitions against an unlicensed, abandoned, wrecked, dismantled, derelict or inoperative vehicle(s), vessel(s), or any other property may be subject to code enforcement procedures and penalties in accordance with this chapter

#### **§12 - 6 Notice to Abate a Nuisance**

a) It shall be the duty of any person receiving the notice of a public nuisance(s) as provided in this Chapter to comply with the provisions of the notice and to abate such nuisances(s) within ten(10) days after the receipt of such notice, and if such person shall fail or refuse to abate such nuisances(s) within ten (10) days from receipt of such notice within just cause, such failure is declared to be unlawful and shall constitute a misdemeanor. Each day such nuisances(s) persists shall constitute a separate violation.

b) It is unlawful and shall constitute a misdemeanor for any person, after having received notice as provided in this chapter, to remove any nuisances(s) from any property to any other property upon which storage is not permitted.

c) If the nuisance is not abated within the time provided, and after notice has been given in accordance with F.S. 162, the city may abate the nuisance, and the cost of abatement may be charged to the owner of the nuisance or assessed against the land upon which the nuisance exists or both.

#### **§12- 7 Repeat violator status**

When a property owner violates any article within the City Code three (3) times within a five (5) year period and is notified in accordance with the procedures herein, the owner shall be considered for an automatic code enforcement board hearing to be shown as repeatedly contributing to a nuisance, and any further violations of the same ordinance shall subject the owner to a repeat offender status and a fine not to exceed five hundred dollars (\$500.00) for each day the violation continues, in addition to any and all costs as foredescribed

### **SECTION 2: Article II. Nuisances is amended as follows:**

#### **Division 1. Generally (F.S. 823.01)**

All nuisances that tend to annoy the community, injure the health of the citizens in general, or corrupt the public morals are misdemeanors of the second degree, and punishable as provided in F.S. 775.083, except that a violation of F.S. 823.10 (Places where controlled substances are illegally kept, sold, or used declared a public nuisance) is a felony of the third degree.

#### **Division 2. Reserved ~~Debris, Weeds, Wild Growth, Dangerous and Unsanitary Conditions~~**

**§ 12-36 Property clearing and cleaning.**

All premises and exterior property, other than agricultural, including the streets, alleys, and sidewalks bordering thereon, shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height, dead and or downed trees, stumps must be ground to or below grade, low hanging branches must be trimmed to a height of at least six (6) feet above grade. The removal of any tree, four (4) inches or greater in diameter at breast height (DBH), cannot be removed without a permit.

**EXCEPTION:** Parcels over 10 acres need only mow and clean the first twenty five (25) feet.

**§ 12-37 Junk & Trash.**

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. It shall be the duty of each property owner or household in this city to remove all debris, weeds, or other noxious growth from his or her property, including the streets, alleys, and sidewalks bordering thereon, and keep same in good, clean, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

No owner or occupant shall permit old or broken lumber, rusted or unused equipment, discarded refrigerators, discarded stoves, old pipe, scrap metal, or other used, discarded and worn, unsightly articles or materials to remain in any yard or open area owned, occupied or in the possession of such person for a period of more than ten (10) days.

Further, unless authorized by the zoning category of the property, no owner or occupant of a building, structure or premises may utilize such property for the open storage of abandoned, untagged, or inoperative motor vehicles, iceboxes, refrigerators, stoves, glass, building material, rubbish or similar items

**§ 12-38 Dead trees, limbs, branches and accumulated landscaping materials.**

It shall be the responsibility of the owner and or occupant to remove and properly dispose of dead and/or downed trees, limbs, branches, bagged or piled grass clippings, bagged or piled leaves and other piles or accumulations of material resulting from landscaping or maintenance of a parcel of land or lots. Stumps resulting from the removal of dead trees will be ground to or below grade level as to prevent a hazardous condition.

**§ 12-39 Tree Declared Nuisance/ Dangerous.**

a) Any tree extending over a public street, alley or highway shall be trimmed by the property owner, or his authorized agent, on which the tree trunk is located, so as to provide a clear height above the street, alley or highway of not less than fourteen (14) feet.

b) Any tree extending over a public sidewalk shall be trimmed by the property owner, or his authorized agent, so as to provide a clear height above the sidewalk of not less than eight (8) feet.

c) The property owner of any tree which extends over a public street, alley, highway or sidewalk shall remove any and all dead branches from the tree which, if dislodged, are likely to fall upon the public street, alley, highway or sidewalk.

d) In the event that the property owner fails to meet the requirements of this section, then the City may issue a written notice of violation to the property owner giving fifteen (15) days to correct the violation. If the violation is not corrected within the given period of time then the City has the option of correcting the violation at the property owner's expense.

**§ 12-40 Dangerous Conditions - General.**

It is unlawful for any person to maintain or permit the existence of any condition that is a danger to life, health, or property within the City. Dangerous conditions include, but are not limited to, any unsecured structure, structures in violation of the Florida Building Code, The International Property Maintenance Code, The Uniform Code for the Abatement of Dangerous Buildings, trees in danger of falling, all or in part, unprotected excavations, improper storage of hazardous or toxic materials, any abandoned or stored refrigeration unit, appliance, derelict vehicle, derelict vessel, or other condition that could trap a person, in such a place as to be easily accessible to persons without first having made adequate provisions to prevent entry into such without having removed all latches, catches, locking devices or the door thereof, so that escape from the interior may be had, or otherwise ensure lack of access.

**§ 12-41 Graffiti.**

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

**§ 12-42 - 55 RESERVED**

**Division 4. Reserved Motor Vehicles or Vessels** MOVED FROM ARTICLE III - DIVISION 4 -

MINIMUM PROPERTY MAINTENANCE STANDARDS

**§ 12-71 Motor Vehicle(s), or Vessel(s).**

Except as provided for in other regulations, The presence of an unlicensed, abandoned, wrecked, dismantled, derelict or inoperative vehicle(s) or vessel(s), on any private or public property, is declared to constitute a public nuisance that shall be abated as such in accordance with the provisions of **section 12-72**. The tearing down, stripping or junking of such vehicle(s) or vessel(s) shall be permitted only where and when such use is specifically authorized, permitted, or licensed under other ordinances of the city and in strict accordance therewith; or which use is conducted entirely within the confines of an accessory building, carport, or garage, then only provided that such vehicle(s) or vessel(s) is the property of the owner or occupier of the lot and that such use is not a commercial use of the property, unless such use is authorized by other ordinances of the city.

Derelict Vehicle(s) or Vessel(s).

A vehicle or vessel, or parts thereof, shall be deemed to be "derelict" if the vehicle(s) or vessel(s) is:

- 1) Inoperable to the extent that it is unable to perform its original intended function or;
- 2) Partially or wholly dismantled or;

- 3) In a condition that prevents legal operation or;
- 4) Junked or intended to be recycled, scrapped, or;
- 5) Unlicensed

This section defining derelict and abandon vehicle(s) or vessel(s) shall not apply to the following:

- 1) A vehicle(s) or vessel(s) that is enclosed in a secure building;
- 2) A vehicle(s) or vessel(s) on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of the business enterprise as determined by the Lake Wales Code of Ordinances;
- 3) A vehicle(s) or vessel(s) in an appropriate storage or depository facility maintained in a lawful place and manner by a governmental agency;
- 4) An antique motor vehicle as defined in F.S. 320.086 which is licensed as provided by law.
- 5) A vehicle(s) or vessel(s) which is covered by an intact custom vehicle or vessel cover made for the specific type and size of vehicle or vessel which it covers.
  - a) In no instance shall a person have more than one (1) custom covered vehicle or vessel on his or her residential property or two (2) custom covered vehicles, vessels, or combination thereof on his or her non residential property
  - b) No custom covered vehicle(s) or vessel(s) may be stored on public property or right-of-way.
- 6) A race car that is currently actively engaged in racing and equipped for racing with roll cage, windows removed, drivers name, sponsors and number displayed. Demolition race cars shall be considered derelict vehicles two weeks after the demolition race.
- 7) An automobile repair shop may only have derelict vehicles on the premises for
  - a) the time necessary under agreement for repair with business customers;
  - b) automobile dealers may not have derelict vehicles on the premises for resale.

**§ 12-72 Disposition & Impoundment of vehicle(s) or vessel(s):**

a) PRIVATE PROPERTY: No person in charge of any private property within the city shall allow any unlicensed, abandoned, wrecked, dismantled, derelict, inoperative vehicle(s), or vessel(s) to remain on any private property for a period longer than ten(10) days. This shall not apply to any vehicle(s) or vessel(s) in an enclosed building, a carport, or any vehicle allowed under § 12-71 Motor Vehicle(s), or Vessel(s).

b) PUBLIC PROPERTY: No person shall allow any unlicensed, abandoned, wrecked dismantled, derelict, inoperative vehicle(s), or vessel(s) to remain on any public property for a period longer than five (5)days. This shall not apply to any vehicle in an enclosed building, a carport, or on a commercial property operated in a lawful manner for vehicle repair or restoration.

c) If the vehicle(s) or vessel(s) is not removed in accordance with notice set forth in this chapter, the City Manager or his designee may cause the vehicle(s) or vessel(s) to be removed. If the vehicle(s) or vessel(s) is three(3) years and older then it shall be retained

for a period of forty five (45) days, If the vehicle(s) or vessel(s) is three(3) years and newer then it shall be retained for a period of sixty (60) days. The vehicle(s) or vessel(s) owner may have vehicle released upon proof of ownership by title, registration or bill of sale and paying all towing and storage fees to the private contractor. If the vehicle or vessel is unclaimed after 45 (#) days the private contractor may dispose of the vehicle or vessel in any manner permitted by law.

**Section 12-73 through 12-150 Reserved**

**Division 5. Litter, Garbage and Refuse** is amended as follows:

**§ 12-151. Polk County Litter Law adopted by reference.**

The City of Lake Wales hereby adopts by reference Polk County Ordinance 99-24, known as the "Polk County Litter Law" (Exhibit A) as amended by Polk County Ordinance 99-37 (Exhibit B) and as may be amended from time to time in the future.

**§ 12-152. Clarifying the definition of "law enforcement officer."**

Section 1(c) of Polk County Ordinance No. 99-37 amending Section 2(c) of Polk County Ordinance 99-24 specifies that:

"Law enforcement officer" means any officer of the Florida Highway Patrol, the Polk County Sheriff's Office, a Municipal Police Department, Officers of the Florida Game and Freshwater Fish Commission, Polk County Code Enforcement Officers, and, solely for the purposes of this division, any employee of the Polk County Division of Parks and Recreation designated by the department as a Litter Control Officer."

~~For the purpose of this division, "any officer of a Municipal Police Department" shall also include any Code Enforcement Officer in the code enforcement division of the City of Lake Wales Police Department.~~

**§ 12-153 Accumulation of rubbish or garbage.**

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

**§ 12-154 Disposal of rubbish.**

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

**§ 12-155 Appliances, Refrigerators, and other Large Waste.**

Appliances, Refrigerators, and other large waste not in operation shall not be discarded, abandoned or stored on any premises without first securing or removing the doors. (See also 12-233.11 Dangerous Conditions - General.)

**§ 12-156 Disposal of garbage.**

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

**§ 12-157 Containers.**

The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

**§12-158 through 12-200 Reserved**

**SECTION 3: Article III. Code Enforcement** is amended as follows:

**Division 1. Generally** (moved to Article I – In General, 12-1)

**~~§ 12-201. Legislative intent.~~**

~~(a) In accordance with authority granted by F.S. Ch. 162, it is the intent of the city commission to promote, protect, and improve the health, safety and welfare of the citizens of Lake Wales; to provide an equitable, expeditious, effective and inexpensive method of enforcing any city code or ordinance where a violation exists; and to provide authority for the immediate issuance of a citation if a repeat violation is found, if a violation presents a serious threat to the public health, safety or welfare, or if a violation is irreparable or irreversible.~~

~~(b) It is the intent of the city commission to provide an additional or supplemental means of obtaining compliance with local codes. Nothing contained in this article shall prohibit the city from enforcing codes by any other means.~~

**~~§ 12-202. Definitions and rules of construction.~~** \*MOVED TO ARTICLE I - IN GENERAL 12-2

~~a) The following words, terms or phrases, when used in this article, shall have the meanings ascribed to them in this section:~~

~~**Code enforcement board.** The board appointed by the city commission in accordance with authority granted by F.S. § 162.03, and established to impose administrative fines and other noncriminal penalties where a code violation is found to exist.~~

~~**Code enforcement officer.** Any designated or authorized employee or agent of the city whose duty it is to enforce or assure compliance with city codes and ordinances.~~

~~**Continuing violation.** A violation which continues to occur after notice to correct the violation has been issued to the violator. Each day a violation continues shall constitute a separate infraction, and a penalty may be assessed for each day of continuing violation.~~

~~**Person.** Any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever, or any combination of such, jointly or severally.~~

~~**Repeat violation.** A violation of a provision of a code or ordinance by a person whom the code enforcement board has previously found to have violated the same provision within five (5) years prior to the violation.~~



**Violation.** Any act or failure to act which results in an infraction of a duly enacted city code or ordinance.

~~(b) For the purpose of administration and enforcement of city codes, unless otherwise stated in this article, the following rules of construction shall apply:~~

~~The word "shall" is always mandatory and not discretionary; the word "may" is permissive.~~

~~Unless the context clearly indicates the contrary, where regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either...or," the conjunction shall be interpreted as follows:~~

- ~~(1) "And" indicates that all the connected terms, conditions, provisions, or events shall apply.~~
- ~~(2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.~~
- ~~(3) "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.~~

**§ 12-203. Applicability.** \*MOVED TO ARTICLE I - IN GENERAL 12-4

~~The provisions of this article shall apply in the incorporated area of Lake Wales to the enforcement of city codes as they may be amended from time to time.~~

**§ 12-201 12-204. Code enforcement board.**

(a) A code enforcement board is established in accordance with Section 2-56 of this Code.

(b) The members of the code enforcement board shall elect a chairman, who shall be a voting member, from among the members of the board. The presence of four (4) or more members shall constitute a quorum. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the city commission or as are otherwise provided by law.

(c) All findings by the board must be approved by a majority of those members present and voting. At least 4 members must vote in order for the action to be official

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

~~(d)~~ (e) No member of the code enforcement board shall have the power to initiate enforcement proceedings for violations of the various codes.

~~(e)~~ (f) 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. Subpoenas may be served by the police department.
- (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.

**§ 12-202 through 12-210 Reserved**

**SECTION 4: Article IV Minimum Property Maintenance Standards,**

**Section 12-226. Intent** is amended as follows:

\* MOVED TO ARTICLE I - IN GENERAL 12-7 SEVERABILITY

~~§ 12-226 (c) Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, or otherwise unenforceable such decision shall not affect the validity of the remaining portions of this code.~~

**SECTION 5: Section 12-227. Applicability** is amended as follows:

**§12-227.7 Requirements not covered by code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health, and general welfare, not specifically covered by this code shall be determined by the Code Official using the following:

- a. Reference to the International Property Maintenance Code, ~~2009 edition~~ 2015 edition;
- b. Reference to the manufacturer's suggested guidelines or instructions for installation and use;
- c. Reference to the Florida Building Code or any other applicable building code;
- d. Reference to the 1997 Uniform Code for the Abatement of Dangerous Buildings;
- d. e. Reference to primary law (including federal, state, and local sources);
- e. f. Reference to any generally accepted practice in the industry, occupation, or general use for which the existing fixture, structure or equipment is primarily designated for, or which the public health, safety, and welfare requires; or
- f. g. Reference to any other suitably acceptable source of custom or practice reasonably accepted by society and sufficiently reliable in nature such that the requirement would be generally known and accepted in the community.

**SECTION 6: Section 12-231 Emergency measures** is amended as follows:

**Sec. §12-231.2 Safeguards.** Whenever, in the opinion of the Code Official or Building Official as the situation may require, there is an emergency situation warranting an emergency closing of a structure pursuant to Sec. ~~12-231.7 (1), (2), or (3)~~ 12-230.6 (1), (2), or (3) of this code, the City and the official ordering the closing of the structure is authorized to order that work be done in an attempt to secure the structure such that it may be rendered temporarily safe. Neither the City nor the official ordering the closing of the structure however is under any obligation under this Section to perform any work to ensure that the structure is rendered safe. Further, should the City or the official ordering

the closing of the structure choose to order that work be done in an attempt to secure the structure, neither the City nor the official ordering the closing of the structure shall be liable for any damage done to the structure during the performance of such safeguard work.

**SECTION 7: § 12-232. *Definitions.*** Is amended as follows:

***INOPERABLE MOTOR VEHICLE or VESSEL.*** A vehicle or vessel which cannot be used for its intended purpose for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its owner power.

**SECTION 8: Section 12-233. Exterior Property Areas** is amended as follows:

***§12-233.4 Weeds, grass and overgrowth.*** All premises and exterior property, other than agricultural, shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height, dead and or downed trees, stumps must be ground to or below grade, low hanging branches must be trimmed to a height of at least six (6) feet above grade. The removal of any tree, four (4) inches or greater in diameter at breast height (DBH), cannot be removed without a permit.

***EXCEPTION:*** Parcels over 10 acres need only mow and clean the first twenty five (25) feet.

***§12-233.5 Dead trees, limbs, branches and accumulated landscaping materials.*** It shall be the responsibility of the owner and or occupant to remove and properly dispose of dead trees and/or downed trees, limbs, branches, bagged or piled grass clippings, bagged or piled leaves and other piles or accumulations of material resulting from landscaping or maintenance of a parcel of land or lots. Stumps resulting from the removal of dead trees will be ground to or below grade level as to prevent a hazardous condition.

***§12-233.6 Tree Declared Nuisance/ Dangerous.***

a) Any tree extending over a public street, alley or highway shall be trimmed by the property owner, or his authorized agent, on which the tree trunk is located, so as to provide a clear height above the street, alley or highway of not less than fourteen (14) feet.

b) Any tree extending over a public sidewalk shall be trimmed by the property owner , or his authorized agent, so as to provide a clear height above the sidewalk of not less than eight (8) feet.

c) The property owner of any tree which extends over a public street, alley, highway or sidewalk shall remove any and all dead branches from the tree which, if dislodged, are likely to fall upon the public street, alley, highway or sidewalk.

d) In the event that the property owner fails to meet the requirements of this section, then the City may issue a written notice of violation to the property owner giving fifteen (15) days to correct the violation. If the violation is not corrected within the given period

of time then the City has the option of correcting the violation at the property owner's expense.

**§12-233.7 12-233.6 Rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

**§12-233.8 12-233.7 Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

**§12-233.9 12-233.8 Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

MOVED TO ARTICLE II - DIVISION 4 - NUISANCES

~~12-233.9 **Motor vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.~~

~~Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.~~

**§12-233.10 Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

**§12-233.11 Dangerous Conditions - General.**

It is unlawful for any person to maintain or permit the existence of any condition that is a danger to life, health, or property within the City. Dangerous conditions include, but are not limited to, any unsecured structure, structures in violation of the Florida Building Code, The International Property Maintenance Code, The Uniform Code for the Abatement of Dangerous Buildings, trees in danger of falling, all or in part, unprotected excavations, improper storage of hazardous or toxic materials, any abandoned or stored refrigeration unit, appliance, derelict vehicle, derelict vessel, or other condition that could trap a person, in such a place as to be easily accessible to persons without first having made adequate provisions to prevent entry into such without having removed all latches, catches, locking devices or the door thereof, so that escape from the interior may be had, or otherwise ensure lack of access.

~~**12-233.11 (b) Conditions Dangerous to Children.** No person shall abandon or store any refrigeration unit, derelict vehicle or other condition that could trap a child in such a place as to be easily accessible to children without first having made adequate provisions to prevent entry into such without having removed all latches, catches, locking~~

devices or the door thereof, so that escape from the interior may be had, or otherwise ensure lack of access.

**SECTION 8: §12-235.2 Premises Identification** is amended as follows:

**12-235.2 Premises Identification.**

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters.

- a) Residential property address numbers shall be a minimum of three (3) four (4) inches (~~76.2 mm~~)(102mm)high with a minimum one-half (.5) inch (12.7 mm) stroke width,
- b) Commercial property address numbers shall be a minimum of six (6) inches (152.4mm)high with a minimum one-half (.5) inch (12.7 mm) stroke width.

**SECTION 9: Section 12-237 Rubbish and garbage** is amended as follows:

**§12-237.2.1 Appliances, Refrigerators, and other Large Waste.** Appliances, Refrigerators, and other large waste not in operation shall not be discarded, abandoned or stored on any premises without first securing or removing the doors. (See also §12-233.11 Dangerous Conditions - General.)

**SECTION 10: Section 12-238. Pest Extermination** is amended as follows:

**§12-238.1 Infestation.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

**Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

**§12-238.2 Owner.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

**§12-238.3 Single occupant.** The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

**§12-238.4 Multiple occupancy.** The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for extermination.

**§12-238.5 Occupant.** The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

**Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

**SECTION 11: Severability:** If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated.

**SECTION 12: Effective date:** This ordinance shall become effective immediately upon its passage by the city commission.

**CERTIFIED AS TO PASSAGE** this 21<sup>st</sup> day of June 2016.

By: Eugene L. Fathy  
Mayor/Commissioner  
City of Lake Wales, Polk County, FL

ATTEST:

Clara Van Blawie  
City Clerk

