

ORDINANCE NO. 2013- 97

*Code change*

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AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, **RELATING TO THE ENFORCEMENT OF THE CITY CODE**, MAKING REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 19 (PROPERTY MAINTENANCE AND STRUCTURAL STANDARDS), AMENDING SECTION 19-4, DEPARTMENT OF CODE ENFORCEMENT; DUTIES AND SCOPE OF AUTHORITY OF THE DIRECTOR; AMENDING SECTION 19-5, AUTHORITY OF THE DIRECTOR; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Tampa Transportation Division desires to enhance the enforcement of Chapter 22, Articles I and III and Chapter 25, Article I of the City of Tampa Code of Ordinances by availing itself of all the enforcement tools used by the City of Tampa; and,

**WHEREAS**, the City of Tampa Department of Neighborhood Enhancement has offered to be the enforcement agency for the violation of the above identified Articles of Chapters 22 and 25 of the City of Tampa Code of Ordinances; and,

**WHEREAS**, this ordinance amends section 19-4 of the City of Tampa Code of Ordinances to provide the City of Tampa Department of Neighborhood Enhancement with the authority to enforce Chapter 22, Articles I and III and Chapter 25, Article I of the City of Tampa Code of Ordinances on behalf of the City's Transportation Division; and,

**WHEREAS**, this ordinance strikes the authority of the City of Tampa Department of Neighborhood Enhancement to enforce Chapter 20.5 as this Chapter no longer exists; and,

**WHEREAS**, the City of Tampa Department of Neighborhood Enhancement finds it necessary to amend sections 19-5(a)(2) of the City of Tampa Code of Ordinances to improve the readability, rename "condemnation team" to "demolition review team," and modify the circumstances that the Architectural Review and Historic Preservation Manager could be involved in demolition review; and,

**WHEREAS**, the City of Tampa Department of Neighborhood Enhancement finds it necessary to amend sections 19-5(a)(4) of the City of Tampa Code of Ordinances to improve its readability; and,



1 a. Criteria to demolish. The director may order the  
2 demolition or removal of a structure ~~Whenever the~~  
3 ~~director it is determined~~ determines that:

4  
5 i. any the structure poses a serious threat to the public  
6 health, safety, or welfare; or

7  
8 ii. is damaged, deteriorated or defective to such an  
9 extent that the cost of restoration or repair thereof  
10 will exceed seventy-five (75) percent of the  
11 assessed building value thereof, ~~he may order the~~  
12 ~~demolition or removal of the structure.~~

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14 b. ~~Condemnation~~ Demolition Review team. Any structure that  
15 has been identified for demolition by the director must be  
16 reviewed by the ~~condemnation~~ demolition review team.  
17 The ~~condemnation~~ demolition review team shall be  
18 comprised of the director, the fire marshal and the building  
19 official or their respective designees. When the structure  
20 identified for demolition is a contributing structure located  
21 within a local or national historic ~~designation or district,~~ is  
22 a locally designated landmark, or is located outside a local  
23 district but is fifty (50) years or older, the ~~historic~~  
24 ~~preservation and urban design~~ Architectural Review and  
25 Historic Preservation ~~m~~Manager, or ~~his or her~~ designee,  
26 shall be included as a member of the ~~condemnation~~  
27 demolition review team. The mayor shall be authorized to  
28 designate persons as alternate members of the  
29 ~~condemnation~~ demolition review team when the foregoing  
30 are unavailable. ...

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32 ... (4) Order to vacate.

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34 a. ~~Whenever~~ The director may declares order a building or  
35 dwelling vacated when:

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37 i. a building or dwelling is declared unfit for human  
38 habitation;

39 ii. ~~orders~~ a building or dwelling is ordered to be  
40 demolished or stabilized;;

41 iii. ~~revokes~~ a certificate of compliance with housing  
42 standards is revoked;

43 iv. ~~is notified by~~ the fire marshal notifies the director  
44 that a property is in violation of the fire code or life  
45 safety code, or

v. it is otherwise determineds that circumstances so warrant, ~~he may order the affected building or dwelling vacated.~~ ...”

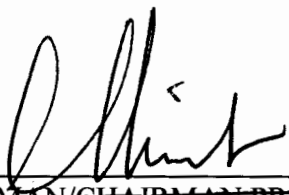
**Section 3.** That should a court of competent jurisdiction declare any part of this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by such determination as to the invalid part.

**Section 4.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

**Section 5.** That this ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JUL 18 2013.

ATTEST:

  
\_\_\_\_\_  
CHAIRMAN/CHAIRMAN PRO-TEM  
CITY COUNCIL

  
\_\_\_\_\_  
CITY CLERK/DEPUTY CITY CLERK

APPROVED BY ME ON JUL 22 2013

  
\_\_\_\_\_  
BOB BUCKHORN, MAYOR

APPROVED AS TO LEGAL SUFFICIENCY BY:

E/S  
\_\_\_\_\_  
ERNEST MUELLER  
ASSISTANT CITY ATTORNEY

**The Free Press**  
(Published Weekly)  
Tampa, Hillsborough County, Florida

STATE OF FLORIDA,  
COUNTY OF HILLSBOROUGH.

Before the undersigned authority personally appeared JOHN N. HARRISON, IV, who on oath says that he is Publisher of THE FREE PRESS, a weekly newspaper published at Tampa, in Hillsborough County, Florida, that the attached copy of advertising being a true copy in the matter of

City of Tampa

Ordinances approved on 1st Reading – 7/18/2013 at 9:30 a.m.

File No. E2013-8 CH 14

File No. E2013-8 CH 19

File No. E2013-8 CH 23-5

File Nos. E2013-8 CH 23 and E2013-8 CH 27

File No. E2012-8 CH 14

File No. E2013-48 and E2013-8 CH 14

File No. E2013-48 and E2013-8 CH 14

File No. V12-267

File No. V13-74

Ord. No.  
2013-97 ✓

clipping on page 2

was published in the said newspaper in the issue of July 6, 2013.

Affiant further says that the said THE FREE PRESS is a newspaper published at Tampa, in said Hillsborough County, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each week and has been entered as a second-class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

This 6th day of July, 2013.

**John N Harrison IV**

Digitally signed by John N Harrison IV  
DN: cn=US, o=FREE PRESS PUBLISHING CO., ou=FREE PRESS PUBLISHING  
CO., c=US, email=N.Harrison.IV@gmail.com, email=harrisonj4@freepress.com,  
serial=2421920030010011140141000023FC60818E0002A184  
Date: 2013.07.09 11:49:43 -0400

who is personally known to me  
SWORN TO and subscribed before me

This 6th day of July, 2013.

**Jennifer Ward**

Digitally signed by Jennifer Ward  
DN: cn=US, o=Jenifer Ward ACES Business Representative, ou=FREE  
PRESS PUBLISHING, cn=Jennifer Ward,  
serial=242192003001001114014100001188A3D2D9100007668  
Date: 2013.07.08 12:44:54 -0400

Jennifer Ward



JENNIFER WARD  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# EE201552  
Expires 6/3/2016

## NOTICE OF PUBLIC HEARING

ON JULY 18, 2013, AT 9:30 A.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 315 E. KENNEDY BLVD., THIRD FLOOR, TAMPA, FLORIDA, A PUBLIC HEARING WILL BE HELD BY THE TAMPA CITY COUNCIL TO CONSIDER THE FOLLOWING ORDINANCES FOR ENACTMENT:

### File No. E2013-8 CH 14

An ordinance of the City of Tampa, Florida, making revisions to City of Tampa Code of Ordinances, Chapter 14 (Offenses); amending Section 14-150.1.3, Possession, consumption on property operated or supervised by the Parks and Recreation Department; Temporary alcoholic beverage special use permits granted for public area, facility, or property operated or supervised by the Parks and Recreation Department; repealing all ordinances or parts of ordinances in conflict therewith; providing for severability; providing an effective date.

### File No. E2013-8 CH 19

An ordinance of the City of Tampa, Florida, relating to the enforcement of the City Code, making revisions to City of Tampa Code of Ordinances, Chapter 19 (Property maintenance and structural standards), amending Section 19-4, Department of Code Enforcement; Dues and scope of authority of the Director; amending Section 19-5, Authority of the Director; repealing all ordinances or parts of ordinances in conflict therewith; providing for severability; providing an effective date.

### File No. E2013-8 CH 23-5

An ordinance of the City of Tampa, Florida, relating to violations and penalties, making revisions to City of Tampa Code of Ordinances, amending Chapter 23.5 (Supplemental enforcement procedures); amending Section 23.5-5, Schedule of violations and penalties; repealing all ordinances or parts of ordinances in conflict therewith; providing for severability; providing an effective date.

### File Nos. E2013-8 CH 23 and E2013-8 CH 27

An ordinance of the City of Tampa, Florida, amending Ordinance No. 2013-67 passed and ordained by the City Council of the City of Tampa on May 16, 2013, by correcting a scrivener's error in the body of the Ordinance, replacing Article VI with Article II; providing for repeal of all ordinances in conflict; providing for severability; providing an effective date.

### File No. E2012-8 CH 14

An ordinance of the City of Tampa, Florida, relating to prohibiting excessive noise, making revisions to City of Tampa Code of Ordinances, Excessive Noise Prohibited; repealing all ordinances or parts of ordinances in conflict; providing for severability; providing an effective date.

### File Nos. E2013-48 and E2013-8 CH 14

An ordinance of the City of Tampa, Florida, making revisions to City of Tampa Code of Ordinances, Chapter 14 (Offenses); creating Section 14-50 through Section 14-53; Regulating Behavior in Public Spaces; repealing all ordinances or parts of ordinances in conflict therewith; providing for severability; providing an effective date.

### File No. E2013-48 and E2013-8 CH 14

An ordinance of the City of Tampa, Florida, making revisions to City of Tampa Code of Ordinances, Chapter 14 (Offenses); amending Section 14-46, Threatening, Intimidating or Harassing Behavior for Purposes of Solicitation; repealing all ordinances or parts of ordinances in conflict; providing for severability; providing an effective date.

### File No. V12-267

An ordinance approving a Special Use Permit (S-2) for alcoholic beverage sales - restaurant (on premises only) and making lawful the sale of beverages regardless of alcoholic content - beer, wine and liquor - on that certain lot, plot or tract of land located at 308 South Howard Avenue, Tampa, Florida, as more particularly described in Section 2; that all ordinances or parts of ordinances in conflict

are repealed; providing an effective date.

### File No. V12-312

An ordinance repealing Ordinance No. 2009-148; approving a Special Use Permit (S-2) for alcoholic beverage sales - bar/lounge (on premises only) and making lawful the sale of beverages regardless of alcoholic content - beer, wine and liquor - on that certain lot, plot or tract of land located at 2307 West Azeele Street, Tampa, Florida, as more particularly described in Section 3; that all ordinances or parts of ordinances in conflict are repealed; providing an effective date.

### File No. V13-74

An ordinance repealing Ordinance No. 2009-133; approving a special use permit (s-2) for alcoholic beverage sales - bar/lounge (consumption on premises and off premise package sales) and making lawful the sale of beer and wine at or from that certain lot, plot or tract of land located at 3225 South MacDill Avenue, Tampa, Florida, as more particularly described in Section 3; that all ordinances or parts of ordinances in conflict are repealed; providing an effective date.

Said ordinances may be inspected at the Office of the City Clerk, City Hall, 3rd Floor City Hall, 315 E. Kennedy Blvd., Tampa, FL, during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION OF THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, MAY NEED TO HIRE A COURT REPORTER TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND SECTION 286.26, FLORIDA STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT LEAST FORTYEIGHT (48) HOURS PRIOR TO THE DATE OF THE MEETING.

INTERESTED PARTIES MAY APPEAR AND BE HEARD AT SAID HEARING.

SHIRLEY FOX-KNOWLES, CMC  
CITY CLERK