



AGENDA
COMMUNITY DEVELOPMENT BOARD MEETING
NOVEMBER 13, 2024 AT 6:00 PM
116 FIRST STREET
NEPTUNE BEACH, FL 32266

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Approval of October 9, 2024 Community Development Board Minutes
4. Code Enforcement Policy, Procedures, and Priorities Workshop
5. Discussion of Sec. 27-335- Parking, Storage or Use Of Major Recreational Equipment.
6. Discussion of Article XVIII. - Nonconforming Lots, Structures, Uses and Signs
7. Subcommittee Reports
8. Open Discussion
9. Adjourn

Residents and Board Members attending public meetings can validate their parking at no cost by using the parking code

DD14

After 5:00 on the date of the meeting, follow these steps:

- Make sure you are parked in a North Beaches public parking space – we can't validate valet parking or parking in private lots.
- To use a kiosk: Press the Start button and then select 2 to enter your plate and the validation code.
- To use the Flowbird app: Tap the nearest yellow balloon and tap "Park here." From the payment screen, select "Redeem a code" at the top. Confirm your information and tap "Purchase" the price will show "Free."



MINUTES
COMMUNITY DEVELOPMENT BOARD
OCTOBER 16, 2024 AT 6:00 P.M.
COUNCIL CHAMBERS
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice a public hearing of the Community Development Board for the City of Neptune Beach was held in person October 16, 2024, at 6:00 p.m. in the Council Chambers.

Attendance

Board members were in attendance:

Rene Atayan, Vice-Chair
William Hilton, Member
Corrine Bylund, Member
Rhonda Charles, Alternate Member
Lynda Padra, Alternate Member
Marc Boran, Alternate Member

The following staff members were present:

Heather Whitmore, Community Development Director
Paul Waters, City Attorney
Piper Turner, Code Compliance Supervisor

**Call to Order/Roll
Call**

Vice-Chair Atayan called the meeting to order at 6:00 p.m.

Pledge

Pledge of Allegiance.

Minutes

Approval of Minutes for May 8, 2024.

MOTION: **TO APPROVED THE NOVEMBER 8TH AND SEPTEMBER 11, 2024 MEETING MINUTES, AS SUBMITTED.**

Made by Bylund, seconded Boran.

Roll Call Vote:

Ayes: 6-Boran, Padra, Charles, Bylund, Hilton, Atayan
Noes: 0

MOTION APPROVED.

Swearing in

Mr. Walker, City Attorney, asked anyone appearing before the board tonight, to raise their right hand to be sworn in.

Councilor Rory Diamond, City of Jacksonville, addressed the board. He asked the board to discuss the addition of ADUs (accessory dwelling units) when they reviewed the nonconforming section of the code. He had introduced a bill to the City of Jacksonville that

allowed them. ADUs are meant to have elderly parents live close to their children while maintain their independence by their own space.

Replat
DP 24-06
500 Seagate
Avenue
RE#173889-
0000

Background

This a request for a subdivision plat approval as outlined in chapter 27, division 3.– “Platting Requirements” for a property currently known as 500 Seagate Avenue. The subject property is located on the northwest side of the intersection of 4th and Seagate Avenue/20th Avenue N in the R-3 zoning district. The lot is .28 acre (12,196 square feet) and contains one single family dwelling.

The applicant is requesting to subdivide the 12,196 square foot parcel into two conforming lots. The parcel is currently two north/south oriented lots, both of which front on Seagate Avenue. The applicant is replating the lots in order to reorient the lots east/west to front on 4th Avenue.

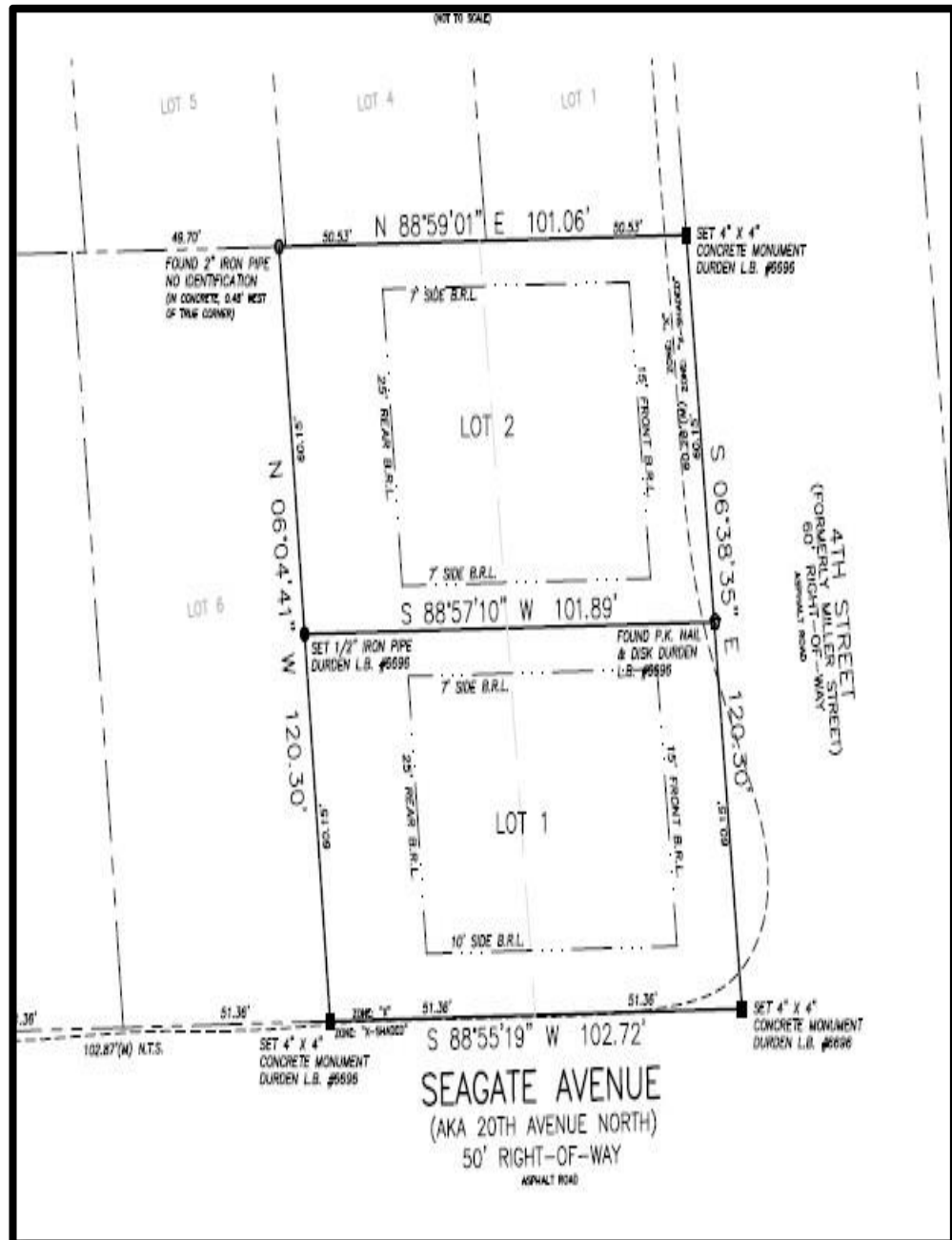


Summary

The R-3 zoning has a minimum lot size of 5,000 square feet. The front yard setback is 15 feet, the rear yard setback is 25 feet, the side interior setback is seven feet, and the side street setback is ten feet. The lot width is 50 feet.

	R-3 ZONING	PROPOSED LOTS
MINIMUM LOT SIZE	5,000 SF	6,060 SF
MINIMUM LOT WIDTH	50'	60'

The proposed replat contains two 101' x 60', 6,060 square foot lots. Each lot exceeds the 5,000 square foot minimum lot size and 50-foot minimum lot width requirement.



Staff Recommendation

Staff recommends approval of application DP24-06 replat for 500 Seagate Avenue.

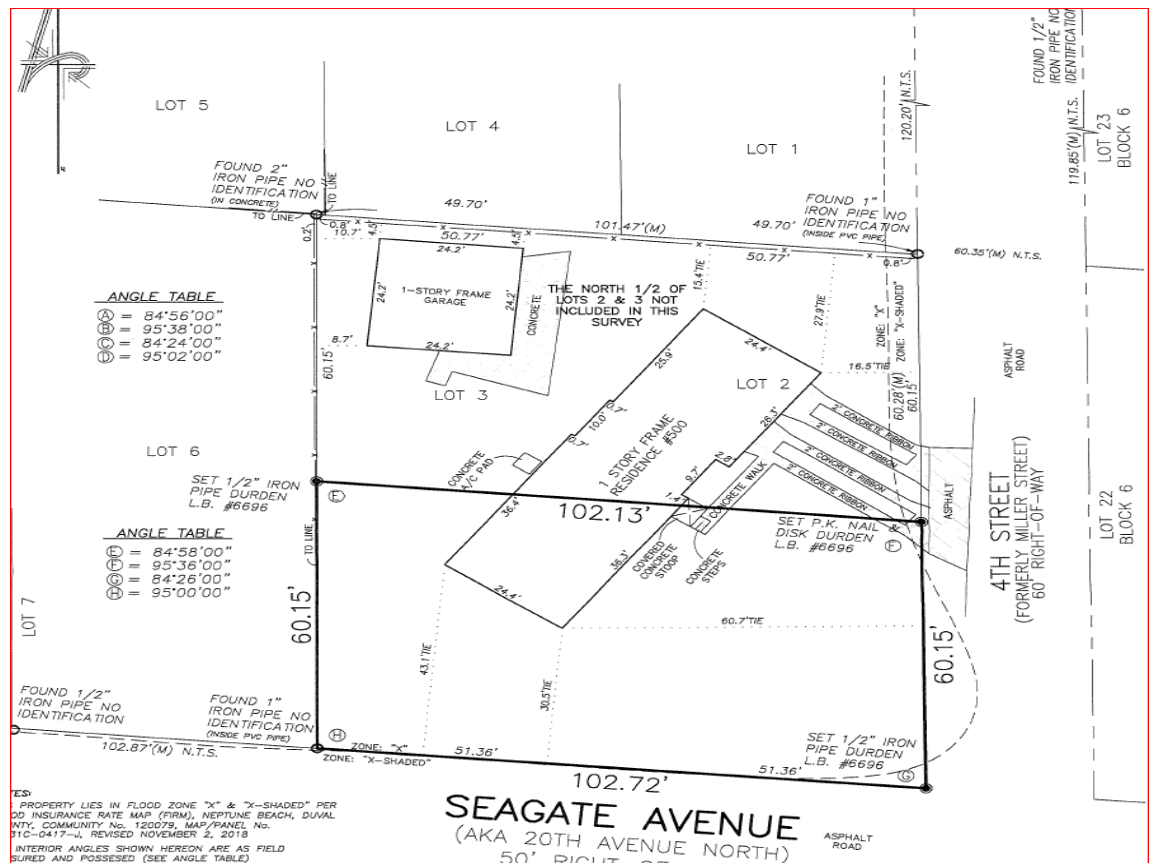
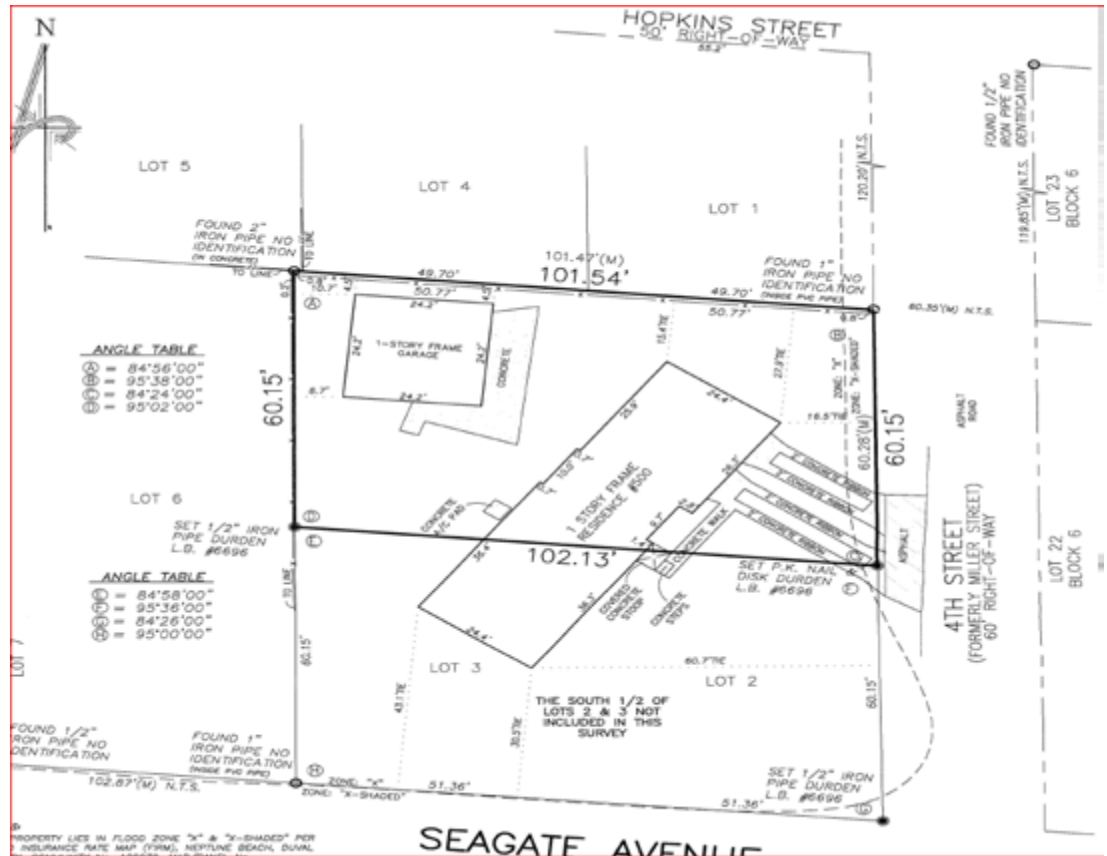
APPLICATION FOR DEVELOPMENT PLAN REVIEW



TO THE CITY OF NEPTUNE BEACH BUILDING DEPARTMENT
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266-6140
PH: 270-2400 Ext 34 FAX: 270-2432
CDD@NBFL.US

APPLICATION FEE: \$300 Residentially Zone Property
\$500 Commercially Zone Property plus \$.005 (1/2 cent) for each square foot of land
or \$1500 whichever is greater

Date Filed: <u>8/30/24</u>	Name and address of the applicant requesting development review: (NOTE: If the applicant is other than all the legal owners of the property, notarized written consent signed by all the legal owners of the property shall be attached. In the case of corporation ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and the embossed with the corporate seal). The undersigned hereby applies for a development review as follows.
Name & Mailing address of Owner of Record: <u>John Atkins</u> <u>P.O. Box 51262, Jacksonville, FL 32240</u> Contact phone # <u>904-465-3749</u> e-mail address <u>Atkinsbuilders@hotmail.com</u>	Property Address: <u>500 Seagate Ave</u> <u>Neptune Beach, FL 32266</u> Real Estate ID # <u>173589-0600</u> Lot <u>2&3</u> Block <u>11</u> Subdivision <u>Jacksonville Beach Park</u> Zoning District: _____
Name and Address of Agent/Applicant: <u>Michael Atkins</u> <u>1805 Bartram Cir W, Jacksonville, FL 32207</u>	Telephone #- <u>904-651-4485</u> Email: <u>Matkinsconstruction@outlook.com</u>
Describe Request being made: <u>This lot is already 2 combined lots. We want to split it but change the property lines so that both lots have frontage on 4th street.</u>	





Michael Atkins, representing Atkins Builders Inc, stated that Ms. Whitmore had done a great job explaining the request and would available for questions.

Public
Comments

Vice-Chairperson Atayan opened the floor for public comments.

There being no comments, the public hearing was closed.

Made by Hilton, seconded by Bylund.

MOTION: MOVE TO RECOMMEND APPROVAL OF DP24-06 THE REPLAT OF 500 SEAGATE AVENUE TO CITY COUNCIL, AS SUBMITTED.

Roll Call Vote:

Ayes: 6-Boran, Padtra, Charles, Bylund, Hilton, Atayan

Noes: 0

MOTION APPROVED.

The applicants were informed that the City Council must make the final approval and they should attend the meeting on Monday November 4 2024 at 6:00 pm.

Discussion of ARTICLE XVII-Nonconforming Lots, Structures, Uses and Signs would be deferred to the next meeting.

Adjournment: Meeting was adjourned at 6:16 pm.

Rene Atayan, Vice- Chairperson

ATTEST:

Piper Turner, Board Secretary



CODE ENFORCEMENT COMMUNITY WORKSHOP AGENDA

- 1) Introductions
- 2) The Role Of Code Enforcement
 - a) Ensure All State And Local Land Development And Property Maintenance Codes Are Upheld In Our Community.
- 3) Enforcement Procedures
 - a) FS.162 "County Or Municipal Code Enforcement"
 - b) CONB Chapter 2 Division 2 "Code Enforcement Board"
 - c) CONB Chapter 28 "Nuisances"
- 4) Code Enforcement Policy
 - a) Reactive V. Proactive
 - b) Definition of Nuisance
 - c) Violation Timeline And Process
 - i) Property Notice
 - ii) Hearing
 - iii) Abatement By The City
 - iv) Levy or Special Assessment
- 5) City Ordinances
 - a) International Property Maintenance Code
 - b) Key Codes
 - i) Chapter 28 Nuisances
 - ii) Chapter 27 Land Development Code
 - c) Code Enforcement LDC Priority Ordinances
 - i) Sec. 27-330: Hedges In The Visibility Triangle
 - ii) Sec. 22-28/27-335: Boats And RV's In The Front Yard
 - iii) Unpermitted Structures
- 6) Board Q&A Session
- 7) Public Q&A And Feedback On Code
 - a) Q&A
 - b) Feedback On Policy
 - c) Feedback On Priorities
- 8) Board Feedback On Enforcement Policy And Priorities
- 9) Next Steps



CODE ENFORCEMENT COMMUNITY WORKSHOP

November 13, 2024



Agenda

- 1 Introductions
- 2 The Role of Code Enforcement
- 3 Enforcement Procedures
- 4 Code Enforcement Policy
- 5 City Ordinances
- 6 Board Q&A Session
- 7 Public Feedback
- 8 Board Feedback
- 9 Next Steps



Introductions

- Purpose
- Process
- Who's who

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- Purpose
 - Inform
 - What's going on and why we are here

Education over Compliance

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The beginning of the process

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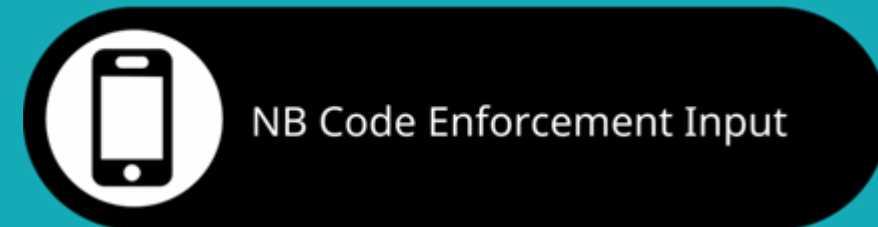
Introductions

- Ways to Participate
 - Join Mailing List
 - Comments and Feedback via web
 - CDB
 - Public Meetings
 - Contact Staff
 - City Council

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The Role of Code Enforcement

- Protect
- Support
- Compliance

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Enforcement Procedures

- State Law
- Local Law
- Compliance

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Enforcement Procedures

- Notice of Violation Letters



City of Neptune Beach Code Enforcement

Courtesy Notice of Code Violation

November 13, 2024

Property Owner(s): CITY OF NEPTUNE BEACH
Property Address : 116 1st St Neptune Beach, FL 32266
Legal Description: PCN# 172791-0000

On 11/13/2024, a complaint was received / or a violation was observed on the above referenced property, an inspection of the property found violations of the City of Neptune Beach Code of Ordinances. Please review the following and take corrective action as indicated.

Violation: Development permit required.

Referenced City of Neptune Beach Code: Sec. 27-78.

Development permits include: All types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, tree removal permits, sign permits, resurfacing permits, etc.

Corrective Action: Cease all work and obtain all required permits and inspections through certificate of completion. Apply for a permit and pass all required inspections.

Please correct the violation(s) by **November 23rd, 2024**. Should the violation(s) not be corrected on this date further Code Enforcement action will be implemented.

Your immediate attention to this matter is appreciated. If you feel this condition is not a violation, there are conditions requiring additional time to rectify the violation, or there are extenuating circumstances as to why this violation cannot be addressed in the allotted time, please contact our office at (904) 270- 2400 Ext 45 and speak to the Code Enforcement Officer.

Upon complying with any Code Enforcement matter it is always the responsibility of the Respondent to contact the Code Enforcement Officer at **(904) 270-2400 Ext 45** to request a re-inspection of the property to ascertain and document compliance.

Rico Armstrong
Code Enforcement
(904) 270-2400 Ext 45



City of Neptune Beach Code Enforcement

NOTICE OF VIOLATION

November 13, 2024

CASE NO. 0000

TO: PROPERTY OWNER(S): CITY OF NEPTUNE BEACH
PROPERTY ADDRESS: 116 1st St Neptune Beach, FL 32266
LEGAL DESCRIPTION: PCN# 172791-0000

An inspection of the above property revealed:

Violation: Development permit required.

Referenced City of Neptune Beach Code: Sec. 27-78.

Development permits include: All types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, tree removal permits, sign permits, resurfacing permits, etc.

Corrective Action: Cease all work and obtain all required permits and inspections through certificate of completion. Apply for a permit and pass all required inspections.

- You will be allowed **10 days** from the date of this posting to correct the violation(s).
- Violations must be corrected by **November 23rd, 2024**.
- To request an inspection to verify that the violation has been corrected call the Code Enforcement Officer at **904-270-2400 Ext 45**.
- Your failure to comply with the terms of the Notice will result in this matter being heard before the Neptune Beach Special Magistrate at the time and place shown on the Notice of Hearing.

Code Enforcement Officer
Rico Armstrong

Phone Number
904-270-2400 Ext 45

Enforcement Procedures

- Notice of Hearing



City of Neptune Beach Code Enforcement

December 2, 2024

CASE NO.0000
TO:
PROPERTY OWNER(S): CITY OF NEPTUNE BEACH
PROPERTY ADDRESS: 116 1st St Neptune Beach, FL 32266
LEGAL DESCRIPTION: PCN# 172791-0000

NOTICE OF HEARING

1. You failed to comply with the terms of the Notice of Violation dated **November 13, 2024**. Accordingly, you are hereby notified that your violations have been set for hearing and that the Special Magistrate will hear about this case at 9:00 AM, or as soon thereafter as this case may be heard, on **to be determined**. The hearing will be conducted at Neptune Beach City Hall Council Chambers, 116 1st Street, Neptune Beach, Florida 32266.
2. You must be present at this hearing to avoid an order being entered into against you solely with the evidence presented by the Code Inspector **and a lien being recorded against your property**. Each violation may be assessed as a fine of up to \$250.00 per day for each day, the violation continues beyond a date set by the Special Magistrate for compliance or \$500.00 per day for a repeat violation. If the City of Neptune Beach prevails in prosecuting your case before the Special Magistrate, it shall be entitled to recover all costs from you incurred in prosecuting the case.
3. If you have witnesses or other evidence bearing this matter, you should bring them with you at the time of the hearing. If you require assistance, contact the Code Officer at once at **904-270-2400 Ext 45**.
4. If you decide to appeal against any decision made by the Special Magistrate, you will need a record of the proceedings as well as any supporting documentation upon which the appeal is to be based.
5. You may come with or without an attorney.

THIS NOTICE IS TO BE REMOVED ONLY BY THE PROPERTY OWNER.

Code Enforcement Policy

- Reactive v. Proactive
- Definition of Nuisance
- Violations & Abatement

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Code Enforcement Policy

- Nuisance Abatement



- Voluntary Compliance

- Special Magistrate – Forced Abatement
- Abatement by the City
 - Public safety/unsafe/hazardous conditions

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City Ordinances

- Key Codes
- Code Enforcement LDC
Priority Ordinances
- Life Safety

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City Ordinances

- 2024 International Property Maintenance Code (IPMC)
 - International Code Council – Fire & Building etc.
 - Establishes minimum requirements for the maintenance of existing buildings through model code regulations that contain clear and specific property maintenance and property improvement provision;

CHAPTER TOPICS	
CHAPTERS	SUBJECTS
1	Scope and Administration
2	Definitions
3	General Requirements
4	Light, Ventilation and Occupancy Limitations
5	Plumbing Facilities and Fixture Requirements
6	Mechanical and Electrical Requirements
7	Fire Safety Requirements
8	Referenced Standards
Appendix A	Boarding Standard
Appendix B	Board of Appeals



Board Q&A Session

- Procedures
- Policy

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Public Feedback

- Q & A
- Thoughts - concerns
- Likes & don't likes
- Procedures - Policy
- Priorities
- Vision and Goals



Board Feedback

- Thoughts - concerns
- Likes & don't likes
- Procedures - Policy
- Priorities
- Next Steps

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Next Steps

- Respond to Public Feedback
- Summary of CDB Feedback
- Short Term Policy
- Long Term Outcomes
- 7 • Next Workshop Date

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Board Attached Reference Material

- FS.162 "County Or Municipal Code Enforcement"
- CONB Chapter 2 Division 2 "Code Enforcement Board"
- CONB Chapter 28 "Nuisances"
- International Property Maintenance Code- Preface
- Sec. 27-330: Hedges In The Visibility Triangle
- Sec. 22-28/27-335: Boats And RV's In The Front Yard

The Florida Senate

2022 Florida Statutes (including 2022C, 2022D, 2022A, and 2023B)

Title XI

COUNTY ORGANIZATION AND
INTERGOVERNMENTAL RELATIONS

Chapter 162

COUNTY OR MUNICIPAL CODE ENFORCEMENT

CHAPTER 162

COUNTY OR MUNICIPAL CODE ENFORCEMENT

PART I

LOCAL GOVERNMENT CODE ENFORCEMENT BOARDS

(ss. 162.01-162.13)

PART II

SUPPLEMENTAL COUNTY OR MUNICIPAL CODE OR ORDINANCE ENFORCEMENT

PROCEDURES

(ss. 162.21-162.30)

PART I

LOCAL GOVERNMENT CODE ENFORCEMENT BOARDS

- 162.01 Short title.
- 162.02 Intent.
- 162.03 Applicability.
- 162.04 Definitions.
- 162.05 Local government code enforcement boards; organization.
- 162.06 Enforcement procedure.
- 162.07 Conduct of hearing.
- 162.08 Powers of enforcement boards.
- 162.09 Administrative fines; costs of repair; liens.
- 162.10 Duration of lien.
- 162.11 Appeals.
- 162.12 Notices.
- 162.125 Actions for money judgments under this chapter; limitation.
- 162.13 Provisions of act supplemental.

162.01 Short title.— Sections 162.01-162.13 may be cited as the “Local Government Code Enforcement Boards Act.”

History.— s. 1, ch. 80-300; s. 72, ch. 81-259; s. 1, ch. 82-37.

Note.— Former s. 166.051.

162.02 Intent.— It is the intent of this part to promote, protect, and improve the health, safety, and welfare of the citizens of the counties and municipalities of this state by authorizing the creation of administrative boards with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force in counties and municipalities, where a pending or repeated violation continues to exist.

History.— s. 1, ch. 80-300; s. 2, ch. 82-37; s. 1, ch. 85-150; s. 1, ch. 86-201; s. 1, ch. 89-268.

Note.— Former s. 166.052.

162.03 Applicability.—

(1) Each county or municipality may, at its option, create or abolish by ordinance local government code enforcement boards as provided herein.

(2) A charter county, a noncharter county, or a municipality may, by ordinance, adopt an alternate code enforcement system that gives code enforcement boards or special magistrates designated by the local governing body, or both, the authority to hold hearings and assess fines against violators of the respective county or municipal codes and ordinances. A special magistrate shall have the same status as an enforcement board under this chapter. References in this chapter to an enforcement board, except in s. 162.05, shall include a special magistrate if the context permits.

History.—ss. 1, 2, ch. 80-300; s. 3, ch. 82-37; s. 2, ch. 86-201; s. 1, ch. 87-129; s. 2, ch. 89-268; s. 2, ch. 99-360; s. 63, ch. 2004-11.

Note.—Former s. 166.053.

162.04 Definitions.—As used in ss. 162.01-162.13, the term:

(1) “Local governing body” means the governing body of the county or municipality, however designated.

(2) “Code inspector” means any authorized agent or employee of the county or municipality whose duty it is to assure code compliance.

(3) “Local governing body attorney” means the legal counselor for the county or municipality.

(4) “Enforcement board” means a local government code enforcement board.

(5) “Repeat violation” means a violation of a provision of a code or ordinance by a person who has been previously found through a code enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within 5 years prior to the violation, notwithstanding the violations occur at different locations.

History.—s. 1, ch. 80-300; s. 4, ch. 82-37; s. 10, ch. 83-216; s. 3, ch. 86-201; s. 3, ch. 89-268; s. 3, ch. 99-360; s. 22, ch. 2001-60.

Note.—Former s. 166.054.

162.05 Local government code enforcement boards; organization.—

(1) The local governing body may appoint one or more code enforcement boards and legal counsel for the enforcement boards. The local governing body of a county or a municipality that has a population of less than 5,000 persons may appoint five-member or seven-member code enforcement boards. The local governing body of a county or a municipality that has a population equal to or greater than 5,000 persons must appoint seven-member code enforcement boards. The local governing body may appoint up to two alternate members for each code enforcement board to serve on the board in the absence of board members.

(2) Members of the enforcement boards shall be residents of the municipality, in the case of municipal enforcement boards, or residents of the county, in the case of county enforcement boards. Appointments shall be made in accordance with applicable law and ordinances on the basis of experience or interest in the subject matter jurisdiction of the respective code enforcement board, in the sole discretion of the local governing body. The membership of each enforcement board shall, whenever possible, include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor.

(3)(a) The initial appointments to a seven-member code enforcement board shall be as follows:

1. Two members appointed for a term of 1 year each.
2. Three members appointed for a term of 2 years each.
3. Two members appointed for a term of 3 years each.

(b) The initial appointments to a five-member code enforcement board shall be as follows:

1. One member appointed for a term of 1 year.
2. Two members appointed for a term of 2 years each.
3. Two members appointed for a term of 3 years each.

Thereafter, any appointment shall be made for a term of 3 years.

(c) The local governing body of a county or a municipality that has a population of less than 5,000 persons may reduce a seven-member code enforcement board to five members upon the simultaneous expiration of the terms of office of two members of the board.

(d) A member may be reappointed upon approval of the local governing body.

(e) An appointment to fill any vacancy on an enforcement board shall be for the remainder of the unexpired term of office. If any member fails to attend two of three successive meetings without cause and without prior approval of the chair, the enforcement board shall declare the member's office vacant, and the local governing body shall promptly fill such vacancy.

(f) The members shall serve in accordance with ordinances of the local governing body and may be suspended and removed for cause as provided in such ordinances for removal of members of boards.

(4) The members of an enforcement board shall elect a chair, who shall be a voting member, from among the members of the board. The presence of four or more members shall constitute a quorum of any seven-member enforcement board, and the presence of three or more members shall constitute a quorum of any five-member enforcement board. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the local governing body or as are otherwise provided by law.

(5) The local governing body attorney shall either be counsel to an enforcement board or shall represent the municipality or county by presenting cases before the enforcement board, but in no case shall the local governing body attorney serve in both capacities.

History.—s. 1, ch. 80-300; s. 5, ch. 82-37; s. 4, ch. 86-201; s. 2, ch. 87-129; s. 4, ch. 89-268; s. 1, ch. 94-291; s. 1441, ch. 95-147.

Note.—Former s. 166.055.

162.06 Enforcement procedure.—

(1)(a) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes; however, no member of a board shall have the power to initiate such enforcement proceedings.

(b) A code inspector may not initiate enforcement proceedings for a potential violation of a duly enacted code or ordinance by way of an anonymous complaint. A person who reports a potential violation of a code or an ordinance must provide his or her name and address to the respective local government before an enforcement proceeding may occur. This paragraph does not apply if the code inspector has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.

(2) Except as provided in subsections (3) and (4), if a violation of the codes is found, the code inspector shall notify the violator and give him or her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify an enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in s. 162.12 to said violator. At the option of the code enforcement board, notice may additionally be served by publication or posting as provided in s. 162.12. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the enforcement board even if the violation has been corrected prior to the board hearing, and the notice shall so state.

(3) If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify an enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to s. 162.12. The case may be presented to the enforcement board even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state. If the repeat violation has been corrected, the code enforcement board retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his or her rights to this hearing and pay said costs as determined by the code enforcement board.

(4) If the code inspector has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the enforcement board and request a hearing.

(5) If the owner of property that is subject to an enforcement proceeding before an enforcement board, special magistrate, or court transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner shall:

- (a) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
- (b) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
- (c) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
- (d) File a notice with the code enforcement official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within 5 days after the date of the transfer.

A failure to make the disclosures described in paragraphs (a), (b), and (c) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

History.—s. 1, ch. 80-300; s. 5, ch. 86-201; s. 1, ch. 87-391; s. 5, ch. 89-268; s. 2, ch. 94-291; s. 1442, ch. 95-147; s. 2, ch. 96-385; s. 4, ch. 99-360; s. 64, ch. 2004-11; s. 2, ch. 2021-167.

Note.—Former s. 166.056.

162.07 Conduct of hearing.—

(1) Upon request of the code inspector, or at such other times as may be necessary, the chair of an enforcement board may call a hearing of an enforcement board; a hearing also may be called by written notice signed by at least three members of a seven-member enforcement board or signed by at least two members of a five-member enforcement board. Minutes shall be kept of all hearings by each enforcement board, and all hearings and proceedings shall be open to the public. The local governing body shall provide clerical and administrative personnel as may be reasonably required by each enforcement board for the proper performance of its duties.

(2) Each case before an enforcement board shall be presented by the local governing body attorney or by a member of the administrative staff of the local governing body. If the local governing body prevails in prosecuting a case before the enforcement board, it shall be entitled to recover all costs incurred in prosecuting the case before the board and such costs may be included in the lien authorized under s. 162.09(3).

(3) An enforcement board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The enforcement board shall take testimony from the code inspector and alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(4) At the conclusion of the hearing, the enforcement board shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The finding shall be by motion approved by a majority of those members present and voting, except that at least four members of a seven-member enforcement board, or three members of a five-member enforcement board, must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed and, under the conditions specified in s. 162.09(1), the cost of repairs may be included along with the fine if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the enforcement board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

History.—s. 1, ch. 80-300; s. 6, ch. 82-37; s. 44, ch. 83-217; s. 6, ch. 86-201; s. 6, ch. 89-268; s. 3, ch. 94-291; s. 1443, ch. 95-147; s. 2, ch. 95-297.

Note.—Former s. 166.057.

162.08 Powers of enforcement boards.— Each 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. Subpoenas may be served by the sheriff of the county or police department of the municipality.
- (3) Subpoena evidence to its hearings.
- (4) Take testimony under oath.
- (5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

History.—s. 1, ch. 80-300; s. 7, ch. 82-37; s. 7, ch. 86-201; s. 7, ch. 89-268.

Note.— Former s. 166.058.

162.09 Administrative fines; costs of repair; liens.—

(1) An enforcement board, upon notification by the code inspector that an order of the enforcement board has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the enforcement board for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. In addition, if the violation is a violation described in s. 162.06(4), the enforcement board shall notify the local governing body, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the local governing body to make further repairs or to maintain the property and does not create any liability against the local governing body for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, a code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in paragraph (2)(a).

(2)(a) A fine imposed pursuant to this section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (1). However, if a code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000 per violation.

(b) In determining the amount of the fine, if any, the enforcement board shall consider the following factors:

1. The gravity of the violation;
2. Any actions taken by the violator to correct the violation; and
3. Any previous violations committed by the violator.

(c) An enforcement board may reduce a fine imposed pursuant to this section.

(d) A county or a municipality having a population equal to or greater than 50,000 may adopt, by a vote of at least a majority plus one of the entire governing body of the county or municipality, an ordinance that gives code enforcement boards or special magistrates, or both, authority to impose fines in excess of the limits set forth in paragraph (a). Such fines shall not exceed \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature. In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs pursuant to subsection (1). Any ordinance imposing such fines shall include criteria to be considered by the code enforcement board or special magistrate in determining the amount of the fines, including, but not limited to, those factors set forth in paragraph (b).

(3) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the

violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section. After 3 months from the filing of any such lien which remains unpaid, the enforcement board may authorize the local governing body attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. The money judgment provisions of this section shall not apply to real property or personal property which is covered under s. 4(a), Art. X of the State Constitution.

History.—s. 1, ch. 80-300; s. 8, ch. 82-37; s. 2, ch. 85-150; s. 8, ch. 86-201; s. 2, ch. 87-391; s. 8, ch. 89-268; s. 4, ch. 94-291; s. 1, ch. 95-297; s. 5, ch. 99-360; s. 1, ch. 2000-125; s. 65, ch. 2004-11.

Note.— Former s. 166.059.

162.10 Duration of lien.— No lien provided under the Local Government Code Enforcement Boards Act shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action is commenced pursuant to s. 162.09(3) in a court of competent jurisdiction. In an action to foreclose on a lien or for a money judgment, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the action. The local governing body shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

History.—s. 9, ch. 82-37; s. 9, ch. 86-201; s. 9, ch. 89-268; s. 5, ch. 94-291; s. 2, ch. 2000-125.

162.11 Appeals.— An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

History.—s. 1, ch. 80-300; s. 10, ch. 82-37; s. 3, ch. 85-150; s. 10, ch. 86-201.

Note.— Former s. 166.061.

162.12 Notices.—

(1) All notices required by this part must be provided to the alleged violator by:

(a) Certified mail, and at the option of the local government return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database. The local government may also provide an additional notice to any other address it may find for the property owner. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting as described in subparagraphs (2)(b)1. and 2.;

(b) Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body;

(c) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

(d) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(2) In addition to providing notice as set forth in subsection (1), at the option of the code enforcement board or the local government, notice may be served by publication or posting, as follows:

(a)1. Such notice shall be published in print in a newspaper or on a publicly accessible website as provided in s. 50.0311 for 4 consecutive weeks. If published in print, the notice shall be published once during each week for 4 consecutive weeks (four publications being sufficient) in a newspaper in the county where the code enforcement board

is located. The newspaper shall meet such requirements as are prescribed under chapter 50 for legal and official advertisements.

2. Proof of publication shall be made as provided in ss. 50.041 and 50.051.

(b)1. In lieu of publication as described in paragraph (a), such notice may be posted at least 10 days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be, in the case of municipalities, at the primary municipal government office, and in the case of counties, at the front door of the courthouse or the main county governmental center in said county.

2. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(c) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (1).

(3) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (1), together with proof of publication or posting as provided in subsection (2), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

History.—s. 1, ch. 80-300; s. 11, ch. 86-201; s. 3, ch. 87-391; s. 10, ch. 89-268; s. 6, ch. 94-291; s. 6, ch. 99-360; s. 3, ch. 2000-125; s. 1, ch. 2012-13; s. 2, ch. 2013-193; s. 1, ch. 2014-154; s. 14, ch. 2021-17; s. 14, ch. 2022-103.

Note.—Former s. 166.062.

162.125 Actions for money judgments under this chapter; limitation.—Actions for money judgments under this chapter may be pursued only on fines levied after October 1, 2000.

History.—s. 4, ch. 2000-125.

162.13 Provisions of act supplemental.—It is the legislative intent of ss. 162.01-162.12 to provide an additional or supplemental means of obtaining compliance with local codes. Except as provided in s. 162.06(1)(b), nothing contained in ss. 162.01-162.12 shall prohibit a local governing body from enforcing its codes by any other means.

History.—s. 11, ch. 82-37; s. 3, ch. 2021-167.

PART II

SUPPLEMENTAL COUNTY OR MUNICIPAL CODE OR ORDINANCE ENFORCEMENT PROCEDURES

162.21 Enforcement of county or municipal codes or ordinances; penalties.

162.22 Designation of enforcement methods and penalties for violation of municipal ordinances.

162.23 Notice to appear.

162.30 Civil actions to enforce county and municipal ordinances.

162.21 Enforcement of county or municipal codes or ordinances; penalties.—

(1) As used in this section, “code enforcement officer” means any designated employee or agent of a county or municipality whose duty it is to enforce codes and ordinances enacted by the county or municipality.

(2) A county or a municipality may designate certain of its employees or agents as code enforcement officers. The training and qualifications of the employees or agents for such designation shall be determined by the county or the municipality. Employees or agents who may be designated as code enforcement officers may include, but are not limited to, code inspectors, law enforcement officers, animal control officers, or firesafety inspectors. Designation as a code enforcement officer does not provide the code enforcement officer with the power of arrest or subject the code enforcement officer to the provisions of ss. 943.085-943.255. Nothing in this section amends, alters, or contravenes the provisions of any state-administered retirement system or any state-supported retirement system established by general law.

(3)(a) A code enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the county court will hear the charge.

(b) A code enforcement officer may not initiate an investigation of a potential violation of a duly enacted code or ordinance by way of an anonymous complaint. A person who reports a potential violation of a code or an ordinance must provide his or her name and address to the respective local government before an investigation may occur. This paragraph does not apply if the code enforcement officer has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.

(c) Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the time period, a code enforcement officer may issue a citation to the person who has committed the violation. A code enforcement officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if a repeat violation is found or if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

(d) A citation issued by a code enforcement officer shall be in a form prescribed by the county or the municipality and shall contain:

1. The date and time of issuance.
2. The name and address of the person to whom the citation is issued.
3. The date and time the civil infraction was committed.
4. The facts constituting reasonable cause.
5. The number or section of the code or ordinance violated.
6. The name and authority of the code enforcement officer.
7. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
8. The applicable civil penalty if the person elects to contest the citation.
9. The applicable civil penalty if the person elects not to contest the citation.
10. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(4) After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original citation and one copy of the citation with the county court.

(5) A county or a municipality is authorized to enforce codes and ordinances under the provisions of this section and may enact an ordinance establishing procedures for the implementation of such provisions, including a schedule of violations and penalties to be assessed by code enforcement officers. If a county or municipality chooses to enforce codes or ordinances under the provisions of this section, each code or ordinance or the ordinance enacted by the county or municipality establishing procedures for implementation of this section shall provide:

- (a) That a violation of a code or an ordinance is a civil infraction.
- (b) A maximum civil penalty not to exceed \$500.
- (c) A civil penalty of less than the maximum civil penalty if the person who has committed the civil infraction does not contest the citation.

(d) For the issuance of a citation by a code enforcement officer who has reasonable cause to believe that a person has committed an act in violation of a code or an ordinance.

(e) For the contesting of a citation in county court.

(f) Such procedures and provisions as are necessary to provide for the enforcement of a code or an ordinance under the provisions of this section.

(6) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(7) The provisions of this part shall not apply to the enforcement pursuant to ss. 553.79 and 553.80 of the Florida Building Code adopted pursuant to s. 553.73 as applied to construction, provided that a building permit is either not required or has been issued by the county or the municipality.

(8) The provisions of this section are additional and supplemental means of enforcing county or municipal codes or ordinances and may be used for the enforcement of any code or ordinance, or for the enforcement of all codes and ordinances. Except as provided in paragraph (3)(b), nothing contained in this section shall prohibit a county or municipality from enforcing its codes or ordinances by any other means.

History.—s. 11, ch. 89-268; s. 7, ch. 94-291; s. 1444, ch. 95-147; s. 3, ch. 96-385; s. 4, ch. 98-287; s. 115, ch. 2000-141; s. 35, ch. 2001-186; s. 4, ch. 2001-372; s. 4, ch. 2021-167.

162.22 Designation of enforcement methods and penalties for violation of municipal ordinances.— The governing body of a municipality may designate the enforcement methods and penalties to be imposed for the violation of ordinances adopted by the municipality. These enforcement methods may include, but are not limited to, the issuance of a citation, a summons, or a notice to appear in county court or arrest for violation of municipal ordinances as provided for in chapter 901. Unless otherwise specifically authorized and provided for by law, a person convicted of violating a municipal ordinance may be sentenced to pay a fine, not to exceed \$500, and may be sentenced to a definite term of imprisonment, not to exceed 60 days, in a municipal detention facility or other facility as authorized by law.

History.—s. 1, ch. 94-255.

162.23 Notice to appear.—

(1) Notwithstanding s. 34.07, a code enforcement officer, designated pursuant to s. 162.21(1) and (2), may issue a notice to appear at any hearing conducted by a county court if the officer, based upon personal investigation, has reasonable cause to believe that the person has violated a code or ordinance. A notice to appear means a written order issued by a code enforcement officer in lieu of physical arrest requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time. If a person issued a notice to appear under this section refuses to sign such notice, the code enforcement officer has no authority to arrest such person.

(2) Prior to issuing a notice to appear, a code enforcement officer shall provide written notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no fewer than 5 days and no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the prescribed time period, a code enforcement officer may issue a notice to appear to the person who has committed the violation. A code enforcement officer is not required to provide the person with a reasonable time period to correct the violation prior to issuing a notice to appear and may immediately issue a notice to appear if a repeat violation is found, or if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare or that the violator is engaged in violations of an itinerant or transient nature, as defined by local code or ordinance within the jurisdiction, or if the violation is irreparable or irreversible.

History.—s. 1, ch. 96-385; s. 7, ch. 99-360.

162.30 Civil actions to enforce county and municipal ordinances.— In addition to other provisions of law authorizing the enforcement of county and municipal codes and ordinances, a county or municipality may enforce any violation of a county or municipal code or ordinance by filing a civil action in the same manner as instituting a civil action. The action shall be brought in county or circuit court, whichever is appropriate depending upon the relief sought. Counties and municipalities are authorized and required to pay any counsel appointed by the court to represent a private party in such action if the provision of counsel at public expense is required by the Constitution of the United States or the Constitution of the State of Florida and if the party is indigent as established pursuant to s. 27.52. The county or municipality shall bear all court fees and costs of any such action, and may, if it prevails, recover the court fees and costs and expense of the court-appointed counsel as part of its judgment. The state shall bear no

expense of actions brought under this section except those that it would bear in an ordinary civil action between private parties in county court.

History.—s. 87, ch. 2003-402.

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***DIVISION 2. CODE ENFORCEMENT
BOARD¹***

Sec. 2-436. Intent.

It is the intent of this division to promote, protect and improve the health, safety and welfare of the citizens of this city by creating an administrative board or special magistrate with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective and inexpensive method of enforcing codes and ordinances in force in the city, where a pending or repeated violation exists or continues to exist.

(Code 1959, § 28-1; Ord. No. 91-1-12, § 1, 12-2-91; Ord. No. 2011-20, § 1, 10-10-11)

State law reference(s)—Similar provisions, F.S. § 162.02.

Sec. 2-437. Implementation of F.S. ch. 162.

The city does hereby create, by this division, a special magistrate as permitted by F.S. Ch. 162. The city reserves the right to substitute the local government code enforcement board with a special magistrate according to the terms and conditions of this division when a special magistrate is appointed by the mayor and confirmed by the city council by resolution.

(Code 1959, § 28-2; Ord. No. 2011-20, § 2, 10-10-11)

Sec. 2-438. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Code enforcement officer means the city manager or his designee whose duty it is to enforce codes and ordinances enacted by Neptune Beach.

Enforcement board means the code enforcement board.

Repeat violator means a violation of any code or ordinance by a person whom the code enforcement board has previously found to have violated the same code or ordinance within five (5) years prior to the violation.

(Code 1959, § 28-3; Ord. No. 91-1-12, § 1, 12-2-91; Ord. No. 2011-20, § 3, 10-10-11)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

State law reference(s)—Similar definitions, F.S. § 162.04.

¹State law reference(s)—Local Government Code Enforcement Boards Act, F.S. § 162.01 et seq.

Sec. 2-439. Organization.

(a) *Special magistrate.*

- (1) The city council may appoint a special magistrate or special magistrates, as needed. The special magistrate shall be an attorney licensed as active and in good standing by the Florida Bar. The special magistrate shall not be a resident of the city. Appointments shall be made by the mayor on the basis of experience or interest in the fields of land use law, zoning law, administrative law, construction law, building control, and any other relevant fields, and shall be confirmed by resolution of the city council. The compensation and conditions of employment for the special magistrate shall be set in the resolution.
- (2) The special magistrate shall serve at the pleasure of the city council. The appointment of the special magistrate shall be made for a term of one (1) year, with the mayor reserving the right to terminate the term prior to its natural end, in writing, with no less than thirty (30) days' notice. Such termination shall be confirmed by resolution of the city council. The term may be extended upon resolution of the city council for a term not to exceed one (1) year. No term limits shall be established herein for any appointed special magistrate. If the special magistrate wishes to terminate the term prior to its natural end, the special magistrate shall notify the city, in writing, no less than sixty (60) days in advance.
- (3) If the city chooses to appoint a special magistrate, the city attorney shall only serve as representative of the city in presenting cases before the special magistrate if designated by the city manager.

(b) *Code enforcement board.*

- (1) The city council may appoint one (1) or more seven-member code enforcement boards and legal counsel for the enforcement boards. Members of the enforcement boards shall be residents of the city. Appointments shall be made by the mayor on the basis of experience or interest in the fields of zoning and building control, and shall be confirmed by resolutions of the city council. The membership of each enforcement board shall, whenever possible, include an architect, a businessman, an engineer, a general contractor, a subcontractor and a realtor.
- (2) Any appointment shall be made for a term of three (3) years. A member may be reappointed upon approval of the city council. An appointment to fill any vacancy on an enforcement board shall be for the remainder of the unexpired term of office. If any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman, the enforcement board shall declare the member's office vacant, and the city council shall promptly fill such vacancy. No person may serve more than two (2) consecutive three-year terms. Persons disqualified by this provision may be reappointed after one (1) year elapses after the expiration of the second term of service.
- (3) The members of an enforcement board shall elect a chairman, who shall be a voting member, from among the members of the board. The presence of four (4) or more members shall constitute a quorum of any enforcement board. Members shall serve without compensation, but may be reimbursed for such travel, mileage and per diem expenses as may be authorized by the city council or as are otherwise provided by law. Members must be present at the start of the meeting to participate in the hearings.
- (4) Two (2) alternate members shall be appointed by the mayor, and they shall be confirmed by resolution of the city council, to the code enforcement board to serve on the board in the absence of board members. Each alternate member shall be appointed for one-year terms and may be reappointed for a total term limit of three (3) consecutive one-year terms.

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- (5) The board members shall have one (1) training session per year to be given by the city attorney or a seminar approved by the city manager if budgeted by the city council.

(Code 1959, § 28-4; Ord. No. 92-1-12, § 1, 12-2-91; Ord. No. 1994-2, § 1, 1-3-94; Ord. No. 1996-36, § 1, 1-6-97; Ord. No. 1997-25, § 1, 1-5-98; Ord. No. 2005-04, § 2, 3-7-05; Ord. No. 2011-20, § 4, 10-10-11)

State law reference(s)—Similar provisions, F.S. § 162.05.

Sec. 2-440. Enforcement procedure.

- (a) It shall be the duty of the city manager or his designee to serve as the code enforcement officer and to initiate enforcement proceedings of the various codes; however, neither the special magistrate, nor any member of a board shall have the power to initiate such enforcement proceedings.
- (b) Except as provided in subsection (c), if a violation of the codes is found, the code enforcement officer shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code enforcement officer shall notify the special magistrate or the enforcement board and request a hearing. The special magistrate or code enforcement board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in section 2-446 to the violator. At the option of the special magistrate or code enforcement board, notice may additionally be served by publication or posting as provided in section 2-446. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code enforcement officer, the case may be presented to the special magistrate or code enforcement board even if the violation has been corrected prior to the board hearing, and the notice shall so state.
- (c) If the code enforcement officer has reason to believe a violation presents a serious threat to the public health, safety and welfare or if the violation is irreparable or irreversible in nature, the code enforcement officer shall make a reasonable effort to notify the violator and may immediately notify the special magistrate or code enforcement board and request a hearing.
- (d) If a repeat violation is found, the code enforcement officer shall notify the violator, but is not required to give the violator a reasonable time to correct the violation. The city manager or his designee, upon notifying the violator of the repeat violation, shall notify the special magistrate or code enforcement board and request a hearing. The special magistrate or code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice, pursuant to section 2-446, to the violator.

(Code 1959, § 28-5; Ord. No. 91-2-12, § 1, 12-2-91; Ord. No. 2011-20, § 5, 10-10-11; Ord. No. 2019-12, 12-2-19)

State law reference(s)—Similar provisions, F.S. § 162.06.

Sec. 2-441. Conduct of hearings.

- (a) Upon request of the city manager or his designee, or at such other times as may be necessary, the special magistrate or chairman of the code enforcement board may call a hearing of a code enforcement board; a hearing also may be called by a vote of at least three (3) members of the code enforcement board at one of its meetings. Minutes shall be kept of all hearings by the special magistrate or code enforcement board, and all hearings and proceedings shall be open to the public. The city council shall provide clerical and administrative personnel as may be reasonably required by the special magistrate or code enforcement board for the proper performance of its duties.
- (b) Each case before the special magistrate or code enforcement board shall be presented by the city manager or his designee.

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- (c) The special magistrate or the code enforcement board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The special magistrate or code enforcement board shall take testimony from the code enforcement officer, the alleged violator, and/or any other witnesses it deems appropriate. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
 - (d) At the conclusion of the hearing, the special magistrate or code enforcement board shall issue findings of fact, based on competent substantial evidence of record, and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The order may include a notice that it must be complied with by a specified date and a fine and/or an additional fine may be imposed if the order is not complied with by that date. If the findings are made by the code enforcement board rather than the special magistrate, the findings shall be by motion approved by a majority of those members present and voting, except that at least four (4) members of the code enforcement board must vote in order for the action to be official.

(Code 1959, § 28-6; Ord. No. 91-1-12, § 1, 12-2-91; Ord. No. 2011-20, § 6, 10-10-11)

State law reference(s)—Similar provisions, F.S. § 162.07.

Sec. 2-442. Powers.

The special magistrate or 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; subpoenas may be served by the police department of the city;
- (3) Subpoena evidence;
- (4) Take testimony under oath;
- (5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

(Code 1959, § 28-7; Ord. No. 91-1-12, § 1, 12-2-91; Ord. No. 2011-20, § 7, 10-10-11)

State law reference(s)—Similar provisions, F.S. § 162.08.

Sec. 2-443. Administrative fines; liens.

- (a) The special magistrate or code enforcement board, upon notification by the city manager or his designee that an order of the special magistrate or code enforcement board has not been complied with by the set time or, upon finding that the same violation has been repeated by the same violator, may order the violator to pay a fine for each day the violation continues past the date set for compliance or for each time the violation has been repeated, and a hearing shall not be necessary for issuance of the order. The fine imposed shall not exceed two hundred fifty dollars (\$250.00) per day for a first violation and shall not exceed five hundred dollars (\$500.00) per day for a repeat violation.
- (b) In determining the amount of the fine, if any, the special magistrate or code enforcement board shall consider the following factors:
 - (1) The gravity of the violation;
 - (2) Any actions taken by the violator to correct the violation; and

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- (3) Any previous violations committed by the violator.
- (c) A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three (3) months from the filing of any such lien which remains unpaid, the special magistrate or code enforcement board may authorize the city attorney to foreclose on the lien. No lien created pursuant to the provisions of this division may be foreclosed on real property which is a homestead under Section 4, Art. X of the state Constitution.

(Code 1959, § 28-8; Ord. No. 91-1-12, § 1, 12-2-91; Ord. No. 2011-20, § 8, 10-10-11)

State law reference(s)—Similar provisions, F.S. § 162.09.

Sec. 2-444. Duration of lien.

No lien provided under this division shall continue for a period longer than twenty (20) years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien has commenced in a court of competent jurisdiction. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

(Code 1959, § 28-9; Ord. No. 91-1-12, § 1, 12-2-91; Ord. No. 2011-20, § 9, 10-10-11)

State law reference(s)—Similar provisions, F.S. § 162.10.

Sec. 2-445. Appeals.

An aggrieved party, including the city council, may appeal a final administrative order of the special magistrate or code enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special magistrate or code enforcement board. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

(Code 1959, § 28-10; Ord. No. 91-1-12, § 1, 12-2-91; Ord. No. 2011-20, § 10, 10-10-11)

State law reference(s)—Similar provisions, F.S. § 162.11.

Sec. 2-446. Service of notices.

- (a) All notices required by this division shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the sheriff or other law enforcement officer, code enforcement officer or other person designated by the city council; or by leaving the notice at the violator's usual place of residence with any person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice.
- (b) In addition to providing notice as set forth in subsection (a), at the option of the special magistrate or code enforcement board, notice may also be served by publication, as follows:
- (1) Such notice shall be published once during each week for four (4) consecutive weeks (four (4) publications being sufficient) in a newspaper of general circulation in the county. The newspaper shall meet such requirements as are prescribed under F.S. Ch. 50 for legal and official advertisements.
 - (2) Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.

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- (3) Notice by publication may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a).
- (c) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a), together with proof of publication as provided in subsection (b), shall be sufficient to show that the notice requirements of this division have been met, without regard to whether or not the alleged violator actually received such notice.

(Code 1959, § 28-11; Ord. No. 91-1-12, § 1, 12-2-91; Ord. No. 2011-20, § 11, 10-10-11)

State law reference(s)—Similar provisions, F.S. § 162.12.

Sec. 2-447. Provisions of division supplemental.

- (a) It is the legislative intent of this division to provide an additional or supplemental means of obtaining compliance with local codes. Nothing contained in the division shall prohibit the city council from enforcing its codes by any other means. Authorizing the city manager and his designee to issue citations for violations of the city's Code as he deems needed.
- (b) No citations shall be issued without the approval of the city manager or his designee. The first citation shall be a warning giving a reasonable time to correct the violation. The maximum fine will be two hundred fifty dollars (\$250.00). Failure to pay a fine within ten (10) days will add additional fine of fifty dollars (\$50.00). After twenty (20) days of an unpaid fine, the city attorney may place a lien on the property. Also, after the twenty-day period, a second citation may be issued for failure to pay fine.
- (c) Any person or entity cited may request a hearing before the special magistrate or code enforcement board within thirty (30) days of the citation for resolution of their citation at a cost of two hundred dollars (\$200.00). If the special magistrate or code enforcement board finds in favor of the person receiving the violation, the fee will be returned. If the special magistrate or code enforcement board finds that the person or entity cited is guilty, they may set any fine allowed by law for the violation.

(Code 1959, § 28-12; Ord. No. 91-1-12, § 1, 12-2-91; Ord. No. 2010-06, § 1, 5-3-10; Ord. No. 2011-20, § 12, 10-10-11)

State law reference(s)—Similar provisions, F.S. § 162.13.

Secs. 2-448—2-475. Reserved.

Chapter 28 NUISANCES¹

ARTICLE I. LEGISLATIVE INTENT

Sec. 28-1. Legislative intent and findings.

- (a) There is a need to provide a comprehensive nuisance ordinance; to assign the responsibility for the enforcement of the safety and maintenance of the chapter to the building official and the code enforcement officer pursuant to sections 2-338 and 2-440 of the Code of Neptune Beach. There is also a need to create a uniform enforcement system for the violation of this chapter and to provide for minimum safety and maintenance standards for all commercial and residential properties within the City of Neptune Beach.
- (b) The city finds and declares public nuisances those conditions that endanger the public health and welfare or safety of the community; and it is within its police powers to declare that any condition that endangers the general health, welfare and safety of the inhabitants a public nuisance and the city is empowered to prevent, abate and remove nuisances, to include not only the abating of an unsafe and unsanitary condition, but also the destruction and removal of any unsafe structure.
- (c) The city further finds and declares that the abatement of the public nuisances provides a special benefit to the property in the form of added use and enjoyment which further enhances the value of the property. Therefore, the debt associated with the city's enforcement or abatement action is a special assessment against the premises cited.

(Ord. No. 1998-22, § 1, 5-3-99)

ARTICLE II. IN GENERAL

Sec. 28-2. Applicability.

- (a) This chapter shall apply to every building and portion thereof, and appurtenance thereto, and the premises on which it is situated, used or intended to be used, whether for commercial, business, institutional, industrial, multifamily or residential.
- (b) This chapter will also apply to any improved or unimproved lot or tract of land, notwithstanding its use or zoning classification, located within the City of Neptune Beach.
- (c) Every portion of a building and the premises thereof shall conform to the requirements of the specific part of this chapter, irrespective of the zoning classification or primary use of the building and irrespective of whether the building may have been constructed, altered or repaired.
- (d) Where a provision of this chapter was found to be in conflict with another applicable code or regulation, the provision that establishes the higher standard, as determined by the building official shall prevail.

¹State law reference(s)—Abatement of nuisances, F.S. §§ 60.05, 60.06.

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- (e) The provisions of this chapter are supplemental to any and all remedies available to the city pursuant to F.S. 162 and the provisions herein shall not constitute a waiver of any other remedies available to the city.

(Ord. No. 1998-22, § 1, 5-3-99)

Sec. 28-3. Savings clause.

This Code shall not affect violations of any other ordinance, Code or regulation of the city existing prior to its adoption. Such violations shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

(Ord. No. 1998-22, § 1, 5-3-99)

Sec. 28-4. Definitions.

In this Code, unless the context otherwise requires, the following terms or words listed in alphabetical order herein shall have the meaning contained below.

Words not defined in this Code shall be defined elsewhere in the Code of Ordinances and, if not therein defined, shall have their ordinarily accepted meanings.

Apartment, apartment house, building, dwelling, dwelling unit, rooming house, rooming unit, premises or structure; whenever these words are used in this chapter, it shall be construed as though it was followed by the words or a part thereof.

Building or structure means that which is built or constructed, an edifice of any kind, or any piece of work artificially built or composed of parts joined together in some form. The term shall include but [be] not limited to any residential dwelling, commercial facility or industrial complex, whether privately or publicly owned property. Accessory buildings, canopies, carports, garages, mobile homes, shelving, racks and each and every type of portable or moveable equipment shall be considered buildings or structures within the meaning of the definition.

City means the City of Neptune Beach.

Dwelling means a building or mobile home which is wholly or partly used or intended to be used for living or sleeping by human occupants, whether or not the building or mobile home is actually occupied or vacant; provided that temporary housing, as defined in this section, shall not be regarded as a dwelling.

Dwelling unit means a room or group of rooms located within a dwelling and comprising a single, habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking and eating.

Emergency action means the action necessary to abate a condition posing an immediate threat to life or property.

Nuisance means any one (1) or a combination of the following:

- (1) Any public nuisance known at common law or in equity, jurisprudence or as provided by statute, administrative rule or ordinance of the city, including this chapter;
- (2) Any attractive nuisance which may prove detrimental to health or safety;
- (3) Physical conditions dangerous to human life, safety, welfare or property, or detrimental to the health or detrimental to property values;
- (4) Conditions relating to private or public property which impede the free passage of persons on a public or private sidewalk, or which impede ingress or egress to property or which impede the safe passage of vehicles on a public alley or street; [and/or]

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- (5) The existence of statutorily defined hazardous materials, substances or wastes in or around any building or structure.

Owner means:

- (1) The holder of the title in fee simple, whether a single person, a group of persons or one or more companies, associations or corporations whose name or names show in the records of the property appraiser;
- (2) A person, who alone, jointly or severally with others: (1) has legal title to a dwelling unit, with or without accompanying actual possession thereof; (2) has charge, care or control of a dwelling or dwelling unit, as owner or as personal representative, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, assignee of rents, lessee or other person or corporation in control of a building; or (3) the duly authorized agent of any of the foregoing.
- (3) The definitions in (1) and (2) above are supplemental to the definition in section 1-2 of this Code.

Premises shall include the building or structure thereon as well as all land surrounding it, either as homestead per tax rolls or per deed/legal description thereof, as well as any lot or parcel of land, whether vacant or improved.

Temporary housing means a tent, trailer, structure or similar item used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to a utility system on the premises for more than thirty (30) consecutive days.

An *unsafe building or unsafe structure* includes the following buildings and structures:

- (1) Those whose walls or other structural members sag, list, lean or buckle to such an extent that they are, in the opinion of an inspecting building official, in danger of collapse;
- (2) Those with structural members that are overloaded, or which have insufficient strength, in the opinion of an inspection building official, to be safe for the purpose used;
- (3) Those damaged by fire, wind, deterioration or other causes to such an extent that they are, in the opinion of an inspecting building official, dangerous to the general health or safety of the occupants or the public;
- (4) Those which are vacant and unguarded and open at doors or windows or which otherwise provide unrestricted access to the interior;
- (5) Those having light, air or sanitation facilities which are inadequate, in the opinion of an inspecting building official, to protect the general health or safety of the occupants;
- (6) Those not having exits or fire protection required by the Code of Ordinances or any state or federal laws;
- (7) Those having any piece, part or attachment which is so insecurely fixed as to be, in the opinion of an inspecting building official, in danger of falling or being dislodged by the elements so that it may injure any person or property;
- (8) Those which are in violation of the minimum housing, building, electrical or plumbing codes of the city;
- (9) Those of unfinished construction for which the building permit has expired at least thirty (30) days prior to the date of determination by the building official;
- (10) Those which constitute, in the opinion of an inspecting building official, a fire or windstorm hazard;
- (11) Those which have become or are so dilapidated, decayed, unsafe or unsanitary or which so utterly fail to provide the amenities essential for decent living that they are, in the opinion of an inspecting

building official, unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those persons living therein;

- (12) The remains, debris, walls, chimney or floors of or left from a building or structure which has partially or completely collapsed, burned, fallen or been torn down;
- (13) Any abandoned swimming pool, excavation or septic tank which, in the opinion of an inspecting building official, threatens or endangers the health, safety or welfare of the public; and
- (14) Any fence or other enclosure around a swimming pool, which is in a state of disrepair, dilapidation or is otherwise unsafe so, in the opinion of an inspecting building official, as to threaten or endanger the health, safety or welfare of the public.

(Ord. No. 1998-22, § 1, 5-3-99)

Sec. 28-5. Illustrative enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (1) An excessive accumulation or untended growth of weeds, underbrush or undergrowth, or other vegetation, or grass exceeding ten (10) inches in height (but not including trees, plants or other vegetation protected by state law);
- (2) Accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, dead or decayed fish, fowl, meat or other animal matter; fruit, vegetables, bricks, concrete, scrap lumber or other building debris or other refuse of any nature (but not including such materials properly packaged or contained for regular refuse removal, recycling recovery or trimmed vegetation for pickup);
- (3) An unsafe building or structure or premises which provides uncontrolled breeding places, protection or shelter for rodents, vermin or other pests;
- (4) An unsafe building or unsafe structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;
- (5) All disagreeable or obnoxious odors and stench, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stench;
- (6) The carcasses of animals or fowl not disposed of within a reasonable time after death;
- (7) The pollution of the air, soil, or the pollution or damaging of any public or private property well or cistern, stream, lake, canal, body of water or land by the creation, presence or dumping of sewage, dead animals, industrial wastes, toxic wastes, fuels and fuel byproducts or other substances;
- (8) Any building, structure or premises where any activity, which is in violation of local, state or federal law is conducted, performed or maintained;
- (9) Any accumulation of stagnant water permitted or maintained on any lot of ground or premises, which tends to produce disease vectors, biting insects or the like; [and/or]
- (10) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.

(Ord. No. 1998-22, § 1, 5-3-99)

Secs. 28-6—28-10. Reserved.

ARTICLE III. NUISANCE LIGHTING

Sec. 28-11. Purpose, intent, and definitions.

- (a) The City of Neptune Beach recognizes that man-made lighting can have a negative impact on the environment and citizens' right to enjoy their property. Lighting should not unnecessarily illuminate or substantially interfere with the use or enjoyment of any other adjoining lot. Lighting and lighting fixtures shall be integrated into the surrounding landscape and designed to enhance the visual impact of the project on the community.
- (b) *Full cutoff* means a shielded light fixture that emits no light above a horizontal plane touching the lowest part of the fixture.
- (c) *Glare* means light emitting from a luminaire that interferes with visibility.
- (d) *Light pollution* means any adverse effect of man-made light.
- (e) *Light trespass* means light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited.
- (f) *Luminaire* means a complete lighting system, including a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.
- (g) *Shielded fixture*. Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, i.e., "shoe box-type" fixtures. A luminaire mounted in a recessed fashion under a canopy of other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this article.

(Ord. No. 2019-02 , § 1, 4-1-19; Ord. No. 2019-11 , § 1, 12-2-19)

Sec. 28-12. Requirements and prohibitions.

- (a) *Trespass and glare*. Any development shall not create light trespass. Directional luminaires such as floodlights, spotlights, sign lights and area lights associated with development, shall be installed and directed to illuminate only the area intended, with no direct lighting of neighboring properties. Lighting shall also be directed in such a way that it does not create safety concerns on roadways. Building facade and decorative lighting, sports lighting and other applications using floodlights shall have glare shielding (external or internal shields) to prevent light trespass and light pollution on neighboring properties. All lighting shall be designed to prevent nuisance illumination or glare to any adjacent property or unreasonable interference with the lawful use and enjoyment of any adjacent property.
- (b) *Exterior lighting*. Lighting which is provided for the security of exterior areas or for a permitted outdoor use of land shall be wall-mounted with full cut-off fixtures. All light fixtures shall have bulbs that are fully recessed within the fixture and may not emit light above horizontal plane, except for low voltage landscape lights.
- (c) *Height*. The maximum height of light fixtures, except as otherwise regulated by this section, shall not exceed thirty (30) feet.

(d) *Light pollution.* All building lighting for security or aesthetics will be fully cut-off type, not allowing any upward distribution of light.

(e) *Municipal or government owned street and roadway lighting* is exempt from these regulations.

(Ord. No. 2019-02 , § 1, 4-1-19; Ord. No. 2019-11 , § 1, 12-2-19)

Editor's note(s)—Formerly entitled "Light trespass and glare," which was renamed as hereinabove set out by Ord. No. 2019-11 .

Sec. 28-13. Violation constitutes nuisance; abatement.

Any light trespass or glare which is constructed, erected, operated, used, maintained, posted or displayed in violation of this Code is hereby declared to be a nuisance and shall be abated and removed within thirty (30) days' receipt of written notice.

(Ord. No. 2019-02 , § 1, 4-1-19)

Sec. 28-14. Nonconforming lighting.

Existing lighting which creates light trespass to any adjacent property shall be adjusted by the addition of all shielded fixtures or other means necessary to prevent light trespass. All other existing lighting fixtures in operation as of the effective date of the ordinance codified in this section, shall be considered permitted nonconforming lighting and are not required to be removed or replaced. Replacement and new lighting are not considered permitted nonconforming and must come into compliance with this article.

(Ord. No. 2019-02 , § 1, 4-1-19; Ord. No. 2019-11 , § 1, 12-2-19)

Sec. 28-15. Penalties.

Any person or persons, firm or corporation, or any agent thereof who violates any of the provisions of this section may upon conviction be guilty of a noncriminal violation punishable as provided for under F.S. Ch. 162, or by appearance before a county judge if a citation is issued by a police officer, code enforcement officer, animal control officer or others acting at the direction of the city manager. The department of public safety and all officers under its supervision may issue a citation for a civil penalty. A surcharge equal to all administrative costs, including, but not limited to any filing fees required by the clerk of court for the filing of civil citations by the city shall be assessed and collected from the defendant upon each civil penalty imposed for violation of this section. For violations of this article, the civil penalty shall be assessed and paid in the following amounts:

First offense: Warning issued and thirty (30) days to come into compliance

Second offense: \$100.00

Third and any subsequent offense: \$500.00

A defendant may pay the civil penalty as specified above, in lieu of appearing in county court. A defendant may exercise this option by paying the specified fine at the public safety building within ten (10) days of their violation. If the civil penalty is not paid by such time, the city shall proceed to enforce such violation as otherwise provided by law.

(Ord. No. 2019-02 , § 1, 4-1-19)

Sec. 28-16. Reserved.

ARTICLE IV. NOTICE OF ABATEMENT AND HEARING

Sec. 28-17. Notice to abate; contents.

Whenever it is made to appear to the building official, after investigation, that a nuisance exists within the city, the building official shall forthwith: (1) prepare an estimate of the total cost of removing, suppressing or abating the nuisance; and (2) cause to be served upon the person owning, occupying or having the care or custody of any premises upon or in connection with such nuisance, a written notice to remove, suppress or abate the nuisance by a date not less than ten (10) days after service of the notice, which notice shall:

- (1) Describe the prohibited act, occurrence or condition, in sufficient detail to plainly identify same;
- (2) State the legal description of the premises on which the same exists or is maintained;
- (3) State the estimated total cost which will in the opinion of the building official cover the total cost of removing, suppressing or abating same;
- (4) The proportion of such cost proposed to be borne by the city, if any;
- (5) The proportion of such estimated amount which shall be borne by the owner or occupant of the premises involved;
- (6) State that unless such prohibited act, occurrence or condition has been effectively removed, suppressed or abated on or before the time stated in the notice, the city may remove, suppress or abate the same and assess the cost of so doing, or such proportion thereof as it may deem equitable and just, against the owner or occupant of the premises involved, provided such assessment shall in no event exceed the proportion of the estimated amount set forth in the aforementioned notice to be borne by the owner or occupant of the premises involved; and
- (7) Such notice shall be served upon the owner, occupant or person having the care or custody of the particular property involved, if he be found upon the premises or within the city, and in case the owner, occupant or custodian cannot be found within the city after reasonable and diligent inquiry, such notice shall be posted in a conspicuous place upon the premises and a copy thereof mailed to the last known address of such owner, occupant or person having the care or custody of the land involved.

(Ord. No. 1998-22, § 1, 5-3-99)

Sec. 28-18. Hearing.

- (a) Any person, owning or occupying the property removed or otherwise interested, or any person served with notice under section 28-17, or any other person having a demonstrable ownership occupation interest in the premises, who objects to the proposed removal, suppression or abatement or levy of a special assessment under this chapter, must present objections, in writing to the building official, within ten (10) days of service of the notice, and must request a hearing before the code enforcement board, or the person shall have deemed to have consented thereto.
- (b) The hearing shall be on the first regularly scheduled meeting following the request for the hearing or at such other time as the code enforcement board may schedule, following the request for the hearing.
- (c) The hearing shall proceed in accordance with the procedures in section 2-441 of this Code.

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- (d) After the hearing, the code enforcement board, in the exercise of its discretion, may revise, modify or abandon the proposed action.
 - (e) If no objection to such action is received by the building official and/or the code enforcement board within ten (10) days of the notice service date, the action in the notice shall become final and binding.
 - (f) Any appeal of such action shall proceed as in section 2-445 of this Code.

(Ord. No. 1998-22, § 1, 5-3-99)

Sec. 28-19. Abatement by city.

- (a) In the event that, at the time specified in the notice of section 28-17, the nuisance has not been removed, suppressed or abated, or in the case of an unsafe building or structure, the unsafe building or structure is not demolished or the repair work is not performed within the time as required by the building official or the code enforcement board, the building official may cause the demolition, repair or other work, including but not limited to removal or boarding, to be performed by independent contractors, city employees or other such qualified means, as available.
- (b) The building official may also initiate prosecution for violation of this chapter.
- (c) The building official may temporarily defer demolition, repair or removal work when it is in the best interest of the city to do so.

(Ord. No. 1998-22, § 1, 5-3-99)

Sec. 28-20. Levy of special assessment lien against property to finance and defray costs.

- (a) The city council shall, as soon as practicable after the completion of work as authorized in this chapter, ascertain and determine the actual cost thereof and the respective portions to be borne by the city, if any, and the owners or occupants of the premises involved at an amount not exceeding either the actual cost of the work, or the estimated special assessment stated in the notice. The city clerk shall be instructed by resolution of the city council to issue a notice of lien, which notice shall specify the following:
 - (1) Description of the work performed;
 - (2) Date of completion;
 - (3) Total cost;
 - (4) The total expense, including administrative costs and attorney's fees incurred by the city in causing the nuisance to be terminated or abated;
 - (5) The proportion of such cost to be financed and defrayed by special assessment;
 - (6) The unit or basis for distribution of the amount to be specially assessed among the several parcels of property where more than one parcel is liable for assessment; [and]
 - (7) The fact that a lien has been assessed by the city with a complete schedule or breakdown of the specific amount of special assessment levied and imposed against and upon each respective particular parcel of property involved, showing in detail the description of the property, name of owner and amount of assessment as severally and respectively levied and imposed.
- (b) Such liens shall bear interest at a rate of ten (10) percent per annum, unless paid within thirty (30) days after publication of such resolution;

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- (c) The city clerk shall forthwith have prepared and entered in a lien book maintained in her office as an official record, the amount of such lien assessed against each parcel of property, the date of completion of such work and such other information as may be deemed appropriate;
 - (d) The city clerk shall cause the resolution to be published in a newspaper, as required by law; the building official shall post a copy of the resolution on the premises.
 - (e) A lien provided for in this chapter may be paid within thirty (30) days after the publication of the notice of assessment and lien as provided herein, without interest. Thereafter, the amount of the lien, including administrative costs and cost of publication of notice of assessment and lien, together with interest at the rate of ten (10) percent per annum, commencing from the date of filing of the lien and costs of collection, including reasonable attorney's fees, shall be a lien against the premises and shall be collected and enforceable in the same manner as provided in sections 2-443 and 2-444 of this Code.

(Ord. No. 1998-22, § 1, 5-3-99)

Sec. 28-21. Finality and priority of lien.

The lien under section 28-20 shall be effective and final against the premises upon which the work has been done from the time of entry in the lien book maintained by the city clerk. Such lien book shall take priority as of the time of the entry therein. Any lien granted pursuant to this chapter shall be enforceable and shall continue in full force, as provided in sections 2-443 and 2-444 of this Code.

(Ord. No. 1998-22, § 1, 5-3-99)

ARTICLE V. RESERVED

Secs. 28-22—28-31. Reserved.

ARTICLE VI. METHODS OF ENFORCEMENT

Sec. 28-32. Enforcement alternatives.

- (a) The provisions of this chapter shall be enforced by any available method, under law or equity, and shall not necessarily be limited to the specific procedures or methods specified under this chapter.
- (b) Violations of the provisions of this chapter can be prosecuted through any administrative board with the authority to impose administrative fines and civil penalties, for violations of the provisions of this chapter, or through any supplemental methods established under the Code of Ordinances of Neptune Beach, Florida Statutes or common law.
- (c) The city shall have the right to utilize any available method to obtain restitution for the cost of abating a nuisance under this chapter to include, but not necessarily be limited to foreclosure of the lien, placing a special assessment on the tax roll pursuant to the uniform method for collecting non-ad valorem assessment, or holding the property owner personally responsible for the cost of abating the nuisance on his premises.
- (d) Notwithstanding the above, the city shall also be authorized to obtain the assistance of the courts to remove, terminate or abate a public nuisance which action may encompass any or all of the following procedures:

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- (1) To make application for an injunction or restraining order, whether temporary or permanent, to prevent a person from maintaining any of the conditions declared under this chapter to be nuisances;
 - (2) To enjoin and abate the nuisance;
 - (3) To compel the performance of any acts specifically required of any person to remove, terminate or abate a public nuisance; [and/or]
 - (4) To authorize the city personnel through or a private contractor to remove the nuisance.
- (e) Any judicial remedies to be sought by this section are in addition to any other power of the city to terminate public nuisances.
 - (f) In the event it is necessary for the city to utilize the services of legal counsel in any enforcement procedures that utilize the assistance of the courts, whether to remove, terminate or abate a public nuisance, the city shall be entitled to recover its reasonable attorney's fees and costs incurred in that action.
- (Ord. No. 1998-22, § 1, 5-3-99)

Sec. 28-33. Emergencies.

- (a) Notwithstanding any other requirements of this chapter, when, in the opinion of the building official, an emergency exists which requires immediate action to protect the health, general safety or welfare of the public or occupants of a premises, building or structure, as provided in section 8-276 of this Code, the building official shall take that action which he/she deems appropriate to abate the conditions which threaten the health, safety or general welfare of the public or occupants. The action may require the purchase of materials and labor adequate to render the property or premises temporarily safe. When temporary measures are inadequate, the building or structure may be demolished or removed, provided the notice procedures described in section 8-280 and 28-20 of this Code are complied with. In these cases, the building official may order repairs to be made and the occupants to vacate the property immediately, permanently or temporarily as the case may be.
 - (b) Whenever the building official finds a building or structure constitutes a hazard to the health, safety or general welfare of the occupants or public and deems appropriate to declare that an emergency exists, he/she shall be authorized to enter the premises and take whatever action is appropriate to correct the condition. In such event, the city manager or his authorized agent or representative shall be authorized to enter the premises, with or without notice or permission of the occupant or owner.
 - (c) Notwithstanding section 8-280 and 28-20 of the Code, the owner shall be given notice as immediately as possible regarding such work and the lien, therefore; however, this notice shall not be cause for holding up city work to abate any extreme or imminent public safety hazard. Whether or not the notice is sent prior, during or after the city work, the notice shall state that the property owner shall have an opportunity to contest the determination to do the emergency work and the charges, therefore, upon appeal of such determination within ten (10) days to the code enforcement board. When the city work includes demolition of structure(s), notice shall also include mortgage and lien holders of record.
- (Ord. No. 1998-22, § 1, 5-3-99)

ARTICLE VII. PENALTIES

Sec. 28-34. Failure to comply with order; unlawful; penalties.

A person who violates, procures or acquiesces in a violation of the provisions of this chapter, or a person who fails to comply with an order issued pursuant to this chapter by the building official or the code enforcement board, shall, upon conviction thereof, punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than sixty (60) days or by both such fine and imprisonment. A separate offense shall be deemed to have been committed for each fifteen (15) days a violation of this chapter continues.

(Ord. No. 1998-22, § 1, 5-3-99)

2024



IPMC[®]

INTERNATIONAL **PROPERTY**
MAINTENANCE CODE[®]



2024 International Property Maintenance Code®

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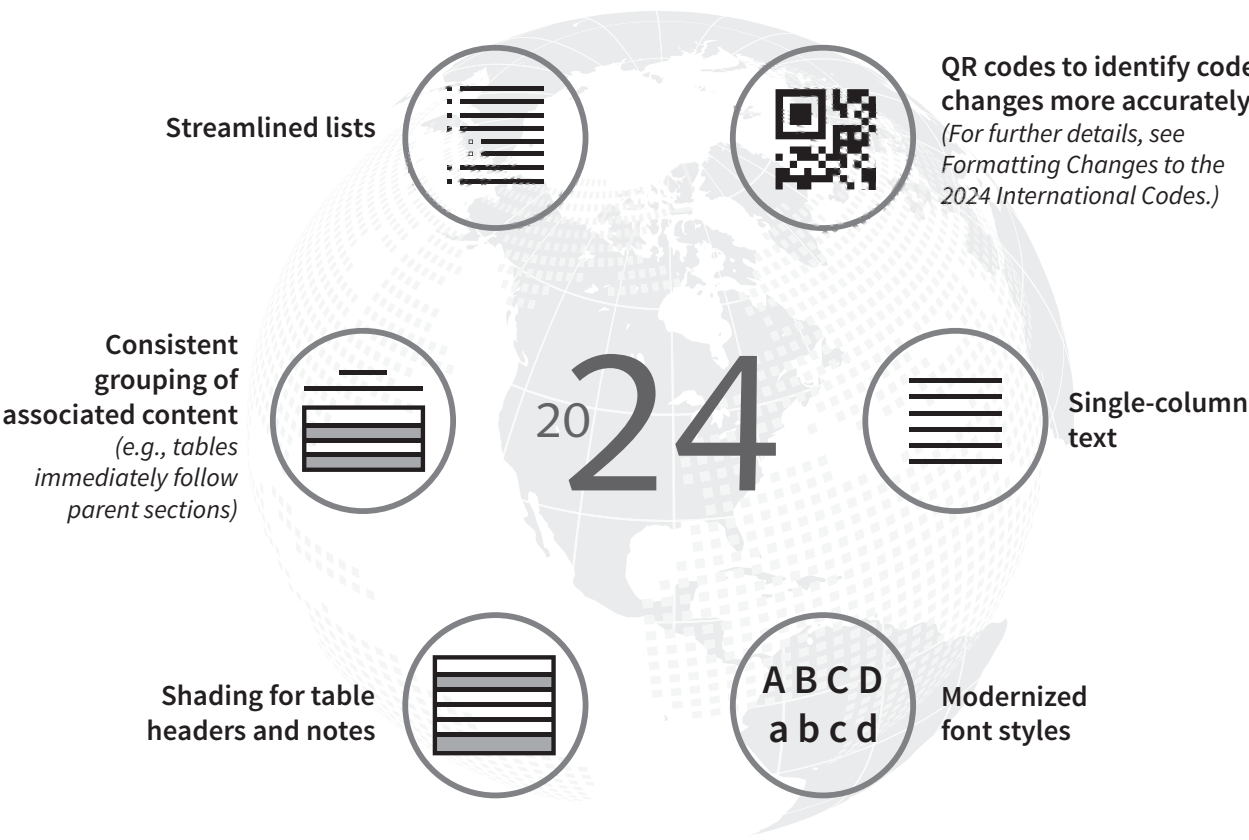
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NEW DESIGN FOR THE 2024 INTERNATIONAL CODES



The 2024 International Codes® (I-Codes®) have undergone substantial formatting changes as part of the digital transformation strategy of the International Code Council® (ICC®) to improve the user experience. The resulting product better aligns the print and PDF versions of the I-Codes with the ICC’s Digital Codes® content.

The changes, promoting a cleaner, more modern look and enhancing readability and sustainability, include:



More information can be found at iccsafe.org/design-updates.



PREFACE

FORMATTING CHANGES TO THE 2024 INTERNATIONAL CODES

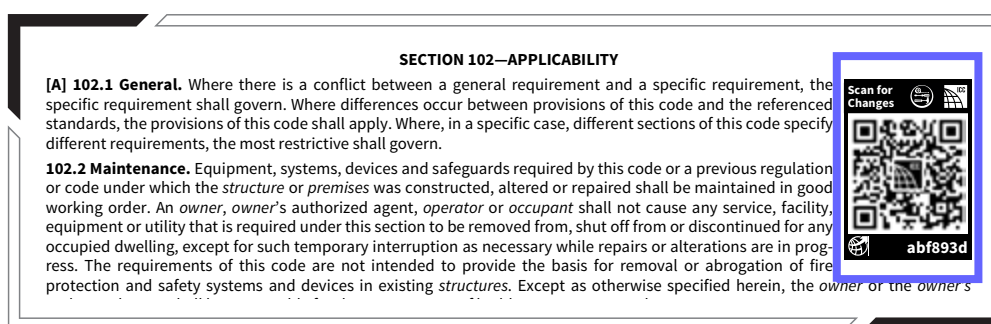
The 2024 International Codes® (I-Codes®) have undergone substantial formatting changes as part of the digital transformation strategy of the International Code Council® (ICC®) to improve the user experience. The resulting product better aligns the print and PDF versions of the I-Codes with the ICC's Digital Code content. Additional information can be found at iccsafe.org/design-updates.

Replacement of Marginal Markings with QR Codes

Through 2021, print editions of the I-Codes identified technical changes from prior code cycles with marginal markings [solid vertical lines for new text, deletion arrows (➡), asterisks for relocations (★)]. The 2024 I-Code print editions replace the marginal markings with QR codes to identify code changes more precisely.

A QR code is placed at the beginning of any section that has undergone technical revision. If there is no QR code, there are no technical changes to that section.

In the following example from the 2024 *International Property Maintenance Code*® (IPMC®), a QR code indicates there are changes to Section 102 from the 2021 IPMC. Note that the change may occur in the main section or in one or more subsections of the main section.



To see the code changes, the user need only scan the QR code with a smart device. If scanning a QR code is not an option, changes can be accessed by entering the 7-digit code beneath the QR code at the end of the following URL: qr.iccsafe.org/ (in the above example, "qr.iccsafe.org/abf893d"). Those viewing the code book via PDF can click on the QR code.

All methods take the user to the appropriate section on ICC's Digital Codes website, where technical changes from the prior cycle can be viewed. Digital Codes Premium subscribers who are logged in will be automatically directed to the Premium view. All other users will be directed to the Digital Codes Basic free view. Both views show new code language in blue text along with deletion arrows for deleted text and relocation markers for relocated text.

Digital Codes Premium offers additional ways to enhance code compliance research, including revision histories, commentary by code experts and an advanced search function. A full list of features can be found at codes.iccsafe.org/premium-features.

ABOUT THE I-CODES

The 2024 I-Codes, published by the ICC, are 15 fully compatible titles intended to establish provisions that adequately protect public health, safety and welfare; that do not unnecessarily increase construction costs; that do not restrict the use of new materials, products or methods of construction; and that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

The I-Codes are updated on a 3-year cycle to allow for new construction methods and technologies to be incorporated into the codes. Alternative materials, designs and methods not specifically addressed in the I-Code can be approved by the building official where the proposed materials, designs or methods comply with the intent of the provisions of the code.

The I-Codes are used as the basis of laws and regulations in communities across the US and in other countries. They are also used in a variety of nonregulatory settings, including:

- Voluntary compliance programs.
- The insurance industry.
- Certification and credentialing for building design, construction and safety professionals.
- Certification of building and construction-related products.
- Facilities management.
- "Best practices" benchmarks for designers and builders.
- College, university and professional school textbooks and curricula.
- Reference works related to building design and construction.

Code Development Process

The code development process regularly provides an international forum for building professionals to discuss requirements for building design, construction methods, safety, performance, technological advances and new products. Proposed changes to the I-Codes, submitted by code enforcement officials, industry representatives, design professionals and other interested parties are deliberated through an open code development process in which all interested and affected parties may participate.

Openness, transparency, balance, due process and consensus are the guiding principles of both the ICC Code Development Process and OMB Circular A-119, which governs the federal government's use of private-sector standards. The ICC process is open to anyone without cost. Remote participation is available through cdpAccess®, the ICC's cloud-based app.

In order to ensure that organizations with a direct and material interest in the codes have a voice in the process, the ICC has developed partnerships with key industry segments that support the ICC's important public safety mission. Some code development committee members were nominated by the following industry partners and approved by the ICC Board:

- American Gas Association (AGA)
- American Institute of Architects (AIA)
- American Society of Plumbing Engineers (ASPE)
- International Association of Fire Chiefs (IAFC)
- National Association of Home Builders (NAHB)
- National Association of State Fire Marshals (NASFM)
- National Council of Structural Engineers Association (NCSEA)
- National Multifamily Housing Council (NMHC)
- Plumbing Heating and Cooling Contractors (PHCC)
- Pool and Hot Tub Alliance (PHTA), formerly The Association of Pool and Spa Professionals (APSP)

Code development committees evaluate and make recommendations regarding proposed changes to the codes. Their recommendations are then subject to public comment and council-wide votes. The ICC's governmental members—public safety officials who have no financial or business interest in the outcome—cast the final votes on proposed changes.

The I-Codes are subject to change through future code development cycles and by any governmental entity that enacts the code into law. For more information regarding the code development process, contact the Codes and Standards Development Department of the ICC at iccsafe.org/products-and-services/i-codes/code-development/.

While the I-Code development procedure is thorough and comprehensive, the ICC, its members and those participating in the development of the codes expressly disclaim any liability resulting from the publication or use of the I-Codes, or from compliance or noncompliance with their provisions. NO WARRANTY OF ANY KIND, IMPLIED, EXPRESSED OR STATUTORY, IS GIVEN WITH RESPECT TO THE I-CODES. The ICC does not have the power or authority to police or enforce compliance with the contents of the I-Codes.

Code Development Committee Responsibilities (Letter Designations in Front of Section Numbers)

In each cycle, proposed changes are considered by the Code Development Committee assigned to a specific code or subject matter. Committee Action Hearings result in recommendations regarding a proposal to the voting membership. Where changes to a code section are not considered by that code's own committee, the code section is preceded by a bracketed letter designation identifying a different committee. Bracketed letter designations for the I-Code committees are:

- [A] = Administrative Code Development Committee
- [BE] = IBC—Egress Code Development Committee
- [BF] = IBC—Fire Safety Code Development Committee
- [BG] = IBC—General Code Development Committee
- [BS] = IBC—Structural Code Development Committee
- [E] = Developed under the ICC's Standard Development Process
- [EB] = International Existing Building Code Development Committee
- [F] = International Fire Code Development Committee
- [FG] = International Fuel Gas Code Development Committee
- [M] = International Mechanical Code Development Committee
- [P] = International Plumbing Code Development Committee
- [SP] = International Swimming Pool and Spa Code Development Committee

For the development of the 2027 edition of the I-Codes, the ICC Board of Directors approved a standing motion from the Board Committee on the Long-Term Code Development Process to revise the code development cycle to incorporate two committee action hearings for each code group. This change expands the current process from two independent 1-year cycles to a single continuous 3-year cycle. There will be two groups of code development committees and they will meet in separate years. The current groups will be reworked. With the energy provisions of the *International Energy Conservation Code*® (IECC®) and Chapter 11 of the *International*

PREFACE

Residential Code® (IRC®) now moved to the Code Council’s Standards Development Process, the reduced volume of code changes will be distributed between Groups A and B.

Code change proposals submitted for code sections that have a letter designation in front of them will be heard by the respective committee responsible for such code sections. Because different committees hold Committee Action Hearings in different years, proposals for most codes will be heard by committees in both the 2024 (Group A) and the 2025 (Group B) code development cycles. It is very important that anyone submitting code change proposals understands which code development committee is responsible for the section of the code that is the subject of the code change proposal.

Please visit the ICC website at iccsafe.org/products-and-services/i-codes/code-development/current-code-development-cycle for further information on the Code Development Committee responsibilities as it becomes available.

Coordination of the I-Codes

The coordination of technical provisions allows the I-Codes to be used as a complete set of complementary documents. Individual codes can also be used in subsets or as stand-alone documents. Some technical provisions that are relevant to more than one subject area are duplicated in multiple model codes.

Italicized Terms

Words and terms defined in Chapter 2, Definitions, are italicized where they appear in code text and the Chapter 2 definitions apply. Although care has been taken to ensure applicable terms are italicized, there may be instances where a defined term has not been italicized or where a term is italicized but the definition found in Chapter 2 is not applicable. For example, Chapter 2 of the *International Building Code*® (IBC®) contains a definition for “*Listed*” that is applicable to equipment, products and services. The term “listed” is also used in that code to refer to a list of items within the code or within a referenced document. For the latter, the Chapter 2 definition would not be applicable.

Adoption of International Code Council Codes and Standards

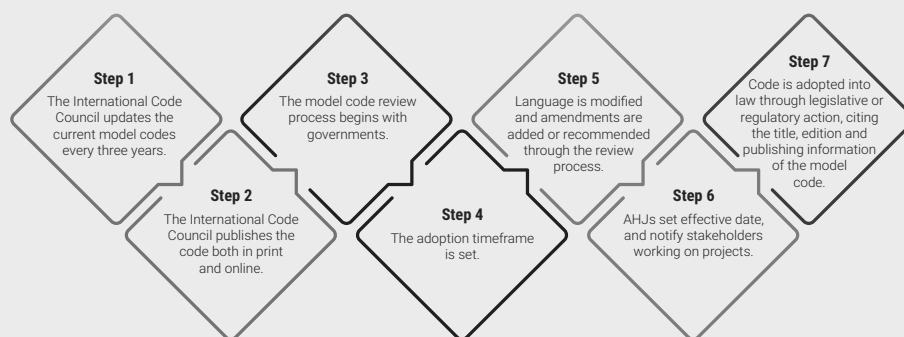
The International Code Council maintains a copyright in all of its codes and standards. Maintaining copyright allows the Code Council to fund its mission through sales of books in both print and digital format. The Code Council welcomes incorporation by reference of its codes and standards by jurisdictions that recognize and acknowledge the Code Council’s copyright in the codes and standards, and further acknowledge the substantial shared value of the public/private partnership for code development between jurisdictions and the Code Council. By making its codes and standards available for incorporation by reference, the Code Council does not waive its copyright in its codes and standards.

The Code Council’s codes and standards may only be adopted by incorporation by reference in an ordinance passed by the governing body of the jurisdiction. “Incorporation by reference” means that in the adopting ordinance, the governing body cites only the title, edition, relevant sections or subsections (where applicable), and publishing information of the model code or standard, and the actual text of the model code or standard is not included in the ordinance (see graphic, “Adoption of International Code Council Codes and Standards”). The Code Council does not consent to the reproduction of the text of its codes or standards in any ordinance. If the governing body enacts any changes, only the text of those changes or amendments may be included in the ordinance.



ADOPTION OF INTERNATIONAL CODE COUNCIL CODES AND STANDARDS INCORPORATED BY REFERENCE

What does “incorporate by reference” mean? If a governmental agency or authority having jurisdiction (AHJ) over code adoption wishes to adopt a model code for legislative or regulatory purposes, it will enact an ordinance, regulation or law to incorporate by reference (IBR) the relevant code. The actual text of the model code is not included in the law, but the enacting law will include the full text of any changes or amendments enacted by the legislative body of the AHJ.



23-22559

The Code Council also recognizes the need for jurisdictions to make laws accessible to the public. Accordingly, all I-Codes and I-Standards, along with the laws of many jurisdictions, are available to view for free at codes.iccsafe.org/codes/i-codes. These documents may also be purchased, in both digital and print versions, at shop.iccsafe.org.

To facilitate adoption, some I-Code sections contain blanks for fill-in information that needs to be supplied by the adopting jurisdiction as part of the adoption legislation. For example, the IPMC contains:

Section 101.1. Insert: [NAME OF JURISDICTION]

Section 103.1. Insert: [NAME OF DEPARTMENT]

Section 302.4. Insert: [JURISDICTION TO INSERT HEIGHT IN INCHES]

Section 304.14. Insert: [DATES IN TWO LOCATIONS]

Section 602.3. Insert: [DATES IN TWO LOCATIONS]

Section 602.4. Insert: [DATES IN TWO LOCATIONS]

For further information or assistance with adoption, including a sample ordinance, jurisdictions should contact the Code Council at incorporation@iccsafe.org.

For a list of frequently asked questions (FAQs) addressing a range of foundational topics about the adoption of model codes by jurisdictions and to learn more about the Code Council's code adoption resources, scan the QR code or visit iccsafe.org/code-adoption-resources.



INTRODUCTION TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE

The IPMC establishes minimum requirements for the maintenance of existing buildings through model code regulations that contain clear and specific property maintenance and property improvement provisions. The IPMC is a maintenance document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. Responsibility is fixed among owners, operators and occupants for code compliance. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

ARRANGEMENT AND FORMAT OF THE 2024 IPMC

Before applying the requirements of the IPMC, it is beneficial to understand its arrangement and format. The IPMC, like other codes published by the ICC, is arranged and organized to follow sequential steps that generally occur during a plan review or inspection.

PREFACE

The following table shows how the IPMC is divided. The chapter synopses detail the scope and intent of the provisions of the IPMC.

CHAPTER TOPICS	
CHAPTERS	SUBJECTS
1	Scope and Administration
2	Definitions
3	General Requirements
4	Light, Ventilation and Occupancy Limitations
5	Plumbing Facilities and Fixture Requirements
6	Mechanical and Electrical Requirements
7	Fire Safety Requirements
8	Referenced Standards
Appendix A	Boarding Standard
Appendix B	Board of Appeals

Chapter 1 Scope and Administration.

Chapter 1 establishes the limits of applicability of the code and describes how the code is to be applied and enforced. The provisions of Chapter 1 establish the authority and duties of the code official appointed by the authority having jurisdiction and also establish the rights and privileges of the design professional, contractor and property owner.

Chapter 2 Definitions.

Chapter 2 is the repository of the definitions of terms used in the body of the code. The user of the code should be familiar with and consult this chapter because the definitions are essential to the correct interpretation of the code and because the user may not be aware that a term is defined.

Chapter 3 General Requirements.

Chapter 3 includes a variety of requirements for the exterior property areas as well as the interior and exterior elements of the structure that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure. Chapter 3 provides specific criteria for regulating the maintenance of specific building components; vacant structures and land; interior and exterior of structures and all exterior property areas; and accessory structures. This chapter also contains requirements for protective barriers, and gates therein, for swimming pools, spas and hot tubs.

Chapter 4 Light, Ventilation and Occupancy Limitations.

Chapter 4 establishes the minimum environment for occupiable and habitable buildings through light and ventilation criteria and occupancy limitations based on room width, area and ceiling height.

Chapter 5 Plumbing Facilities and Fixture Requirements.

Chapter 5 establishes requirements for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal system and related plumbing fixtures. Chapter 5 establishes these minimum criteria to verify that sanitary and clean conditions related to plumbing systems and facilities are maintained throughout the life of a building.

Chapter 6 Mechanical and Electrical Requirements.

Chapter 6 establishes minimum criteria for the installation and maintenance of the following components and systems within existing buildings: heating and air-conditioning equipment, appliances and their supporting systems; water heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumbwaiters.

Chapter 7 Fire Safety Requirements.

Chapter 7 addresses fire hazards associated with a building's occupancy and provides minimum requirements for fire safety issues most likely to arise in older buildings. This chapter also contains requirements for means of egress in existing buildings, including path of travel, required egress width, means of egress doors and emergency escape openings.

Chapter 8 Referenced Standards.

Chapter 8 lists all of the product and installation standards and codes that are referenced throughout Chapters 1 through 7 and includes identification of the promulgators and the section numbers in which the standards and codes are referenced. As stated in Section 102.8, these standards and codes become an enforceable part of the code (to the prescribed extent of the reference) as if printed in the body of the code.

Appendix A Boarding Standard.

The provisions in Appendix A are not mandatory unless specifically referenced in the adopting ordinance. This appendix provides minimum specifications for boarding a structure. This can be utilized by a jurisdiction as a set of minimum requirements in order to result in consistent boarding quality.

Appendix B Board of Appeals.

Appendix B contains the provisions for appeal and the establishment of a board of appeals. The provisions include the application for an appeal, the makeup of the board of appeals and the conduct of the appeal process.

RELOCATION OF TEXT OR TABLES

The following table indicates relocation of sections and tables in the 2024 edition of the IPMC from the 2021 edition.

RELOCATION	
2024 LOCATION	2021 LOCATION
105.2.1.4	106.3.1
105.2.2	106.2
105.2.2.6	106.6
105.2.3	106.1
105.6.4	106.3.2
105.8	106.5
105.8.1	106.4
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Sec. 27-330. Fences, walls and hedges.

- (a) Fences, walls or hedges may be located in all front, side and rear yard setback areas, subject to the following conditions:
- (1) *Height of fences, walls or hedges.* Fences, walls or hedges shall not exceed four (4) feet in height when placed in the front yard, six (6) feet in height when placed in the side yard, and six (6) feet in height when placed in the rear yard. In the event that a rear yard of a residentially zoned property abuts commercially zoned property, an eight-foot fence for only the rear yard may be constructed with the approval of the city manager, or designee. If a building is situated on the lot closer to the front setback line than the currently required setback, the fence shall not exceed four (4) feet in height forward of the front building line (refer to Figure 27-330-2). For anyone except public government agencies, proposed fences shall meet these height standards.
 - (2) Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way. In residential zoning districts, fences, walls, or hedges shall not exceed six (6) feet in height when placed in exterior side yards abutting a principal arterial (third street). Such fences or walls are encouraged to meet higher quality construction standards in order to provide genuine sound attenuation. Such fences or walls shall be erected at least three (3) feet inward from the property line and shall be landscaped on the exterior (highway) side by the property owner using evergreen or other perennial plants.
 - (3) Fences designed to have airflow, such as shadow box or lattice style fences are to be encouraged to allow for the free flow of breezes. Picket, shadow box and other decorative style fences in keeping with the character and context of the neighborhood are encouraged; chain-link fences are generally discouraged.
 - (4) No fence, wall, hedge, or other plantings greater than three (3) feet in height shall be located in the clear visibility triangle on corner lots or in such a way to block the line of sight for motorized vehicles leaving driveways. The vision triangle area shall be determined as follows:
 - a. *Corner lot visibility triangle.* Means a triangular area including that portion of the public right-of-way and any corner lots within the adjacent curb lines, or roadway edge if no curb is present, and a diagonal line intersecting such curb lines at points thirty-five (35) feet back from their intersection (such curb lines being extended if necessary to determine intersection point). For corner lots fronting arterial roads, the setback distance for the two (2) points shall be fifty (50) feet from their intersection.
 - b. *Driveway visibility triangle.* Means a triangular area extending ten (10) feet along the driveway edge and the sidewalk edge, from the point where the driveway meets the sidewalk, and within a diagonal line connecting those two (2) points. If no sidewalk is present, the vision triangle shall mean the area extending fifteen (15) feet along the driveway edge and the curb line, or roadway edge if no curb is present, from the point where the driveway meets the curb, and within a diagonal line connecting those two (2) points. For driveways intersecting arterial roads the triangle shall extend thirty (30) feet in both directions.

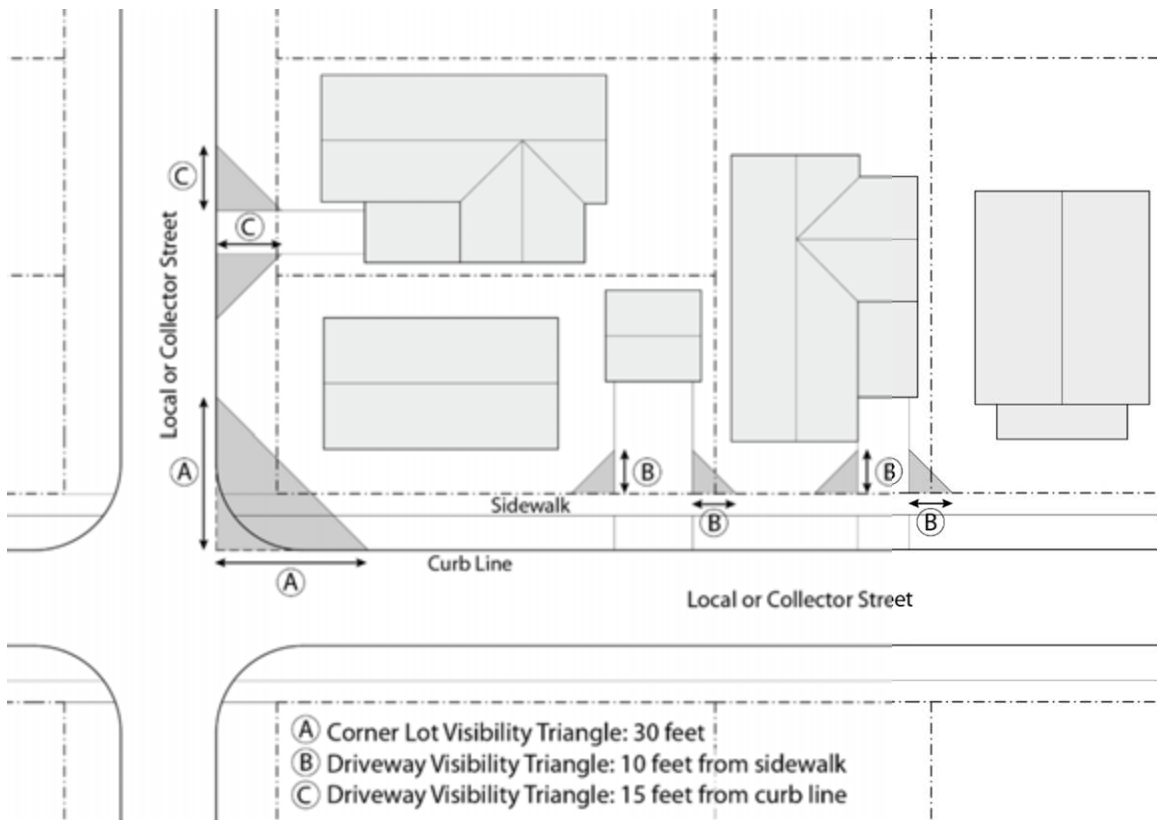


Figure 27-330-1

- (5) No fence, wall, hedge, or other plantings shall be constructed or installed in such a manner as to interfere with drainage on the site.
- (6) Fence posts shall be resistant to decay, corrosion, and termite infestation. The posts must also be pressure-treated for strength and endurance.
- (7) Fences installed on the ocean side of ocean front lots shall not exceed four (4) feet in height within the required front setback.
- (8) All replacement fences must meet current zoning requirements.
- (9) The use of barbed-wire and razor wire is prohibited by section 8-4 in all zoning districts.
- (10) All fences shall be maintained in a good state of repair and structurally sound condition, including, but not limited to, painting and repainting; replacement of missing, decayed, corroded, or damaged component parts, and keeping level. Failure to maintain and repair fences may result in the fence being declared a nuisance and abated in accordance with the provisions of chapter 28 of this Code.

- (A) Fences, walls or hedges shall not exceed four (4) feet in height when placed in the front yard
- (B) Fences, walls or hedges shall not exceed six (6) feet in height when placed in the side or rear yard
- (C) Fences, walls or hedges abutting a principal arterial street shall be erected at least three (3) feet inward from the property line
- (D) Safety fences surrounding swimming pools or other similar structures shall be at least four (4) feet in height but not over eight (8) feet
- (E) Safety fences surrounding swimming pools or other similar structures shall be setback at least three (3) feet from the lip of the pool

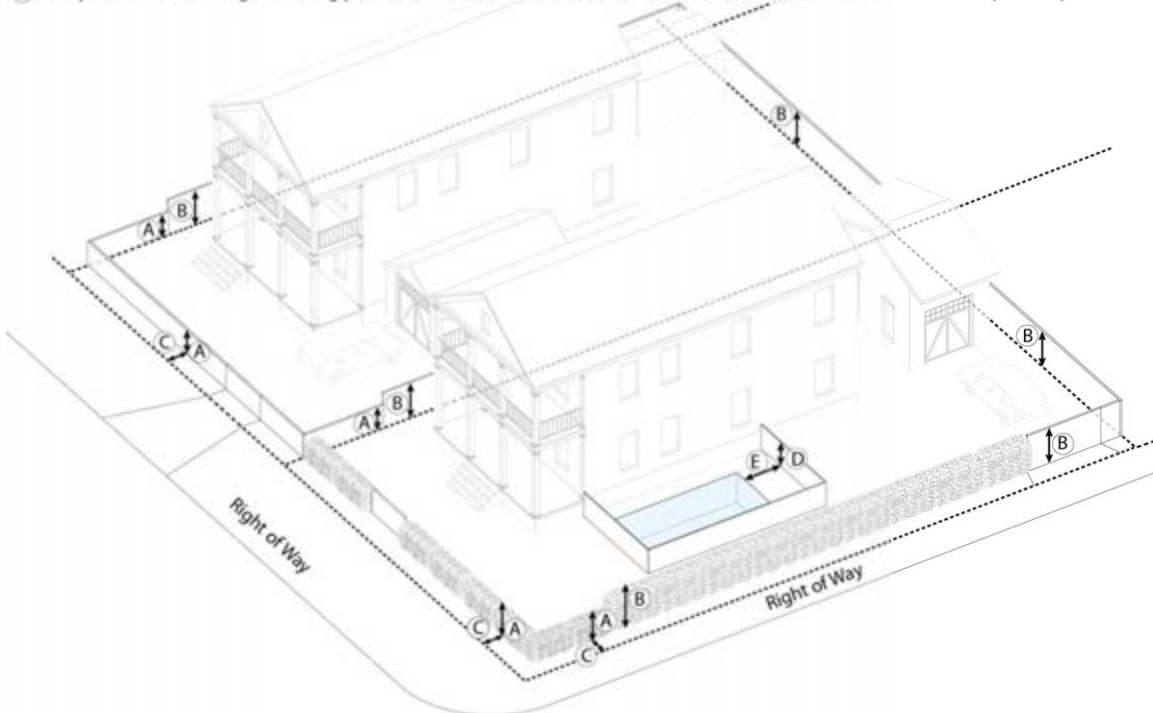


Figure 27-330-2

- (b) *Point of reference for measurement.* The point of reference for determining the height of a fence, wall or hedge shall be the natural lay of the land along the fence, wall or hedge.
- (c) *Height exemption for public agencies.* A fence required for safety and protection of hazard by a public agency may not be subject to the height limitations above. Approval to exceed minimum height standards may be given to public agencies by the city upon receipt of satisfactory evidence of the need to exceed height standards for safety/security.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2004-15, § 1, 9-20-04; Ord. No. 2005-10, § 1, 5-2-05; Ord. No. 2014-02, § 1, 3-3-14; Ord. No. 2016-10, § 1, 8-1-16; Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

Definition: Major recreational equipment means any large motorized or non-motorized vehicle used for recreational purposes, such as motorhomes, trailers, campers and camper shells, boats, and trailers, converted buses and trucks, dune buggies and sand rails, and trailers, cases or boxes on wheels used to transport and/or store equipment, as well as any vehicle required to carry an "RV" tag or not licensed for legal street use.

Sec. 22-28. Parking of boats and trailers.

It shall be unlawful for any person to park or store any boat, boat trailer or any other trailers or combination of boat and boat trailer or other watercraft on any public street, public thoroughfare, public alley, public right-of-way or public sidewalk.

(Code 1959, § 22-8)

Sec. 22-29. Certain motor vehicles prohibited from parking on public ways.

It shall be unlawful for any person to park a bus, farm tractor, house trailer, road tractor, school bus, semi-trailer, motorhome, recreational vehicle, special mobile equipment, trailer or truck-tractor on any public street, thoroughfare, way or highway within the city.

(Code 1959, § 22-10; Ord. No. 1999-09, § 1, 9-7-99)

Sec. 27-335. Parking, storage or use of major recreational equipment.

- (a) No major recreational equipment, as defined herein, shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. Major recreational equipment may be parked or stored in a required rear or side yard but not in the front or corner side yard and not within three (3) feet of any property line; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section, the term major recreational equipment shall be as listed in article I, to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment and other similar trucks or equipment.
- (b) Major recreational equipment shall also be limited to two (2) total on a property. Each piece of equipment shall not exceed twenty-eight (28) feet in length.

Jax Beach

Sec. 34-402. - Parking of heavy vehicles in RS-1, RS-2, RS-3, RM-1, and RM-2 zoning districts, or residential uses in RD or PUD zoning districts.

For the dual purpose of preserving attractive residential areas within the city and promoting safe, unimpeded traffic circulation throughout such areas, the following supplemental parking restrictions shall apply:

(1)

Within a street right-of-way. The following vehicles shall not be parked or stored on any public street right-of-way or approved private street easement contiguous to a residentially zoned property or residentially used property in an RD or PUD district:

a.

Any boat or boat trailer.

b.

Any hauling trailer.

c.

Any of the following recreational vehicles: Travel trailers, motor homes and camping trailer.

d.

Any semi-trailer truck or cab.

e.

Any commercial vehicle which measures in excess of twenty (20) feet in total body length, seven (7) feet in total width or seven (7) feet in total height, including appurtenances, equipment or cargo.

(2)

Within the setback area from a street right-of-way. The following vehicles shall not be parked or stored, in whole or part, within the required setback area from a street right-of-way or approved private street easement on residentially zoned property or residentially used property in an RD or PUD district:

a.

Any boat which measures in excess of twenty (20) feet in length.

b.

Any hauling trailer (except trailers mounted with boats twenty (20) feet or less in length.

c.

Any of the following recreational vehicles: Travel trailers, motor homes and camping trailers.

d.

Any semi-trailer truck or cab.

e.

Any commercial vehicle which measures in excess of twenty (20) feet in total body length, seven (7) feet in total width or seven (7) feet in total height, including appurtenances, equipment or cargo.

(3)

On any residentially zoned property or residentially used property in an RD or PUD district. No garbage truck, pump-out truck, chemical truck, gasoline truck, fuel oil truck or similar vehicle designed to transport wastes or hazardous or noxious materials shall be parked or stored in any residentially zoned property or residentially used property in an RD or PUD district.

(4)

Occupation. The trailer or camper shall not be occupied, except for the purpose of repair or maintenance, at any time during the parking or storage, except by permit which has been issued in accordance with [section 34-402\(6\)](#). The term "occupied" for the purpose of this division shall

include but not be limited to electrical connections (permanent or drop cord), water and sewer connections (flexible or permanent hose), telephone connections (permanent or extension) or personal occupancy of any kind (day or night).

(5)

Removal of wheels. The wheels of the trailer shall not be removed, except for repair or maintenance, at any time during such storage or parking, but the body of a truck type camper may be removed from the truck or other vehicle.

(6)

Permit required for temporary occupancy of travel trailer, motor home or camping trailer. Any owner desiring to temporarily occupy any travel trailer, motor home or camping trailer which has been or is to be stored or parked as permitted in [section 34-402\(2\)](#) must apply to the code enforcement inspector for a city permit for temporary occupancy. No such permit for temporary occupancy shall be issued for a period in excess of thirty (30) consecutive calendar days and in no event shall such permit be issued for a total in excess of thirty (30) calendar days during any calendar year for the same property. Permits for temporary occupancy shall be issued only for trailers or campers stored or parked on unoccupied property which is owned by the owner of the trailer or camper being stored or parked. Such permit shall be valid only for the term stated on the permit.

(7)

Enforcement. The preceding parking restrictions shall be enforced in accordance with the terms of Article XIII and the following:

a.

The parking restrictions shall not apply to commercial vehicles during the actual performance of a service at the premises where it is parked.

b.

The parking restrictions shall not apply to the loading, unloading or cleaning of vehicles provided such act is fully completed in twenty-four (24) hours.

c.

The parking of vehicles, boats and trailers in residentially zoned property or residentially used property in an RD or PUD district shall be subject to these parking restrictions regardless of the date such parking commenced, and shall not be deemed an allowable nonconforming use within the meaning of [section 34-522](#) of this LDC.

Atlantic Beach

Sec. 24-163. - Storage and parking of commercial vehicles and recreational vehicles and equipment and repair of vehicles in residential zoning districts.

Sec. 24-163. - Storage and parking of commercial vehicles and recreational vehicles and equipment and repair of vehicles in residential zoning districts.

(a)The storage and parking of commercial vehicles greater than twelve thousand five hundred (12,500) pounds gross vehicle weight and dual rear wheel vehicles shall be prohibited in all residential zoning districts.

(b)Commercial vehicles of less than twelve thousand five hundred (12,500) pounds gross vehicle weight, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential zoning district, except in accordance with the following requirements:

(1)No more than one (1) commercial vehicle of less than twelve thousand five hundred (12,500) pounds shall be permitted on any residential lot, and such commercial vehicle shall be parked a minimum of twenty (20) feet from the front lot line. Such commercial vehicle shall be used in association with the occupation of the resident.(2)In no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products or other hazardous materials be permitted to be parked or stored either temporarily or permanently in any residential zoning district.(3)Commercial construction equipment or trailers containing construction equipment shall not be parked or stored on any residential lot except in conjunction with properly permitted, ongoing construction occurring on that lot.(c)Recreational vehicles, boats, and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential zoning district, except in accordance with the following requirements:(1)Not more than one (1) recreational vehicle, boat or boat trailer, or other type of trailer shall be stored or parked on any residential lot which is five thousand (5,000) square feet in lot area or less. Minimum lot area of ten thousand (10,000) square feet is required for storage or parking of any second recreational vehicle, boat or boat trailer, or other type of trailer. In no case may more than a total of two (2) such vehicles and trailers be parked on any residential lot.(2)Recreational vehicles, boats or boat trailers, or other type of trailer shall not be parked or stored closer than fifteen (15) feet from the front lot line and shall be parked in a manner that is generally perpendicular to the front property line such that length is not aligned in a manner that extends across the front of the lot, it being the intent that recreational vehicles, boats and trailers that are parked forward of the residence should not excessively dominate the front of the lot.(3)Recreational vehicles shall not be inhabited or occupied, either temporarily or permanently, while parked or stored in any area except in a trailer park designated for such use as authorized within this chapter.(4)Recreational vehicles parked or stored on any residential lot for a period exceeding twenty-four (24) hours shall be owned by the occupant of said lot.(d)Mechanical or other automotive repair work on any motor vehicle shall not be performed out-of-doors within any residential zoning district, except for minor maintenance or emergency repair lasting less than eight (8) hours and performed on a vehicle owned by the occupant of the residential property.(e)No materials, supplies,

appliances or equipment used or designed for use in commercial or industrial operations shall be stored in residential zoning districts, nor shall any home appliances or interior home furnishings be stored outdoors in any residential zoning district.(f)The provisions of this section shall not apply to the storage or parking, on a temporary basis, of vehicles, materials, equipment or appliances to be used for or in connection with the construction of a building on the property, which has been approved in accordance with the terms of this chapter or to commercial or recreational vehicles, boats or trailers parked within completely enclosed buildings.

ARTICLE XVIII. NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS¹

Sec. 27-701. Reserved.

Editor's note(s)—Ord. No. 2022-03, § 1(Exh. A), adopted Aug. 1, 2022, deleted § 27-701 entitled "Intent," which derived from: Ord. No. 2004-10, § 1, adopted Oct. 4, 2004; and Ord. No. 2017-24, § 1, adopted Nov. 6, 2017. See. § 27-703 for similar provisions.

Sec. 27-702. Generally.

Within the districts established by this Code, there exist lots, structures, uses, and signs which existed before the adoption of this Code or previous amendments, but which would be prohibited or restricted under the provisions of this Code or future amendments. This article prescribes how these nonconformities may be continued, terminated, or made to comply with this Code.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 55, 9-7-10; Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

Sec. 27-703. Purpose and intent.

The provisions of this article have been written to achieve the following purposes and intentions of the city council:

- (1) An existing lot that qualifies as a nonconforming lot of record may be used for the purposes allowed in its zoning district (see section 27-705).
- (2) An existing structure that is nonconforming due to the size of the structure or its placement on the lot, or due to noncompliance with other regulations in this chapter such as lot coverage or allowable signage, may be expanded only in compliance with this Ccode (see section 27-706).
- (3) An existing use that is not permitted in its zoning district may not be expanded (see section 27-708).
- (4) Abandoned signs must be removed (see section 27-709).

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2017-24, § 1, 11-6-17; Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

Sec. 27-704. Definitions.

Refer to article I for definitions.

(Ord. No. 2004-10, § 1, 10-4-04)

¹Editor's note(s)—Ord. No. 2004-10, § 1, adopted Oct. 4, 2004, amended Art. XVIII in its entirety to read as herein set out. Former Art. XVIII, §§ 27-701—27-707, pertained to similar provisions, and derived from Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 1994-15, §§ 3—6, 8-1-94; Ord. No. 2002-13, § 1, 11-4-02.

Sec. 27-705. Nonconforming lots of record.

- (a) Lot of record means a parcel of land, the deed or plat of subdivision (which has been approved by the City of Neptune Beach) of which has been recorded in the Office of the Clerk of the Circuit Court of Duval County, Florida.
- (b) Nonconforming lot of record means any lot of record recorded prior to January 1, 1991 that does not conform to the lot area or width requirements established for the zoning district in which said lot is located. A lot of record recorded after January 1, 1991, will also be a nonconforming lot of record if the lot area or width requirements are later changed such that the lot no longer complies with the zoning district in which said lot is located.
- (c) Special requirements for lots in the R-3 zoning district are provided in section 27-242.
- (d) Special requirements for lots in the R-4 zoning district are provided in section 27-243.
- (e) Except in the R-3 and R-4 zoning districts, nonconforming lots of record may be developed and used for any use permitted in the district, provided:
 - (1) That residential uses must comply with density restrictions imposed by the adopted future land use map (see section 27-242).
 - (2) That such lots shall have a minimum width throughout their length of at least forty (40) feet; and
 - (3) That any new development shall conform to the required setbacks, lot coverage limitations, and building height limitations for the district in which it is located.
- (f) Wherever there exists a structure which by itself or with accessory structures exists on a parcel containing more than one (1) nonconforming lot of record, said building site shall not henceforth be reduced or diminished in dimension or area below the minimum requirements set forth in this chapter for the district in which it is located (regardless of whether the structure or accessory structures have been demolished, or removed therefrom, in whole or in part).

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2017-24, § 1, 11-6-17; Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

Sec. 27-706. Nonconforming structures.

- (a) Nonconforming structure means any structure that does not conform with the provisions of the zoning district where the structure is located due to noncompliance with the dimensional standards in chapters 27 or 30.
- (b) A nonconforming structure may remain indefinitely, subject to the following limitations:
 - (1) The nonconforming structure may not be physically expanded in any manner that would increase the nonconformity.
 - (2) The nonconforming structure may not be physically expanded in any manner that would violate any additional physical standards in this Code.
 - (3) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building, if a building permit was issued prior to the adoption or amendment of this Code causing the nonconformity; provided, that construction commences within six (6) months of issuance and continues in good faith.
 - (4) If characteristics of use are made nonconforming by this chapter as adopted or amended, no change shall thereafter be made in such characteristics of use which increases nonconformity with the

regulations set out in this chapter; however, changes may be made that do not increase or that decrease such nonconformities.

- (c) A nonconforming structure will have its nonconforming status terminated, and shall not thereafter be used, repaired, or rebuilt except in conformity with the regulations of the district in which it is located, under the following conditions:
- (1) If the principal structure has been destroyed or is substantially damaged, as that term is defined in section 27-15.
 - (2) Whenever the use of a nonconforming structure has been discontinued, as evidenced by the lack of use or a vacancy for a period of at least twelve (12) months, or whenever a conforming use is substituted, such nonconforming use shall not thereafter be re-established; and the future use shall be in conformity with the provisions of the district in which it is located.
 - (3) If a nonconforming structure or portion thereof becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by any duly authorized official of the city to be an unsafe building, it shall not thereafter be repaired or rebuilt except in conformity with the regulations of the district in which it is located.
 - (4) All repairs and rebuilding must also comply with:
 - a. The Florida Building Code (see chapter 8, article II); and
 - b. The International Property Maintenance Code (see chapter 8, article III), which includes provisions for unsafe conditions and unsafe structures.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2009-04, § 1, 6-1-09; Ord. No. 2017-24, § 1, 11-6-17; Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

Sec. 27-707. Reconstruction of residential buildings when destroyed or substantially damaged.

- (a) Notwithstanding any other provisions of this Code, a residential building that is nonconforming as to its structure or use may be reconstructed if it is destroyed or substantially damaged, as defined in section 27-15, provided that:
- (1) The reconstruction does not result in an increase in nonconformity of a lot area, yards, or setbacks;
 - (2) The number of dwelling units in such reconstructed structure does not exceed the number of units in existence prior to the destruction or substantial damage; and
 - (3) The repair or reconstruction is substantially completed within twenty-four (24) months of the date of such destruction or substantial damage. A twelve-month extension may be granted by the city manager or designee due to extenuating circumstances.

(Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

Sec. 27-708. Nonconforming uses.

- (a) Nonconforming use means any use of a structure, or use outside a structure, that does not conform with the uses allowed for the parcel's zoning district or with density restrictions imposed by the adopted future land use map.
- (b) A nonconforming use may not be extended or enlarged:

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- (1) By having any buildings or structures replaced or expanded in physical size; or
 - (2) By having an additional structure erected for the nonconforming use; or
 - (3) By increasing the residential density; or
 - (4) By increasing the land or water area for the nonconforming use.
- (c) Where open land, i.e., improved, or unimproved vacant land, is being used for a nonconforming use, such use shall not be extended or enlarged either on the same or adjoining property.

(Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

Sec. 27-709. Abandoned signs and removal.

- (a) Abandoned signs shall be removed by the owner or property lessee within thirty (30) days of the cessation of business or activity conducted on the property where the sign is located.
- (b) A business shall be considered to have ceased or be inactive where the property: (1) is vacated; (2) no longer has a valid certificate of occupation or business tax receipt; (3) no longer provides the service or product advertised on the sign; (4) has no active utility service account(s); or (5) displays a blank sign.
- (c) Any sign which pertains to a business or occupation which is no longer using the property on which the sign is situated, or which relates to a time or event that no longer applies, constitutes abandonment, as well as false advertising or false identification.
- (d) A sign or sign structure shall also be considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of sixty (60) days or longer after receipt of notice from the city manager or designee of apparent abandoned status.
- (e) Failure to remove an abandoned sign shall result in a civil fine of one hundred (\$100.00) dollars per day of non-removal after notice from the city manager or designee and shall constitute a lien upon the property upon which the sign is affixed, subject to enforcement and collection, as provided in this Code and the Florida Statutes.

(Ord. No. 2007-15, § 1, 10-1-07; Ord. No. 2015-02, § 2, 3-2-15; Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

Editor's note(s)—Formerly codified as § 27-707, which was renumbered by Ord. No. 2022-03, as herein set out.

Secs. 27-710—27-735. Reserved.