ORDINANCE NO. 2019-08

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, AMENDING CHAPTER 5, ARTICLE II, SECTION 5.06 OF THE SAFETY HARBOR CITY CODE TO REVISE DEFINITIONS OF ABANDONED STRUCTURE AND INOPERATIVE VEHICLE; AMENDING CHAPTER 5, ARTICLE II, SECTION 5.17 (b) TO UPDATE EXTERIOR STRUCTURE MAINTENANCE REGULATIONS; AMENDING CHAPTER 5, ARTICLE II, SECTION 5.19 TO REQUIRE POLYCARBONITE ON VACANT STRUCTURE OPENINGS WITHIN FRONT YARDS; AMENDING CHAPTER 8, ARTICLE V OF THE SAFETY HARBOR CITY CODE TO REPLACE OPEN BURNING REGULATIONS WITH A REFERENCE TO PINELLAS COUNTY OPEN BURNING REGULATIONS; AMENDING CHAPTER 15, SECTION 15.03 TO REVISE NOISE REGULATIONS; AMENDING CHAPTER 23, ARTICLE II, SECTION 23.12 TO EXPAND RECREATIONAL VEHICLE LOT PLACEMENT OPTIONS AND LIMIT THE NUMBER OF RECREATIONAL VEHICLES PER ADDRESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Safety Harbor City Code regulates building and property maintenance requirements including building and property maintenance, open burning, noise, vehicle parking, and vacant structures; and

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

WHEREAS, Pinellas County adopted open burning regulations in Article V. of the Pinellas County Code of Ordinances and the City of Safety Harbor desires to adopt these standards for consistency; and

WHEREAS, the City Commission desires to amend the Safety Harbor Code to update property maintenance, noise, and open burning regulations.

WHEREAS, the City Commission finds that enaction 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, Section 5.06, definition of *Abandoned structure*, of the Safety Harbor City Code is hereby amended as follows:

Abandoned structure. An "abandoned structure" is hereby defined as any structure that is in a partially dismantled state~~, and~~ or which remains uninhabitable for more than twelve (12) consecutive months and there is no active building permit for work to the structure or which remains uninhabitable for more than ~~thirty (30)~~ eighteen (18) months, even if there is an active building permit for work to the structure~~; and one of the following conditions exists:~~

~~a. The structure's roof or any part thereof is missing, or~~
~~b. Any outside wall of the structure or portion thereof is missing, including any windows that are missing, or the structure is not dried-in~~.

SECTION 3. Chapter 5, Section 5.06, definition of *Inoperative vehicle*, of the Safety Harbor City Code is hereby amended as follows:

Inoperative vehicle. The word "inoperative" is hereby defined as not in working condition as designed, or incapable of being operated lawfully. For example, without limiting the meaning of the term, a motor vehicle designed to be operated upon the public streets shall be deemed inoperative if a tag with a current registration (also known as a license plate) of a kind required under Florida law as a condition of operation upon the public streets is not affixed thereto, or if one (1) or more parts which are required for the operation of the vehicle are missing or not attached to the vehicle as designed; provided, however, that the following shall not be considered inoperative:

a. A motor vehicle not in working condition or incapable of being operated lawfully kept on residentially zoned property or the property of a residential use for not more than thirty (30) days, unless kept in a garage, ~~or~~ under a carport, or in a driveway, and covered by a cover designed and manufactured to cover said vehicle and said cover is maintained in a clean and reasonable manner, and not causing a health, safety or fire hazard and may not be parked in any other part of the lot, yard, or landscaped area;

b. A motor vehicle not in working condition or incapable of being operated lawfully kept on residentially zoned property is not permitted to be parked on a vacant lot.

~~b.~~ c. A motor vehicle not in working condition or incapable of being operated lawfully, kept in a garage, ~~or~~ under a carport, or in a driveway and covered by a cover designed and manufactured to cover said vehicle and said cover is maintained in a clean and reasonable manner, and not causing a health, safety or fire hazard ;

~~c. A motor vehicle not in working condition or incapable of being operated lawfully on residentially zoned property or the property of a residential use as long as said vehicle is covered by a cover designed and manufactured to cover said vehicle and said cover is maintained in a clean and reasonable manner; or~~

d. A motor vehicle not in working condition or incapable of being operated lawfully kept upon nonresidential property where the owner or tenant is authorized by the city for the service or storage of motor vehicles.

e. Only one (1) such vehicle, which meets the above exceptions, excluding nonresidential properties licensed for the service or storage of motor vehicles, may be permitted per address or property.

SECTION 4. Chapter 5, Article II, Section 5.17 (b) of the Safety Harbor City Code is hereby amended as follows:

(b) Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, soffits, fascia, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted when said condition is evident on ~~fifty (50) percent or more of~~ an exterior surface ~~visible from a public right-of-way~~. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust and corrosion and all surfaces with rust and corrosion shall be stabilized and coated to inhibit future rust and corrosion.

SECTION 5. Chapter 5, Article II, Section 5.19 of the Safety Harbor City Code is hereby amended as follows:

Sec. 5.19. - Vacant structures.

(a) All vacant structures shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health, welfare or safety. No vacant structure may be boarded up for a period of time exceeding sixty (60) days unless the building official grants a waiver for extenuating circumstances beyond the property owner's control. The following are minimum vacant property standards to be adhered to when temporary board and seal is used. Compliance with these standards does not constitute repair of an unsafe or abandoned structure.

(1) Clear-Vue polycarbonate or similar product shall be used to fully cover all windows, doors, or other openings which may allow access to the interior of the building and facing a front yard or secondary front yard. For the purposes of this Section, the front yard of a corner lot shall be the side of the property from which the property is addressed. The other side facing a street shall be considered a secondary front yard

(2) Exterior grade sheathing plywood of three-eighths of an inch thickness or greater or Clear-Vue polycarbonate or similar product shall be used to fully cover all

windows, doors and other openings along the side or rear walls which may allow access to the interior of the building.

~~(2)~~ a. Plywood covers shall be nailed, screwed or bolted firmly over each opening.

~~(3)~~ b. Plywood covers or other protective material must be painted to match the building colors.

(3) All doors shall be operable and locked with operable locks.

SECTION 6. Chapter 8, Article V of the Safety Harbor City Code is hereby amended as follows:

Article V. – Open Burning

Sec. 8.23 – ~~Definitions~~ Open Burning

Any open burning within the City of Safety Harbor is subject to Article V. of the Pinellas County Code of Ordinances.

~~The following words, phrases or terms when used in this article shall, unless the content otherwise indicates, have the following meanings:~~

~~Air pollution shall mean the presence in the outdoor atmosphere of the state of any one or more substances or contaminants in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property, including outdoor recreation.~~

~~Approved fuel is that fuel approved for use by the state department of environmental regulation.~~

~~Board shall mean the city commissioners of the city.~~

~~Excessive visible emissions are air pollutants emitted in such quantity as to obscure an observer's view to a degree equal to or greater than forty (40) percent opacity of the smoke as determined by a qualified smoke checker (qualifications are set by the state).~~

~~Forced draft is an adequate current of air, blown or forced by a fan or other mechanical means, which is directed or arranged in relation to the open burning in such a manner as to increase the temperature of the fire and to reduce or minimize the resultant pollution.~~

~~Open burning shall mean any outdoor fire or open combustion of material which produces or may produce air pollution.~~

~~Outdoor heating device shall mean any apparatus, machine, equipment, or other contrivance in which is burned any type of fuel capable of producing air pollution, used outdoors for the purpose of giving protection from cold or frost.~~

~~Sunset is official sunset as set forth by the U.S. Naval Observatory (tables are available at National Weather Services offices).~~

~~Sec. 8.24. - Prohibition and permits.~~

~~(a) Any open burning not specifically allowed by this article is prohibited. No person shall ignite, cause to be ignited, permit to be ignited, suffer, allow, burn, conduct or maintain any prohibited open burning. (b) No person shall use or operate any outdoor heating device or burn any unapproved fuel for cold or frost protection except as provided in this article. (c) Any individual or entity, pursuant to the terms of this article, who is allowed to utilize open burning or operate an outdoor heating device, shall not be permitted to do such activity until written permission has been received from the Safety Harbor Fire Department and the fire department personnel are present to supervise the burning if that has been made a condition by the fire department. (d) Any such application for permission shall include but not be limited to the following items: (1) The name, address, telephone number of the person or entity submitting the application; (2) The type of business activity involved; (3) A description of the proposed equipment and operating procedures, the type, quantity, composition and amount of air contaminants to be released into the atmosphere; (4) The schedule of burning operations; (5) The exact location of requested open burning; (6) The facts or reasons why no method other than open burning is feasible; (7) If applicable, evidence that the proposed open burning has been approved by the appropriate state and county governmental authorities which have jurisdiction as to this activity. (e) The applicant shall, at the time of the application, pay a permit fee to the Safety Harbor Fire Department. The amount of the permit fee shall be set by the commission by resolution. However, the city manager may waive this permit fee when, after consideration of possible financial hardship to the applicant, the possibility or potentiality of fire hazard, and the necessity for the protection of the public health of the community, it is believed that such a waiver is justified. (f) If the city manager does not grant the requested waiver, the applicant may then file a written protest, within five (5) days of the refusal to grant the waiver, with the commission. The written protest shall set forth with particularity the evidence or facts demonstrating financial hardship, the fire hazard, and the need for protection of the public. The commission shall hear the aggrieved applicant within thirty (30) days of the written protest filed with the city clerk.~~

~~Sec. 8.25. - Limitations.~~

~~Nothing in this article may be construed to allow open burning which causes or constitutes a hazard to air traffic, which artificially reduces visibility on public roadways to less than five hundred (500) feet, or which violates other laws, rules, regulations, or ordinances.~~

~~Sec. 8.26. - Burning for cold frost protection.~~

~~Open burning or the use of outdoor heating devices for frost or cold protection in connection with agricultural or citrus operations is allowed provided the fuel and heating devices used have approval from the state department of environmental regulations prior to use.~~

~~Sec. 8.27. - Certain open burning allowed.~~

~~Open burning is permitted in the following instances so long as the burning is at least three (3) yards from any occupied building or public highway:~~

~~(1) A camp fire or other fire will be allowed that is used solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food, or on cold days for warming of outdoor workers, as long as excessive visible emissions are not emitted. (2) Open burning for the flaring of waste gases is allowed for reasons of safety, as long as excessive visible emissions are not emitted. (3) Open burning is allowed for the instruction and training of firefighters or industrial employees under the supervision of the appropriate public control official.~~

~~Sec. 8.28. Penalties.~~

~~If any person or entity violates any provision of this article, including but not limited to failure to maintain the open burning at the required distance from occupied buildings and public highways, failure to obtain the appropriate fire permits, or failure to maintain the burning so as to assure that excessive visible emissions do not occur, the person or entity shall upon conviction be subject to a fine not exceeding the sum of five hundred dollars ($500.00) and/or imprisonment for a period not exceeding sixty (60) days and/or the cost incurred by the city and the fire department in controlling, maintaining and/or extinguishing the open burning which violates the provisions of this article.~~

SECTION 7. Chapter 15, Section 15.03 (a) of the Safety Harbor City Code is hereby amended as follows:

Sec. 15.03. - Prohibited excessive or unnecessary noises.

(a) It shall be unlawful for any person to willfully make, continue, or cause to be made or continued any loud and raucous noise, which term shall mean any sound which, because of its volume level, duration ~~and~~ or character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the city limits. The term includes the kinds of noise generated by the activities enumerated in subsection (b), except as provided in subsection (d).

SECTION 8. Chapter 23, Article II, Section 23.12 of the Safety Harbor City Code is hereby amended as follows:

Sec. 23.12. - Recreational vehicles.

(a) No recreational vehicles or similar types of vehicles may be used as living quarters or storage on any property except property in areas zoned R-6, Mobile Home District, subject to conditional use approval.

(b) Recreational vehicles parked on property in any zoning district other than the R-6, Mobile Home District, shall comply with the size restrictions and locational standards specified in the following table:

Recreational Vehicle	Lot Placement	Minimum Lot Size
35 feet or less in length	Any yard with front yard, side yard, or rear yard placement within 10 feet of a side lot line or parked in a paved driveway with the recreational vehicle oriented perpendicular to the main building, except that where there is a paved semicircular driveway with two means of ingress/egress there shall be no requirement that the recreational vehicle be oriented perpendicular to the main building. ~~No more than one recreational vehicle is permitted in a front yard.~~	Minimum lot area of 6,000 square feet and minimum lot width of 50 feet.
Greater than 35 feet in length	Must be located in a side or rear yard no closer than 5 feet to a lot line with a 6-foot high opaque fence or hedge required to screen the recreational vehicle from adjoining properties.	Minimum lot area of 10,000 square feet and minimum lot width of 75 feet

(c) One recreational vehicle or one recreational vehicle on a trailer that is designed to transport said recreational vehicle is permitted per address. All recreational vehicles shall be registered and operable.

~~(c)~~(d) On corner lots with two front yards (as defined in section 23.05 of the Land Development Code), a recreational vehicle may be parked in a front yard with adjoins a side street not forward of the primary facade of the main building or in the rear yard of a through lot provided the recreational vehicle is concealed from public view by a six-foot opaque fence or hedge.

~~(d)~~(e) All recreational vehicles shall be stored in safe condition. Under no circumstances shall drums, barrels, concrete blocks, lumber, or similar devices be utilized for storage or recreational vehicles.

~~(e)~~(f) In all cases where a recreational vehicle is parked, the grass located under such vehicle shall be trimmed to the same height as the rest of the yard.

~~(f)~~(g) Recreational vehicle repair shall be limited to minor maintenance and in no case shall repair be conducted as a business, for profit, or in a manner which renders a vehicle inoperative, except where vehicle maintenance is permitted in the C-1A, Restricted Commercial District, M-1, Light Industrial District, or M-3, General Industrial District.

~~(g)~~(h)Recreational vehicles or similar types of vehicles shall not be parked upon any public street 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 point directly to another point within the same block shall be deemed one (1) continuous parking period.

~~(h)~~(i) For purposes of this section, the term "recreational vehicle" shall be defined in the same manner as that term is defined in the City's Comprehensive Zoning and Land Development Code.

~~(i)~~(j) Nothing contained herein shall prohibit any governmental agency from utilizing a temporary structure on any property in the city controlled by such governmental agency; providing that permission for such utilization of the property has been approved by the city manager.

~~(j)~~(k) This section shall not apply where temporary housing is required due to a natural disaster and the city or county has instituted emergency actions to allow same.

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 enaction.

PASSED ON FIRST READING JULY 15, 2019.

PASSED ON SECOND AND FINAL READING AUGUST 5, 2019.

Mayor – Commissioner

APPROVED AS TO FORM:

Nikki C. Day, City Attorney

Vice Mayor – Commissioner

Commissioner

ATTEST:

Commissioner

Karen Sammons, CMC, City Clerk

Commissioner