

**ORDINANCE 08 - 06**

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 10 OF THE BELLE ISLE CODE OF ORDINANCES ESTABLISHING A MINIMUM MAINTENANCE CODE FOR RESIDENTIAL DWELLINGS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Belle Isle desires to protect the public health, safety, morals and welfare of the residents of Belle Isle by establishing minimum standards governing the maintenance and appearance of residential dwellings; and

**WHEREAS**, to sustain and protect the basic viabilities of neighborhoods by minimizing blight and nuisance conditions.

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Belle Isle, as follows:

**SECTION 1.** The Belle Isle City Code, Chapter 10 is hereby amended by adding a new Article to be numbered V, which Article reads as follows:

**ARTICLE V.  
Residential Minimum Maintenance Code**

**Sec. 10-100. Intent:** The purpose of this Ordinance is to protect the comfort, health, safety and general welfare of the citizens of the City by establishing minimum property and building maintenance standards for all residential properties and to provide for the abatement of nuisances affecting the general public.

**Sec. 10-101. Exterior Property Areas:**

**(1) Junk and Garbage.** The property owner or the occupant shall maintain all exterior property and premises in a clean, safe, and sanitary condition. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. In duplexes, triplexes, and multi-family dwelling units, the property owner or occupant shall keep that portion of the exterior property, which said person owns or occupies in a clean and sanitary condition. The owner of any dwelling unit that is not owner occupied, such as rental units, must supply covered containers for rubbish and the owner shall be responsible for the removal of the rubbish.

(a) Abandoned property and junk, including but not limited to inoperable and partially dismantled vehicles shall be prohibited in accordance with Chapter 30, Article II of the Code.

(b) Refrigerators and similar appliances shall not be discarded unless the doors have been removed.

(2) **Rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

(3) **Grading and Drainage:** All areas shall be graded and maintained to prevent erosion or accumulation of standing water, except for approved retention basins.

(4) **Storm Drainage:** Drainage from roofs and paved areas, yards and courts, and other open areas on any property must not discharge in a manner that negatively impacts or burdens another property or creates a nuisance.

(5) **Sidewalks and driveways:** All paved surfaces, including sidewalks, walkways, driveways, driveway aprons, and parking spaces whether located in the right-of-way or private property shall be kept in a proper state of repair and free of hazardous conditions, such as but not limited to cracks or uneven surfaces that create a tripping hazard.

(6) **Accessory Structures:** All accessory structures shall comply the Building Code in effect at the time of construction and be kept in good repair.

(7) **Property Defacement:** No person shall damage, mutilate or deface any exterior surface of any structure by placing graffiti. It is the responsibility of the property owner to restore the affected surface to a state of good repair and remove or cover the graffiti.

(8) All fences shall be kept in good repair free of holes, breaks, and loose or rotting material. Fences shall be structurally sound and shall not be supported by means other than the structural support incorporated into the fence.

(a) Chain link fences must be kept rust and corrosion free.

(b) Vinyl and wood fences shall be kept free of mildew, mold and other similar growths.

(9) The hanging of clothes or similar items on fences shall be prohibited.

(10) Decorative and freestanding walls shall be kept in good repair; free of holes, breaks, and loose or rotting material. Walls shall be structurally sound and shall not be supported by means other than the structural support incorporated into the wall.

(a) Walls must be painted, stained, treated or finished in a uniform manner. Walls constructed with decorative masonry material are exempt from being painted or finished. Plain concrete block walls do not qualify for this exemption.

(b) Walls with a stucco or similar finish shall be kept free of cracks and holes in the finish. Repairs shall be done in such a way as to appear inconspicuous.

**Sec. 10-102. Grass, Landscaping and Lot Maintenance.**

(1) The following conditions are prohibited on any property zoned or used for residential purposes.

(a) The accumulation of rank growth of weeds, grass, invasive species, trees, plants or undergrowth in the condition that may serve to communicate fire or serve as a breeding place or harbor insects, rodents, snakes, vermin or other pests.

(b) Any property upon which over one-third of the vegetative area exceeds 12 inches in height above the ground. The height of vegetative matter shall be measured with a ruler or tape measure from grade level.

(c) Any real property within the City with an area greater than 25 acres which is currently agriculture exempt at the Tax Assessor's Office or platted conservation areas are not required to comply with vegetation height limits contained herein.

**Sec. 10-103. Exterior Structures.**

(1) **General:** The exterior of all structures, including accessory structures, shall be maintained in good repair, structurally sound and sanitary.

(2) **Exterior Surfaces:**

(a) All exterior surfaces, including but not limited to doors, door and window frames, porches, trim, fences, and walls shall be maintained in good condition.

(b) Wood surfaces shall be protected by painting or other protective treatment. Stockade style wood fences are excluded from this requirement.

(c) Peeling, flaking, and chipping paint must be removed and the surface repainted.

- (d) All siding and masonry joints shall be weather resistant and water tight.
  - (e) All metal surfaces subject to rust or corrosion shall be coated and all surfaces with rust or corrosion shall be stabilized and coated to prevent future rust and corrosion. Surfaces that are designed for stabilization by oxidation are exempt from this requirement.
  - (f) Structural members shall be free of deterioration and must be capable of safely supporting the appropriate loads.
  - (g) Foundation walls shall be plumb and free from open cracks and breaks. Said walls shall be in the condition to prevent the entry of pests and rodents.
  - (h) Exterior walls shall be free of holes, breaks, and loose or rotting material. Said walls shall be weatherproof and properly coated or treated to prevent deterioration.
  - (i) All roofs and flashing shall be in good repair with no defects that admit water.
  - (j) Roof drainage shall be such as to prevent dampness and deterioration in any interior portion of the structure.
  - (k) Roof drains; gutters and downspouts shall be maintained in good repair and free of obstruction.
  - (l) Roof water may not be discharged onto a public sidewalk or right-of-way, and may not create a public nuisance.
- (3) All decorative features including, but not limited to, cornices, trim, wall facings, and shutters shall be in good repair and properly anchored to the structure.
- (4) All exterior stairways, decks, porches, balconies, and similar features shall be structurally sound.
- (5) All chimneys shall be safe and structurally sound.
- (6) All handrails and guardrails shall be securely fastened and capable of supporting normal loads.
- (7) Window, skylight and door frames:
- (a) All windows, skylights and doorframes shall be kept in good condition and must be weather tight.

(b) All windows and glazing materials shall be free of cracks and holes.

(c) All windows that are not fixed in a permanent position must open easily and be held in position by the window hardware.

**(8) Shuttering or Boarding of Windows for Hurricanes or Similar Weather Related Events:** The temporary shuttering or boarding of windows to provide protection from hurricanes or similar weather related events are allowed.

This sub-section (8) shall in no way prohibit the use at any time of permanently attached storm shutters, such as but not limited to: rolling shutters, accordion style shutters, colonial style shutters. Bahamas style shutters and/or storm panels that affix to permanently mounted frames.

**(9)** Screens for windows and other outside openings required for ventilation of habitable rooms shall be tightly fitted. Said screens shall not have any holes or tears.

**(10)** All exterior doors, door assemblies and hardware must be in good working condition.

(a) Locks on any exterior door must be in working condition and tightly secure the door.

(b) All exit doors shall be readily accessible to the side from which egress is to be made without the need for keys, special knowledge or effort.

**Sec. 10-104. Occupancy Limitations.**

**(1) Bedrooms.**

(a) All bedrooms occupied by one person shall contain a minimum of 70 square feet of floor area.

(b) All bedrooms occupied by two or more persons shall contain a minimum of 50 square feet of floor area for each occupant of said bedroom.

(c) Bedrooms shall not constitute the only means of ingress or egress to another habitable room in the dwelling unit, including another bedroom.

(d) All bedrooms must have access to at least one water closet and one lavatory without passing through another bedroom.

(e) Kitchens and nonhabitable spaces may not be used for sleeping purposes.

**(2) Overcrowding.**

(a) Dwelling units must not be occupied by more occupants than allowed in the following table:

<u>Space</u>	<u>Minimum Area in Square Feet</u>		
	<u>1 to 2 occupants</u>	<u>3 to 5 occupants</u>	<u>6 or more occupants</u>
Living room	No requirements	120 sq. ft.	150 sq.ft.
Dining room	No requirements	80 sq. ft.	100 sq. ft.
Bedrooms	Must comply with Section (1) above.		

**Sec. 10-105. Swimming Pools, Spas and Hot Tubs** shall be maintained in a clean and sanitary condition, in good repair, and shall be kept free of discoloration of the water, algae growth and insect infestation.

**Sec. 10-106. Outdoor furniture restriction; defenses.**

(1) Keeping upholstered furniture which is not manufactured for outdoor use in outdoor areas where such furniture is visible to neighbors and passersby in the public right-of-way is hereby declared to be a nuisance. Accordingly, no person shall place, use, keep, store or maintain any upholstered furniture not manufactured for outdoor use, including, without limitation, upholstered chairs, upholstered couches and mattresses, in or on any porch, patio or other unenclosed structure where such furniture is visible from a public right-of-way or from the ground level of adjacent property, and no property owner or property manager shall knowingly permit any such activity to occur on property owned or managed by such person.

(2) The following shall constitute specific defenses to any alleged violation of this Section:

(a) That such furniture was placed in the location in question in order to allow it to be moved during a move of a resident or residents of the premises or has been removed as part of a trash or recycling program on a day scheduled for such moving or removal.

(b) That such furniture was temporarily placed in the location in question in order that it be offered for sale at a yard or garage sale if each of the following conditions exists; provided, however, that this defense shall not apply if upholstered furniture is located in an outside location for more than two (2) days in any six-month period:

- 1. The furniture is located in an outside location only between the hours of 7:00 a.m. and 5:00 p.m.;
- 2. The person attempting to sell the furniture, or that person's agent, is outside during the period of the yard or garage sale in order to monitor the sale; and
- 3. A sign is placed on or near the furniture indicating that it is for sale.

**Sec. 10-107. Outdoor storage of materials.** No owner or occupant of any residential premises shall permit the outdoor storage on such premises of materials not customarily stored outdoors in residential neighborhoods, such as, but not limited to, construction materials, tires and household appliances, if such materials, whether or not sheltered or covered or within a carport or other partially enclosed structure, are visible from any public street, sidewalk, alley or from the ground level of abutting properties. The storage of materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. Notwithstanding the foregoing, construction materials may be stored outdoors on residential premises for a period not to exceed nine (9) months, or for such longer period of time as may have been approved by the City Manager, if such materials are being used in the construction of a structure for which a building permit has been issued by the City.

**SECTION 2. SEVERABILITY.** If any word, phrase, sentence, clause or other portion of this Ordinance is determined to be invalid, void, or unconstitutional, the remainder of this Ordinance shall remain in effect.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall become effective upon adoption.

FIRST READING: held this \_\_\_\_ day of \_\_\_\_\_, 2008

SECOND READING: held this \_\_\_\_ day of \_\_\_\_\_, 2008

	<b>YES</b>	<b>NO</b>	<b>ABSENT</b>
Thomas G. Petruzzi	_____	_____	_____
Trudy Prince	_____	_____	_____
Charles Scott	_____	_____	_____
Larry Ady	_____	_____	_____
"Harv" Readey	_____	_____	_____
Lydia Pisano	_____	_____	_____
Eric Spaulding	_____	_____	_____

ATTEST:

\_\_\_\_\_  
William G. Brooks, Mayor

\_\_\_\_\_  
Belinda Bateman, MMC, City Clerk

STATE OF FLORIDA  
COUNTY OF ORANGE

I, BELINDA L. BATEMAN, CITY CLERK of the City of Belle Isle do hereby certify that the above and foregoing document was duly and legally passed by the Belle Isle City Council, in session assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, at which session a quorum of its members were present.

\_\_\_\_\_  
City Clerk