

Chapter	Section	Title	Code	Violation Class	THAN Comments
13 Landsc ape, Trees	13-43	Failure to obtain a permit.	Any person who shall commence any work without first obtaining a permit therefor shall, if subsequently permitted to obtain a permit, pay triple the permit fee prescribed for the work. This provision shall not apply to emergency work as set forth in section 13-49 unless an unreasonable delay in obtaining such permit occurs and then a triple fee shall be charged. The payment of a triple fee shall not preclude nor be deemed a substitute for prosecution for commencing work without first obtaining a permit.	IV	N It's our understanding that the intent of the civil citation under this code is to have a way to fine tree trimmers, etc that do not follow the code, especially when the property owner isn't at fault..
13	13-45	Tree removal and replacement and tree trimming	<p>(1) Removal of protected trees. No person shall cut down, remove, relocate, damage, destroy or in any manner abuse any protected tree in the city until a permit is issued by the department.</p> <p>1. (2) Removal of grand trees. No person shall cut down, remove, relocate, damage or in any way abuse a grand tree, except as otherwise specifically and expressly provided in this chapter.</p> <p>(3) Tree trimming on public rights-of-way. No person shall trim branches four (4) inches or greater in diameter measured twelve (12) inches from the base of the branch located on any protected or grand tree located in a public right-of-way in the city until a permit is issued by the city. Unless specifically allowed by the director in accordance with the standards set forth herein, all trimming of protected or grand trees shall be performed in accordance with the "American National Standard for Tree Care Operations, ANSI, A300, current edition."</p> <p>(4) Trimming of grand trees on private property. A permit shall be required prior to the trimming of</p>		

any grand tree on private property. The city's urban forester shall review all applications to trim a grand tree and shall inspect the grand tree when the trimming has been completed. Unless specifically allowed by the city's urban forester in accordance with the standards set forth herein, all trimming of grand trees shall be performed in accordance with the "American National Standard for Tree Care Operations, ANSI, A300, current edition."

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It's our understanding that the intent of the civil citation under this code is to have a way to fine tree trimmers, etc that do not follow the code, especially when the property owner isn't at fault..

19
Property
Maintenance

19-26 Certificate of compliance with housing standards-- Generally.

(a) No person shall let or offer to let to another a dwelling or dwelling unit unless a current certificate of compliance with housing standards has been issued by the city in the owner's name for each dwelling or dwelling unit to let or offered to let.

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~~2.~~(b) Every certificate of compliance with housing standards shall be effective on the first day of October of every year for a period of one (1) year therefrom, unless sooner revoked. The certificate of compliance may be maintained by annual renewal and continued compliance with this chapter.

(c) No certificate of compliance with housing standards shall be issued unless:

(1) The applicant owner or operator has first made application therefor on an application form provided by the city;

(2) The applicant, owner or operator attesting that dwelling unit for which the certificate is sought meets the housing standards established by this chapter;

(3) Any prior order(s) to repair or order(s) revoking a certificate of compliance that have been previously issued by the city in accordance with section 19-27 shall have been satisfied by the owner or operator or withdrawn by the city.

(4) The applicant owner or operator has paid the applicable fee, as established by city council resolution in connection with the certificate of compliance and the administration thereof pursuant to the terms of this chapter.

(d) Dwellings and dwelling units owned and operated by federal, state, county and city housing authorities shall be exempt from the payment of the foregoing fees.

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19-27

--Display; transferability; records on dwelling units; inspections; revocation.

Display; transferability; records.

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3. (1) Each certificate of compliance with standards for dwellings shall be: _____

a. Retained on site by the owner or operator of one (1) or more certified dwelling units; and

b. Displayed to any persons desiring to rent a dwelling unit or to the city.

No certificate shall be transferable to another dwelling unit. A certificate shall be transferable to a new owner without payment of additional fee upon proper application.

(2) Every owner or operator of a certified dwelling unit shall keep or cause to be kept records of all requests for repair and complaints by tenants which are related to the provisions of this chapter and to any applicable rules and regulations and of all of corrections made in response to such requests and complaints. Such records shall be made available by the owner or operator to the city for inspection and copying upon request. No person shall be excused from producing such books and records in accordance with this subsection on the grounds that such documentation required of that person may tend to incriminate or subject that person to a penalty or forfeiture but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which that person is compelled, after having claimed that person's privilege against self-incrimination, to produce or give testimony resulting to such documents, except that such documents, except that such individual shall not be exempt from prosecution and punishment according to law for perjury committed in giving such testimony or for making false statements in such documents. The records required hereunder shall be maintained for a period of not less than one (1) year from the date of the correction or other disposition.

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19-46

Unlawful to allow or maintain a public nuisance

a) Generally. It shall be unlawful for any owner, agent, custodian, lessee or occupant of any real property within the city to allow or permit or maintain at any time upon the real property a public nuisance as defined in this chapter.

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4. (b) Property abutting public rights-of-way. It shall be unlawful for any owner, agent, custodian, lessee or occupant of any real property abutting any public street, right-of-way or land area dedicated for use as a public street within the city to allow to exist a public nuisance as defined in this chapter between the paved or graded surface of any public street intended or designed for vehicular travel and the property line of the abutting real property. _____

(c) Undeveloped or vacated rights-of-way or abandoned alleys. It shall be unlawful for any owner,

agent, custodian, lessee or occupant of any real property abutting any undeveloped or vacated right-of-way or abandoned alley within the city to allow or permit or maintain at any time a public nuisance as defined in this chapter between the centerline of the undeveloped or vacated right-of-way or abandoned alley and the property line of the abutting real property.

19 19-47 Offensive conditions declared a public nuisance; prohibited conditions enumerated

Nothing shall be allowable on the premises within the corporate limits of the city provided for in this chapter that shall in any way be offensive or noxious by reason of the emission of odors, gases, dust, smoke, light, vibration or noise (including the crowing of cocks, barking of dogs or any noises emanating from any animal or fowl), nor shall anything be constructed or maintained that would in any way constitute an eyesore or nuisance to adjacent property owners or residents or to the community.

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19 19-48 Certain structures declared a public nuisance.

(a) Any structure in the city which by reason of fire damage, age, decay, deterioration, structural defects, disrepair, improper design, unstable foundation, termites or other causes is dangerous to the occupants thereof or to surrounding buildings and the occupants thereof or a menace to public health or a fire hazard or so unsafe as to endanger life or property or render the use of the public streets dangerous shall constitute a nuisance.

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5. (b) Variances from the requirements of this section may be granted by the code enforcement board

19 19-49 Excessive accumulation of debris, rubbish, trash, etc., declared a public nuisance.

The existence of any accumulations of debris, rubbish, trash, garbage, refuse, garden trash, snipe signs and junk, as defined in this chapter, upon any lot, tract or parcel of land, improved or unimproved, within the incorporated boundaries of the city, to the extent and in the manner that such lot, tract or parcel with nuisance vegetation which exceeds a height of twelve (12) inches over the majority of the parcel or may threaten or endanger the public health, safety or welfare or may reasonably cause disease or adversely affect and impair the economic welfare of adjacent property is hereby prohibited and declared to be a public nuisance.

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19 19-50 Excessive

a) The existence of excessive accumulations or untended growth of weeds, undergrowth or other

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undergrowth, etc., declared a public nuisance; prohibited; exemption

dead or living plant life (but not including any trees, plants or other vegetation protected by state or local law or nuisance vegetation) upon any lot, tract or parcel of land, improved or unimproved, within two hundred (200) feet of the boundary line of any improved property or within twenty-five (25) feet of any paved or graded road surface intended or designed for vehicular travel and located within any street right-of-way or land area dedicated for use as a public street or within two hundred (200) feet of any recreational area, all within the incorporated boundaries of the city, to the extent and in the manner that such lot, tract or parcel of land contains nuisance vegetation which exceeds a height of twelve (12) inches over the majority of the parcel or which threatens or endangers the public health, safety or welfare or may reasonably cause disease or which adversely affects and impairs the economic welfare of adjacent property is hereby prohibited and declared to be a public nuisance.

6.-(b) Trees or woody shrubs regardless of trunk diameter which the code requires obtaining a permit to remove shall be exempt from this section

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19-52

Operation of business where wind regularly carries refuse into street; fencing requirements

It shall be unlawful for the owner, tenant or occupant of any parcel of land to operate or permit the operation of any business upon the parcel of land when and where, by reason of the combined effect of the prevailing winds and the location, configuration and size of the structures thereon, trash, litter and other refuse generated by the operation of the business or the customers or patrons thereof is regularly driven, carried or conveyed by such winds in appreciable quantities into or upon any public street, unless and until the owner, occupant or tenant shall have erected or caused to be erected on each boundary of the parcel of land as shall abut an area having a residential zoning classification or a street abutting such an area a six-foot fence

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Fine should be against the individual or firm that violates the code, if the violator is not the property owner.

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19-53

Placing or permitting offensive matter on streets, vacant lots, in streams, etc

(a) It is unlawful for any person to accumulate or permit the accumulation of any trash, debris, garbage or waste of any kind on property under his control or ownership.

7.-(b) No person shall throw, scatter or leave any loose paper, trash, rubbish, tree clippings or any other dry refuse or waste matter of any kind or character on the streets or sidewalks of the city.

(c) No merchant, storekeeper or other person shall sweep onto any sidewalk, pavement, alley, street or other right-of-way of the city the sweepings or trash from such store or premises.

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Fine should be against the individual or firm that violates the code, including lawn maintenance firms.

(d) It is unlawful for any person to dump or dispose of any trash, debris, garbage or waste of any kind except in such places or in such a manner as is lawful for the disposal of the waste under existing city, county, state and/or federal ordinances, laws and regulations.

19 19-54 Refuse created by contractor's activity; burying and burning of garbage and trash.

a) It shall be unlawful for any person to produce or accumulate any trash, refuse, building wastes or tree trunks or branches away from a person's residence or licensed place of business while the person is acting in the capacity of a contractor, including, but not limited to, a tree surgeon, landscaper, building contractor or otherwise, without removing same to a designated landfill or resource recovery facility.

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8.-(b) It shall be unlawful for any person to bury any garbage or trash within the city, except at such landfills or resource recovery facilities designated by the director of solid waste, or to burn any garbage or trash within the city, except at such designated resource recovery facilities or landfills, without first obtaining a permit from the fire marshal

19 19-55 Littering in parks and public places.

a) It shall be unlawful for any person to throw or deposit litter in or upon any street, sidewalk, beach, parkway, park, alley or other public area or right-of-way in the city, except in public receptacles provided for that purpose.

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good, needs more enforcement.

9.-(b) Persons placing litter in public receptacles in public areas shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, beach, parkway, park or other public area or right-of-way. Where such public receptacles are not provided, all such litter shall be carried away from such areas by the person responsible for its presence.

(c) "Litter," as used in this section, shall include garbage, refuse, paper, cans, bottles, cartons, snipe signs or other like waste matter. "Public area," as herein used, includes any and all streets, sidewalks, boulevards, alleys or other public ways and any and all parks, beaches, parkways, spaces, grounds and public buildings.

19 19-56 Storage of inoperative vehicles, junk or scrap metal in

(a) Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

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10. Commercial section means any property now or hereafter designated as a commercial district under the zoning laws of the city as defined in the city's zoning ordinance.

residential or commercial sections prohibited

Public property means any city-owned, -leased, -controlled, -dedicated or -platted real property, including but not limited to parks, marinas, alleys, streets, rights-of-way or other real property.

Residential section means any property now or hereafter designated as a residential district under the zoning laws of the city as defined in the city's zoning ordinance.

(b) Storage. It shall be unlawful for any person to keep, store or allow to remain on any property within any residential or commercial section of the city or upon any public property any dismantled, partially dismantled, inoperative or discarded machinery, vehicle, boat or parts thereof, scrap metal or junk.

(c) Seventy-two-hour limitation. It shall be unlawful for any person in charge of or in control of any property in a residential or commercial section of the city, whether as owner, lessee, tenant, occupant or otherwise, to allow any dismantled, partially dismantled, inoperative or discarded machinery, vehicle, boat or parts thereof, scrap metal or junk to remain on such property longer than seventy-two (72) hours. It shall be unlawful for any person to have any such items on any residential, commercial or public property within the city for a longer time than seventy-two (72) hours.

(d) Exceptions. This section shall not apply with regard to such machinery, vehicles, boats or parts thereof, scrap metal or junk in an enclosed building or on the premises of a business enterprise operated in a lawful place and manner and in accordance with permissive uses as authorized under the zoning laws of the city, when necessary to the operation of such business enterprise, or in an appropriate storage place or depository maintained in a lawful place and manner by the city.

(e) Enforcement. The provisions of this section shall be enforced by the neighborhood improvement manager and/or the chief of police or any members of their respective departments designated by them. The neighborhood improvement manager and/or the chief of police is authorized to remove or have removed any such machinery, vehicle, boat or parts thereof, scrap metal and junk when such item reasonably appears to be in violation of this section.

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19-57

Graffiti declared a public nuisance

(a) Prohibition of graffiti. It shall be unlawful for any person to write, paint, inscribe, scratch, scrawl, spray, place or draw graffiti of any type on any public or private building, structure or any other real or personal property.

11. (b) Abatement. It shall be unlawful for any person owning property, acting as manager or agent for the owner of property, or in possession or control of property to fail to remove or effectively

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obscure any graffiti upon any public or private building, structure or any other real or personal property.

(c) Enforcement. Whenever the city becomes aware of any graffiti, the city shall have the right to enter onto any private property or non-city owned governmental property and remove or obscure it.

(d) Exception. This section shall not be construed to prohibit temporary, easily removable chalk or other water soluble markings on public or private sidewalks, streets or other paved surfaces which are used in connection with:

(1) Traditional children's activities such as drawing, creating bases or a playing field for games such as stickball, kickball or handball, hopscotch and similar activities, and

(2) Any lawful business or public purpose or activity.

(e) Prosecution for violation of subsection (a). The city shall take all reasonable steps to apprehend and prosecute through the courts all violators of section (a) above.

(f) Penalty for violation of subsection (a).

(1) Fine. Any person convicted of violating subsection (a) above shall be punished by a fine of not less than two hundred and fifty dollars (\$250.00) for a first offense and five hundred dollars (\$500.00) for second and subsequent offenses and in no event shall the violator be allowed to substitute community service hours for payment of the monetary fine. Where a minor is the convicted violator, the fine for the second and all subsequent convictions shall be assessed against both the minor and his parent or legal guardian.

(2) Restitution. In addition to the fine imposed in sub-subsection (f)(1), the court shall order the convicted violator to make restitution to the victim or city, as appropriate, for the damage or loss caused directly or indirectly by that offense in a reasonable amount to be determined by the court, but in any event, no less than the actual cost incurred to abate the graffiti and in no event shall the convicted violator be allowed to substitute community service hours for monetary restitution. Where the convicted violator is a minor, the court may also order his parent or legal guardian to make such restitution.

How will this be applied in lieu of the separate fine that is in the code?

12. (1) Animals must be kept within an enclosed area which is a minimum of two hundred (200) feet from any dwelling on an adjoining parcel of land in separate ownership.

(2) Land requirements per animal shall be as follows:

a. Horses, cattle or swine: One (1) acre for each animal;

b. Sheep or goats: One-half (1/2) acre for each animal;

c. Fowl: Five thousand (5,000) square feet of land for each five (5) fowl or fraction thereof;

d. Bees: Ten thousand (10,000) square feet per hive.

Above land requirements are the gross area of premises harboring such animals and include areas used by the resident for residential or other purposes, in addition to the keeping of animals.

(b) The police department is exempted from the provisions of this section and is specifically authorized and empowered to keep, harbor and maintain horses within the corporate limits of the city.

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19-77

Animals as
a public
nuisance

No person, being the owner of or having charge of any animal, shall permit it to unreasonably annoy humans, endanger the life or health of other animals or persons or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

13. (1) Is repeatedly found at large;

(2) Damages the property of anyone other than its owner;

(3) Molests or intimidates pedestrians or passers-by;

(4) Chases vehicles;

(5) Excessively makes disturbing noises, including, but not limited to, continued or repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where

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the animal is kept or harbored;

(6) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(7) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

(8) Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained; or

(9) Attacks other domestic animals.

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19-79

Removal of animal excrement; exceptions

a) It is unlawful for any person owning or having custody or control of any animal to fail to remove immediately the animal's excrement from any public or private place other than property owned or occupied by the person owning or having control of the animal.

14. (b) The provisions of this section shall not apply to utility or assistance animals or to animals used by police officers for law enforcement or tracking purposes.

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19-231

Standards for dwellings generally

(6) Lighting public halls. Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four (4) dwelling units may be supplied with conveniently located light switches controlling an adequately lighted system, which may be turned on when needed instead of full-time lighting. Adequate lighting for the purpose of this subsection shall mean not less than one (1) foot candles, measured at any point on the floor of a hall or on a stairway.

(9) Space requirements.

15. a. Minimum total floor area. Every dwelling unit shall contain a habitable room area of at least one hundred fifty (150) square feet of floor area for the first occupant and at least one hundred (100) additional square feet of floor area for every additional occupant.

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1. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping

purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof.

2. Every dwelling unit shall have at least one (1) bathroom containing at least thirty-five (35) square feet of floor space.

b. Ceiling height. Habitable (space) rooms other than kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than seven (7) feet. Hallways, corridors, bathrooms, water closet rooms and kitchens shall have a ceiling height of not less than seven (7) feet, measured to the lowest projection from the ceiling. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required for only one-half the area thereof. No portion of the room measuring less than five (5) feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

c. Cellar space. No cellar space shall be used as a habitable room or dwelling unit.

d. Basement space. No basement space shall be used as habitable room or dwelling unit unless:

1. The floor and walls are impervious to leakage or underground and surface water runoff and are insulated against dampness.

2. The total of window area in each room is equal to at least the minimum window area sizes as required by this section.

3. The required minimum window area is located entirely above the grade of the ground adjoining such window area.

4. The total of openable window area in each room is equal to at least the minimum as required by this section, except where there is supplied a mechanical device to provide adequate ventilation of at least one (1) complete change of air in the room or dwelling unit each four (4) minutes at an air velocity not exceeding six hundred (600) feet per minute.

e. Kitchen storage space. Every dwelling unit shall have a minimum of twenty-four (24) square feet of total shelving in wall and base cabinets for storage of cooking utensils. Usable storage shelving in a cooking range or under a sink may be included in meeting this

requirement.

f. Closets. Every dwelling unit shall have a minimum of twelve (12) square feet of floor area of closet space for the first bedroom, and six (6) square feet of floor area of closet space for each additional bedroom. Kitchen closet space shall not be considered as space meeting this requirement. Clothes closets shall have a shelf and rod.

(10) Floors, walls and ceilings. Every floor, wall and ceiling shall be capable of affording privacy and shall be maintained in a good state of repair. In addition, exterior floors, walls and ceilings shall be weather tight.

(11) Windows, doors and hatchways. Every window, exterior door and basement hatchway shall be reasonably weather tight, maintained without cracks or holes and in a good state of repair. All windows intended for ventilation must be equipped with fully operable hardware.

16. (12) Stairs, porches and appurtenances. Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to meet the requirements of the building code and shall be kept in a good state of repair. No stair riser shall exceed eight (8) inches and no stair tread shall be less than nine (9) inches. Protective railings or handrails shall be required on any unenclosed structure over three (3) feet from the ground level and on every interior or exterior stair and stairwell more than four (4) risers high and shall be located in accordance with the requirements of the building code. Handrails or protective railings shall be capable of bearing normal imposed loads and shall be maintained in good condition. No ladders shall be permitted, except spiral staircases.

a. Guardrails generally. All unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies or porches which are more than thirty (30) inches (762 mm) above finished ground level or a floor below shall be protected by a guardrail. Guardrails shall form a vertical protective barrier not less than forty-two (42) inches (1067 mm) high. Open guardrails shall have intermediate rails or ornamental pattern such that a six-inch (152 mm) diameter sphere cannot pass through any opening. A bottom rail or curb shall be provided that will reject the passage of a two-inch (51 mm) diameter sphere. Construction of guardrails shall be adequate in strength, durability and attachment for their purpose as described in Chapter 5.

EXCEPTIONS:

1. Guardrails are not required on the loading side of loading docks.

b. Guardrails for residential dwellings.

1. Guardrails for dwellings and within individual dwelling units or guest rooms shall be a minimum of thirty-six (36) inches (914 mm) high.

2. For one and two-family dwellings, only one intermediate rail located between fourteen (14) and eighteen (18) inches (356 mm and 457 mm) above floor level shall be required between the top of the guardrail and the floor level of boat docks, piers, landings, decks on beach fronts and dune walkovers, providing the floor or deck level is not more than six (6) feet (1826 mm) above the mean high water level or average grade of the beach, dune or ground below. No guardrail shall be required on that portion of a boat dock used for docking a boat.

3. A bottom rail or curb is not required on guardrails within dwellings or dwelling units.

(13) Plumbing fixtures and pipes. Every plumbing fixture and water and waste pipe shall be maintained in good working condition, free from defects, leaks and obstructions

(15) Protection of structures.

17. a. Paint, etc. The exterior of all structures, including accessory buildings and fences, shall be protected from the elements by the application of paint or other approved protective material and shall be maintained in a good state of repair. All paint and other approved protective materials shall be applied in accordance with the manufacturer's specifications.

b. Roof covering. Roofs shall have a suitable covering free of holes, cracks or excessively worn surfaces, which will prevent the entrance of moisture into the structure and provide reasonable durability. Metal roofs showing signs of corrosion shall be painted with an approved product applied in accordance with the manufacturer's specifications or protected in an approved manner. Gutters and downspouts, where in existence, shall be maintained in a good state of repair.

c. Maintenance. All structures, accessory structures, appurtenances and fences shall be free of deterioration and maintained in a good state of repair and such that the appearance

of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood.

(17) General condition of rental unit. Each dwelling unit let or offered to let shall be clean, sanitary, fit for human habitation and in a good state of repair.

18. (18) Public areas to be clean, sanitary. The shared or public areas of every dwelling containing two (2) or more dwelling units shall be maintained in a clean and sanitary condition, free of pests and termite infestation.

(4) Light and ventilation.

19. a. Minimum window areas. Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors with a minimum total window area measured between stops of ten (10) percent of the floor area of each such room; provided that kitchens and dining rooms may be windowless if artificial lighting or other equal illumination is provided. Windows which face walls or other light-obstructing structures located less than five (5) feet from the window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such a room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room.

b. Openable window area, other ventilation. Every habitable room shall have at least one (1) window or skylight which can easily be opened or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area, except where there is an approved device installed which shall provide at least one (1) complete change of air every four (4) minutes at an air velocity not exceeding six hundred (600) feet per minute.

c. Bathrooms. Every bathroom shall comply with the light and ventilation requirements for habitable rooms, except that no window or skylight shall be required in bathrooms equipped with an approved ventilation system which provides at least one (1) complete change of air every six (6) minutes and operates continuously when the bathroom is in use.

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Standards
for dwellings
generally.

II

We believe the code should be amended to apply only to rental property.

Also, many older homes do not meet some of these requirements. The code should apply to new properties and to properties that are being significantly renovated.

(5) Standards for basic electrical facilities.

20. a. General requirements. Every dwelling shall be wired for electric lights and convenience receptacles. Every habitable room of such dwelling shall contain at least two (2) separate floor or wall-type electrical convenience outlets. Every kitchen, bathroom, bedroom, laundry room, furnace room, corridor, hallway and porch shall contain at least one (1) ceiling- or wall-type electric light fixture which can be controlled by a wall switch. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition and shall be connected to an approved source of electric power in a safe manner. Compliance with the requirements of the following table shall be sufficient:

TABLE INSET:

<u>Area</u>	<u>Floor or wall-type electric convenience outlets</u>		<u>Ceiling-type or wall-type fixture switch</u>	<u>Wall</u>
<u>Bedroom</u>	<u>1</u>	<u>1</u>	<u>yes</u>	
<u>Kitchen</u>	<u>2</u>	<u>1</u>	<u>yes</u>	
<u>Bathroom</u>	<u>--</u>	<u>1</u>	<u>yes</u>	
<u>Corridor or hallway</u>	<u>--</u>	<u>1</u>	<u>yes</u>	
<u>Porches</u>	<u>--</u>		<u>yes</u>	
<u>Living room</u>	<u>2</u>	<u>1</u>	<u>1</u>	
<u>Dining room</u>	<u>2</u>	<u>1</u>	<u>1</u>	

Florida room 2 1 1

Laundry room 2 1 yes

Furnace room 2 1 yes

Other habitable rooms 2 -- -- b. Location of switches, receptacles in

bathrooms. Switches and electrical receptacles in bathrooms shall be at least three (3) feet from tub or shower.

c. Maintenance. All fixtures, receptacles, equipment and wiring shall be maintained in a state of good working condition and capable of being used and connected to the source of electric power.

1. Where the determination is made, upon examination of the existing electrical service supply, that the electrical service supply is obsolete or is being used in such manner as would constitute a hazard to the occupants or would otherwise constitute a hazard to life and property, such as, but not limited to, overloading of circuits, unsafe wiring or inadequate wiring, then such conditions shall be corrected by the owner or occupant in a manner consistent with the reasonable recommendations of the neighborhood improvement manager and in strict adherence to the electrical code.

2. The minimum capacity of the service supply and the main disconnect switch shall be sufficient to adequately carry the total load required in accordance with the electrical code.

d. Bathroom water heaters. No electric water heater shall be allowed in any bathroom unless the water heater and all electrical connections are totally encased in a nonconducting material or the water heater is installed in such a manner as to avoid any probability of shock hazard.

(7) Protection against mosquitoes, insects. Every door opening directly to outdoors from a dwelling unit used or intended to be used for ventilation shall be supplied screens and a self-closing device as protection against mosquitoes, flies and other insects. Every window

and other device with openings to outdoor space used or intended to be used for ventilation shall likewise be supplied with screens with removable frames. The screen wire installed on every screen door or on every window screen shall be of at least eighteen (18) by fourteen (14) mesh. Openings on existing screen doors and windows shall not exceed sixteen (16) mesh. Dwellings and dwelling units containing central heating furnaces and air-conditioning equipment for mechanically ventilating the structure year-round shall not be required to have screens on door or window openings. Window-type air-conditioning units shall not qualify dwellings or dwelling units for the exception eliminating the screen requirements.

(8) Rodent control. Every basement or cellar window used or intended to be used for ventilation and every other opening affording an entry for rodents shall be provided with a screen or other barrier.

(16) Supplied facilities.

21. a. Construction and installation. Every supplied facility, piece of equipment or utility which is required or provided shall be so constructed or installed that it will function safely and effectively and shall be maintained in good working condition.

b. Removal, interruption of service. The removal or interruption of service of a supplied facility which is required shall not be permitted, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is approved by the neighborhood improvement manager. In all cases the occupant must be given reasonable notice of the impending interruption. The foregoing does not apply to public utilities which discontinue service for nonpayment of charges for utility services.

19

19-
232

Responsibilities of owner and occupant of dwelling

During the occupancy of dwellings or dwelling units the responsibility for maintaining the standards set forth in this chapter shall be as follows:

22. (1) Public areas. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(2) Occupied portion of premises. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.

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(3) Sanitary maintenance. The operator of every rooming house shall be responsible for the sanitary maintenance of the entire premises.

(4) Garbage, waste disposal. Every occupant of a dwelling or dwelling unit shall dispose of his garbage and rubbish in a clean and sanitary manner.

(5) Screens. Every owner of a dwelling or dwelling unit shall be responsible for the installation and maintenance of all screens whenever same are required.

(6) Pest control.

a. The occupant of a single dwelling shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, extermination thereof shall be the responsibility of the owner.

b. It shall be the responsibility of the owner to effectively correct any conditions of termite infestation. In cases of extreme visible damage to structural members of the dwelling, treatment must be done by a licensed and certified exterminator.

(7) Plumbing fixtures. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof. The owner shall be responsible for the repair and replacement of all plumbing facilities and equipment.

(8) Accessory structures. Every owner of a dwelling or dwelling unit shall be responsible for maintaining all accessory buildings and fences in a good state of repair.

(9) Protection of exterior of structures. Every owner of a dwelling or dwelling unit shall be responsible for the protection of the exterior of the structure.

(a) It is unlawful to maintain vacant structures which are unsecured or do not meet the requirements as set forth in section 19-231(15).

23. (b) All vacant structures shall be secured as follows: _____

(1) Material requirements. Door and window security panels shall consist of the following:

a. One-half-inch sheathing grade plywood;

b. Three-eighths-inch diameter carriage bolts with nuts and flat steel washers, sufficient in length to fasten the plywood panel to the wood support bracket for both wood frame and concrete block walls; washers to be approximately one (1) inch in diameter;

c. Two (2) by four (4) utility grade lumber sufficient in length to overlap the window opening six (6) inches on each side;

d. Galvanized hardware cloth, eight (8) by eight (8) mesh, to cover the vent opening in the plywood panel;

e. One-and-one-half-inch wood lattice to trim around the screen vent.

(2) Installation requirements.

a. Windows. The plywood shall be cut to fit over the window within the boundaries of the window opening. A three- inch-by-eighteen-inch opening shall be cut into the plywood as shown on the schematic drawing. Cover the opening with the hardware cloth lapping the opening one-half inch on each side and secure to plywood panel. Trim the opening with lattice trim covering the edge of the hardware cloth. Drill four (4) one-half-inch holes into the plywood for the carriage bolts as shown on the schematic drawing. Drill matching holes in the two (2) by four (4) support brackets to align with the holes in the plywood. Paint the panel assembly on both sides and edges with two (2) coats of good quality exterior latex enamel before installation. Install the panel to the window as shown on the schematic drawing. The window glass must be removed prior to installation, unless the windows can be raised or lowered out of the way of the bolts. Install the support brackets in either a vertical or horizontal position, depending on the circumstances, and secure in place with the carriage bolts and nuts on the inside of the window.

b. Doors. All entrance doors are to be nailed closed with twelve-penny nails at twelve (12) inches O.C. around the perimeter of the door jamb and head. When no door exists, the opening is to be secured in the same manner as outlined in paragraph (2)a. of installation requirements, with the exception that no vent opening is required.

Rooming houses

No person shall operate a rooming house or shall occupy or let to another for occupancy any dwelling unit in any rooming house which does not comply with the following standards:

24. (1) Plumbing fixtures; number; location; connection. At least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house, wherever these facilities are shared; provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. The following table may be substituted for that detailed above:

ROOMING HOUSES

TABLE INSET:

Water closets

<u>Persons</u>	<u>Male</u>	<u>Female</u>
<u>1--15</u>	<u>1</u>	<u>2</u>
<u>16--30</u>	<u>2</u>	<u>3</u>
<u>31--50</u>	<u>3</u>	<u>4</u>
<u>51--75</u>	<u>4</u>	<u>6</u>
<u>76--100</u>	<u>6</u>	<u>8</u>
<u>101--150</u>	<u>8</u>	<u>10</u>

TABLE INSET:

Males Urinals

<u>1--30</u>	<u>1</u>
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<u>31--50</u>	<u>2</u>	
<u>51--100</u>	<u>3</u>	
<u>101--150</u>	<u>4</u>	<u>TABLE INSET:</u>

Lavatories

<u>Persons</u>	<u>Male</u>	<u>Female</u>
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<u>1--15</u>	<u>1</u>	<u>2</u>
--------------	----------	----------

<u>16--30</u>	<u>2</u>	<u>3</u>
---------------	----------	----------

<u>31--50</u>	<u>3</u>	<u>4</u>
---------------	----------	----------

<u>51--75</u>	<u>4</u>	<u>6</u>
---------------	----------	----------

<u>76--100</u>	<u>6</u>	<u>8</u>
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<u>101--150</u>	<u>8</u>	<u>10</u>	<u>TABLE INSET:</u>
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<u>Persons</u>	<u>Bathtub</u>	<u>Shower</u>
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<u>1--15</u>	<u>1</u>	
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<u>16--30</u>	<u>1</u>	<u>2</u>
---------------	----------	----------

<u>31--50</u>	<u>2</u>	<u>3</u>
---------------	----------	----------

<u>51--75</u>	<u>2</u>	<u>6</u>
---------------	----------	----------

<u>76--100</u>	<u>3</u>	<u>10</u>
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101--150 4 ¹²TABLE INSET:

Persons Laundry Tubs

1--30 1

31--75 2

76--125 3

126--200 4

All such facilities shall be so located on the floor they serve within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement, except by written approval of the neighborhood improvement manager.

(2) Applicability of division. The requirements of this division shall also apply to rooming houses to the extent those requirements do not conflict with the requirements of this section.

19 19-
236 Standards
for
commercial,
business,
institutional
and
industrial
structures--
Generally

Every structure and the premises on which it is situated in the city used or intended to be used for commercial, business, institutional or industrial purposes shall comply with the provisions of this chapter, whether or not the structure shall have been constructed, altered or repaired before or after the enactment of this Code, irrespective of any permits or licenses which shall have been issued for the use or occupancy of the structure or premises and notwithstanding any permit which shall have been issued for the construction or repair of the structure or for the installation or repair of equipment or facilities prior to the effective date of the ordinance from which this chapter was derived. This section establishes certain standards for the initial and continued occupancy and use of all such structures and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the structure, the premises or the equipment or facilities contained in the structure or on the premises

19 19-
Same--

No person shall maintain or operate any commercial, business, institutional or industrial

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structure which does not comply with the following standards:

25. (1) Maintenance of exterior of premises. The exterior of the premises and of all structures thereon shall be kept free of all nuisances and any hazards to the safety of occupants, customers, pedestrians and other persons utilizing the premises and free of insanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner and/or operator to keep the premises free of hazards which include, but are not limited to, the following:

a. Brush, weeds, broken glass, stumps, roots, obnoxious growths and accumulations of filth, garbage, trash, refuse, debris and inoperative machinery;

b. Dead and dying trees and limbs;

c. Loose and overhanging objects which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof;

d. Holes, excavations, breaks, projections, obstructions and excretions of pets and other animals on paths, walks, driveways, parking lots and parking areas and other parts of the premises which are accessible to or used by persons on the premises;

e. Inadequate runoff drains for stormwaters;

f. Sources of infestation;

g. Foundations, floors and walls which are not structurally sound;

h. Chimneys and flue and vent attachments which are not safe, durable, smoketight and capable of withstanding the action of flue gases;

i. Exterior porches, landings, balconies, stairs and fire escapes which are not provided with guardrails and handrails properly designed and maintained to minimize the hazard of falling.

(2) Appearance of exterior of premises and structures. The exterior of the premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the standards of the neighborhood or such higher standards as may be adopted as part of a plan of property standards of the city and such that the appearance of the premises and

structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood, including the following:

a. Premises shall be kept landscaped and lawns, hedges and bushes shall be kept trimmed.

b. All windows exposed to public view shall be kept clean and free of marks or foreign substances, except when necessary in the course of changing displays. No storage of materials, stock or inventory shall be permitted in window display areas or other areas ordinarily exposed to public view unless the areas are first screened from the public view by drapes, venetian blinds or other permanent rendering of the windows opaque to the public view. All screening of interiors shall be maintained in a clean and attractive manner and in a good state of repair.

c. All store fronts and walls exposed to public view shall be kept in a good state of repair.

d. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or any other portion of the premises shall be maintained in a good state of repair. If awnings or marquees are made of cloth, plastic or of a similar material, the cloth or plastic, where exposed to public view, shall not show evidence of excessive weathering, discoloration, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

(3) General maintenance. The exterior of every structure or accessory structure shall be maintained in a good state of repair, and all surfaces thereof shall be kept painted or sealed with an approved material where necessary for purposes of preservation and appearance. All surfaces shall be maintained free of broken glass, vegetation, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance.

a. Floors, interior walls and ceilings of every structure shall be structurally sound and maintained in a clean and sanitary condition.

b. All roofs shall have an approved covering free of holes, cracks or excessively worn surfaces which will prevent the entrance of moisture into the structure and provide reasonable durability. Metal roofs showing signs of corrosion shall be painted with an

approved product, applied in accordance with the manufacturer's specifications.

c. Every room open to the public or in which persons are employed and every public hall and stairway in every structure shall be adequately lighted at all times the structure is in use or open to the public. Unless otherwise provided by law, adequate lighting for the purpose of this subsection shall mean not less than one (1) foot candle, measured at any point on the floor of a room, hall or stairway.

d. Every room open to the public or in which persons are employed shall have at least one (1) window or skylight which can easily be opened or such other device as will adequately ventilate the room. The total of openable window area in every such room shall be equal to at least eight (8) percent of the floor area, except where there is an approved device installed which shall provide at least one (1) complete change of air every four (4) minutes at an air velocity not exceeding six hundred (600) feet per minute.

e. Washroom and water closet compartment floors shall be surfaced with water-resistant materials and shall be kept in a dry, clean and sanitary condition at all times.

f. Supporting structural members are to be kept structurally sound, free of deterioration and capable of bearing imposed loads safely.

g. Walls and ceilings shall be maintained in a good state of repair. Walls shall be provided with paint, paper, sealing material or other protective covering and shall be kept clean, free of visible foreign matter and well maintained at all times.

h. Every washroom and water closet compartment shall be provided with permanently installed artificial lighting fixtures with a switch and wallplate so located and maintained that there is no danger of short circuiting from water or plumbing.

i. All premises shall be properly connected to electric power through safely insulated conductors conforming to the electrical code.

j. All wiring or cables shall be properly affixed or attached to the structure and kept in a good state of repair. No loose cords or loose extension lines in excess of six (6) feet in length shall be permitted, and no ceiling or wall fixture shall be used for supplying power to equipment other than that for which it is designed.

k. Garbage storage containers or garbage disposal facilities shall be provided and

maintained for the disposal of garbage at every occupied structure.

I. Flammable or combustible liquids or other materials may not be stored on the premises, unless they are of a type approved for storage by the regulations of the fire department, and then only in such quantities and in such fireproof storage containers as may be prescribed by the regulations of the department.

19

19-238

Numbering of buildings required

a) All owners, tenants or occupants of residential or nonresidential buildings in the city located on any street or avenue within the corporate limits of the city are required to have all such buildings numbered. The numbers shall be plainly printed or stenciled or shall consist of numerals made from a durable material including, but not limited to, metal, plastic and vinyl. The numbers shall consist of dark numerals on a light background or light numerals on a dark background and shall be at least three (3) inches in height and shall be attached to or painted on or above the front entrance of the building or some conspicuous place so as to be plainly and readily visible from the street or avenue on which the entrance is located.

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26. (b) Assignment of names of streets and street numbers shall be the responsibility of the department of business and community services.

(c) All owners, tenants or occupants of premises or establishments of any kind whatsoever located within any building set forth herein and having a separate entrance located on any street or avenue within the corporate limits of the city shall comply with the requirements of this section.

(d) All owners, tenants or occupants of all residential or nonresidential buildings which may be erected in the city or of any premises or establishments located therein, as set forth above, shall have same numbered in accordance with the manner prescribed in this section as soon as completed.

22

STREETS & SIDEWALKS

22

22-8

Obstructing streets, sidewalks, alleys, etc.;

(a) It is unlawful for any person to place in or upon any place, street, sidewalk, alley, landing, wharf or pier owned or controlled by the city and located within the city limits any article or thing without a permit therefor, unless such article or thing is otherwise authorized by law.

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Streets & Sidewalks

alks

exceptions

27. (b) If any such article or thing shall be placed in or upon any such place, street, sidewalk, alley, landing, wharf or pier without lawful authority, the official, without notice, is authorized to cause such article or thing to be removed to some convenient place designated by him. The cost of such removal shall be charged to the owner of the article or thing or to the person responsible for placing, establishing or fixing the article or thing in violation of this section

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22-9

Tearing down or removing barricades or signboards; driving on closed streets

It is unlawful for any person to tear down or remove any barricade or signboard upon any street, avenue or alley or any part thereof after the same has been closed in conformity with this chapter. It is unlawful for any person to drive any vehicle upon or over any work being done upon such street, avenue or alley or any part thereof after the same has been closed to the passage of vehicles or pedestrians.

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22-11

Gates swinging open on sidewalks prohibited

It is unlawful for any person to erect or maintain on his premises any gate which shall, when open, swing out and away from the premises and on or across the sidewalk in front thereof on any street of the city.

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Unless this is a ADA requirement, we suggest that existing gates that swing “out” into the sidewalk be grand fathered in.

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22-58

Permit types

(d) Right-of-way permit; miscellaneous structures.

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28. (1) Required for: Installing or relocating miscellaneous structures on city right-of-way between the private property line and the street pavement.

(2) May be issued to: Owner, contractor or agent.

(3) Scope of work: Placement of miscellaneous structures on the right-of-way in accordance with approved plans and/or department specifications.

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22-58

Permit types

(a) Driveway permit.

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29. (1) Required for: Installing or relocating driveway aprons and/or curbs between private property line and street pavement.

(2) May be issued to: Owner, contractor or agent.

(3) Scope of work: Forming and pouring asphalt or concrete or the placement of bricks or stone in accordance with approved plans and/or department specifications.

(b) Right-of-way permit--Maintenance.

(1) Required for: Performing utility maintenance activity which causes any obstruction or redirection of normal traffic flow in excess of the following time periods:

Collector; major or minor arterial . . . 4 hours

Local streets . . . 8 hours

(2) May be issued to: Certified/licensed contractors; utility companies.

(3) Scope of work: Obstruction or redirection of traffic flow in accordance with this Code and state law.

(c) Right-of-way permit--New construction.

(1) Required for: Performing utility construction activity which causes any obstruction or redirection of normal traffic flow.

(2) May be issued to: Certified/licensed contractors; utility companies.

(3) Scope of work: Obstruction or redirection of traffic flow in accordance with this Code and state law.

30. (1) Installation of trees or shrubbery which will not grow to a diameter in excess of twenty-four (24) inches when installed by public or private utility work crews, provided that said installations meet minimum state and federal design standards, related to roadside recovery areas, minimum site triangles and the Americans with Disability Act requirements, including amendments thereto, as said standards and requirements are adopted herein;

(2) Installation of gas, water, sewer, electric or telephone service connection lines, not including underground main feeder lines parallel to the street, when installed by public or private utility work crews which are subject to all conditions specified in this Code.

(b) It is unlawful for any person, public or private utility or any other governmental agency or contractor working for the same to excavate, dig, blast or tunnel or to place, construct, repair or install any driveway, curb sidewalk or culvert within any public street, alley or other right-of-way in the city, unless application shall first be made and a written permit obtained in advance of beginning work.

(c) It is unlawful for any person, public or private utility or any other governmental agency or any contractor working for the same to excavate, dig, blast or tunnel for the purpose of repairs or maintenance of any existing facilities within any public street, alley or other right-of-way in the city, unless application shall first be made and a permit for the repairs or maintenance obtained in advance of beginning work; provided, however, there is hereby excepted from this requirement public or private utility work crews which are subject to all conditions specified in this chapter when accomplishing the following work:

(1) Removal, replacement or relocation of trees;

(2) Repair, cleaning or replacement of gas, water, sewer, electric or telephone service connection lines, not including underground main feeder lines parallel to the street;

(3) Raising manhole covers in conjunction with street resurfacing;

(4) Trouble-shooting for leaks, gas, water, sewer, storm sewer, pressurized telephone and electric lines in the unimproved (no traffic or sidewalk) rights-of-way.

(d) The applicant for a permit shall determine all potential utility conflicts during the design stage and shall show same on the plan and profile drawings submitted with the application.

The plan and profile drawings shall be in accordance with utility plan guidelines or as specified by the official.

(e) If the official shall determine that such work or activity within any street, alley or other right-of-way will not unreasonably interfere with the rights of the public or city, he is authorized to issue a permit for such construction work or activity upon such reasonable conditions as he shall deem necessary for the protection of the rights of the public and the city.

(f) Under all conditions prescribed in this section, the construction shall not proceed unless the statewide one-call toll-free telephone notification system or such other method established under the Underground Facility Damage Prevention and Safety Act, as now or hereafter amended, is notified not less than forty-eight (48) hours nor more than five (5) days in advance of beginning construction. Advance notification is waived when it is documented to the director that the excavation work is of an emergency nature involving the public health, safety or welfare.

(g) All applicants shall give the full name and address of the person or organization making such application, shall designate the place, extent, nature and purpose of such work or activity and, if any paving, curbing, sidewalk, sewer or water main will be disturbed by such work, the director may require that the application be accompanied by a deposit of money in such amount as shall in the opinion of the director be sufficient to pay for the expense of repairing or restoring the same. Pavement replacement shall be in accordance with the conditions set forth in the permit and other standards of the department. Failure or neglect on the part of the applicant to carry out all work in compliance with the conditions set forth in the permit and other standards of the city shall be reason for revocation of the permit.

(h) All applicants shall be notified, at the time of permit application submission, that it is their responsibility to restore the right-of-way to its previous condition.

(i) All applicants shall verify the location and elevation of all underground facilities and shall protect said facilities from damage; in the event that any facilities are damaged, the applicant or applicants shall, at their sole expense, repair or cause to be repaired the damaged facilities to the satisfaction of the owner or operator of said facilities.

The official may revoke permits issued by him upon finding that:

revocation

- 1.(1) The permit was issued by mistake of law or fact;
 - (2) The permit is for work which violates the provisions of this chapter;
 - (3) The permit was issued upon a false statement or misrepresentation by the applicant;
 - (4) The permit violates any ordinance of the city or any state or federal law, rule or regulation;
 - (5) The work is not being performed in accordance with the provisions of this chapter;
 - (6) The certificate of competency or license of the permittee has become invalid by reason of expiration, suspension, revocation or otherwise;
 - (7) The work is not being performed under the supervision of the holder of the certificate or license upon which the same was issued;
 - (8) The work is not being done in accordance with the terms of the permit, the plans or the application upon which the same was issued;
 - (9) Payment of the permit fees was not effected due to insufficient funds or any other reason; or
 - (10) The work performed under that permit is threatening or interfering with public welfare and safety.
- (Ord. No. 89-244, § 2(34-72), 9-28-89)

22

22-101

Construction permit

It is unlawful for any person to construct, build or repair sidewalks in the city without first obtaining a permit therefor from the official. Such application shall be duly filed with the official and shall specify the material with which the sidewalk is to be constructed, built or repaired.

(Ord. No. 89-244, § 2(34-86), 9-28-89)

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22-116

Persons permitted to place benches on sidewalks; applicability of article.

Any person duly incorporated under the laws of the state or duly authorized to transact business in the state who comply with the provisions of this article may be permitted to place and maintain within the corporate limits of the city benches for the use and convenience of the general public. Such benches may be located on city rights-of-way only where, in the determination of the city department of public works, hereinafter referred to simply as the DPW, such benches do not present a hazard to pedestrians or motorists. The provisions of this article shall apply only to benches which display advertising or which are intended for the display of advertising and when such benches are to be located on the public rights-of-way or when such benches are to be located on private property but the advertising is intended to be viewed from the public rights-of-way.

III

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22-135

Transit shelter advertising

(a) Transit shelters may be permitted only in accordance with the standards contained in this Code and Florida Statutes.

2.(b) Transit shelters containing advertising may be permitted in any commercial, office, or industrial zoning district; or Hillsborough Area Regional Transit Authority ("HART") routes adjacent to hospitals, schools or other permitted non-residential uses in multifamily residential zoning districts, including planned development district containing such uses. No transit shelters with advertising shall be permitted in single-family residential detached zoning districts, including planned developments which contain single-family detached as an allowed use, unless the transit shelter is to be located on an arterial or collector roadway. Transit shelters containing advertising shall only be constructed at approved bus stops on HART routes as approved by HART.

(c) The construction of the Transit shelters shall comply with Chapter 5 of this Code and Florida Statutes. Transit shelters containing advertising shall meet the following minimum design specifications:

(1) Transit shelters shall be not less than seven (7) feet high (interior), no more than ten (10) feet high (exterior), and shall have a minimum of two (2) wall panels.

(2) Transit shelters shall have seating that accommodates a minimum of two (2) persons.

(3) Shelters shall provide protection from wind, sun and rain.

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(4) Shelters shall offer see-through visibility, except for the sign panels.

(5) Access to shelters shall be provided at least through the front, the right-of-way side of the shelter.

(6) Shelters shall contain display transit information, a route map, and other schedule information.

(7) Shelters shall be constructed of material designed to withstand vandalism and weathering, such as extruded aluminum with anodized finish.

(8) Transparent vertical panels shall be composed of a minimum one-quarter (1/4) inch tempered glass except that the advertising panel may be three sixteenths (3/16) inch tempered glass. High impact strength polycarbonate may be substituted for the tempered glass.

(d) Advertising on transit shelters permitted subject to the following restrictions:

(1) The advertising contained in the transit shelter shall be limited to the "downstream" end wall (furthest from approaching transit vehicles) for a two-sided or flared and secured panel.

(2) Lighting of advertising materials shall be limited to back-lighting.

(3) No advertising poster shall exceed twenty-four (24) square feet in area, or be greater than six feet in height and four (4) feet in width.

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191

Interference with telephone, electric or other wires; deposit to cover cost of cutting, raising, etc.

If it shall appear to the city engineer that the house or building to be removed cannot be so removed without interfering with, disturbing or going into contact with any telephone, telegraph or other electrical wire, cable or conductor, no permit shall be issued for the removal of such house or building along such route until the applicant shall have made a deposit in the manner hereinafter specified of a sufficient amount of money to cover cost of cutting, raising or making such other disposition of such wires, cables or electrical conductors as may be necessary to enable such house or building to pass along such route and also to cover the cost and expense of splicing and replacing any such wire, cable or electrical conductor which it has been necessary to cut, raise or otherwise disturb.

IV

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<u>22</u>	<u>22-211</u>	<u>Permit or license required; exception.</u>	<p><u>It is unlawful for any person to install, maintain or operate a trash receptacle upon any sidewalk or any other public place of the city without first having made application for a permit or license to do so and having been issued a permit or license as herein provided; provided, however, that nothing herein contained shall be construed as prohibiting the city from installing, maintaining and operating its own trash receptacles at locations of its own choosing.</u></p> <p><u>3. (Ord. No. 89-244, § 2(34-181), 9-28-89)</u></p>	<u>III</u>	<u>N</u> <u>We suggest the definition of trash receptacle be included in the code.</u>
<u>22</u>	<u>22-224</u>	<u>Establishment authorized to operate sidewalk cafs; application criteria, review and approval procedures</u>	<p><u>Any restaurant that complies with the provisions of this subdivision is authorized to operate a sidewalk caf. For purposes of this chapter, a restaurant is any establishment whose principal business is the sale of food and beverage in a ready-to-consume state, where the sale of alcoholic beverages is incidental and does not comprise more than fifty (50) percent of sales and whose design or principal method of operation includes one (1) or both of the following: (i) customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee at the same table or counter at which the items are consumed; or (ii) a cafeteria-style operation is provided where food and beverage are consumed within the restaurant structure.</u></p> <p><u>4. (1) General Application Criteria: Before operating a sidewalk caf, application for a sidewalk caf permit shall be made to the official on a form provided by the official. Such application shall include, but not be limited to, the following information:</u></p> <p><u>a. The name, address, phone number of applicant, and name of duly authorized representative;</u></p> <p><u>b. Evidence of registration of a fictitious name or trade name, if any, under which the business applicant proposes to do business or is doing business;</u></p> <p><u>c. Two (2) copies of a detailed site plan including, but not limited to, the following:</u></p> <p><u>1. The proposed use, materials, colors and design;</u></p> <p><u>2. Relationship of the sidewalk caf to the adjacent existing building and their uses and</u></p>	<u>III</u>	<u>N</u>

entrance locations;

3. The location of any utilities that might effect or be affected by the proposal;

4. The relationship of the sidewalk caf to the centerline of the adjacent street, if applicable, and to any existing or proposed public improvements, including, but not limited to, benches, fire hydrants, light standards and landscaping;

5. The legal description, total square footage and exact dimensions of the proposed sidewalk caf;

6. The existing and proposed pedestrian circulation pattern;

7. Floor plan of the existing building and any proposed modification, showing the relationship of food preparation areas to the sidewalk caf;

d. The adjacent property owner's written consent for the minimum period of one (1) year if seeking to operate a sidewalk caf that extends to a public right of way in front of an adjacent owner's property. It is contemplated hereby that an applicant and adjacent property owners may enter into an agreement for the right to extend a sidewalk caf in front of an adjacent owner's property, therefore, for purposes of this ordinance, an applicant shall provide, at the applicant's option, evidence of consent by either presenting the agreement or short form agreement that, at minimum:

i. Identifies and contains the notarized signature, with two (2) witnesses, of all interested property owner(s); and

ii. Express language evidencing consent for the minimum period required by this ordinance; and,

iii. An acknowledgment by the consenting party that the city shall be provided notice of any revocation or suspension of consent by registered mail, return receipt requested, within five (5) business days of exercising said revocation or suspension.

iv. An acknowledgment that the city shall be held harmless from any and all liability arising out of the issuance of a sidewalk caf permit.

e. Plans for the operation of the sidewalk caf, including, but not limited to, hours of

operation, maintenance of the sidewalk caf and services to be provided.

(2) Application Criteria and Method of Review for Sidewalk Cafs on Franklin Street Mall, Herman C. Massey Park, NCNB Plaza, or on public sidewalks in the Franklin Street Mall Phase II District or Ybor City:

a. Criteria: Any restaurant (the "applicant") that complies with the provisions of this subsection, which are in addition to those above, is authorized to operate a sidewalk caf and obtain issuance of a permit therefor. Applications for sidewalk caf to be located on the Franklin Street Mall, Herman C. Massey Park, NCNB Plaza, or on public sidewalks in the Franklin Street Mall Phase II District or Ybor City as defined in this chapter, shall be reviewed as follows:

1. The official shall examine the qualifications of the applicant and the applicant's plan for operation and maintenance of the sidewalk caf.

2. The official shall approve plans, designs and specifications that do not unreasonably interfere with any of the following:

i. Adequate pedestrian flow;

ii. Access to public utilities, building entrances, crosswalks, bus stops and transient entrances;

iii. Pedestrian and traffic safety; and

iv. Aesthetic compatibility with the surrounding area.

3. The official may advise the applicant of the revisions to the applicant's plans, designs and specifications that will result in an application that conforms to the provisions of this subdivision.

4. The official shall deny an application for a sidewalk caf permit if:

i. The applicant has failed to comply with any of the submission requirements contained in this section;

ii. The sidewalk caf, as the applicant represents how it will be operated, fails to comply with

the criteria set forth in this subdivision;

iii. Any information submitted by the applicant is found to be incorrect; or

iv. The official finds that the sidewalk caf would create an obstruction to, or cause congestion of, pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way so as to represent a danger to the health, safety or general welfare of the public.

b. Method of Review: Applications for sidewalk cafs to be located on public sidewalks in the city, except on the Franklin Street Mall, Herman C. Massey Park, NCNB Plaza, or on public sidewalks in the Franklin Street Mall Phase II District or Ybor City as defined in this chapter, shall be reviewed as follows:

1. The official shall transmit one (1) copy of the application to the city clerk for presentation to the city council to set a public hearing.

2. The official shall cause an analysis to be made of the application based upon the criteria provided in subsection (2)a. of this section, and prepare a recommendation for consideration by the city council.

3. Prior to consideration of the application for approval of the sidewalk caf, a public hearing thereon shall be held by the city council. The procedures for such public hearing shall be as follows:

i. The city council shall set, by motion, a date for a public hearing on the application, which public hearing shall be scheduled not less than fifteen (15) days and no more than seventy-five (75) days from the date of the motion. Notice of the public hearing shall be published in a newspaper of general circulation in the city at least fifteen (15) days prior to the public hearing.

ii. The applicant shall immediately, upon the passage of the motion fixing a date for a public hearing and not less than fifteen (15) days prior to the date set for the public hearing, send a notice to the owner, according to the latest ad valorem tax records, of every parcel of land within a distance of one hundred fifty (150) feet, excluding roads or streets, in all directions from the proposed sidewalk caf which is the subject of the application. This notice shall be mailed to such owner at his usual post office address, by certificate of mailing. The

applicant shall prepare an affidavit showing: (a) the lands that lie within one hundred fifty (150) feet, excluding roads and streets, in all directions from the subject property; (b) the names of the owners of such lands, (c) the date and post office address to which each copy of the notice was mailed. The applicant shall attach to the affidavit the certificate of mailing showing the date the notices were mailed and a photograph of the sign as posted on the property. The affidavit and a photograph of the sign as posted on the property shall be filed with the city clerk not less than five (5) days prior to the date of the public hearing.

iii. The official shall provide a sign to be posted by the applicant in a conspicuous place on and near the front of the property where the proposed sidewalk caf is to be located, fifteen (15) days prior to the scheduled public hearing. The sign, which may be cardboard, metal or other substance, shall be of a size of not less than eighteen (18) inches by twenty-four (24) inches upon which shall appear the following information:

Public Notice--Sidewalk Caf Hearing Before City Council, City of Tampa, City Council Chambers, City Hall (insert date and hour of hearing).

iv. The applicant shall pay a fee, as established by the city council, at the time of filing. No fees shall be refunded unless the sidewalk caf application has been unnecessarily filed due to administrative error and without the applicant's fault. In such cases the city council, by a majority vote, may authorize the director of finance to refund the fee.

v. If the notices of the time and date of the public hearing are not mailed to property owners as required herein, or the requisite sign is not posted on and near the front of the property as required herein, or the affidavit, together with the certificate of mailing and a photograph of the sign as posted on the property, is not filed with the city clerk as required herein then public hearing shall be continued for no less than four (4) weeks and the applicant shall be required to amend the application as provided herein. There shall only be one (1) continuance permitted for failure to meet the requirements herein, accordingly, in the event of a second violation the petition shall be deemed withdrawn and the petitioner will be required to file the petition anew.

vi. Amended application. An application may be amended to correct an error or omission. If this amendment requires re-advertisement of the notice of public hearing, the applicant shall pay an amendment fee, as established by resolution of the city council, to cover the cost and expenses as a result of the amendment at the time the amendment is filed.

4. After completion of the public hearing, the city council shall approve, approve with conditions or deny the sidewalk caf application.

5. The official shall cause notice of the disposition of the application to be sent to the applicant. The official, in the case of approval or approval with conditions, shall issue a permit in accord with the council's actions upon submission by the applicant of the items listed in section 22-225 of this Code.

(3) Reapplication. Any current holder of a sidewalk caf permit shall reapply for a new permit, subject to the applicable conditions above, if changes are proposed to the permitted sidewalk caf.

(a) No guardhouse and/or gate shall be erected, operated, or maintained in, on, or in any manner affecting public right(s)-of-way in the City of Tampa unless a permit has been issued for the erection, operation, and maintenance of the guardhouse and/or gate by the city's transportation division.

5.-(b) The applicant shall file an application for a permit with the city's transportation division containing all of the following information: _____

(1) Evidence that the applicant meets the criteria set forth in subsections 22-58(f)(2) of the Code;

(2) A traffic study prepared in accordance with standards established by the transportation division addressing storage capacity requirements for vehicular traffic entering and exiting through the proposed guardhouse and/or gates during "a.m. peak" and "p.m. peak" hours, unless such study is waived by the city's transportation manager;

(3) A complete description of the proposed guardhouse and/or gates including, without limitation, accurate plans of the guardhouse and/or gates and all appurtenances thereto;

(4) An accurate legal description of any portion of a right-of-way which is or will be dedicated to the public on which the guardhouse and/or gate is proposed to be located;

(5) The location and identity of any underground or above-ground utilities affected by the installation and operation of the proposed guardhouse and/or gate based on information provided to the applicant by "Call Sunshine," the underground utility clearance center, and a

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Permit
required to
erect,
operate, and
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guardhouse
and/or
gates;
application
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survey of the property or rights-of-way affected by the application;

(6) Technical information regarding the mechanical operation of the gates, including, without limitation the means by which the applicant will assure that the public will have guaranteed access to any affected public rights-of-way at all times;

(7) An agreement in a form acceptable to the city attorney of the City of Tampa and executed by the applicant regarding the erection, operation and maintenance of the guardhouse and/or gates, and containing the applicant's agreement to: (a) indemnify, defend, and hold the City of Tampa, its officers, agents and employees harmless from and against any and all claims, actions, causes of action, suits, liability, and damages of any nature whatsoever (including, without limitation, legal fees and costs) in connection with the construction, operation, use, repair or maintenance of the guardhouse and/or gates by the applicant in, on or in any manner affecting public right(s)-of-way in the City of Tampa; (b) indemnify, defend and hold the City of Tampa, its officers, agents and employees harmless from and against any and all fines, penalties, liabilities, costs, and expenses (including, without limitation, legal fees and costs) arising out of or resulting from the applicant's violation of any law, ordinance, rule, or governmental regulation applicable to the activities of the applicant subject to the permit; (c) provide the City of Tampa with insurance meeting the requirements of this ordinance; (d) provide the City of Tampa an escrow to secure the applicant's compliance with the requirements of the Code, the permit and the agreement concerning the guardhouse and/or gates which escrow may be in the form of cash, a letter of credit or bond equal to one hundred ten (110) percent of the estimated cost of removing the guardhouse and/or gates or such other form of security as approved by the city attorney, unless such escrow is waived by city council as an economic hardship for the applicant in connection with the approval of the agreement; and (d) guarantee public access at all times over and across all public rights-of-way located in the subdivision or development;

(8) Commercial general liability insurance policy: (a) naming the City of Tampa as an additional insured in the minimum amount of one million dollars (\$1,000,000.00) per occurrence covering bodily injury and property damage resulting from or related to the erection, operation and maintenance of the guardhouse and/or gates; (b) meeting such other criteria as may be established by the city's risk management department; and (c) requiring the insurer to provide the city thirty (30) days prior written notice of any proposed termination, cancellation or change in insurance coverage or limits; and

(9) Payment of the permit fee.

(c) After the receipt of an application containing all of the information required in section 22-230(b) above, the transportation division shall have thirty (30) days to review the application and determine whether to issue or deny a permit for the proposed guardhouse and/or gates. The transportation division shall be entitled to deny the issuance of a permit if:

(1) Based on the information submitted in the application, the transportation division determines that the permitting of the guardhouse and/or gates would constitute a traffic hazard or otherwise negatively affect the public health, safety and welfare; or

(2) Based on the information submitted in the application, the transportation division determines that the permitting of the guardhouse and/or gates would materially interfere with any existing utilities located in the affected rights-of-way which utilities will not be relocated as part of the construction of the guardhouse and/or gates; or

(3) The transportation division determines that the proposed guardhouse and/or gates would violate any applicable federal, state or local laws, statutes, ordinances, rules, regulations or permits as may exist from time to time.

(a) No banners shall be installed or maintained on light poles located in, on, or in any manner affecting public right(s)-of-way in the City of Tampa unless a permit has been issued for the installation and maintenance of the banners by the department of public works.

6. (b) The applicant shall file an application with the department of public works containing the following information:_____

(1) The name and address of the applicant and the applicant's authorized agent, if applicable.

(2) If the proposed banner is for an event, the name of the event and whether the event is being sponsored or cosponsored by the city. "Event", for purposes of this subdivision, is defined as any public or private happening, occurrence or program scheduled for a date and time certain.

(3) A sketch of the banner, including the message, lettering, logo, emblems and any other

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Permit
required to
install and
maintain
banners
within the
public
right(s)-of-
way;
application
requirement
s; issuance.

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representations contained thereon.

(4) A site plan of the specific location where the banners are requested to be installed, including but not limited to the height of the banners, location of the banner supports, and the location of the light poles.

(5) The date the banner display is requested to be installed and the date the banner display will be removed.

(6) Evidence that the light poles and the banners to be attached thereto comply with all of the requirements contained in section 22-235 hereof.

(7) A description of the method that will be utilized to install the banner(s) to the support structure or brackets.

(8) Evidence of insurance as required in section 22-238 hereof.

(9) Evidence of a written contractual agreement between the owner of the light pole and the applicant authorizing the installation of the banners.

(10) Hold harmless and indemnification agreement as required in section 22-237 hereof.

(11) Evidence of proper licensure for the installing contractor.

(12) Payment of the permit fee, as established by resolution by the city council.

(c) Permit applications must be filed with the department of public works no more than one hundred eighty (180) days and not less than ninety (90) days prior to the requested date of installation. Completed permit applications will be considered in the order received. After the receipt of a completed permit application containing all of the information required in section 22-234(b) herein, the department of public works shall have thirty (30) business days to review the application and determine whether to issue or deny a permit for the proposed banners. The department of public works shall be entitled to deny the issuance of a permit if:

(1) Based on the information submitted in the application, the department of public works determines that the permitting of the banners would constitute a traffic hazard or otherwise negatively affect the public health, safety and welfare; or

(2) Based on the information submitted in the application, the department of public works determines that the permitting of the banners would materially interfere with any existing utilities located in the affected right(s)-of-way; or

(3) The department of public works determines that the proposed banner display would violate any applicable federal, state or local laws, statutes, ordinances, rules, regulations or permits as may exist from time to time; or

(4) The proposed permit does not satisfy the requirements contained in section 22-235 hereof; or,

(5) The city, in accordance with section 22-239, has previously revoked a permit issued to the applicant and/or removed any banners installed by the applicant.

Transportation

(a) Temporary street closures.

7. (1) Required. When a planned event will cause or require one (1) or more of the following:_____

a. Temporary obstruction of or redirection of normal traffic flow on public right-of-way or traffic control during abnormally high traffic caused by an event;

b. City staff involvement before, during or after the event, such as, but not limited to:

1. Planning or consultation;

2. Police officers;

3. Traffic control technicians.

(2) May be issued to. Any person.

(3) Scope of work. The desired event is permitted after city review and approval of street closures, traffic-control plan approval and payment of all costs anticipated to be incurred by the city.

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Permit types.

Transportation

IV

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When the public see a violation, who do they call? Transportation or TPD

c) Nonmotorized vehicle permit.

There should be a definition of non-motorized vehicles

8. (1) Required. When a nonmotorized vehicle operates upon the public streets of the city, city staff involvement is required before or after the event, such as, but not limited to:

a. Planning or consultation;

b. Police officers;

c. Zoning

(d) Queuing on sidewalk permit in Ybor City Historic District.

III N

9. (1) Required. When an event on abutting private property in the Ybor City Historic District will require the use and management of queuing lines on public right-of-way, provided, however, that the public right-of-way where the queuing line will be operated is no less than eight (8) feet in width.

(2) Eligible permittee. May be issued to any person or organization in the Ybor City Historic District in good standing with the State of Florida that satisfies the requirements below.

(3) Duration of permit. Each permit shall be valid for one (1) year, unless a shorter period of time is requested by the applicant. Any permit issued hereunder may be revoked or suspended as provided herein.

(4) Application requirements. Each applicant shall present: a) evidence of commercial general liability insurance in the amount of one million dollars (\$1,000,000.00) combined single limit each occurrence. All insurance shall remain in effect during the term of the permit, be from companies duly authorized to do business in the State of Florida, provide that the city is an additional named insured as to the operation of the queuing line, permittee shall be responsible for payment of any and all deductibles and shall contain a severability of interest provision. Thirty (30) days' written notice must be given the city of any cancellation or reduction in the policy coverages. b) A queuing line plan that identifies:

a. A graphic depiction of the permittees property in relation to the adjacent right-of-way that

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Permit types.

shows the permittee's property boundary, points of entry and exit, and location of all existing public improvements, including, but not limited to, benches, fire hydrants, and landscaping. The depiction shall include the distance (in feet) between objects and property boundary; and,

b. Removable queuing line stanchion materials approved by the city; and,

c. The proposed queuing line plan and pedestrian circulation pattern reserving and depicting a minimum 1.2 meter (4.0 feet) unobstructed pedestrian path and clearance over the right-of-way, excluding the curb and queuing line area, for non-queuing pedestrian traffic traveling over the right-of-way; and,

d. Compliance with applicable fire code clearance requirement at building entry and exit points for the safe and unobstructed ingress and egress from the building; and,

e. If applicable, that the queuing line plan preserves an uninterrupted flow of pedestrian traffic with any other queuing line on adjacent rights-of-way areas; and,

f. The hours of operation, provided that the queuing line may not be in use for more than eight (8) hours in any twenty-four-hour period.

(5) Queuing line equipment. All queuing line equipment and stanchions must be removable, not cause an obstruction in the right-of-way when removed and stored off the right-of-way when not in use.

(6) Permit. The official shall issue a queuing line permit to each applicant that satisfies the application standards and operation requirements herein.

(7) Permit renewal. Any person or organization to whom a queuing line permit has been issued under the provisions of this article shall be entitled to renew such permit from year to year; provided, however, that such person or organization be and remain in compliance with the provisions of this article and such other applicable ordinances, rules and regulations as shall be enacted or adopted from time to time by the city and shall pay the appropriate renewal fee and apply for the renewal no later than thirty (30) days prior to the expiration of the permit for which renewal is sought.

(8) Permit suspension; revocation. Each permit shall be subject to the following conditions:
a) all permits shall be automatically temporarily suspended and the queuing line removed

by the permittee upon declaration of a state of emergency, upon the issuance of a tropical storm or hurricane warning or warning of severe inclement weather by the county and shall stay in effect until the state of emergency is lifted or the severe weather event is over; b) subject to reasonable notice, a permit may be temporarily suspended by the city for a permitted special event that will include the right-of-way permitted for the queuing line. Said notice shall, at minimum, identify the date, time and location of the special event as well as the period of temporary suspension of the permit, which shall not exceed the period of the special event.

The official may revoke a permit if: the permit was issued by mistake of law or fact; the permit was issued upon a false statement or misrepresentation by the applicant; the queuing line is not operated in accordance with the approved queuing line plan or requirements of this chapter; or, payment of the permit fee or renewal fee was not effected due to insufficient funds or similar reason.

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Nonmotorized vehicle-- Permit required; one permit for each business or operation; permit to be attached to each vehicle.

(a) It is unlawful to operate or cause to be operated any nonmotorized vehicle upon the public streets or waterways of the city without first having obtained a permit for each such vehicle.

1.(b) It is the intent of this section to require only one (1) permit for each nonmotorized vehicle business or operation.

(c) Every vehicle of any nonmotorized vehicle business or operation shall have attached the permit issued to the business or operation. Such permit shall be conspicuously displayed at the rear of the vehicle or carriage at all times.

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26-63

Same-- Adherence to plan submitted in application

(a) Nonmotorized vehicle permittees must adhere to the routes, rates and vehicle number and design as specified in their approved application for a permit. Any deviance from the application without the approval of the city transportation manager shall be a violation of this article.

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required; amendments to plan; modifications to plan by transportation manager.

2.(b) The permittee or owner may submit amendments to his application or plan; however, all such amendments shall undergo the same review and approval process as required for the initial application.

(c) The city transportation manager reserves the right to modify the permitted routes in the application whenever necessity dictates.

ZONING

Vehicle parking

(a) Recreation vehicles and private pleasure craft. Any owner of recreation vehicles and private pleasure craft may park or store such equipment on private residential property subject to the following conditions:

3. (1) At no time shall such vehicles or crafts be occupied or used for living, sleeping or housekeeping purposes.

(2) Parking is permitted anywhere on a lot for loading and unloading purposes for a period not exceeding twenty-four (24) hours.

(3) At no time shall vehicles be connected to any utility service.

(4) Parking is not permitted within a waterfront yard except for boats when provisions have been made to place the boat directly into the water from its place of parking.

(5) a. If such vehicle or craft is parked or stored outside of an enclosed garage, it may be parked in any rear, side or corner yards; however, it shall be parked or stored no closer to the front property line than that portion of the front facade of the principal structure which is the farthest distance from the front property line, and shall be parked or stored a minimum of zero (0) feet from all other property lines, provided that vehicle or crafts parked or stored in the corner yard shall be screened from the street right-of-way with a six-foot high solid fence or hedge.

It is the intent of this ordinance and this subsection (5)a. to encourage and require vehicles and crafts to be parked in side or corner or rear yards; however, if no more than one-third (1/3) of the vehicles or craft extends towards the front property line, beyond that portion of the front facade of the principal structure which is the farthest distance from the front

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Zoning

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property line, it shall be deemed feasible to park in accordance with this subsection (5)a., and the vehicle or craft shall be parked in accordance with this subsection (5)a. and may not be parked in accordance with subsection (5)b. hereof.

No part or portion of the vehicle or craft, including the trailer or equipment used to transport the same, can extend beyond the vertical plane of the side, corner or rear property lines.

b. If it is not feasible* to park a vehicle or craft in accordance with the provisions of subsection (5)a. above, then it shall be permissible to park such vehicle or craft in the front yard, subject to the following limitations:

1. The vehicle or craft (including any trailer or equipment to transport the same) shall be setback five (5) feet from the front property line.

2. No vehicle or craft shall be parked in a location in the front yard that causes a sight obstruction to any pedestrian or operator of any vehicle by either materially impeding or obstructing the visibility of oncoming traffic or the visibility of a lawfully placed traffic control device.

3. No more than one (1) vehicle (including crafts) shall be parked in the front yard.

4. The vehicle or crafts may only be parked within the front yard on an existing driveway area which was designed and intended to provided ingress and egress of vehicular traffic from the street.

5. The height limitation on vehicles and crafts shall be ten (10) feet and the length limitation shall be twenty-six (26) feet. Height shall be measured from the highest point of the vehicle or craft to the lowest point of the vehicle or craft, including all antennas, extensions, appurtenances and trailers (and extensions thereof). Length shall be measured from the longest distance from the front of the vehicle or craft to the back or end of the vehicle or craft, including all antennas, extensions, appurtenances and trailers (and extensions thereof).

*For purposes of this subsection it shall be deemed "not feasible" to park a vehicle or craft in accordance with subsection (5)a. above if the vehicle or craft, including the trailer or equipment used to transport the same, is of such a size that existing structures, or trees or landscaping (which cannot be removed without a permit as required by chapter 13),

completely prevent or impede such vehicle or craft from being maneuvered into and located within the side and corner and rear yards.

c. The board of adjustment is authorized to vary the limitations set forth in subsections b.1, b.3., b.4., and b.5. above in accordance with the criteria set forth in section 27-345; however, the limitation set forth in subsection b.2. may not be varied.

(6) If a craft is parked or stored outside of an enclosed garage, it shall be located on a trailer with tires, and if a vehicle is parked or stored outside of an enclosed garage, it shall be on wheels.

(7) All vehicles, crafts and trailers parked anywhere on residential property shall be licensed in accordance with all laws of the State of Florida.

(b) Commercial equipment in residential districts. The parking of commercial equipment in any residential district is prohibited. This requirement shall not be interpreted to prohibit commercial vehicles from loading and unloading in any residential district and shall not prevent temporary parking of vehicles on a lot as accessory to a lawful commercial use of the same residential lot or require such vehicles to be garaged. Parking is, however, permitted within any entirely enclosed structure which meets the regulatory requirements for the applicable zoning district.

(c) Commercial equipment in office and commercial districts. The parking of commercial equipment in the office, CN and CG districts is limited to two (2) vehicles per establishment. The maximum size of the vehicles shall be standard van or one-half-ton pickup truck.

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Tents.

Tents may be erected only as temporary structures provided that the activity for which the tent is being used is consistent with the uses permitted in the underlying zoning district. There shall be no extension to the duration or time frame for which a tent may be erected as specified in this section. Structures erected for longer periods of time than allowed by this section must be designed as permanent structures and comply with current building codes, land development regulations and fire codes.

4.-(a) Tents one hundred (100) square feet or less in covered area are subject to the following limitations:

(1) Tents are allowed on public right(s)-of-way during special events or festivals as

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designated and approved by city council pursuant to a parade, block party or road festival permit, subject to and in accordance with the provisions of such permit, or on private property located contiguous to a public right-of-way that has been closed during a parade, block party or festival. Tents are also allowed in City of Tampa Parks if approved by the City of Tampa Parks Department in connection with an event of limited duration, on residential property when erected for five (5) days or less for an activity normally associated with a residential use, or as otherwise provided by law.

(2) One (1) tent of this size may be permitted per zoning lot or portion thereof, only as an accessory to an existing approved principal structure. An exception to this condition may be given when multiple tents are requested in conjunction with a major festival and when an approved assembly permit for the zoning lot has been issued through the City of Tampa Fire Marshal's office.

(3) A tent may be erected for no more than thirty (30) total cumulative days during any consecutive twelve-month period.

(4) The tent must be placed in compliance with the minimum setback requirements of the underlying zoning district.

(5) The tent may not block access to any required parking spaces, or impede the safe passage of any vehicle in a parking lot.

(6) All tent installations shall comply with the latest edition of the applicable Fire Safety Codes.

(7) All electrical, plumbing or mechanical installations shall be permitted through the applicable City of Tampa Departments.

(8) Tents shall be taken down in cases of impending tropical storms twenty-four (24) hours in advance.

(b) Tents larger than one hundred (100) square feet are subject to the following limitations:

(1) Tents are allowed on public right(s)-of-way during special events or festivals as designated and approved by city council pursuant to a parade, block party or road festival permit, subject to and in accordance with the provisions of such permit, or on private property located contiguous to a public right-of-way that has been closed during a parade,

block party or festival. Tents are also allowed in City of Tampa parks if approved by the City of Tampa Parks Department in connection with an event of limited duration, on residential property when erected for five (5) days or less for an activity normally associated with a residential use, or as otherwise provided by law.

(2) Tents when erected for five days or less for an activity normally associated with a residential use and on residential property must comply with subsections 27-148(b)(6), (8) and (10) below.

(3) Tents when used for longer than a five day period must submit a site plan showing compliance with the following requirements:

a. Sufficient parking must be available on the zoning lot to accommodate the proposed use taking place within the tent in addition to any other use on the zoning lot, per section 27-242, Number of off-street parking spaces, and section 27-246, Off-street parking space standards. For vacant, undeveloped property, it is not required that the parking lot surface be paved, provided DPW determines the surface is suitable for the quantity and frequency of traffic expected to use it. A level and flat surface free from tripping hazards and other potential safety hazards must be maintained in good condition so as not to become a public nuisance.

b. Driveway access, to be approved by the department of public works, is required to provide safe ingress and egress to and from the site without damaging existing sidewalks or curbs.

c. Adequate restroom facilities must be available at the tent site, or a written agreement allowing access to restroom facilities within two hundred fifty (250) feet of the tent site must be provided.

(4) Only one (1) tent may be erected per zoning lot or portion thereof. An exception to this condition may be given when multiple tents are requested in conjunction with a major festival and when an approved assembly permit for the zoning lot has been issued through the City of Tampa Fire Marshal's office.

(5) A tent may be erected for no more than one hundred twenty (120) total cumulative days within any consecutive twelve-month period. There must be a minimum thirty (30) day hiatus for every sixty (60) consecutive days a tent remains erected.

(6) A tent must be placed in compliance with the setback requirements of the underlying zoning district.

(7) All tent installations shall comply with the latest edition of the applicable Fire Safety Codes.

(8) All electrical, plumbing or mechanical installations shall be permitted through the applicable City of Tampa Departments.

(9) When applicable from other city departments, approvals and permits shall be obtained prior to issuance of the fire marshal tent permit.

(10) Tents shall be taken down in cases of impending tropical storms twenty-four (24) hours in advance.

(11) If the listed use of the tent changes from the original use, a new permit is required.

(12) An assembly permit is required for any tent that is capable of having an occupant capacity of one hundred (100) or more persons. Documentation of seating and table arrangements and emergency exit locations shall be shown on-site plans submitted for review and approval by the fire marshal.

(c) The zoning administrator may approve tents on an annual basis in commercial and industrial districts when it can be demonstrated by the applicant that:

(1) The use of a tent is shown to be integral to the type of business proposed.

(2) There is no signage or advertising on the tent.

(3) The tent is attached to the ground and maintained free from excessive wear.

sites and property in historic districts, multiple property designation or conservation overlay district.

of this section is to prevent a person from forcing the demolition of his structure by neglecting it and permitting damage to it by weather or vandalism, and to protect Tampa's historic resources by intervening when a historically designated structure is undergoing demolition by neglect. Demolition by neglect is defined as a situation in which a property owner, or others having legal possession, custody or control of a property, allow the condition of a contributing structure or structure designated as a landmark, to suffer such deterioration, potentially beyond the point of repair, as to threaten the structural integrity of the structure or its relevant architectural detail to a degree that the structure and its character may potentially be lost to current and future generations. No provision in this chapter shall be interpreted to require an owner or tenant to restore the structure to its original appearance.

5. (b) Ways to improve the condition of the property. The BLC administrator shall request a meeting with the owner and the tenant when the landmark or contributing structure is in poor repair, and the BLC administrator shall discuss with them ways to improve the condition of the property. After this step the BLC administrator may request the department of growth management and development services or code enforcement to take action to require correction of defects in any structure designated under this chapter so that such structure shall be preserved in accordance with the purposes of this chapter. In the event emergency conditions dangerous to life, health or property exist, as determined pursuant to subsection (e), the BLC administrator does not have to comply with the provisions of this subsection.

(c) Ordinary maintenance and repairs. Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness, provided that the work involves repairs to existing features of a structure or the replacement of elements of a building or structure with pieces identical in appearance and provided that the work does not change the structure's exterior appearance which is visible to the public.

(d) Control of demolition by neglect of contributing structures within local historic districts or those structures designated as local landmarks.

(1) In order to promote the purposes of historic preservation, this subsection requires that owners of historic properties maintain their properties and not allow them to fall into disrepair. The requirements of this subsection are applicable only to contributing structures in local historic districts or those structures designated as local landmarks.

(2) Conditions of neglect defined and prohibited. Owners or others having legal possession, custody or control of a contributing structure in a local historic district or a structure designated as a local landmark shall maintain or cause to be maintained the exterior and structural features of their properties and not allow conditions of neglect to occur on such properties. It is a violation to fail to remedy a condition of neglect as defined in this section.

Conditions of neglect include, but are not limited to, the following:

a. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

b. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling.

c. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.

d. Deterioration or crumbling of exterior brick, plaster or mortar.

e. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

f. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

g. Rotting, holes, and other forms of decay.

h. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delaminating, instability, loss of shape and form, or crumbling.

i. Deterioration that has a detrimental effect on the surrounding historic district.

j. Deterioration that contributes to a hazardous or unsafe condition.

(2) Undue economic hardship. A property owner who believes that application of this section creates an undue economic hardship may apply for a variance under the process contained in section 27-183, but applying the economic hardship criteria contained section

27-190.

(e) Emergency conditions. In any case where the department of growth management and development services, in coordination with the code enforcement department, determines that there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site or a property in a historic district, the department may order the remedying of these conditions without the approval of the BLC. The department shall promptly notify the administrator of the BLC of the action being taken. When the emergency conditions do not require demolition, the department shall make every effort to carry out the intent of this chapter and to use the design standards of the BLC when remedying the emergency conditions. Failure to comply with an order issued pursuant to this section, within the reasonable time set within the order for compliance, is a violation of this Code.

(f) Other laws and regulations. The provisions of this section shall be in addition to all other provisions of the state and city laws and regulations requiring that buildings and structures be kept in good repair.

27

27-220

Maintenance and repair of landmarks, landmark sites and property in historic districts, multiple property designation or conservation overlay district.

a) Prevention of demolition by neglect. The owner and the tenant of a landmark, a landmark site or a property in a historic district, multiple property designation or conservation overlay district, shall keep in good repair: (1) all of the exterior portions of such structures; and (2) all interior portions thereof which, if not so maintained, may cause such structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair. The purpose of this section is to prevent a person from forcing the demolition of his structure by neglecting it and permitting damage to it by weather or vandalism, and to protect Tampa's historic resources by intervening when a historically designated structure is undergoing demolition by neglect. Demolition by neglect is defined as a situation in which a property owner, or others having legal possession, custody or control of a property, allow the condition of a contributing structure or structure designated as a landmark, to suffer such deterioration, potentially beyond the point of repair, as to threaten the structural integrity of the structure or its relevant architectural detail to a degree that the structure and its character may potentially be lost to current and future generations. No provision in this chapter shall be interpreted to require an owner or tenant to restore the structure to its original appearance.

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6. (b) Ways to improve the condition of the property. The ARC administrator shall request a meeting with the owner and the tenant when the landmark or contributing structure is in

poor repair, and the ARC administrator shall discuss with them ways to improve the condition of the property. After this step the ARC administrator may request the department of growth management and development services or code enforcement to take action to require correction of defects in any structure designated under this chapter so that such structure shall be preserved in accordance with the purposes of this chapter. In the event emergency conditions dangerous to life, health or property exist, as determined pursuant to subsection (e), the ARC administrator does not have to comply with the provisions of this subsection.

(c) Ordinary maintenance and repairs. Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness, provided that the work involves repairs to existing features of a structure or the replacement of elements of a building or structure with pieces identical in appearance and provided that the work does not change the structure's exterior appearance which is visible to the public.

(d) Control of demolition by neglect of contributing structures within local historic districts or those structures designated as local landmarks.

(1) In order to promote the purposes of historic preservation, this subsection requires that owners of historic properties maintain their properties and not allow them to fall into disrepair. The requirements of this subsection are applicable only to contributing structures in local historic districts or those structures designated as local landmarks.

(2) Conditions of neglect defined and prohibited. Owners or others having legal possession, custody or control of a contributing structure in a local historic district or a structure designated as a local landmark shall maintain or cause to be maintained the exterior and structural features of their properties and not allow conditions of neglect to occur on such properties. It is a violation to fail to remedy a condition of neglect as defined in this section.

Conditions of neglect include, but are not limited to, the following:

a. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

b. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling.

c. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.

d. Deterioration or crumbling of exterior brick, plaster or mortar.

e. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

f. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

g. Rotting, holes, and other forms of decay.

h. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.

i. Deterioration that has a detrimental effect on the surrounding historic district.

j. Deterioration that contributes to a hazardous or unsafe condition.

(3) Undue economic hardship. A property owner who believes that application of this section creates an undue economic hardship may apply for a variance under the process contained in section 27-214, but applying the economic hardship criteria contained section 27-217 (f)(3).

(e) Emergency conditions. In any case where the department of growth management and development services, in coordination with the code enforcement department, determines that there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site or a property in a historic district, the department may order the remedying of these conditions without the approval of the ARC. The department shall promptly notify the administrator of the ARC of the action being taken. When the emergency conditions do not require demolition, the department shall make every effort to carry out the intent of this chapter and to use the design standards of the ARC when remedying the emergency conditions. Failure to comply with an order issued pursuant to this section, within the reasonable time set within the order for compliance, is a violation of this Code.

Special event parking lots, interim parking lots and residential parking for stadium events

(f) Other laws and regulations. The provisions of this section shall be in addition to all other provisions of the state and city laws and regulations requiring that buildings and structures be kept in good repair.

a) Interim parking. It is the purpose of Interim Parking lots to assist in providing needed levels of parking service to the city. They are a permitted use in any zoning district except RS, RM and site plan controlled districts. Their approval may not exceed five (5) years at any location or portion thereof and may be granted one extension not to exceed one (1) year. Applications for permits for interim parking lots shall include a site plan demonstrating compliance with the following standards and requirements:

7.-(1) Those standards and requirements regarding parking aisle layout, traffic lanes, ingress/egress to the surrounding roadway network and perimeter buffering as set forth in Chapter 27, City of Tampa Code. The city shall review the parking request for compatibility with the city's maintenance of traffic plan to assess the impact on the surrounding roadway network. The city may impose reasonable conditions, including a traffic study if necessary, to assure the continued compatibility with the surrounding roadway network.

(2) Any driveway access (apron) located in the public right-of-way shall be paved per department of public works ("DPW") standards to preserve the edge of the roadway and protect it from erosion or damage.

(3) Interim parking lots are required to set aside a ten-foot wide level surface area along those portions of the property which abut public right-of-way where sidewalks are not available to accommodate the safe passage of pedestrians off-site, in accordance with commonly accepted traffic engineering practices subject to the review and approval of the city. The ten-foot wide area shall be located along the edge of the curb or road surface and may be required to be extended into the private property if sufficient right-of-way is not available. The city transportation division may allow a reduction of the ten-foot width if the division determines that safety concerns are otherwise met.

(4) Parking spaces must be delineated with bumper stops or other DPW approved methods. See Diagram 10-3.

(5) Paved interim parking lots are required to meet all City of Tampa land development regulations; however, paving of the interim parking lot is not required. The surface must be

level and suitable for the quantity and frequency of traffic expected to use it. The lot must be maintained with a level and flat surface free from tripping hazards, areas of discontinuity of surface or other potential safety hazards. The lot must also be maintained in good condition and not become a public nuisance. Conditions which must be avoided shall include and not be limited to erosion problems (including irrigation blowouts, rain washouts, etc.), silting of streets, dust, overgrowth and the accumulation of litter and debris.

(6) Unpaved interim parking lots are not required to meet the landscaping and buffering requirements for vehicular use areas set forth in Chapter 13, City of Tampa Code. However, there shall be provided a perimeter buffer, including wheel stops (or other approved method) placed two (2) feet back from any landscaped area and a five-foot wide break in the perimeter landscape to accommodate a pedestrian pathway to the right-of-way. There shall be one break per 100 linear feet of frontage as indicated in options A, B, or C (Diagram 10-4) along the edge of the surface lot fronting the public right-of-way. Existing protected trees on a permitted interim lot shall be protected in accordance with Chapter 13, City of Tampa Code. No removal of trees shall be permitted on interim parking lots.

An alternate landscape plan may be approved by the variance review board, architectural review board or Barrio Latino Commission, depending on-site location. The alternate plan must demonstrate a uniqueness of the site to warrant deviation from the above requirements. The alternate plan must provide landscaping equivalent to or exceeding the minimum landscaping stated above.

(7) Sales, dead storage, repair, dismantling and service of motor vehicles shall not be permitted at interim parking lots.

(8) Interim parking lots shall provide parking for disabled persons in accordance with the provisions of F.S. §§ 316.1955 and 316.1956, and such spaces shall be included in the minimum number of parking spaces required by this article.

(9) Maintenance: Turf areas shall be mowed to a maximum height of eight (8) inches. Irrigation systems are to maintain a ninety-eight (98) percent operational status and be controlled by an automatic timer with a rain shutoff mechanism. Trees and shrubs shall be maintained as per Chapter 13, City of Tampa Code.

(10) Interim parking lots may be used for special event parking provided a sign is prominently displayed during each event. The sign (minimum eighteen (18) inches ×

twenty-four (24) inches shall be posted on private property at each entrance stating the cost of parking in the lot space. No sign may exceed four (4) square feet in area.

(11) Wreckers. All permitted interim parking lot operators shall utilize the services of wreckers who have obtained a certificate of eligibility from the Hillsborough County Public Transportation Commission for any nonconsensual towing from the lot.

(b) Special event parking. Due to the limited land available for parking and the short term duration and single occurrence of many events, special event parking is a permitted use in any zoning district except RS, RM and site plan controlled districts. Applications for permits for special event parking lots shall include a site plan demonstrating compliance with the following minimum requirements. Any violation of this section shall give the city authority to suspend or revoke the special event parking permit:

(1) Permits for each lot may be issued for special event parking on private or public property for a period not to exceed six (6) months. Permits for special event parking may be renewed every six (6) months.

(2) The use of special event parking lots shall coincide with a special event that requires overflow parking on a short-term basis, as further defined herein. The operation of a special event parking lot at any other time is prohibited. Access to the parking lot shall be secured when the lot is not in use.

(3) Special event parking lots are not required to meet City of Tampa Code requirements related to parking lot landscaping, paving, or drainage. They are required to provide safe access to and from the site without damage to existing sidewalks or curbs through an improved, safe driveway access. Any damaged area shall be immediately secured in such a fashion that will prevent pedestrian or vehicular access to such area, and shall be repaired within two weeks of the occurrence of the damage. If the damage is not repaired within two weeks of occurrence, the city shall have the authority to suspend or revoke the special event parking permit.

(4) Special event parking lots shall set aside a ten-foot wide level surface area along those portions of the property which abut public right-of-way, where sidewalks are not available, to accommodate the safe passage of pedestrians off-site in accordance with commonly accepted traffic engineering practices, subject to the review and approval of the city. This ten-foot wide area shall be located along the edge of the curb or road surface and may be

required to extend into the private property if sufficient right-of-way is not available. The city transportation division may allow a reduction in the ten-foot width if the division determines that safety concerns are otherwise met.

(5) The city shall review the special event parking request for compatibility with the city's maintenance of traffic plan to assess the impact on the surrounding roadway network. The city may impose reasonable conditions, including a traffic study if necessary, to the special event parking permit to assure the continued compatibility with the surrounding roadway network.

(6) Special event parking lots shall provide parking for disabled persons in accordance with the provisions of Fla. Stat. §§ 316.1955 and 316.1956, and such spaces shall be included in the minimum number of parking spaces required by this article.

(7) The parking lot surface must be level and suitable for the quantity and frequency of traffic expected to use it. The lot must be maintained with a level and flat surface free from tripping hazards, areas of discontinuity of surface or other potential safety hazards. The lot must be maintained in good condition and not become a public nuisance. Conditions which must be avoided shall include and not be limited to erosion problems (including irrigation blowouts, rain washouts, etc.), potholes, silting of streets, dust, overgrowth, and accumulation of litter and debris. Litter and debris must be removed from the site after every special event.

(8) The special event parking lot permit shall be prominently displayed during each event. A sign (minimum eighteen (18) inches × twenty-four (24) inches) shall be posted on private property at each entrance stating the cost of parking in the lot space. No sign can exceed four (4) square feet in area.

(9) Tree protection: Existing protected trees on a permitted special event lot shall be protected in accordance with those standards found in Chapter 13, City of Tampa Code. No removal of trees shall be permitted on special event parking lots.

(10) Wreckers. All permitted special event parking lot operators shall utilize the services of wreckers who have obtained a certificate of eligibility from the Hillsborough County Public Transportation Commission for any nonconsensual towing from the lot.

GRAPHIC LINK:Click here

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(c) Amortization schedule. Existing nonconforming parking lots which are legally established, as determined by the zoning administrator, and operating upon the effective date of this ordinance may continue to operate without meeting the landscaping criteria set forth in section 27-246(1) for a period of two (2) years. Therefore all existing nonconforming parking lots must meet the criteria stated in Article X, section 27-246(1). All nonconforming parking lots in existence on the effective date of this ordinance must meet all other minimum standards of section 27-246.1(b).

(d) Stadium event parking. Off-street parking shall be a permitted accessory use in those residential districts within the immediate area of Raymond James Stadium, subject to the following criteria:

(1) Parking on residential lots shall be permitted only on those days or nights when there is a scheduled event being held at Raymond James Stadium.

(2) The residentially-zoned lot must contain a residential structure that is being used for residential purposes. If the lot does not contain such a structure, it may be used for parking only if it is operated as a special event parking lot in conformance with those requirements set forth in subsection (b) above.

For purposes of this subsection the immediate area of Raymond James Stadium shall be defined as that area North of Interstate I-275, South of Hillsborough Avenue, East of Westshore Boulevard and West of the Hillsborough River.

27

27-272

Regulations governing individual special uses. Vendors

Vendor (all types): All vendors shall be required to obtain a vendor permit (this section shall not apply to vending machines). Vendors that locate in designated city parks and on Franklin Street right-of-way within the Central Business District shall be reviewed by the City of Tampa Parks Department and must comply with the regulations in Chapter 16. Vendors that locate on public right-of-way and are authorized by an event sponsor shall be reviewed by the office of special events and must comply with the regulations in Chapter 25. Vendors that locate on private property are subject to the following provisions:

8.-(a) Additional submittal requirements and review criteria are hereby established for the

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We recommend the violation class be increased.

Also, who enforces the hours of operation? Will TPD enforce it since it could occur during the hours that Code Enforcement Department is not on duty?

five (5) classifications of vendors that locate on private property:

(1) General requirements. Evidence of compliance with the following criteria shall be required as part of the application:

a. Placement of the vendor on the property shall not interfere with required parking, loading and unloading spaces, or the vehicular access to those spaces for the principal use;

b. The vendor may not block, damage, or interfere with required landscaping, buffers, or stormwater improvements on the subject property;

c. The vendor must meet all other applicable city code requirements, with the exception of off-street parking; and,

d. The vendor shall only sell those goods that are legally permitted to be sold by such a use under the applicable laws of the City of Tampa, Hillsborough County, State of Florida, and United States.

(2) Special use criteria by vendor classification.

a. Annual vendor. Annual vendors are prohibited on all lands zoned or used for residential purposes, except as otherwise allowed in this section or by law. Annual vendors shall be allowed on private property that has been zoned or used for commercial or non-residential purposes, subject to the following conditions:

1. The vendor shall only be located on a parcel that meets the minimum lot size and dimensional requirements for the underlying zoning district. Furthermore, vendors shall only be allowed on parcels that lie adjacent to one (1) of the following streets:

i. Hillsborough Avenue, excluding that portion lying within the Seminole Heights Historic District;

ii. Dale Mabry Highway;

iii. Florida Avenue, excluding that portion lying within the Seminole Heights Local Historic District or Tampa Heights Local Historic District;

iv. Nebraska Avenue, excluding that portion lying within the Ybor City Local Historic District;

v. Adamo Drive, excluding that portion lying within the Ybor City Local Historic District;

vi. Broadway Avenue from 40th Street to Columbus Drive;

vii. 22nd Street;

viii. Maritime Boulevard;

ix. Causeway Boulevard;

x. Armenia Avenue between Hillsborough Avenue and Waters Avenue;

xi. Waters Avenue running from Nebraska Avenue (both East and West sides of right-of-way) west to the city limits;

xii. Columbus Avenue;

xiii. Excluding all other road segments adjacent to or running through a local historic district.

2. No display areas, merchandise, or stored items in association with the vendor or those associated with the principal use on the property, which are displaced due to the vending activity shall encroach onto any right-of-way or onto any adjacent private property without express permission from that property owner in accordance with this section;

3. The vendor shall provide a sworn statement from the property owner on a form provided by the city indicating that the vendor has permission to vend on that site, along with the following:

i. The property owner may allow the vendor and vendor's patrons access to bathroom facilities on the subject property, when available;

ii. The property owner shall state that the vendor shall meet all local, state and federal regulations, ordinance, statutes and laws in regards to his specific business; and,

iii. The property owner shall state that he understands the regulations governing vendors and will be held responsible, along with the vendor, for any code violations.

iv. The property owner shall state that the property shall be continuously maintained in a neat, clean, and orderly manner.

4. The vendor shall be allowed to set up in accordance with the principal structure setbacks of the underlying zoning district;

5. The vending sales area shall not be allowed to utilize more than two (2) parking spaces or six hundred (600) square feet in area, whichever is greater. However, at no time shall the required number of parking spaces for the principal use of the property be rendered non-conforming due to the vendor use;

6. The vendor shall be allowed to be located and operate on the site from dawn to dusk only. On sites containing less than one-half (1/2) acre in area. all equipment and supplies shall be removed from the site at the end of each day. On developed sites that contain a half acre or more, the equipment may remain if secured/tied down;

7. The vendor shall be prohibited from selling or distributing any type of glass container;

8. Only one (1) annual vendor shall be allowed on any one zoning lot;

9. A vendor proposing to sell food shall submit a copy of all permits and licenses required by the State of Florida and the Hillsborough County to the City of Tampa at the time of the submittal of the special use application;

10. The maximum sign area allowed for the vending operation shall be twelve (12) square feet; and,

11. All vending carts or structures shall meet the following design standards and those graphically depicted in Vendor Cart Illustrations Diagram 6.3; however, alternative designs may be considered by the zoning administrator:

i. Maximum size ten-foot width, twenty-foot length and eight (8) feet in height (measured from the surface of the tire or wheel sits on to the upper most limit of the roof or canopy/umbrella, including vent structures);

ii. Any umbrellas or coverings shall not extend more than two (2) feet beyond the outer edge or in height of the vendor cart or structure;

iii. Fender covers are required for rubber tires;

iv. The trailer hitch must be concealed while the vendor is occurring and, at all times the

trailer is parked or stored in a zoning district where open storage is permitted;

v. If exterior lights are incorporated on the cart, the light source must be a steady light (no flashing lights) and it must be concealed or other method of indirect lighting;

12. All waste and/or refuse shall be removed from the vendor area and placed in an appropriate, legally designated receptacle for the private property on a daily basis for the duration of the sales period;

13. Time limit: Vendors in compliance with the above requirements may be approved for a one-year period. The zoning administrator may grant an annual extension with continued compliance with the standards above.

b. Special event vendor (City of Tampa sanctioned special events). During a special event or festival sanctioned by city council pursuant to a parade, block party, or road festival permit, vendors may be allowed on private property that lay adjacent to the public right(s)-of-way that is(are) closed during the special event or festival, subject to and in accordance with the parade, block party, or road festival permit, and shall adhere to the following:

1. The vendor may not impede the safe flow of people and vehicles during use of the vendor site;

2. The vendor must obtain all applicable city, county and state licenses and permits and must display them in plain view. If applicable, the vendor must also display an event authorization tag issued to the vendor by the event sponsor;

3. The vendor must clear the vendor site of all litter and debris after use;

4. The vendor shall be prohibited from selling or distributing any type of glass container; and,

5. Time limit: An approved vendor may operate during the event hours only. The vendor may prepare the specific vending location on the property beginning no more than two (2) hours prior to the special event. Furthermore, the vendor must be cleared from the property no later than one (1) hour after the end of the event.

c. Sports and entertainment vendor. These are vendors that are operating in association with any event:

1. Events held within these boundaries for the St. Pete Times Forum [sales boundaries]: south of Brorein Street, east of Florida Avenue, west of Meridian Street, and north of St. Pete Times Forum Drive;

2. Events held within these boundaries for Raymond James Stadium [sales boundaries]: south of Hillsborough Avenue, east of Lots Avenue, west of Hillsborough River, and north of Interstate-275; and,

3. Events held within these boundaries for Legends Field sales boundaries: south of Cayuga Avenue, east of Lois Avenue, west of Himes Avenue and north of Tampa Bay Boulevard.

4. When allowed, vendors must meet the following conditions:

i. Sales shall be allowed on any lot (within the above described boundaries that lies adjacent to collector or arterial street) located in an office, commercial or industrial zoning district;

ii. No display areas, merchandise, or stored items in association with the vendor or those associated with the principal use on the property, which are displaced due to the vending activity shall encroach onto any right-of-way nor onto any adjacent private property without express permission from that property owner in accordance with this section;

iii. The vendor may not impede the safe flow of people and vehicles during use of the vendor site;

iv. The vendor shall be setback a minimum of ten (10) feet from the public right-of-way, including all display area, carts, tents, and trailers. However, at no time may the location violate section 27-240, Visibility at intersections;

v. The vendor shall be prohibited from selling or distributing any type of glass container;

vi. Signs shall not exceed a maximum [of] twelve (12) square feet for all total signs used in conjunction with the vending operation;

vii. The vendor shall provide a sworn statement from the property owner and the vendor on a form provided by the city indicating that the vendor has permission to vend on that site;

viii. The property owner shall state that the vendor shall meet all local, state, and federal regulations, ordinance, statutes and laws in regards to his specific business;

ix. The property owner shall state that he understands the regulations governing vendors and will be held responsible, along with the vendor, for any code violations;

x. The vendor shall not be allowed to eliminate required parking spaces for the principal use of the property;

xi. Time limit: An approved vendor may operate during the event hours only. The vendor may prepare the specific vending location on the property beginning no more than four (4) hours prior to the special event. Furthermore, the vendor must be cleared from the property no later than two (2) hours after the end of the event;

xii. Only one (1) sports and entertainment vendor shall be allowed on any individual zoning lot; and,

xiii. All waste and/or refuse shall be removed from the vendor area and placed in an appropriate, legally designated receptacle for the private property on a daily basis for the duration of the sales period.

d. Temporary vendor: Temporary vendor sales shall be allowed by permit on parcels that are zoned or used for non-residential uses subject to the following provisions:

1. No more than six (6) permits shall be issued per parcel in any calendar year and the duration of the vending on the parcel shall not exceed forty-five (45) consecutive days per permit issued on parcels that contain less than twenty-five (25) acres;

2. Unlimited permits shall be issued per parcel in any calendar year and the duration of the vending on the parcel shall not exceed forty-five (45) consecutive days per permit issued on parcels that contain twenty-five (25) or more acres;

3. No display areas, merchandise, or stored items in association with the vendor or those associated with the principal use on the property, which are displaced due to the vending activity shall encroach onto any right-of-way nor onto any adjacent private property without express permission from that property owner in accordance with this section;

4. The vendor shall maintain a minimum setback of ten (10) feet from the public right-of-

way, including all display area, carts, tents, and trailers. However, at no time shall the location violate section 27-240, Visibility at intersections;

5. For purposes of this subsection, allowable signage for temporary vendor tents and/or carts shall be calculated based on the "building sign" factor and method, as set forth in chapter 20.5, to find the maximum allowable square-feet of copy area. The maximum copy area that is determined may be utilized as building signs, banners, or freestanding signs, so long as the maximum copy area is not exceeded; and,

6. The vendor shall provide a sworn statement from the property owner on a form provided by the city indicating that the vendor has permission to vend on that site, along with the following:

i. The property owner shall state that the vendor shall meet all local, state, and federal regulations, ordinance, statutes and laws in regards to his specific business;

ii. The property owner shall state that he understands the regulations governing vendors and will be held responsible, along with the vendor, for any code violations;

iii. The vendor shall not be allowed to eliminate required parking spaces for the principal use of the property;

iv. The vendor shall be prohibited from selling or distributing any type of glass container;

v. The vendor shall be allowed to be operate on the site between the hours of 7:00 a.m. to 9:00 p.m.;

vi. Only one (1) temporary vendor shall be allowed on any individual zoning lot that contains less than twenty-five (25) acres;

vii. All waste and/or refuse shall be removed from the vendor area and placed in an appropriate, legally designated receptacle for the private property on a daily basis for the duration of the sales period.

e. Ybor City Historic District Vendor. Vendors are prohibited within the Ybor City Historic District, except as follows:

1. Vendors shall be allowed within the Ybor City Historic District under the following

circumstances and subject to the following conditions:

i. During a special event or festival designated by city council pursuant to a parade, block party or road festival permit, vendors may be allowed on private property that lies adjacent to subject to the public right(s)-of-way that is closed during the special event or festival and in accordance with the parade, block party or road festival permit;

ii. On a city park if allowed by the city's parks department in connection with a event or festival of a limited duration; or

iii. As a subordinate use, which is integral to the conforming principal use of the property, the design of which subordinate use has been reviewed and approved by the Barrio Latino Commission.

2. When allowed, vendors must meet the following conditions:

i. The vendor must clear the vendor site of all litter and debris after use;

ii. The vendor shall be prohibited from selling or distributing any type of glass container;

iii. The vendor may not impede the safe flow of people and vehicles during use of the vendor site; and,

iv. The vendor must obtain all applicable city, state, county, and health department licenses and permits and display them in plain view. If applicable, the vendor must also display an event authorization tag issued to the vendor by the event sponsor.

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ALCOHOLI
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BEVERAGE
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It shall be unlawful for any person or entity to sell any type of alcoholic beverage from any parcel of land within the city, unless the parcel of land has been granted a permit for the sale of alcoholic beverages, pursuant to the provisions of this chapter.

9.-(Ord. No. 2008-53, § 10, 3-20-08)

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