

ORDINANCE 2016-13

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING NUISANCES; AMENDING SECTION 34-91 BY REVISING THE TITLE OF THE SECTION FROM SANITARY NUISANCE TO DEFINITIONS AND ADDING THE DEFINITION OF SANITARY NUISANCE, WEEDS AND YARD TRIMMINGS; AMENDING SECTION 34-95 BY ADDING NEW LANGUAGE CONCERNING REQUIREMENTS FOR WEEDS, YARD TRIMMINGS, TREE DEBRIS, DEAD TREES, GRAFFITI AND OTHER UNSIGHTLY AND UNSANITARY ITEMS; AMENDING SECTION 34-141 BY ADDING A DEFINITION "COMMERCIAL PROPERTY"; ADDING SECTION 34-146 CONCERNING REQUIREMENTS FOR VACANT COMMERCIAL PROPERTIES; ADDING SECTION 34-147 CONCERNING REQUIREMENTS TO BOARD-UP VACANT COMMERCIAL STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, in regular session as follows:

Section 1. That Section 34-91 of the Code of Ordinances, City of Ocala, Florida, is hereby amended by adding and revising the following definitions, which shall be codified such that all definitions in such section are in alphabetical order:

Sec. 34-91. - Definitions.

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

Sanitary nuisance means the commission of an act by any person or the keeping, maintaining, propagation, existence or permission of anything by any person by which the health or lives of individuals may be threatened or impaired, or by which or through which, directly or indirectly, disease may be caused.

Weeds means vegetative growth including but not limited to kudzu, poison ivy, jimsonweed, burdock, ragweed, thistle, cocklebur, dandelion, plants of obnoxious odors or other similar unsightly vegetative growths. This term shall not include cultivated flowers, fruits and vegetables and gardens.

Yard trimmings means leaves, brush, grass clippings, pruned shrub and tree debris, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

Section 2. That Section 34-95 of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 34-95.- Weeds; accumulations of trash or other unsightly or unsanitary matter.

(a) It shall be unlawful, and a nuisance, for any owner or occupant of property located within the city to allow:

(1) Weeds and undergrowth thereon to reach a height of over 12 inches, if that property is located within 300 feet of an occupied building. The distance is measured from the property line of the violation parcel to the occupied building.

(2) Yard trimmings to be piled on sidewalks, roadways, gutters, water meters or near utility poles/guide wires. Yard trimmings properly left out for pick-up by the city are exempt. However, yard trimmings may not be blown into the streets, sidewalks, or storm water conveyance systems.

(3) Dead trees to exist. A finding by a registered forester or certified arborist shall constitute prima-facie evidence that a tree is in danger of falling upon adjacent lots or public streets due to the death of the tree. Tree stumps greater than 12 inches in height above ground level shall not be permitted or maintained on any premises for more than fourteen days after the tree has been cut.

(4) Unsightly or unsanitary items such as furniture, appliances, trash, trash cans or other items principally designed for indoor use to be left outside in yards. Trash cans placed near a building or structure are exempted.

(5) Graffiti to remain on a building or structure for a continuous period of more than 72 hours.

(6) Tree debris or falling tree limbs to remain on the ground on any premises for more than fourteen days. Exceptions include:

- a. Cut wood which is neatly stacked in lengths not to exceed three feet and which is stored in a side or rear yard;
- b. Property zoned A-1(Agriculture); and
- c. Composting activities which comply with state law.

(b) The health officer shall notify the persons responsible for the violations in this section and take the necessary action to bring all violations into compliance.

Section 3. That Section 34-141 of the Code of Ordinances, City of Ocala, Florida, is hereby amended by adding the following definition, which shall be codified such that all definitions in such section are in alphabetical order:

Sec. 34-141.- Definitions.

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

Commercial property means property solely used for business purposes. Examples include office buildings, industrial property, medical centers, hotels, malls, retail stores, restaurants, farm land, multi-family buildings, warehouses, and garages/service uses. These properties are included in this section's registration and maintenance requirements and have additional requirements as noted in sections 34-146 and 34-147.

Section 4. That Section 34-146 of the Code of Ordinances, City of Ocala, Florida, is hereby added to read as follows:

Sec. 34-146.- Vacant commercial structures.

(a) Vacant commercial structures shall be maintained in good repair and be in compliance with all applicable laws, codes, and ordinances. Vacant commercial structures shall at a minimum:

- (1) Have all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals. A vacant commercial structure shall be secured using conventional methods used in the original construction. If securing the structure through conventional methods is not feasible or the owner desires to board up the vacant structure, the owner or interested party must obtain a separate boarding-up permit from the building official.
- (2) Have roof and roof flashings that are sound and tight such that no rain will penetrate the structure, and allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the structure.
- (3) Be maintained in good repair, be structurally sound and free from rubbish, garbage and other debris.
- (4) Have supporting members that are capable of bearing both live and dead loads and foundation walls that are capable of supporting an appropriate load.
- (5) Be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the elements with appropriate weather coating

materials (paint or similar treatment).

(6) Have balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions that are in good repair and appropriately anchored. Exposed metal and wood surfaces of such overhanging extensions shall be protected from the elements with appropriate weather coating materials (paint or similar treatment).

(7) Have any accessory or appurtenant structures, including but not limited to garages, sheds or other storage facilities meet the standards set forth in this subsection.

(8) Have a plan for weatherization of the vacant property if necessary.

(9) Have retaining walls, drainage systems, or other structures maintained in good repair and structurally sound. Existing fences shall be maintained in good repair with gates locked at all times.

(10) Be in compliance with all applicable provisions of this code.

Section 5. That Section 34-147 of the Code of Ordinances, City of Ocala, Florida, is hereby added to read as follows:

Sec. 34-147.- Permit for boarding-up a vacant commercial structure.

(a) An owner of a boarded-up vacant commercial structure will have sixty (60) days from the date of the adoption of this subsection to submit an application to the building official for a permit to continue boarding-up the structure.

(b) The building official may issue a boarding-up permit only upon satisfaction of the following conditions:

(1) Submission of a written application by the owner of the property or his agent, including the following information:

- a. Name, address and telephone number of the owner;
- b. Name, address and telephone number of the owner's agent, if applicable;
- c. Tax parcel identification number of the property on which the structure is located;
- d. Physical address of the property; and
- e. Other information as may be required by the Department.

(2) Payment of the required fee.

(3) Submission of a written statement or plan by the property owner or his authorized

representative specifying:

- a. Length of time the owner expects the structure be boarded up;
- b. Proposed plan for boarding-up the structure, including a detailed description regarding the manner and materials.
- c. Proposed maintenance plan detailing the monitoring and maintenance of the structure and premises in conformance with this article.

(4) The city may conduct an inspection of the subject property to ensure that the structure is boarded up in accordance with the plan approved by the building official.

(c) A permit issued pursuant to this subsection shall expire after six (6) months. The permit may be renewed within thirty (30) days of the expiration of the original permit upon payment of all fees. A new permit must be obtained if the original permit is not renewed within thirty (30) days of the expiration of the original permit.

(d) No permit shall be required to board up a vacant commercial structure for up to thirty (30) days in the event of a temporary emergency situation, including but not limited to damage caused by vandalism, theft or weather. In the event an emergency situation requires a vacant commercial structure to be boarded-up for more than thirty (30) days, the owner of the structure or authorized representative must obtain a building permit for repair or a permit in accordance with this section.

(e) The boarding of doors, windows, or other openings of a vacant commercial structure shall be in accordance with the plan approved by the building official. All boarded openings shall be painted with a minimum of two (2) coats of exterior paint, which is of a color compatible with the exterior color of the building or structure.

(f) Any structure which is boarded-up shall be in compliance with all applicable codes and ordinances of the city.

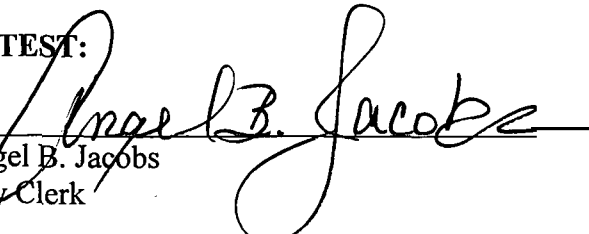
(g) Any structure which is boarded up shall be posted with the name, permit information, and twenty-four hour contact phone number of the property owner or his agent.

Section 6. Severability Clause: Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

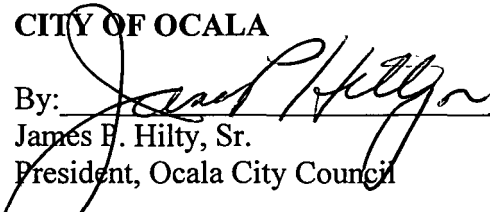
Section 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. This ordinance shall take effect upon approval by the Mayor, or becoming law without such approval.

ATTEST:

By: 
Angel B. Jacobs
City Clerk

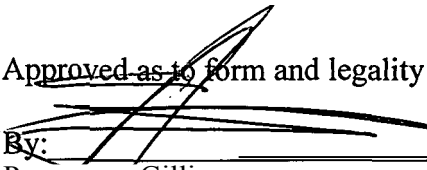
CITY OF OCALA

By: 
James F. Hilty, Sr.
President, Ocala City Council

enied by me as Mayor of the City of Oc , Flo/on //::: ,2015.

By: V{d. =
Reuben Kent Guinn
Mayor

~~Approved as to form and legality:~~

By: 
Pa . Gilligan
City Attorney

Ordinance No: 2016-13
Introduced: 12/15/2015
Adopted: 1/5/2016
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