

ORDINANCE NO. 0-07-14

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An ordinance of the City of Gainesville, Florida, amending Chapter 13, Housing and Commercial Building Code, by amending Article II, Division 10, Section 13-171, revising the title; prohibiting the outdoor placement or storage of household furniture, mattresses, or other materials not designed or intended for outdoor use with certain limited exceptions; prohibiting the placement of pools, furniture or furnishings on the roof of a building or structure except as approved by the City; amending Chapter 2, Administration, by amending Article V, Division 6, Section 2-339, revising the title description as to Section 13-171; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the public hearing was held pursuant to the published notice described above, at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Chapter 13, Article II, Division 10, Section 13-171, Code of Ordinances of the City of Gainesville, is hereby amended to read as follows:

DIVISION 10. CARE OF PREMISES

Section 13-171. Insects, outdoor storage, trash, and yard maintenance.

1 (a) All premises shall be maintained so as to discourage the harboring and
2 breeding of insects, rodents and vermin. Failure to comply with this provision shall be a
3 major violation. Insofar as the natural drainage will permit, yards and premises
4 appurtenant to a dwelling unit shall be sloped or graded to provide for disposal of surface
5 water and to prevent the accumulation of surface water in the yard or next to the building.
6 Failure to comply with this provision shall be a minor violation.

7 (b) It shall be unlawful for the owner or occupant of a residential building
8 structure or property to utilize the premises of the residential property for the open
9 outdoor storage of any blight-inducing materials such as abandoned motor vehicle or part
10 thereof including tires, icebox, refrigerator, stove, or other appliances, planks, timbers,
11 glass, or other building material, building rubbish, packing material, barrels, bottles, cans,
12 boxes or similar items. Failure to comply with this subsection shall be a major violation.

13 (c) No owner, tenant or occupant of a dwelling shall permit or allow furniture,
14 mattresses, or other materials which are upholstered with water-permeable fabric to
15 remain outside of a completely enclosed building or structure other than between the
16 hours of 7:00 a.m. and 6:00 p.m. This subsection does not apply to furniture, mattresses
17 or other such materials which are unused and placed at or near the curb as refuse for
18 collection and disposal, or as items offered for sale at a yard or garage sale. Failure to
19 comply with this subsection shall be a major violation.

20 (d) Any other provision of this Code notwithstanding, the placement of any pools,
21 furniture or furnishings, such as any chair, sofa, bed, table or other similar furnishings, on
22 the roof of any building or structure at any time is strictly prohibited and shall be a major
23 violation. This subsection does not apply to any building or structure that has been

1 designed and approved for rooftop occupancy by the City of Gainesville Building
2 Inspection Department.

3 (e e) It shall be the duty and responsibility of every owner and occupant to keep
4 the premises of residential property clean, and to remove from the premises, upon notice
5 from the code officer, the following:

6 (1) All trash and garbage;

7 (2) Dead or hazardous trees that are standing or have fallen to the ground and
8 that pose a hazard to neighboring properties, or which create a hazard to the safety or
9 welfare of any occupant of the property (except the owner), or the inhabitants of the
10 surrounding area, or any public property; and

11 (3) Dead tree limbs and vegetative debris that pose a hazard to neighboring
12 properties, or which create a hazard to the safety or welfare of any occupant of the
13 property (except the owner), or the inhabitants of the surrounding area, or any public
14 property. Failure to comply with this subsection shall be a major violation.

15 (~~d f~~) Every dwelling unit shall have adequate garbage storage facilities which
16 comply with city ordinances. Failure to comply with this subsection shall be a major
17 violation.

18 (e g) Yards shall be maintained to prohibit vegetation over 12 inches high that is
19 or may reasonably become infested by pests or may create a fire or safety hazard. This
20 shall not be construed to prohibit the following:

21 (1) Vegetation planted and maintained for landscape purposes or for erosion
22 control;

1 (2) Vegetation located on a lot over five acres in area that is in a natural state, or
2 vegetation that has not been mowed within the past five years;

3 (3) Vegetation located more than 200 feet from the boundary line of an improved
4 property, street or public right-of-way;

5 (4) Controlled, managed and maintained low-maintenance natural landscaping;
6 or

7 (5) The understory of hammocks that are protected through development
8 regulations, conditions or agreements, and vegetation within wetlands, stormwater
9 retention lake littoral zones, or within 150 feet of a regulated creek. This subsection shall
10 not apply to lands designated agriculture or conservation on the future land use map.

11 Failure to comply with this subsection (e g) is a major violation.

12 **Section 2.** Chapter 2, Article V, Division 6, Section 2-339, Code of Ordinances
13 of the City of Gainesville, is hereby amended to read as follows:

14 **DIVISION 6. CIVIL CITATIONS**

15 **Sec. 2-339. Applicable codes and ordinances.**

16 The following ordinances are enforceable by the procedures described in this
17 division:
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Section	Description	Class	Penalty
2-67(b)	Declaration of water emergency imposing water use restrictions	I	\$50.00
Chapter 5 except as provided below	Animal control	I	\$50.00
5-2(c)	Animal molesting or biting pedestrian or bicyclist	IV	\$200.00

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6-3	104.1.1 of adopted Standard Building Code, as amended Building, electrical, plumbing, gas, and/or mechanical work within a required permit	II	\$75.00
6-183(1)	False advertising	III	\$125.00
6-185	Acting as a contractor without a valid contractor certificate	IV	\$200.00
6-186(b)(2)	No journeyman or certified craftsman on the job site	II	\$75.00
Article IX of Chapter 6	Downtown minimum property standards	I	\$50.00
Chapter 10	All adopted fire prevention & protection codes, except NFPA 101 Chapters 5, 6, 7 and SFPC Chapters 6, 8, 31 and 42	II	\$75.00
10-38(a)	Failure to register--fire alarm contracting or monitoring company	III	\$125.00
10-38(d)	Failure to maintain records for one year	III	\$125.00
10-39	Fire alarm verification calls required	III	\$125.00
10-40(a)	Failure to register--fire alarm system contractor	III	\$125.00
10-40(b)	Fire alarm system contractor status required	III	\$125.00
10-40(c)	Identification cards required	I	\$50.00
10-40(d)	Failure to meet UL or NVPA 72 standards	III	\$125.00
10-40(e)	Activating or servicing unpermitted alarm system	III	\$125.00
Chapter 10	NFPA 101 Chapters 5, 6, 7 SFPC Chapters 6, 8, 31 and 42	IV	\$200.00
11.5-1	Availability of potable water	I	\$50.00
Article III of Chapter 13	Commercial building code	II	\$75.00
13-171	Insects, <u>outdoor</u> storage, trash and yard maintenance	I	\$125.00

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13-181	Hazardous conditions on residential property	I	\$125.00
Article II of Chapter 14.5	Merchandising of tobacco products	II	\$75.00
Article III of Chapter 14.5	Towing from certain private property	II	\$125.00
14.5-1	Not having landlord permit	II	\$125.00
Chapter 15	Noise violations	I	\$125.00
16-19	Dangerous buildings/hazardous lands	I	\$125.00
17-2	Fliers on utility poles or other fixtures	I	\$50.00
17-8	Urinating in Public	II	\$125.00
17-34	Knowingly rent or let a residence to a sexual offender or sexual predator to use as a temporary or permanent residence contrary to the Sexual Predator Ordinance	II	\$125.00
19-2	Violation of regulations for peddling in Downtown Plaza	I	\$50.00
19-34	Violation of permit requirements for commercial peddlers, solicitors, or canvassers	I	\$50.00
19-52	Unauthorized solicitation of alms or financial assistance	I	\$50.00
19-53	Unauthorized sale or transfer of goods and services; religious and charitable organizations soliciting for contributions without a permit	I	\$50.00
19-55	Violation of restrictions and requirements for permitted soliciting	I	\$50.00
19-96	Operation of mobile food cart in prohibited area	I	\$50.00
19-97	Violation of regulations on permitted mobile food cart	I	\$50.00
Chapter 5 except as provided below	Animal control	I	\$50.00
19-112	Unauthorized soliciting of funds	I	\$50.00

19-127	Violation of prohibition on throwing or distributing handbills upon property displaying a "No Handbills" sign	I	\$125.00
21-53(b)(6)	Non-permitted, revoked or suspended alarm system	IV	\$200.00
21-58(a)	Failure to register alarm monitoring company	II	\$125.00
21-58(c)	Failure to maintain records	II	\$125.00
21-59	Failure to make alarm verified call	II	\$125.00
21-60(a)	Failure to register--Alarm system contractors	II	\$125.00
21-60(b)	Maintenance, repair, alter or service of system for compensation by noncontractor	II	\$125.00
21-60(c)	Failure to issue ID	I	\$50.00
21-60(d)	Use of equipment or methods below minimum standards	II	\$125.00
21-60(e)	Activation/servicing non-permitted alarm	II	\$125.00
21-60(f)	Causing false alarm during servicing	II	\$125.00
21-60(g)	Failure to provide blank alarm permit application	I	\$50.00
21-61(a)	Operating automatic dialing device	II	\$125.00
21-61(b) 21-61(c)	Failure to remove non-permitted features	I	\$50.00
21-62	Operating alarm system without auxiliary power	II	\$125.00
Chapter 22	Secondhand Goods Secondhand Dealers	III	\$125.00
26-137	Abandoned vehicles	I	\$125.00
27-73	Solid waste violations except (4), (8) and (9)	I	\$125.00
27-76(b)(1)b	Improper use of cart	I	\$50.00

27-79(a) and (f)	Commercial franchise violations	IV	\$200.00
Chapter 28	Taxicab regulation	I	\$50.00
30-45	Prohibited use in zoning district	I	\$125.00
30-51(c)	Permitted uses in single family districts	II	\$125.00
30-56(b) and (c)	Residential parking	I	\$125.00
30-59(c)	Permitted uses in office districts	I	\$50.00
30-61(c)	Permitted uses in general business district	I	\$50.00
30-62(c)	Permitted uses in automotive oriented business district	I	\$50.00
30-63(c)	Permitted uses in tourist-oriented business district	I	\$50.00
30-64(e)	Permitted uses in mixed use low intensity district	I	\$50.00
30-65(c)	Permitted uses in mixed use medium intensity district	I	\$50.00
30-66(c)	Permitted uses in central city district	I	\$50.00
30-67(g)	Illegal outdoor storage and sales	I	\$50.00
30-68(c)	Permitted uses in warehousing and wholesaling district	I	\$50.00
30-69(c)	Permitted uses in limited industrial district	I	\$50.00
30-70(c)	Permitted uses in general industrial district	I	\$50.00
30-86	Use, parking, storage and keeping of recreational vehicles	I	\$50.00
30-315 et seq.	Violation of sign regulations	I	\$50.00
30-357	New business, expansion or change of use without zoning compliance permit	I	\$50.00

- 1 Second violation of the same Class I or Class II offense shall be double the amount
- 2 shown on the penalty schedule.
- 3 Third and subsequent violations of the same Class I or II offense shall require a
- 4 mandatory court appearance.

1 Second and subsequent violations of the same Class III or Class IV offense shall require a
2 mandatory court appearance.

3 **Section 3.** It is the intention of the City Commission that the provisions of
4 Sections 1 and 2 of this ordinance shall become and be made a part of the Code of
5 Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of
6 this Ordinance may be renumbered or relettered in order to accomplish such intentions.

7 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be
8 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
9 in no way affect the validity of the remaining portions of this ordinance.

10 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the
11 extent of such conflict hereby repealed.

12 **Section 6.** This ordinance shall become effective immediately upon final
13 adoption.

14 **PASSED AND ADOPTED** this ____ day of _____, 2007.

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PEGEEN HANRAHAN, MAYOR

19 ATTEST:

Approved as to form and legality

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KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

24 This Ordinance passed on first reading this ____ day of _____, 2007.

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26 This Ordinance passed on second reading this ____ day of _____, 2007.