

ORDINANCE 09-10- 22

AN ORDINANCE AMENDING SECTION 2-383 OF THE CODE OF ORDINANCES, HIGHLANDS COUNTY, FLORIDA, PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

FILED  
2010 JUL 22 11 05 AM  
CLERK OF COUNTY COMMISSIONERS  
HIGHLANDS COUNTY, FLORIDA

**WHEREAS**, the Board of County Commissioners of Highlands County, Florida desires consistency within the Code of Ordinances, Highlands County, Florida; and

**WHEREAS**, inconsistencies have been found in the Code of Ordinances, Highlands County, Florida.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA**, after due notice and public hearing, that:

**SECTION 1. Amendment and Adoption.** Section 2-383 of the Code of Ordinances, Highlands County, Florida, is amended to read as follows:

**Sec. 2-383. Applicable codes and ordinances.**

The following county codes may be enforced pursuant to this division.

Code Section	Description	Class
<u>2-360(k)</u>	<u>Code enforcement special magistrate</u>	<u>IV</u>
3-1(a)	Hours of sale, consumption and service of alcoholic or intoxicating beverages restricted (Monday through Saturday)	IV
3-1(b)	Hours of sale, consumption and service of alcoholic or intoxicating beverages restricted (Sunday)	IV
3-2	Indecent exposure in alcoholic beverage establishments prohibited	IV
3-4	Point-of-sale warning signs required (alcoholic beverage vendors)	IV
3-5(c)	Possession of open alcoholic beverage containers on county property prohibited	IV
4-18	Health department inspection and approval prerequisite to operation of food service for carnivals and exhibitions	IV
4-31	Permit required for carnival or exhibition	IV

4-51	Permit required for bingo games	IV
4.5-21	Allowing a dog to run at large prohibited	I
4.5-22	Use of collar and leash on and control of dogs required	I
5-17	Unauthorized dumping or accumulation restricted	II
5-18	Abandonment of vessel/vehicle prohibited	I
5-19	Leaving partially dismantled, nonoperating, wrecked, junked or unlicensed vehicle on street prohibited	II
5-20	Storage of partially dismantled, nonoperating, wrecked, junked, discarded or unlicensed vessel or vehicle over 72 hours prohibited	I
5-28	Obstructing enforcement officer prohibited	IV
5-524	Certificate of public convenience and necessity required (emergency medical transport)	IV
5.6-3	Nuisance on property prohibited	I
5.6-104	Noise restriction in general	I
5.6-105	Specific noise prohibitions	I
5.6-106	Sound control standards	I
<del>6-32(12)</del>	<del>Fortunetellers, clairvoyants, palmists, astrologers, phrenologists, character readers, spirit mediums, absent treatment healers, mental healers, and similar occupations--Failure to obtain permit--</del>	<del>I</del>
7-1(b)	Abandoned or discarded iceboxes, refrigerators, deep-freeze lockers, clothes washers, clothes dryers or similar airtight units prohibited	IV
7-1(d)	Unenclosed display of second hand refrigerators, deep-freeze lockers, clothes washers, clothes dryers or similar airtight units by junk-yard dealer or second hand furniture dealer prohibited unless doors removed	IV
<u>7-3</u>	<u>Fortunetellers, clairvoyants, palmists, astrologers, phrenologists, character readers, spirit mediums, absent treatment healers, mental healers, and similar occupations--Failure to obtain permit</u>	<u>II</u>
7-4	Prohibited activities in county parks	I
7-5	Importation, transportation, sale, propagation, planting, and use of certain plant species prohibited	II
7-6(c)	Transportation of noxious aquatic weeds prohibited	III
7-20	Violation of water use restrictions or water conservation measures prohibited	I
7-122	Off-premises sales of motor vehicles by dealers without permit or in violation of permit conditions prohibited	IV

8.5-21	Mandatory disposal of municipal solid waste	IV
8.5-23	Regulation of collectors of solid waste	H <u>IV</u>
8.5-24	Standards of collection of solid waste	H <u>IV</u>
8.5-25	Responsibility of property owners in collection of solid waste	I
8.5-27	Hazardous waste or bio-hazardous waste	IV
8.5-28	Collection, recycling, and disposal of construction and demolition debris regulated	IV
8.5-32	Prohibited acts concerning solid waste	IV
9-35	Posting of street addressing numbers on buildings	I
11-2	Traffic along beaches and shorelines and within county waterways	II
11-102	Maximum fees for nonconsensual towing and immobilization of vehicles	I
11-103	Insurance required for immobilization, towing, removal or storage of vehicles	I
11-104	Inspection required for vehicles used to provide immobilization, towing, removal and storage of vehicles	I
11-105	Documentation required providing immobilization, towing, removal or storage of vehicles services	I
12.03.101	Building permit required	II
<del>12.03.105</del>	<del>Right of entry</del>	<del>H</del>
12.03.110	Permits required	II
<u>12.04.117.B</u>	<u>Maintenance by Condominium, Owners' Association, or Co-op</u>	<u>II</u>
<u>12.04.202</u>	<u>Development Order Required to be on File</u>	<u>II</u>
<u>12.04.206</u>	<u>Existing Mobile Home Parks and Campgrounds</u>	<u>II</u>
<u>12.04.215</u>	<u>Antennas and Ground Mounted Towers - Site plan application requirements</u>	<u>II</u>
12.05.200	AU Agricultural district zoning regulations	I
12.05.201	EU estate district zoning regulations	I
12.05.210	R-1A residential district zoning regulations	I
12.05.211	R-1 residential district zoning regulations	I
12.05.212	R-2 two-family dwelling district zoning regulations	I
12.05.213	R-3 multiple family dwelling including motel and hotel district zoning regulations	I

12.05.214	R-3 NC non-commercial multiple family district zoning regulations	I
12.05.220	M-1 mobile home subdivisions district zoning regulations	I
12.05.221	M-1-S mobile home and residential subdivisions district zoning regulations	I
12.05.222	M-2 mobile home parks district zoning regulations	I
12.05.223	RV park (FUD) district zoning regulations	I
12.05.224	CG-1 campground district zoning regulations	I
12.05.225	CG-2 campground district zoning regulations	I
12.05.226	CG-3 campground district zoning regulations	I
12.05.240	B-1 neighborhood business district zoning regulations	I
12.05.241	B-2 limited business district zoning regulations	I
12.05.242	B-3 business district zoning regulations	I
12.05.243	B-4 business district zoning regulations	I
12.05.244	O office district zoning regulations	I
12.05.245	BC-1 business campus, research and light manufacturing park district zoning regulations	I
12.05.246	BC-2 business campus, research, and light manufacturing park district zoning regulations	I
12.05.251	I-1 industrial district zoning regulations	I
12.05.252	I-2 industrial district zoning regulations	I
12.05.260	TND: traditional neighborhood development district zoning regulations	I
12.05.280	P public and quasi-public lands district zoning regulations	I
12.05.281	PW public water supply district zoning regulations	I
12.05.282	CM conservation/management lands district zoning regulations	I
12.05.283	A-1 airport district zoning regulations	I
12.05.290	PD planned development district zoning regulations	I
12.05.291	Flexible unit development (FUD) zoning regulations	I
12.05.292	Conditional use district zoning regulations	I
12.05.300	Single-family uses in the AU district on lots which are one acre or less in size and accessory uses and detached accessory structures in residential districts	I
12.05.301	Uses and structures used for accessory purposes in nonresidential districts	I

12.05.303	Use of residentially zoned property for access	I
12.05.304	Grade of residential buildings	I
12.05.306	Fences, walls and hedges	I
12.05.307	Base building lines established	I
12.05.310	Boats, boathouses and docks	I
12.05.311	Tents	I
12.05.313	Utility trailers areas	I
12.05.314	Storage or display of used or secondhand merchandise	I
12.05.316	Keeping and maintaining animals including exotic and wild animals	I
12.05.401	Encroachment into yards	I
12.05.402	Provision of yard on district boundary lines where a residential district adjoins a business or industrial district	I
12.05.403	Provision of yards for residential uses in nonresidential districts	I
12.05.404	Provision of yards for lots without buildings	I
12.05.405	Provision of yards for group housing	I
<u>12.06.102</u>	<u>Nonconforming lots of record; replatting of lots</u>	<u>II</u>
<u>12.06.103</u>	<u>Nonconforming uses of land and elimination of such uses</u>	<u>II</u>
12.06.104	Nonconforming structures; amortization of structures designed for certain uses	II
12.06.105	Nonconforming uses of structures	II
<del>12.06.132</del>	<del>Nonconforming uses of land and elimination of such uses</del>	<del>H</del>
12.07.101	Off-site signs	I
12.07.102	Off-site sign regulations	I
12.07.103	Snipe signs prohibited	I
12.07.104	Political signs, advertisements, handbills, snipe signs and billboards prohibited on government property	I
12.07.105	Obscene, indecent, lewd or immoral signs prohibited	I
12.07.106	Strip lighting prohibited	I
12.07.107	Illumination of signs prohibited	I
12.07.108	Bus benches regulation	I
12.07.109	Nonconforming advertising signs	I
12.08.101	Alcoholic beverage establishments requirements	III

12.08.103	Bingo games zoning regulations	I
12.08.105	Camping grounds additional zoning regulations	I
12.08.107 <u>6</u>	Carnivals and exhibitions zoning regulations	I
12.08.108	<del>Home occupations additional zoning regulations</del> <u>Flea market (open) regulations</u>	I
12.08.109	<del>Flea market (open) additional zoning regulations</del> <u>Home occupations regulations</u>	I
12.08.111	Special accessory uses associated with hotels, apartment hotels, motels and multiple family dwellings as special accessory uses, additional zoning regulations	I
12.08.113	Junk yards established after January 1, 1971, additional zoning regulations	II
12.08.114- <u>115</u>	Junk yards in existence/operating on January 1, 1971, additional zoning regulations	II
12.08.117	Mobile homes as accessory uses, offices or temporary residences, additional zoning regulations	I
12.08.119	Mobile home storage and parking in residential zoning districts prohibited	I
12.08.120	Recreation/disaster shelter building zoning regulations	II
12.08.123	Service stations, additional zoning regulations	I
12.08.125	Sexually oriented businesses/adult establishments zoning regulations	I
12.08.127	Solid waste, additional zoning regulations	II
12.08.128	TND land development regulations	I
12.08.129	Water facilities (potable water facilities) covered or included by Florida Administrative Code 40D-2 or 40E-2, additional zoning regulations	I
12.08.131	Wastewater treatment facilities or structures or water treatment facilities or structures, additional zoning regulations	I
12.08.134	Wireless communication facilities- Antennas and towers as accessory uses, additional zoning regulations	II
12.08.135	Wireless communication facilities (WCF), additional zoning regulations	II
12.09.103.E.	Clear visibility triangle at street intersections	H <u>I</u>
12.09.103.F.	Clear visibility triangle at driveways	H <u>I</u>
<u>12.09.104</u>	<u>Roadway Design Standards</u>	<u>II</u>
<del>12.09.104.B.</del>	<del>Roadway design standards: protection of use of right of way</del>	H

12.09.106.A.	Driveway Permit Required	I
12.09.107	<del>Driveway</del> Permit Conditions	I II
12.09.109	Commercial Driveways	II
12.09.111	Ten Acre Parcel Road Connections	II
12.09.112	Residential Driveways	I
12.09.113	Existing Driveways	I
12.09.115	Design and Specifications	I
12.10.101	Applicability	I
12.10.102	Maintenance	I
12.10.200	<del>Required off-street parking regulations</del> Parking spaces required	I
12.10.211	<del>Required handicapped parking spaces</del> Handicapped access	I II
12.10.212.A.	Loading area requirements	I
12.10.212.C.	Use of loading spaces	I
12.10.213	Off-street loading requirements	I
12.10.217	Parking of commercial vehicles in residential zoning districts	I
12.10.218	Storage and parking of recreational vehicles, travel trailers and camping trailers	I
12.11.102.C.	Existing plant communities	I
12.11.102.D.	Cultivated landscapes	I
12.11.102.F.	Security for plat recording and issuing a certificate of occupancy	I
12.11.102.G.	Pruning	I
12.11.102.H.	Maintenance	I
12.11.103	Plant material standards and installation standards	I
12.11.105	Landscaping required in interior or vehicular surface areas	I
12.11.106	Green space requirements in shopping centers and freestanding retail establishments with floor areas of 40,000 square feet or greater	I II
12.11.111	<del>Types of</del> Transitional protective yards requirements	I II
12.11.112	Open space requirements and standards	I
12.12.203	Setback from natural surface water bodies and wetlands regulations	I IV
12.12.301	<del>Ground water and W</del> ell head protection general regulations	IV
12.12.400.B.	Stormwater Management	II

12.12.402	Standards for stormwater management systems	<del>IV</del> II
<u>12.12.403</u>	<u>Stormwater management plan</u>	II
<del>12.12.405</del>	<del>Right of entry on private property by county engineer</del>	<del>IV</del>
<u>12.12.503.D.</u>	<u>Establishment of Flood Hazard Development Permit - Compliance</u>	II
<u>12.12.504.B.</u>	<u>Flood Hazard Development Permitting Procedure - Elevation Certificate</u>	II
12.12.508	<u>Provisions for flood hazard reduction regulations</u>	II
<del>12.12.602.A.</del>	<del>Obtaining environmental clearance of any affected development orders</del>	<del>I</del>
12.12.603	Environmental clearance report required	I
12.12.604	Environmental mitigation fee for existing lots and small sites	I
<del>12.12.614.D.</del>	<del>Environmental clearance report transmittal and recommendation (ECR)</del>	<del>I</del>
12.12.620.C.	Land clearing permits required	<del>H</del> IV
<u>12.12.701.A.</u>	<u>Procedure and Requirements for Obtaining a Final Development Order</u>	IV
<u>12.12.703.C.</u>	<u>Permit extension</u>	II
<u>12.12.703.D.</u>	<u>Permit transfer</u>	II
12.12.707	Standards for location and operation of mine	<del>I</del> II
<u>12.13.101.A.</u>	<u>Procedure</u>	II
12.14.100	Potable water system requirements for manufactured home and seasonal parks	IV
12.14.101	Potable water system requirements for new development and redevelopment	IV
12.14.104	Water storage capacity requirements or new development and redevelopment	IV
12.14.200	Central sewer system requirements for manufactured home and seasonal parks	IV
12.14.201	Central sewer system requirements for new development	IV
12.14.300.B.	Right of way permit required	II
12.14.303	Prohibited use of county right of way	II
<u>12.14.307</u>	<u>Installations Requiring Utility Permits</u>	II
<u>12.14.309</u>	<u>Blanket Utility Service Drop-Permits – Purpose of permit</u>	I
<u>12.14.310</u>	<u>Blanket Utility Maintenance Permits - Purpose of Permit</u>	I
12.14.312	Special requirements for installation, restoration of right of way <u>and</u>	II



	<u>Maintenance of Utility</u>	
<u>12.14.313</u>	<u>Maintenance of Vegetation</u>	<u>I</u>
<u>12.14.314</u>	<u>Tree Trimming</u>	<u>I</u>
<u>12.14.315</u>	<u>Removal of Vegetation</u>	<u>I</u>
<u>12.14.316</u>	<u>Chemical Control of Vegetation</u>	<u>I</u>
<u>12.14.317</u>	<u>Maintenance of Traffic</u>	<u>IV</u>
<u>12.14.318</u>	<u>Location Criteria for Utilities</u>	<u>I</u>
<u>12.14.319</u>	<u>General Requirements</u>	<u>I</u>
<u>12.14.320</u>	<u>Jacking and Boring</u>	<u>I</u>
<u>12.14.321</u>	<u>Bridge attachment, corrosion certification guidelines</u>	<u>I</u>
<u>12.16.101</u>	<u>Maintenance of buildings, structures, electrical, gas, mechanical, and plumbing systems required - vacant and secured</u>	<u>I</u>
<u>12.16.101</u>	<u>Maintenance of buildings, structures, electrical, gas, mechanical, and plumbing systems required - vacant and unsecured</u>	<u>III</u>
<u>12.16.101</u>	<u>Maintenance of buildings, structures, electrical, gas, mechanical, and plumbing systems required - occupied</u>	<u>IV</u>
<u>12.16.203</u>	<u>Right of entry on private property by building official</u>	<u>IV</u>
<u>12.16.204</u>	<u>Stop work orders</u>	<u>IV</u>
<u>12.16.300</u>	<u>Unsafe building structures, electrical, gas, mechanical or plumbing systems</u>	<u>I</u>
<u>12.16.400</u>	<u>Registration of contractors</u>	<u>III</u>
<u>12.16.402</u>	<u>Specialty contractors</u>	<u>H</u>
<u>12.16.403</u>	<u>Handypersons</u>	<u>II</u>
<u>12.16.409</u>	<u>Signs, advertising, and contracts by contractors, prohibited conduct</u>	<u>IV</u>
<u>12.17.100</u>	<u>Florida Fire Prevention Code</u>	<u>IV</u>
<u>12.17.102.E.3.</u>	<u>Maintenance required under fire code</u>	<u>IV</u>
<u>12.17.200</u>	<u>Permit required</u>	<u>IV</u>
<u>12.17.206</u>	<u>Certificate of Occupancy – building occupancy</u>	<u>I</u>
<u>12.17.207.A.</u>	<u>Connection of permanent service utilities</u>	<u>I</u>
<u>12.19.106</u>	<u>Maintenance of buildings, structures, and premises</u>	<u>I</u>
<u>12.19.301</u>	<u>Minimum standards for basic equipment and facilities – General</u>	<u>II</u>
<u>12.19.302</u>	<u>Facilities required</u>	<u>II</u>

12.19.303	<u>Minimum requirements for <del>L</del>ight and ventilation</u>	II
12.19.304	<u>Minimum requirements for <del>E</del>lectrical systems</u>	II
12.19.305	<u>General requirements for the <del>E</del>xterior and/ interior of structures</u>	II
12.19.306	Minimum dwelling space required <u>ments</u>	II
12.19.307	Sanitation requirements	II
12.19.400	Rooming houses	III
12.19.500	Designation of unfit dwellings	III

**SECTION 2. Conflict.** Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

**SECTION 3. Severability.** The sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection or section of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, and sections of this Ordinance.

**SECTION 4. Inclusion in Code.** When the text of this Ordinance is published for inclusion in the Code of Ordinances, Highlands County, Florida, the text marked for deletion by strike-through text shall be deleted and the additions appearing as underlined text shall be added so that the text of the Code shall be as amended rather than in the legislative format used in this Ordinance to highlight the changes being made.

**SECTION 5. Effective Date.** This Ordinance shall take effect immediately upon filing with the Department of State.

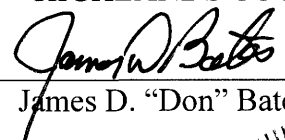
**DONE AND ADOPTED** this 20th day of July, 2010.

(SEAL)

(ATTEST)

By:   
Robert W. Germaine, Clerk

BOARD OF COUNTY COMMISSIONERS  
HIGHLANDS COUNTY, FLORIDA

By:   
James D. "Don" Bates, Chairperson



# FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM CODRS CODING FORM

**Instructions:** Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' database is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (904) 245-6270 or Suncom 205-6270.

<b>COUNTY:</b> Highlands	<b>COUNTY ORDINANCE #</b> (09-10-22)
<b>OTHER KEYFIELD DESCRIPTOR:</b> (Code Enforcement)	<b>FILED</b> 2010 JUL 22 AM 9:51 DEPARTMENT OF STATE TALLAHASSEE, FLORIDA
<b>SECONDARY KEYFIELD DESCRIPTOR:</b> (Code/Regulations)	
<b>OTHER KEYFIELD DESCRIPTOR:</b> ( )	
<b>ORDINANCE DESCRIPTION:</b> (Code Enforcement) (25 characters maximum including spaces)	
<b>ORDINANCES AMENDED:</b> (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)  AMENDMENT # 1: (05-06-37); AMENDMENT # 2: (07-08-48).	
<b>ORDINANCES REPEALED:</b> (List below the ordinances that are repealed by this legislation.)  REPEAL # 1: ( ); REPEAL # 3: ( ) REPEAL # 2: ( ); REPEAL # 4: ( )  (Others repealed: list all that apply): _____	
<b>(FOR OFFICE USE ONLY):</b>	
COUNTY CODE NUMBER ( )	
KEYFIELD 1 CODE: ( )	KEYFIELD 2 CODE: ( )
KEYFIELD 3 CODE ( )	