

ORDINANCE NO. 20-041

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING PROPERTY MAINTENANCE AND STRUCTURAL STANDARDS; AMENDING AND RESTATING ARTICLE VI OF CHAPTER 2-9 OF THE MANATEE COUNTY CODE OF ORDINANCES; PROVIDING GENERAL PROVISIONS; PROVIDING DEFINITIONS; PROVIDING FOR ADMINISTRATION; PROVIDING FOR PROPERTY MAINTENANCE STANDARDS; PROVIDING REQUIREMENTS FOR ACCESSORY STRUCTURES AND USES; PROVIDING REQUIREMENTS FOR MOTOR VEHICLES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners of Manatee County, Florida, to exercise powers that are not inconsistent with general or special law; and

WHEREAS, within the unincorporated area of Manatee County, property, buildings, structures, and accessory structures and uses may contain defects which increase the hazards of fire, accident or other calamities, or other conditions which render such property, buildings, structures and accessory structures and uses as unsafe, unsanitary, dangerous or detrimental to the health, safety and general welfare of the community; and

WHEREAS, the Manatee County Land Development Code, Manatee County Code of Ordinances, Florida Statutes and Florida Building Code contain requirements pertaining to standards and procedures for the maintenance of property and structures; and

WHEREAS, the Board finds that it is in the best interests of protecting the health, safety and welfare of the citizens of the County to amend and restate Article VI of Chapter 2-9 of the Code as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Article VI of Chapter 2-9 of the Code is hereby amended and restated to read in its entirety as follows:

ARTICLE VI. - PROPERTY MAINTENANCE AND STRUCTURAL STANDARDS

Sec. 2-9-101. - Title.

This Article may be referred to as the “Manatee County Property Maintenance and Structural Standards”.

Sec. 2-9-102. - General provisions.

- (a) The purpose of this Article is to provide minimum property maintenance and structural standards in the unincorporated area of the county.
- (b) The provisions of this Article shall apply to all existing property and premises and all existing residential and nonresidential structures and buildings within the unincorporated area of the county. The provisions of this Article constitute minimum requirements and standards for property, premises, structures, buildings, equipment and facilities for safe and sanitary maintenance. Existing property, premises, structures or buildings that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required in this Article.
- (c) The provisions of this Article shall be discretionary for existing structures designated as historic buildings on the local, state or national Register of Historic Places, provided such structures are determined by the administrative official to be safe.
- (d) Equipment, systems, devices and safeguards required by this Article or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this Article to be removed from, shut off from or disconnected for any occupied structure, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Article are not intended to provide the basis for removal or abrogation of the fire protection and safety systems and devices in existing structures.

- (e) Repairs, additions or alterations to a structure or changes of occupancy shall comply with the procedures and requirements of the building code and any other applicable codes.
- (f) Repairs, alterations, installations or maintenance work caused directly or indirectly by the enforcement of this Article shall be executed and installed in a workmanlike manner, in accordance with the manufacturer's installation instructions and in compliance with any applicable building code or other regulatory requirements.
- (g) The provisions of this Article shall not be construed to abolish or impair existing remedies of the county relating to the vacation, repair or demolition of any unsafe structure or the clearing of any lot.
- (h) In the event of a conflict with any existing code, ordinance or regulation, including the Land Development Code, the most restrictive requirement shall prevail. If different sections of this Article specify different requirements, the most restrictive requirement shall prevail.

Sec. 2-9-103. - Definitions.

- (a) When used in this Article the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.
 - (1) *Administrative official* means the official or his/her designee who is charged with the administration and enforcement of this Article designated by the county administrator.
 - (2) *Altered or alteration* means any change or modification in the construction or occupancy of any structure or building.
 - (3) *Accessory structure* shall have the meaning set forth in Section 200 of the Land Development Code.
 - (4) *Accessory uses* shall have the meaning set forth in Section 200 of the Land Development Code.
 - (5) *Boat* is synonymous with *vessel* and means a motor or artificially propelled vehicle and every other description of watercraft, whether motor-propelled or not, including personal watercraft, barges and air boats, other than a seaplane on the water, used or capable of being used as a means of transportation on water irrespective of whether the propulsion equipment is in actual operation.
 - (6) *Building* shall have the meaning set forth in the building code.
 - (7) *Building code* shall have the meaning set forth in the Florida Building Code.
 - (8) *Building official* shall have the meaning set forth in Section 468.603, Florida Statutes.
 - (9) *Certificate of occupancy* or *certificate of completion* shall have the meanings set forth in Section 200 of the Land Development Code.

- (10) *Clean* means free from dirt, contamination or pollution, or to rid of dirt, impurities, or extraneous matter or materials.
- (11) *Code enforcement officer* means any authorized agent or employee of the county whose duty it is to assure code compliance.
- (12) *Commercial vehicle* means any motor vehicle that:
- a. Is intended, designed, altered or used primarily for business, institutional or non-profit organizational purposes;
 - b. Has a platform, cabinet, box, rack, compartment or other facility for transportation of materials, equipment and items other than the personal effects of private passengers or for carrying passengers for hire;
 - c. Conspicuously displays the name or other advertising of the business, agency, or organization on the exterior thereof, resulting in a total of more than six (6) feet of sign area on the vehicle;
 - d. Is designed to carry passengers for hire;
 - e. Is a Semitrailer; or
 - f. Is a Dump truck.
- Commercial vehicle shall not be deemed to include any mobile home or recreational vehicle.
- (13) *Construction* means man-made change to improved or unimproved property, which includes but is not limited to structures or buildings.
- (14) *County* means Manatee County, Florida.
- (15) *County administrator* means the county administrator of Manatee County.
- (16) *Debris* means material, which is stored externally, exposed to the elements and is not otherwise enclosed on four sides and by a roof. This definition includes, but is not limited to, the following: indoor furniture; discarded household items; inoperative or discarded machinery, appliances; refuse, rubbish, trash or junk; and used, scrap or discarded metal, plastic, lumber, pipe, steel, plumbing fixtures, insulation or other building materials.
- (17) *Deterioration* means to weaken, disintegrate, corrode, rust, decay or lose effectiveness.
- (18) *Driveway connections* means any paved or unpaved area connecting a privately-owned driveway, parking lot, or street with a public thoroughfare or street. A driveway connection shall include any portion as defined above from the street or public thoroughfare to the abutting private property line. It shall specifically include paved portions as defined above which traverse sidewalks and swales.
- (19) *Drive aisle* means a vehicle passageway located within an area used for parking or access to areas of the parcel.

- (20) *Easement* shall have the meaning set forth in the Land Development Code.
- (21) *Exterior property* means the open space on the premises and on adjoining property under the control of the owner or operator of such premises.
- (22) *Garage sale* means the sale of used household or personal articles, such as furniture, tools or clothing, held on residential property for a limited time.
- (23) *Garbage* means animal and vegetable waste resulting from the handling, preparation, cooking and/or consumption of food, including waste food containers of any type.
- (24) *Good condition* means the state or condition of a structure or portion thereof, or any part, component, assembly or system of a structure or building maintained to function for the intended purpose as originally manufactured, designed, installed or constructed.
- (25) *Graffiti* means writing or drawings scribbled, scratched, painted or sprayed illicitly on a structure, building, wall, fence or other surface.
- (26) *Guard* means a building component, or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.
- (27) *Infestation* means the presence of insects, rodents, vermin or other pests within or contiguous to a premises, structure or building.
- (28) *Inoperable vehicle* means a motor vehicle required by Section 316, Florida Statutes, to be registered and intended to operate on public streets, a utility trailer, or a recreational vehicle which cannot be operated or pulled upon public streets for any reason, including but not limited to, failing to properly display a license plate or being untagged, unlicensed, unregistered, wrecked, abandoned, or in a state of disrepair.
- (29) *Land Development Code* means the Manatee County Land Development Code.
- (30) *Let for occupancy* or *let* means to permit, provide or offer possession or occupancy of a premises, structure or building by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land.
- (31) *Lot* shall have the meaning set forth in the Land Development Code.
- (32) *Marine cargo container* shall have the meaning set forth in Section 192.032, Florida Statutes.
- (33) *Mobile home* shall have the meaning set forth in Section 513.01, Florida Statutes.
- (34) *Motor vehicle* shall have the meaning set forth in Section 316.003, Florida Statutes.
- (35) *Neglect* means the lack of proper maintenance for a structure or building.

- (36) *Nonresidential* means any property, structure or building occupied for any purpose other than living, sleeping, eating and cooking. Nonresidential includes, but is not limited to, commercial and industrial.
- (37) *Nuisance condition* means any nuisance as defined by law, or any attractive nuisance which may be detrimental to the health or safety of others, whether in a structure or building, on the premises of a structure or building, or upon an occupied or unoccupied lot or any condition or use of premises or of building exteriors/interiors which is detrimental to the property of others or which causes or tends to cause substantial diminution/declines in the value of other property in the neighborhood. This definition includes, but is not limited to, the following:
- a. Abandoned well, shaft, basement, excavation, unclean swimming pool or spa, icebox, refrigerator, or motor vehicle;
 - b. Structurally unsound structure or fence;
 - c. Unsecured structure;
 - d. Lumber, trash or debris which may prove a hazard to others;
 - e. Unsanitary condition or anything offensive to the senses or dangerous to health, including, but not limited to, the emission of odors, sewage, human and animal feces and waste, liquids, gases, dust, smoke, vibration, noise or whatever may render air, food or drink detrimental to the health of human beings;
 - f. Physical condition, including, but not limited to, old, dilapidated or abandoned scrap or metal, paper, building materials or equipment, bottles, glass, appliances, furniture, rags, rubber, motor vehicles or parts thereof;
 - g. Physical condition posing a fire hazard;
 - h. Physical condition posing a hazard including, but not limited to, dead or damaged trees;
 - i. Graffiti;
 - j. Overgrown properties; and
 - k. Construction materials not being actively utilized for construction.
- (38) *Occupancy* shall have the meaning set forth in the Land Development Code.
- (39) *Occupant* means any individual occupying a structure or building, or otherwise residing, inhabiting, congregating, working in or having possession of a space within a structure or building.
- (40) *Overgrowth/Overgrown* means lawn, grass, vegetation or weeds exceeding sixteen (16) inches in height.
- (41) *Operator* means any person who has charge, care or control of a premises, structure or building which is let or offered for occupancy.
- (42) *Ordinary repairs and maintenance* mean any work to maintain the property or minor repairs of a non-structural nature.

- (43) *Outdoor sales* shall have the meaning set forth in the Land Development Code.
- (44) *Outdoor Storage* means the storage of items, which are stored externally, exposed to the elements and is enclosed/screened on four sides. Outdoor storage shall include items within a carport or roof structure not enclosed on four (4) sides.
- (45) *Owner* means any person, agent, operator, firm or corporation having a legal or equitable interest in property; or recorded in the official records of the county as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- (46) *Parking Space* means a designated space on an off-street area, which is available and usable for the parking of one (1) motor vehicle.
- (47) *Permit* means an official document authorizing performance of a specific activity regulated by the issuing authority or agency.
- (48) *Person* shall have the meaning set forth in the Land Development Code.
- (49) *Portable* means capable of being carried or moved about.
- (50) *Portable storage unit* means any container designed for the storage of personal property that is typically rented to an owner or occupant for temporary use and that may be delivered and removed by motor vehicle.
- (51) *Premises* shall have the meaning set forth in the Land Development Code.
- (52) *Private swimming pool* shall have the meaning set forth in the Florida Building Code.
- (53) *Property* means all improved or unimproved land.
- (54) *Public swimming pool* shall have the meaning set forth in the Florida Building Code.
- (55) *Recreational vehicle* shall have the meaning set forth in Section 513.01, Florida Statutes.
- (56) *Required yard* shall have the meaning set forth in the Land Development Code.
- (57) *Resident* means a person who occupies any premises, structure or building for the purpose of living, sleeping, eating or cooking.
- (58) *Residential* means any property, structure or building occupied for living, sleeping, eating or cooking. Residential includes, but is not limited to, single-family, duplex and multi-family.
- (59) *Residential outdoor storage* means outdoor storage on residential property.
- (60) *Restricted vehicle* means any vehicle that meets one of the following descriptions:
- a. Recreational vehicle;

- b. Any other vehicle in which the interior contains facilities for any two (2) or more of the following personal needs: sleeping, food preparation or toilet;
 - c. Boat of any size, regardless of whether the boat rests on a trailer or other supporting structure;
 - d. Trailer or another vehicle which is not self-propelled, and which is designed to be moved by another vehicle which is self-propelled; or
 - e. Swamp buggy.
- (61) *Rubbish* means combustible and non-combustible waste material other than garbage.
- (62) *Safe* means free from apparent harm or risk or from threat of danger, harm or loss.
- (63) *Sanitary* means characterized by or readily kept in cleanliness for the protection of health.
- (64) *Secure* means free from danger or risk of loss.
- (65) *Semitrailer* shall have the meaning set forth in Section 316.003, Florida Statutes.
- (66) *Setback* shall have the meaning set forth in the Land Development Code.
- (67) *Sidewalk* shall have the meaning set forth in Section 316.003, Florida Statutes.
- (68) *Skylight* means an opening through the roof and ceiling to admit light to a room, including the window portion therein.
- (69) *Stairway* means one or more flights of stairs and the necessary landings and platforms which form a continuous and uninterrupted passage from one story to another attached to the exterior of a structure or building.
- (70) *Story* means that portion of a structure or building included between the upper surface of any floor and the upper surface of the floor next above.
- (71) *Structure* means that which is built or constructed or a portion thereof.
- (72) *Swamp buggy* shall have the meaning set forth in Section 316.003, Florida Statutes.
- (73) *Swimming pool* shall have the meaning set forth in the building code.
- (74) *Tenant* means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a structure, building or portion thereof.
- (75) *Tow truck* means any truck or other vehicle which is used to tow, carry or otherwise transport motor vehicles or vessels upon the streets and highways of this state, and which is equipped for that purpose with a boom, winch, car carrier or other similar equipment.
- (76) *Trailer* shall have the meaning set forth in Section 316.003, Florida Statutes.

- (77) *Unsafe structure or unsafe building* shall have the meaning set forth in Chapter 2-6, Article II, of the Code of Ordinances.
- (78) *Vehicle* shall have the meaning set forth in Section 316.003, Florida Statutes.
- (79) *Violator* means any person who fails to comply with the requirements of this Article. This definition may include, but is not limited to, the owner, operator, occupant, tenant or any other person causing or otherwise responsible for the violation.
- (80) *Visibility triangle* means an area of a lot or parcel where development is restricted adjacent to the intersection of streets with other streets or driveways to allow for vehicular visibility.
- (81) *Waste* means sewage, industrial waste and all other liquid, gaseous, solid, radioactive or other substances which may pollute or tend to pollute any real property or waters.
- (82) *Watercraft* means a vehicle, vessel or craft designed to move across or through water.
- (83) *Weatherproof* means able to withstand exposure to weather without damage or loss of function.
- (84) *Weathertight* means able to exclude wind or rain under normal conditions.
- (85) *Yard* shall have the meaning set forth in the Land Development Code.
- (b) Words not defined in this Article shall have the meanings stated in the Manatee County Land Development Code, building code or Webster's current New Collegiate Dictionary, as amended.
- (c) References to applicable laws such as Florida Statutes, the Florida Administrative Code, the Florida Building Code, the United States Code, and to provisions of the Code of Ordinances or the Land Development Code shall include all amendments and successor provisions thereto.

Sec. 2-9-104. - Administration.

(a) *Administrative official.*

- (1) The administrative official shall be responsible for administration and enforcement of this Article. The administrative official is authorized and directed to receive all complaints of violations of this Article, gather all relevant information concerning said complaints, conduct field investigations and inspections of property, and enter upon property in the conduct of official business pursuant to this Article.
- (2) The administrative official shall be responsible for providing all notices and orders to affected property owners, operators, occupants, tenants and other persons required by this Article, and to take such other actions as are reasonably necessary to accomplish the purpose of this Article.

(b) *Inspections.*

- (1) All property, premises, structures and buildings shall be subject to inspection at reasonable times by the administrative official and code enforcement officers.
 - (2) The administrative official and code enforcement officers shall be provided with official identification which shall be presented at the time of inspection.
 - (3) The administrative official and code enforcement officers shall attempt to explain to the owner, operator or occupant the purposes of inspection.
 - (4) The administrative official and code enforcement officers shall have the right to enter upon real property in the discharge of official duties to make an inspection or enforce the provisions of this Article.
 - (5) If entry is refused, the administrative official and code enforcement officers shall have recourse to every remedy provided by law to secure entry, including administrative inspection warrants.
- (c) Nothing contained in this Article shall be deemed to waive sovereign immunity by the county or to impose any personal liability on any officer or employee in the discharge of official duties under this Article. .

Sec. 2-9-105. - Property maintenance standards.

- (a) All property, structures and buildings shall be maintained in compliance with the requirements specified in this Article. A person shall not occupy as owner-occupant or permit another person to occupy any property or premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Article. .
- (b) Maintenance responsibility for mobile homes and premises located within mobile home parks lies with the responsible party pursuant to Section 723.024, Florida Statutes.
- (c) All property and premises shall be maintained in a clean, safe, secure, and sanitary condition and shall not be left in neglect. Undergrowth, rubbish, debris, bush or brush and unsanitary matters including, but not limited to, any accumulation of debris, decayed vegetable matter, filth, rubbish or trash or overgrowth of weeds/vegetation or noxious plants, are prohibited.
- (d) All exterior property areas and premises shall be free from any nuisance condition. Nothing shall be placed, constructed or maintained on any premises that shall in any way constitute a nuisance or fire hazard. No property or premises shall harbor an infestation, poison or germ carriers.
- (e) No scrap heaps, refuse piles, motor vehicle frame, camper shell, truck camper, or vehicle body or parts shall be stored on any residential property unless expressly permitted by the Land Development Code, or when stored in a completely enclosed garage or building. Agricultural and farm vehicles and equipment may be stored on agricultural property.

- (f) Outdoor storage on any residential lot shall be screened from view on all four (4) sides, shall be located to the rear of the residence, and shall not occupy more than two hundred (200) square feet.
- (g) All driveway connections shall be maintained by the owner or owners of the property which said driveway connections serve.
- (h) All trees and shrubs shall be maintained such as not to impede pedestrian or vehicular traffic. Trees shall be pruned to provide a minimum of eight (8) feet vertical clearance over sidewalks
- (i) All construction sites shall be maintained free of any nuisances. All building materials and loose objects shall be secured in the event of a hurricane, tropical storm or other natural disaster.
- (j) All construction job sites shall be kept clean, such that accumulation of construction debris shall not remain on the property for a period of time exceeding fourteen (14) days.
- (k) All debris shall be contained in such a manner so as to prevent it from being spread on the property or adjacent property by any means.
- (l) It shall be unlawful for any person to allow construction-related materials (including, but not limited to, roof tiles, lumber, scaffolding and debris) to remain loose or otherwise unsecured at a construction site from twenty four (24) hours after a hurricane watch or tropical storm warning has been issued until the hurricane watch or tropical storm warning has been lifted. All such materials shall be either removed from the construction site or secured in such a manner as to minimize the danger of such materials causing damage to persons or property from high winds.

In addition to the above, a licensed contractor who violates this section shall be subject to discipline or license revocation proceedings before the county construction board of adjustment and appeals.

- (g) Commercial fishing equipment, including crab traps, rollers, nets, coolers or similar equipment usually associated with commercial fishing, may be stored on lots and in required yards in the Cortez Fishing Village Overlay District without the necessity to screen the equipment from view.
- (h) Garage sales on residential property shall be limited to one sale, not to exceed three (3) consecutive days, every three (3) months per residential lot.
- (i) Outdoor display, sales, or storage of merchandise, equipment may be allowed on nonresidential property in compliance with the Land Development Code. Outdoor display, service, sales or storage of merchandise, equipment or materials shall be prohibited in any of the following areas:
 - (1) Required yards;
 - (2) Fire lanes;
 - (3) Designated loading zones;
 - (4) Designated parking areas;

- (5) Driveways;
 - (6) Visibility triangles;
 - (7) Storm water conveyances;
 - (8) Drainage and utility easements; and
 - (9) Public rights-of-way.
- (j) Clotheslines shall be maintained in a safe condition and shall be prohibited in the front yard of any residential property.
 - (k) No paint or hazardous materials shall be spilled or dumped on any property, right-of-way, roadway or waterway.
 - (l) Minor service or repair work on motor vehicles and restricted vehicles may take place on residential property in compliance with all of the following requirements:
 - (1) The property owner or tenant shall own the motor vehicle or restricted vehicle being serviced or repaired;
 - (2) Minor service or repair work shall be limited to minor work such as changing or adding oil or other fluids, changing a battery, a tire or spark plugs, or tuning up the engine.
 - (3) Except for emergency repairs, no service or work shall take place on any right-of-way or public property.
 - (4) No oil, gas or other fluids shall be discharged or allowed to drain, leak or run off onto any grass, sod, soil, non-impervious surface, right-of-way or public property.
 - (5) All other service and repair work on motor vehicles or restricted vehicles shall take place at a location that complies with the Land Development Code.
 - (m) All private sidewalks, walkways, driveways, drive isles, roadway, parking spaces and similar areas shall be kept in good repair and maintained free from hazardous conditions.

Sec. 2-9-106. - Structural standards.

- (a) Prior to occupancy, every residential or nonresidential structure or building shall be connected to utility systems as follows:
 - (1) Every occupied structure shall be properly connected to a public water system or an approved private water system that is operated and maintained in accordance with Chapter 2-31 of the Code of Ordinances.
 - (2) Every occupied structure shall be properly connected to a public sewer system or an approved private sewage system that is operated and maintained in accordance with Chapter 2-31 of the Code of Ordinances.
 - (3) Every occupied structure shall be provided with an electrical system which shall be operated, maintained and connected to a source of power in accordance with the building code and Section 2-6-3 of the Code of Ordinances.

- (b) Structures and buildings shall be maintained in good repair, and structurally sound so as not to pose a threat to the public health, safety or welfare. The maintenance standards listed below provide the minimum requirements and criteria for compliance with this section:
- (1) All exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition.
 - (2) All exterior walls shall be free from holes, breaks and loose or rotting materials, maintained weatherproof and properly surface coated where required to prevent deterioration.
 - (3) All roofs and flashing shall be sound, weathertight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure.
 - (4) All overhang extensions, including, but not limited to, canopies, marquees, signs, and metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good condition.
 - (5) Every exterior stairway, landing, deck, porch, balcony or walking surface and all appurtenances attached thereto shall be maintained in safe, sound and in good condition.
 - (6) Every handrail and guard shall be firmly fastened and maintained in good condition.
 - (7) Every window and skylight shall be kept in sound condition, good repair and weathertight. All glazing materials shall be maintained free from cracks and holes.
 - (8) All screens shall be maintained in good condition, free from rips or tears, and properly fitted within the frame or removed.
 - (9) All doors, door assemblies and hardware shall be maintained in good condition.
 - (10) Doors and windows in occupied structures shall not be boarded or covered, except for the temporary installation or closure of storm shutters, panels or other hurricane protection devices during the threat of storm. While such protection is provided, at least one door leading to the exterior of the structure shall be provided.
- (c) All vacant, unoccupied or abandoned structures and buildings shall be maintained in a safe and secure condition and shall comply with subsection (b) above. All vacant structures and building shall be secured in a manner to prevent entry by unauthorized persons. Boarding, closing or otherwise securing of door and window openings is authorized.
- (d) All mobile homes shall be equipped with tie downs, piers, bases, anchors and specified associated equipment and devices, and installed in accordance with applicable rules of the Florida Department of Highway Safety and Motor Vehicles.

(e) *Structure numbers.*

- (1) Prior to the issuance of a certificate of occupancy or certificate of completion, the assigned address number of the structure shall be clearly posted on the exterior of the structure in Arabic numerals. The structure numbers shall be clearly posted on all existing structures. All assigned structure numbers shall remain affixed to the respective structure and shall be maintained by the property owner.
- (2) The color of the numbers and/or letters shall contrast to the background of the structure or building.
- (3) Numbers and letters shall conform to the following size requirements:

Distance at which numbers and letters must be legible from the roadway		
Type of structure	Distance from center of roadway	Minimum height of numbers and letters
Residential	100 feet	4 inches
Nonresidential (commercial, industrial, institutional)	0—300 feet greater than 300 feet	6 inches 8 inches

Business address numbers and letters shall be placed on the rear exit doors of all businesses and shall be a minimum of six (6) inches in height.

- (4) The distance shall be measured from the center of the roadway on which the structure fronts whether such road is public or private. For nonresidential structures, the distance shall be measured from the center of the access to the structure.
- (5) In the case of a residential structure which is not visible from the road or is set back more than one hundred (100) feet, the assigned number measuring at least four (4) inches in height shall be posted on a sign at the driveway entrance in addition to being placed on the structure.

Sec. 2-9-107. - Accessory structures and uses.

- (a) All accessory structures and uses, including, but not limited to, detached garages, storage sheds, fences and walls, shall be maintained structurally sound and in good condition.
- (b) One portable carport/canopy shall be permitted in a front yard to be used as a carport. Additional Portable carports/canopy shall be stored in a side or rear yard and all shall be maintained in good repair and be free of rips and tears.

- (c) All marine structures, including, but not limited to, docks, boat houses, boat lifts, piers, wharfs, bulkheads, seawalls and revetments, shall be maintained in structurally sound and good condition.
- (d) *Swimming pools, hot tubs and spas.*
 - (1) Every swimming pool, hot tub and spa shall be maintained and operated in a clean, safe, and sanitary manner at all times.
 - (2) Swimming pools, hot tubs and spas shall be maintained in working order so that the water remains free and clear of pollutants and debris, the water clarity allows the lowest part of the swimming pool, hot tub or spa to be seen from the deck, and the water quality does not create a breeding ground for mosquitoes or other insects.
- (d) *Barriers.*
 - (1) Private swimming pools, hot tubs and spas shall be completely surrounded by an effective barrier or fence that complies with the requirements of the building code and Chapter 515, Florida Statutes.
 - (2) Public swimming pools shall be enclosed by an effective barrier that complies with the requirements of the building code and Chapter 515, Florida Statutes.
 - (3) During all swimming pool construction, the contractor shall install and maintain a temporary or permanent barrier that complies with the requirements of the building code and Chapter 515, Florida Statutes. No temporary enclosure may be removed until a permanent barrier has been properly installed.
 - (4) Enclosures, fences and barriers required for swimming pools, hot tubs and spas shall be maintained in compliance with the applicable building code and Chapter 515, Florida Statutes. No existing enclosure or fence shall be replaced or changed in a manner that reduces its effectiveness as a safety barrier.
 - (5) Exit alarms shall be maintained in compliance with the applicable building code and Chapter 515, Florida Statutes. No exit alarm shall be removed, disabled or changed in a manner that interferes with its proper operation.
- (e) Where required by the building code, permits shall be obtained for all storage structures and sheds. Portable storage units, trailers, semitrailers, marine cargo containers and other transport containers are prohibited except those that meet one of the following descriptions:
 - (1) Temporary storage on active permitted construction sites;
 - (2) Temporary storage on residential property for a maximum of thirty (30) days in any twelve-month period to be loaded or unloaded;
 - (3) In compliance with applicable requirements of the building code and the Land Development Code;
 - (4) Portable storage units, trailers, semitrailers, marine cargo containers and other transport containers may be allowed on A zoned properties of five (5) acres or more and must comply with the setbacks in that zoning district and be placed at

the rear of the property. The underlying property around them must be maintained at all times; or

- (5) On properties with a bona fide farm operation on land classified as agricultural land pursuant to Section 193.461, Florida Statutes.
- (f) No mobile home shall be used for storage of materials, parts, equipment or any other items.

Sec. 2-9-108. - Motor vehicles.

(a) *Commercial vehicles.*

- (1) Commercial vehicles may be parked on any property in compliance with the Land Development Code appurtenant to a structure on the premises, or when engaged in active on-site construction, transportation or other temporary service for the premises where they are parked.
- (2) Commercial vehicles shall not be parked on any residential lot, or in/on any right-of-way, except as provided below:
 - a. On properties with a bona fide farm operation on land classified as agricultural land pursuant to Section 193.461, Florida Statutes;
 - b. Two (2) commercial vehicles per premises may be parked on residential property, when such vehicles are used by residents of the premises and are parked off-street in a garage, carport or driveway, provided that neither vehicle exceeds fifteen thousand (15,000) pounds of Gross Vehicle Weight (GVW) and nine (9) feet in height. The height shall be measured from the ground to the highest point of the vehicle or any object being carried. The height limitation shall not apply to commercial vehicles less than one ton rated capacity.
 - c. One of the two (2) commercial vehicles may be a tow truck, provided that the towing company is on an approved law enforcement response list and the vehicle is not capable of towing semi-tractor trailers.
- (3) Additional limitations on commercial vehicles are set forth in the Land Development Code under the Whitfield Residential Overlay District and Restricted Vehicle Overlay District.

(b) *Restricted vehicles.*

- (1) Restricted vehicles may be parked on property with an occupied single-family residence or duplex when such vehicles are unoccupied and stored in a garage, carport, structure or building or at an approved off-street vehicle storage area in compliance with the requirements of the Land Development Code.
- (2) Restricted vehicles may be parked in the side yard and rear yard of property with an occupied single-family residence or duplex, provided that the restricted vehicle does not extend more than five (5) feet past the front of the structure and that the restricted vehicle is owned by the property owner or tenant.



Figure 1. Corner Lot

- (3) In residential districts, restricted vehicles may be parked in a front yard (excluding primary front facade of home/principal frontage) of a secondary front yard of a corner lot and shall be set back ten (10) feet from the property line and substantially screened from view with a minimum of a six (6) foot fence or full hedge.
- (4) Restricted vehicles may be parked on a paved driveway of a front yard:
 - a. On property located within (i) the General Agricultural District (A) , (ii) the Agricultural Suburban District (A-1), or (iii) the Residential Single-Family District with a maximum density of one dwelling per acre (RSF-1) as described in the Land Development Code; or
 - b. When permitted for vehicle sales in compliance with the Land Development Code and approved plans.
 - c. This section shall not apply to properties with a bona fide farm operation as set forth in Section 823.14(6), Florida Statutes.
- (5) Restricted vehicles shall not be parked or located in any utility or drainage easement, visibility triangle, right-of-way, fire lane, walkway, exit way, drive aisle, maneuvering area or landscape area.

- (6) A restricted vehicle may be parked in a driveway if the owner or occupant of the property is physically disabled requiring the use of such equipment as the principle motor vehicle for general purpose transportation and a disabled parking permit is displayed in the restricted vehicle in compliance with Section 320.0848, Florida Statutes.
 - (7) A restricted vehicle may be parked in a driveway temporarily for the purpose of cleaning , loading and unloading materials in preparation for a trip or after returning from a trip, for up to forty-eight (48) hours provided that such parking shall not exceed two (2) occurrences in any thirty-day (30) period. Each occurrence shall not exceed three (3) days.
 - (8) No service facility, such as water, sewer or electrical connections shall be attached to a restricted vehicle, except that a temporary electrical extension may be connected to the restricted vehicle for battery charging and at the time when ordinary repairs or maintenance is being performed on the restricted vehicle.
 - (9) Additional limitations on restricted vehicles are set forth in the Land Development Code under the Whitfield Residential Overlay District and Restricted Vehicle Overlay District.
 - (10) Boats may be parked on property located in the Cortez Fishing Village Overlay District. Boats may be parked in the front yard and side yard of residential property in such district in compliance with the following requirements:
 - a. Non-commercial boats, such as pleasure boats, may be stored in side yards when the boat is owned by the resident of the premises, but only if the lot size or building configuration makes storage in the rear yard physically impossible.
 - b. Commercial fishing boats owned by the property owner may be stored in the side yard or rear yard.
 - c. Historical or commercial or non-commercial fishing boats titled in the name of a non-profit organization may be stored on property owned by such organization for a period not to exceed three (3) years.
 - d. Commercial fishing boats and commercial fishing equipment may be stored on vacant lots adjacent to residential structures which are under the same ownership, provided such storage is located at least fifteen (15) feet from the front property line.
- (c) *Inoperable vehicles.*
- (1) Except as otherwise provided in the Land Development Code, no inoperable vehicle shall be parked, kept or stored on any property in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.
 - (2) No inoperable vehicle, including motor vehicle frame, vehicle body or parts shall be parked or stored on any property, public land, right-of-way or easement,

except when parked or stored in a completely enclosed garage, structure or building.

- (3) A maximum of three (3) vehicles commonly referred to as street rods or antiques may be parked or stored on agricultural property where the existing farm operation is adjacent to an established homestead or business on March 15, 1982, provided such vehicles are not visible from the street or are screened from view from the street. The provisions of this section shall not apply to agricultural vehicles on agricultural property.

Sec. 2-9-109. - Enforcement.

- (a) Any violation of this Article may be enforced as provided in Section 125.69, Florida Statutes. In addition, the county may bring suit to restrain, enjoin, or otherwise prevent a violation of or mandate compliance with this Article.
- (b) Violations of this Article may be enforced as provided in Chapter 162, Florida Statutes, and Chapter 2-7 Article I, of the Code of Ordinances.
- (c) Each day that any violation of any provision of this Article exists shall constitute a separate offense.
- (d) Procedures for demolition of unsafe structures shall comply with the provisions set forth in Chapter 2-6, Article II, of the Code of Ordinances.
- (e) Procedures for the mowing and clearing of improved and unimproved lands and property shall comply with the provisions set forth in Chapter 1-19, Article II, "Lot Clearing Procedures Act", of the Code of Ordinances.
- (f) *Inoperable vehicles.*
 - (1) Inoperable vehicles are a nuisance per se primarily due to safety, aesthetics and visual impact on surrounding areas and, as such, may be removed when found to be in violation of subsection 2-9-108(c), Manatee County Code of Ordinances. Such inoperable vehicles constitute a breeding ground for mosquitoes, snakes, rats, rodents and other vermin. Further, inoperable vehicles constitute a fire hazard, a dangerous attraction to children, and a haven for drug dealers.
 - (2) The following procedures shall apply to the removal of inoperable vehicles from private property:
 - a. A code enforcement officer shall place a written notice on the inoperable vehicle stating that it is in violation of subsection 2-9-108(c) of this Code, it must be removed or made operable within ten (10) calendar days or it will be subject to removal by the county.
 - b. The county shall provide similar written notice by certified mail, return receipt requested or hand delivery to the owner of the inoperable vehicle and the owner of the property where the vehicle is located.
 - c. Within the period specified in the notice, the owner of the inoperable vehicle or the owner of the property may appeal the written notice to the

administrative official. If appealed, the administrative official shall review the violation and, based upon the evidence, shall either affirm or dismiss the violation. The administrative official may also, for good cause, extend the time for compliance or removal of the inoperable vehicle. The county shall not remove the inoperable vehicle from the property while an appeal is pending.

- d. The owner of the inoperable vehicle or the owner of the property may appeal the final decision of the administrative official to a court of competent jurisdiction.
- e. After the time period for removal has expired, the administrative official may cause such inoperable vehicle to be removed to a storage facility and thereafter disposed of in accordance with applicable state law if the inoperable vehicle is not reclaimed and disposed of properly by the owner.
- f. The authorization provided in this section for removing inoperable vehicles shall not be construed to negate the authority of the code enforcement special magistrate to hear and adjudicate appropriate cases nor shall it preclude the county from pursuing other remedies available under this Article or other county ordinances or state law to enforce this section.

Section 2. This ordinance shall be codified in the Manatee County Code of Ordinances.

Section 3. If any clause, phrase, provision, section or sentence of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 4. This Ordinance shall take effect immediately upon filing with the Department of State.

DULY ADOPTED, with a quorum present and voting, this ___ day of August, 2020.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____

Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk