

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, AMENDING THE SAFETY HARBOR CITY CODE TO UPDATE PROPERTY MAINTENANCE STANDARDS FOR INFESTATION MAINTENANCE, SWIMMING POOL MAINTENANCE, RECREATIONAL VEHICLE PARKING AND CORRESPONDING FINES, AND ILLICIT DISCHARGE AND AMENDING REQUIREMENTS FOR CODE ENFORCEMENT BOARD SUBPOENAS; PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Safety Harbor City Code regulates property maintenance, motor vehicle, illicit discharge, and code enforcement board regulations; and

WHEREAS, the City of Safety Harbor regularly updates code regulations as needed; and

WHEREAS, the City Commission desires to amend the Safety Harbor Code to update property maintenance, motor vehicle, illicit discharge, and code enforcement board regulations; and

WHEREAS, the City Commission finds that enactment of this Ordinance is consistent with its police powers and will protect the public health, safety, and welfare of the residents of the City, and is consistent with, furthers and implements the purposes, goals, policies, and objectives of the City's enacted Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. The above recitals are true, correct, and incorporated by reference as the findings of the City.

SECTION 2. Chapter 5, Article II, Section 5.06 of the Safety Harbor City Code, is hereby amended as follows:

Sec. 5.06. - Definitions.

For purposes of this chapter, the following terms shall have the definitions provided below:

...

Harborage: Any condition which provides shelter or protection for insects or rodents; thus favoring their multiplication and continued existence in, under or outside a structure or premises or on a vacant lot.

...

Infestation: The presence of an unusually large number of insects or animals in a place, typically so as to cause safety concerns, damage or disease.

...

SECTION 3. Chapter 5, Article IV, Section 5.26 of the Safety Harbor City Code, is hereby amended as follows:

Sec. 5.26. - Care of premises.

All exterior property shall be maintained in accordance with the following minimum standards so as not to create a nuisance:

(1) *Sanitation.* All exterior property and premises shall be maintained in a safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a safe and sanitary condition. It shall be unlawful for any person to permit any rubbish, trash, refuse, junk and other abandoned materials or any condition which provides harborage for rats, mice, snakes and other vermin to remain in a front yard, open carport, or open area owned, occupied or in the possession of such person for a period of more than five (5) days. Garbage and refuse shall be disposed of in accordance with the provisions of chapter 10 of this Code.

...

(6) *Rodent and insect harborage and infestation.* ~~All exterior property shall be kept free from rodent harborage infestation.~~ All buildings, lots, and premises shall be kept free of rodent/insect harborage and infestation. The person in control shall not allow the accumulation of water, refuse, garbage, or other harborage. Where rodent or insect infestations are found, they shall be promptly exterminated or removed by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent or insect harborage and prevent re-infestation. Honeybee hives more than ten (10) feet from a structure or right of way are exempt from this section, unless they are causing a public safety issue.

...

(10) ~~Swimming pools. Private swimming pools containing water more than twenty-four (24) inches in depth shall meet the following standards:~~

a. ~~It shall be unlawful for any person, owner, lessee, tenant, occupant, or business entity (hereinafter collectively "person") to have, keep, maintain, cause or permit a swimming pool where the water quality deteriorates to such a poor level as to prevent clear visibility from the water's surface to the pool bottom or as to create a breeding ground for mosquitoes or other insects or the water is stagnant allowing algae to grow.~~

b. ~~All pools built after 2000, which are subject to the regulations of F.S. ch. 515, shall be required to maintain such safety feature that was used to pass inspection, as required by F.S. § 515.27, in an operable and safe condition at all times.~~

Pools and spas. Pools and spas shall be kept operational such that the water therein remains free and clear of insects, pollutants and debris. Non-operational pools must be covered. Building permits are required for pool covers. Manually or power-applied pool covers shall meet all standards of the Florida Building Code as approved by the Building Official.

SECTION 4. Chapter 23, Article II, Section 23.12 of the Safety Harbor City Code, is hereby amended as follows:

Sec. 23.12. - Recreational vehicles.

- (h) Recreational vehicles or similar types of vehicles shall not be parked upon any public street or within a right-of-way for a period longer than six (6) hours, unless signs are posted prohibiting on-street parking or identifying a different period of time. For purposes of this provision, the changing of the position of a vehicle from one (1) point directly to another point within the same block shall be deemed one (1) continuous parking period.

SECTION 5. Chapter 23, Article II, Section 23.14 of the Safety Harbor City Code, is hereby amended as follows:

Sec. 23.14. - Parking fines.

- (a) The fine for each violation of the parking restrictions set forth in section 23.10 shall be ~~twenty-five dollars (\$25.00)~~ thirty-five (\$35.00), except for violation of designated parking for disabled persons, which shall be ~~one hundred dollars (\$100.00)~~ two hundred and fifty dollars (\$250.00). Any fines not paid within fifteen (15) days of the day of the violation shall be doubled.

...

SECTION 6. Chapter 24, Article VII, Section 24.69 of the Safety Harbor City Code, is hereby amended as follows:

Sec. 24.69. - Illicit discharges.

- (a) Except as set forth under subsection (c) or as in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.
- (b) Any discharge to the stormwater system containing any sewage, industrial waste, chlorinated or contaminated pool water, yard waste, grass clippings, or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders of permits, is prohibited.

...

SECTION 7. Chapter 2, Article III, Division 3, Section 2.10.08 of the Safety Harbor City Code, is hereby amended as follows:

Sec. 2.10.08. - Powers of the code enforcement board.

The Safety Harbor code enforcement board shall have the power to:

- (1) Adopt rules for the conduct of its hearings;
- (2) Subpoena alleged violators and witnesses to its hearings. Subpoena requests submitted to the city by respondents must be received at least six (6) business days before the code enforcement board hearing; Such subpoenas shall be served by the sheriff's department;

- (3) Subpoena evidence; Subpoena requests submitted to the city by respondents must be received at least six (6) business days before the code enforcement board hearing;
- (4) Take testimony under oath;
- (5) Issue orders which shall have the force of law and which shall set forth the steps necessary to be accomplished in order to bring a violation into compliance with the code that has been violated.

SECTION 8. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. This Ordinance shall be codified and made part of the Safety Harbor City Code and all sections shall be alphabetized and/or renumbered to accomplish such codification.

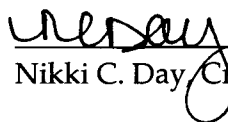
SECTION 10. Each provision of this Ordinance shall be deemed separate and severable and if any section or part thereof is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

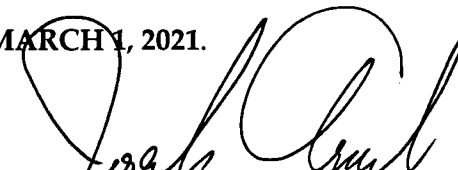
SECTION 11. This Ordinance shall become effective immediately upon its passage and enactment.

PASSED ON FIRST READING FEBRUARY 1, 2021.


PASSED ON SECOND AND FINAL READING MARCH 1, 2021.

APPROVED AS TO FORM:



Nikki C. Day, City Attorney


Mayor - Commissioner

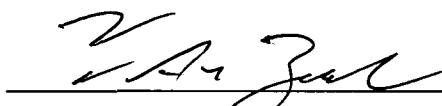

Vice Mayor - Commissioner


Commissioner

ATTEST:


Karen Sammons, CMC, City Clerk


Commissioner


Commissioner