

TAB 6



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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

CITY OF PALMETTO CODE ENFORCEMENT BOARD

CITY OF PALMETTO
A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CEB 09-16

Juan Gonzalez
319 15th Street West
Palmetto, Florida 34221

Respondent.

NOTICE OF HEARING

Address of Violation:
319 15th Street West
Palmetto, Florida 34221

Pursuant to Chapter 162, Florida Statutes, and City of Palmetto Code of Ordinances, Chapter 2, you are hereby called upon to take notice that a Public Hearing will be conducted before the City of Palmetto Code Enforcement Board (CEB) on the 28th day of July, 2009, at 6:00 P.M. in the Commission Chambers at City Hall, which is located at 516 8th Avenue West, Palmetto, Florida. The purpose of the hearing is to determine whether the City of Palmetto Code of Ordinances is being violated as set forth in the Notice of Violation dated May 12, 2009, and previously provided to you by Certified Mail/Return Receipt Requested on May 12, 2009. A copy of the Notice of Violation is attached to this Notice of Hearing as Exhibit A. The CEB will receive testimony and evidence at said Public Hearing and shall make such findings of fact and conclusions of law as are supported by the testimony and

evidence pertaining to the matters alleged in the attached Notice of Violation. **If you are found to be in violation, a fine may be assessed against you, as provided by law.** The purpose of the hearing shall be to conduct proceedings regarding the attached Notice of Violation attached hereto as Exhibit A.

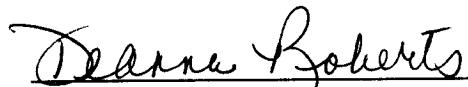
If you desire to appeal any decision of the CEB with respect to any matter considered at this Public Hearing, you will need a verbatim record of the proceedings and for that purpose, you need to insure that a verbatim record is made which includes the testimony, and evidence upon which the appeal is to be based. The hearing may be continued from time to time as deemed warranted and appropriate by the CEB. This case may be presented to the CEB even if the violation or repeat violation has been corrected prior to the hearing.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATE STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ASSISTANCE TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE CODE ENFORCEMENT BOARD CLERK FOR ASSISTANCE AT LEAST THREE BUSINESS DAYS PRIOR TO THE MEETING AT (941) 723-4570.

PLEASE GOVERN YOURSELF ACCORDINGLY.

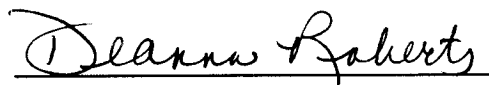
DATED: July 6, 2009

**CODE ENFORCEMENT BOARD OF THE
CITY OF PALMETTO, FLORIDA**



Deanna Roberts
Clerk of the Board

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Certified Mail/Return Receipt Requested and by Regular Mail to the Respondent this 6th day of July, 2009.



Deanna Roberts
Clerk of the Board

cc: Mark Barnebey, City Attorney
David P. Persson, Code Enforcement Board Attorney

CEB 09-16 H. H. H. H.

Chapter 6

ANIMALS*

Art. I. In General, §§ 6-1—6-25

Art. II. Livestock and Fowl, §§ 6-26—6-31

ARTICLE I. IN GENERAL

Sec. 6-1. Bird sanctuary.

(a) The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.

(b) It shall be unlawful for any person to trap, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob their nests; provided however, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the city, then in such event the health authorities shall meet the representatives of the Audubon Society, garden club or humane society after having given at least three (3) days' notice of the time and place of the meeting to the representative of the club. If, as a result of the meeting, no satisfactory alternative is found to abate such nuisance, then said birds may be destroyed in such numbers and in such manner as is deemed advisable by the health authorities under the supervision of the chief of police.

(Code 1975, § 6-1)

Sec. 6-2. Adoption of county animal control ordinance.

(a) The city commission does hereby adopt Manatee County Ordinance No. 06-18, as amended from time to time, and authorizes the enforcement of said ordinance by Manatee County Animal Services Division within the city limits.

(b) The mayor and city clerk are hereby authorized to enter into an interlocal agreement between the Manatee County and the City of Palmetto providing for the applicability of and enforcement of Manatee County Ordinance No. 06-18 within the city.

(Code 1975, § 6-1.1; Ord. No. 422, § 1, 10-15-90; Ord. No. 06-883, § 2, 5-1-06)

Sec. 6-3. Noisy animals as nuisances.

The keeping of any animal which causes continuous or intermittent noise which disturbs the comfort and repose of persons in the vicinity of the animal is hereby declared to be a nuisance.

(Code 1975, § 6-6)

*Cross references—Administration, Ch. 2; code enforcement board, § 2-81 et seq.; health and sanitation, Ch. 16; zoning, App. B.

State law references—Damage by dogs, F.S. Ch. 767; cruelty to animals, F.S. § 828.02 et seq.

Secs. 6-4—6-25. Reserved.

ARTICLE II. LIVESTOCK AND FOWL

Sec. 6-26. Livestock running at large.

It shall be unlawful for the owner of any livestock to permit the livestock to roam at large within the city.

(Code 1975, § 6-4)

State law reference—Livestock running at large, F.S. § 588.12 et seq.

Sec. 6-27. Fowl running at large.

(a) Any fowl kept within this city shall be securely fenced and confined to the premises.

(b) Fowl running at large within any residential district of the city, as defined by the zoning ordinance, are hereby declared to be a nuisance.

(Code 1975, §§ 6-5, 6-20)

Sec. 6-28. Swine and goats.

(a) It shall be unlawful for any person or entity to keep or maintain any hog or other swine upon land within the city, that is zoned residential, commercial or industrial according to the most recent zoning ordinance of the city. A hog or other swine may be kept or maintained only as provided in this section.

(b) Any person or entity desiring to keep or maintain a hog or other swine on land within the city must apply to and obtain prior permission from the city council. Any such permission by the city council must be based upon a finding that the purpose of keeping or maintaining such hog or other swine is for educational purposes, and, under the direction of a qualified instructor, and that the keeping or maintenance of such hog or other swine at the location in question would not be harmful to the health, safety and welfare of the residents and businesses located within the immediate area surrounding such husbandry activities, based on the following factors:

- (1) The number and size of hogs or swine to be kept or maintained at the subject location at any one time;
- (2) The length of time such hogs or swine will be kept or maintained at such location;
- (3) The dimensions of the pen or fence enclosure containing the hog or swine; and
- (4) The distance from the edge of the pen or fence enclosure to surrounding residences and businesses.

(c) Any swine kept or maintained within the city must be securely fenced and confined to the premises where kept or maintained by means of pens or fence enclosures. Such pens or fence enclosures must comply with the requirements and limitations set out in the Palmetto fence ordinance [chapter 7, article VIII].

(d) It shall be unlawful for any person to keep a goat within the city.
(Code 1975, §§ 6-17, 6-18; Ord. No. 376, § 1, 8-21-89)

Sec. 6-29. Sanitation of lots, stables, sheds.

All lots, stables, sheds, stalls, pens, fence enclosures or other structures or portions thereof in which any livestock, swine or fowl are kept shall be maintained in a sanitary condition and in compliance with the applicable provisions of the state sanitary code.

(Code 1975, § 6-19; Ord. No. 376, § 2, 8-21-89)

Cross reference—Health and sanitation, Ch. 16.

Sec. 6-30. Location restriction—Livestock.

(a) It shall be unlawful for the owner of any livestock to tie, pen or stake such livestock within the city, except at such place therein as shall be at least two hundred (200) feet from any residence.

(b) It shall be unlawful for any person to stake, tie, picket, or in any manner fasten any cow, calf, bull, horse or any other animal so that such animal may range within a distance of thirty (30) feet of any street or sidewalk within the city.

(Code 1975, § 6-21)

Sec. 6-31. Same—Fowl.

It shall be unlawful for any person to keep or maintain fowl in any area within fifty (50) feet of any residence without the consent of the owner or occupant of the residence.

(Code 1975, § 6-22)

Chapter 7

BUILDINGS AND BUILDING REGULATIONS*

- Art. I. In General, §§ 7-1—7-24**
Art. II. Building-Related Fee Schedule, §§ 7-25—7-30
Art. III. Florida Building Code, §§ 7-31—7-50
Art. IV. Impact Fees, §§ 7-51—7-75
Div. 1. In General, §§ 7-51—7-69
Div. 2. General Government, Police, Parks and Recreation, and Road Impact Fees, §§ 7-70—7-75
Arts. V, VI. Reserved, §§ 7-76—7-150
Art. VII. Dangerous and Unsafe Buildings, §§ 7-151—7-180
Art. VIII. Fences, §§ 7-181—7-200
Art. IX. Advertising of Contractors, §§ 7-201—7-215
Art. X. Landscaping Requirements, §§ 7-216—7-236
Art. XI. Minimum Maintenance Standards and Guidelines, §§ 7-237—7-249

ARTICLE I. IN GENERAL

Sec. 7-1. Definitions.

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

Broad tipped indelible marker means any felt tip marker or similar implement which contains a fluid which is not water soluble and which has a flat or angled writing surface one-half inch or greater.

Building official and building inspector means the person authorized to review plans, issue permits, inspect buildings and enforce the provisions of this chapter.

Corporate counsel or city attorney means the city attorney of this city.

Graffiti means the placement of any writings, drawings, inscriptions, figures or marks of paint, chalk, dye or other similar substances upon any structure, wall, rock, bridge, building, fence, gate, roadway, tree or other real or personal property, either privately or publicly owned, located out-of-doors and exposed to the general public, which placement was done without the owner's notarized written consent or which was not otherwise permitted under the city's ordinances.

***Cross references**—Coastal areas and waterways, Ch. 10; seawalls, § 10-26 et seq.; community development, Ch. 11; fire prevention and protection, Ch. 13; floodplain management, Ch. 14; garbage, refuse and trash, Ch. 15; health and sanitation, Ch. 16; housing, Ch. 17; license and business regulations, Ch. 19; mobile homes, Ch. 21; planning and development, Ch. 23; subdivisions, Ch. 26; utilities, Ch. 29; impact fees, § 29-82 et seq.; zoning, App. B.

State law references—Minimum standards, building codes, F.S. § 553.73; thermal efficiency code, F.S. § 553.900 et seq.; inspection warrants, F.S. § 933.20 et seq.

Municipality, governing body, and city mean the City of Palmetto, Florida.

Supervising adult means an individual twenty-one (21) years of age or older who has been given responsibility by the minor's parents, legal guardian, or other lawful authority to supervise the minor.

(Code 1975, § 7-19; Ord. No. 578, § 1, 6-16-97)

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

Secs. 7-2—7-6. Reserved.

Editor's note—Ord. No. 342, § 1, adopted Aug. 15, 1988, repealed § 2 of Ord. No. 249, adopted Oct. 7, 1985, concerning building fees and codified as §§ 7-2—7-6. Current building fees are included in Art. II hereof. Section 7-6 also derived from Ord. No. 204, § 2, adopted Feb. 6, 1984 and Ord. No. 219, § 1, adopted July 3, 1984.

Sec. 7-7. Moving of buildings restricted.

(a) It shall be unlawful for any person to move any house or building on the streets of the city between the hours of 7:30 a.m. and 7:30 p.m., except by special permission from the mayor and chief of police.

(b) The police department shall be given twenty-four (24) hours' notice in writing prior to any house or building being moved.

(Code 1975, § 7-22)

Cross reference—Streets, sidewalks and other public places, Ch. 25.

Sec. 7-8. Plan review.

The building official shall examine or cause to be examined each application for a building permit and the accompanying documents consisting of drawings, specifications, computations, and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of applicable building codes and all other pertinent laws or ordinances. No building permit shall be issued until the applicant or his agent has submitted, and the city engineer and superintendent of public works has approved, copies of all required applications and corresponding permits including, but not limited to, storm water discharge permits, required under Chapter 17-25, Florida Administrative Code, and mangrove alteration permits, required under Chapter 17-27, Florida Administrative Code, issued to the developer by the Florida Department of Environmental Regulation (DER), or the Southwest Florida Water Management District (SWFWMD).

(Ord. No. 395, § 1, 3-5-90)

Editor's note—Ord. No. 395, § 1, adopted March 5, 1990, added a new section to Art. I of Ch. 7, but did not specify the designation thereof. At the discretion of the editor, said new section has been designated as § 7-8 herein.

Sec. 7-9. Temporary sanitary facilities and construction debris containment facilities at construction sites.

(a) It shall be the responsibility and obligation of the project contractor and owner of the property or project to reasonably and adequately ensure that proper temporary sanitary facilities are available at the construction site and to further provide that adequate temporary construction debris containment facilities are provided at the construction site.

(b) *Roofs, gutters and downspouts.* All roofs and existing gutters and downspouts shall be maintained to prevent damage to the structure and adjoining properties and the public. Leaking roofs shall be repaired or replaced.

(Ord. No. 470, § 4, 12-16-91)

Sec. 7-241. Requirements for trash and receptacle areas.

There shall be no trash placed upon sidewalks or other areas open to the public except on those days when such trash is to be picked up by the city. All private trash receptacle areas shall be screened from the view of the public right-of-way, except where trash receptacle placement is authorized in alleyways. Such areas shall be kept neat and clean in appearance.

(Ord. No. 470, § 5, 12-16-91)

Sec. 7-242. Requirements for auxiliary structures.

(a) *Structures, fences, walls, etc.* Structures at the rear of buildings, whether attached or unattached to the principal commercial structure, which are structurally unsound shall be properly repaired or demolished. All fences, lighting devices and supports, retaining walls, nonstructural walls, outdoor service and seating areas, signs and their supporting elements shall be structurally sound, kept free of overgrowth, trash and debris and shall be repaired and painted to present a neat and clean appearance.

(b) No more than three (3) vending machines, including refrigerated vending or storage machines but not including newsracks, may be located outside any one business premises within the city and shall be placed immediately adjacent to such premises. Vending machines that exceed three (3) in number shall be kept and maintained inside such premises.

(c) All auxiliary and other structures including but not limited to buildings, fences, gates, nonstructural walls, retaining walls, fountains, parking areas, lighting devices and supports, outdoor service and seating areas, signs and their supporting elements, which are out-of-doors and exposed to the general public, shall be kept free of graffiti as defined herein.

(Ord. No. 470, § 6, 12-16-91; Ord. No. 480, § 1, 8-3-92; Ord. No. 578, § 2, 6-16-97)

Sec. 7-243. Requirements for sites.

(a) *Landscaping.* All areas (front, side and rear yards) shall be kept free of overgrowth, weeds, trash and debris. All dead tree limbs and dead trees shall be removed.

(b) *Vacant lots.* Where a vacant lot exists or is created through demolition, the owner must cover all areas not actively used for parking or loading with grass or other such ground cover. Such ground cover shall be maintained and the property kept free of trash and debris.

(c) *Parking lots.* All parking areas shall be constructed as provided in the city zoning code. Parking areas shall be well maintained and kept free of overgrowth, potholes, weeds, trash and debris. Paving and striping will be maintained in good repair and in a neat and clean appearance.

(d) All natural features of a property including but not limited to rocks, trees and landscaping shall be kept free of graffiti as defined herein.
(Ord. No. 470, § 7, 12-16-91; Ord. No. 578, § 3, 6-16-97)

Sec. 7-244. Requirements for temporary coverings.

No temporary covering, including, but not limited to, a board covering a broken or missing window, on any part of a structure may remain more than fifteen (15) days after on-going construction has been completed or sixty (60) days total, whichever is longer.
(Ord. No. 470, § 8, 12-16-91)

Sec. 7-245. Applicability.

The minimum maintenance standards and guidelines shall be applicable to all unimproved and improved properties, both residential and nonresidential, within the geographic boundaries of the city. The minimum maintenance standards and guidelines shall be in addition to any other standards, codes, ordinances, rules, regulations or other statutory requirements applicable to such properties.
(Ord. No. 470, § 9, 12-16-91; Ord. No. 05-836, § 2, 1-24-05)

Sec. 7-246. Enforcement.

The minimum maintenance standards and guidelines shall be enforced pursuant to the provisions of chapter 2, article IV, section 2-81 through 2-90, inclusive, of this Code of Ordinances relating to the code enforcement board. The mayor shall designate the employee(s) to serve as the minimum maintenance standards official for purposes of enforcing compliance with these minimum maintenance standards. Such designated employee(s) shall assist property owners in an effort to achieve an understanding of and compliance with the minimum maintenance standards and guidelines.
(Ord. No. 470, § 10, 12-16-91)

Sec. 7-247. Correction of noncompliance.

Upon receipt of written notification from the minimum maintenance standards official of noncompliance with the minimum maintenance standards and guidelines, a property owner or his representative shall have ten (10) days to commence application for a certificate of review for approval of proposed correction of the cited deficiency. No building permit for the correction of a deficiency shall be issued until a certificate of review has been issued and approved by the minimum maintenance standards official. A failure to secure a certificate of review in any instance, including those in which no building permit is required, shall constitute a violation of this article, enforceable by the code enforcement board.
(Ord. No. 470, § 11, 12-16-91)

Chapter 16

HEALTH AND SANITATION*

- Art. I. In General, §§ 16-1—16-25**
Art. II. Nuisances, §§ 16-26—16-45
Div. 1. Generally, §§ 16-26, 16-27
Div. 2. Sanitary Nuisances, § 16-28
Div. 3. Nuisance Abatement Procedures, §§ 16-29—16-45
Art. III. Control of Stormwater Discharge, §§ 16-46—16-48

ARTICLE I. IN GENERAL

Sec. 16-1. Reserved.

Editor's note—Formerly, § 16-1 adopted F.S. Ch. 381 as the sanitary code of the city. Inasmuch as reference to such statute is obsolete, the section has been deleted at the request of the city.

Secs. 16-2—16-25. Reserved.

ARTICLE II. NUISANCES†

DIVISION 1. GENERALLY

Sec. 16-26. Definition, enumeration of unlawful conditions or acts.

Every condition, substance or activity within the city which exists or occurs in such manner and to such extent as to threaten or endanger the public health, safety or welfare, or adversely affect and impair the economic welfare of adjacent property, is hereby declared to be a

***Cross references**—Administration, Ch. 2; code enforcement, § 2-81 et seq.; animals, Ch. 6; sanitation regulations for lots, stables, etc., where any livestock or fowl are kept, § 6-29; buildings and building regulations, Ch. 7; coastal areas and waterways, Ch. 10; garbage, trash and refuse, Ch. 15; housing, Ch. 17; junked, wrecked, abandoned property, Ch. 18; mobile homes, Ch. 21; streets, sidewalks and other public places, Ch. 25; utilities, Ch. 29.

State law references—Nuisances injurious to health, F.S. Ch. 386; mosquito control, F.S. Ch. 388.

†Editor's note—Ord. No. 05-843, §§ 2, 3, adopted April 4, 2005, repealed article II, §§ 16-26—16-31, in its entirety and replaced it with a new article II, §§ 16-26—16-33. Former article II pertained to hazardous conditions on land and derived from the Code of 1975, §§ 13-27—13-32; and Ord. No. 659, § 1, adopted Nov. 1, 1999.

Cross references—Housing, Ch. 17; junked, wrecked, abandoned property, Ch. 18; licenses and business regulations, Ch. 19; mobile homes, Ch. 21; planning and development, Ch. 23; streets, sidewalks and other public places, Ch. 25; subdivisions, Ch. 26.

nuisance. Without in any way limiting the foregoing definition, the following conditions, substances and activities are hereby specifically declared to be a nuisance within the intent and meaning of this section:

- (1) Low places upon any lot, tract or parcel of land, improved or unimproved, within one hundred (100) feet of the boundary line of any improved property within the city to the extent and in the manner that such lot, tract or parcel of land is or may reasonably become a breeding place for mosquitoes, or may reasonably cause disease, or otherwise threatens or endangers the public health, safety or welfare, or is likely to adversely affect and impair the economic welfare of adjacent property.
- (2) The accumulation or maintenance of trash, filth, rubbish, garbage, dead animals or fish, improperly treated sewage or other materials in such manner and to the extent as to cause infestation by rodents and other wild animals, the breeding of mosquitoes and vermin, or that threatens or endangers the public health, safety or welfare, or is likely to adversely affect and impair the economic welfare of adjacent property.
- (3) The existence of excessive accumulation or untended growth of weeds, undergrowth or other dead or living plant life upon any body of water, lot, tract or parcel of land, improved or unimproved, within one hundred (100) feet of the boundary line of any improved property within the city to the extent and in the manner that such lot, tract or parcel of land is or may reasonably become infested or inhabited by rodents, vermin or wild animals, or may furnish a breeding place for mosquitoes, or threatens or endangers the public health, safety or welfare, or may reasonably cause disease, or is likely to adversely affect and impair the economic welfare of adjacent property.
- (4) Partition fences, buildings or other structures which have fallen into such a poor state of repair to the extent and in the manner that they may reasonably become infested or inhabited by rodents, vermin or wild animals, or may threaten or endanger the public health, safety or welfare, or is likely to adversely affect and impair the economic welfare of adjacent property.
- (5) The unauthorized accumulation or maintenance of lumber, stone, concrete, sand or any other building or construction material on a lot, tract or parcel when construction activity is not actively taking place on the property, in such manner and to the extent as to threaten or endanger the public health, safety or welfare.
- (6) Landscaping or other obstacles located in or protruding into a public right of way so as to create a traffic or pedestrian hazard, or otherwise threaten or endanger the public health, safety and welfare.
- (7) Any foul, offensive or unlawful emissions, odors or stenches and the causes thereof which threatens or endangers the public health, safety and welfare, or which is likely to adversely affect and impair the economic welfare of adjacent properties.
- (8) The pollution of any well, water body or drainage system by sewage, dead animals, industrial waste, debris or any other substance so as to threaten or endanger the public health, safety and welfare.

- (9) The partial or total blockage of any drainage inlets, outfalls, pipes, ditches, swales, canals, channels, culverts or streams so as to threaten or endanger the public health, safety and welfare.
 - (10) Tampering or interference with any public facilities maintained for the purpose of furnishing sewer, potable water, reclaimed water or telecommunication services to the public, so as to threaten or endanger the public health, safety and welfare.
 - (11) Any condition constituting a flood or fire hazard so as to threaten or endanger the public health, safety and welfare.
 - (12) Any activity or condition that is declared elsewhere in this Code of Ordinances or other applicable law to be a nuisance.
 - (13) Any trees, shrubs, or other landscaping material, or parts thereof, that threaten or endanger the public health, safety or welfare, or adversely affect and impair the economic welfare of adjacent properties, as a result of either of the following conditions:
 - a. A contagious disease or infestation is found on a tree, shrub or other landscaping material; or
 - b. Disease, vines, insects, age or other defect has caused a tree, shrub or other landscaping material, or part thereof, to be unstable such that there exists a reasonable likelihood that it will fall upon any sidewalk, street or building, or result in injury to person or property.
 - (14) Any unauthorized disturbance of land where a permit for such activity is required, including but not limited to alteration of the grade or contour of land, or the removal of vegetation from land, that may increase surface water runoff onto neighboring properties or otherwise threaten the public health, safety or welfare.
 - (15) Any activity or condition which is manifestly injurious to the morals or manners of the public, as described in F.S. § 823.01.
- (Ord. No. 05-843, §§ 2, 3, 4-4-05)

Sec. 16-27. Prohibition and enforcement.

(a) Nuisances are hereby prohibited. It shall be unlawful for any person to cause such nuisance to come into existence anywhere within the city, or to permit the same to exist on property owned, leased, occupied or otherwise under the control of such person.

(b) This article may be enforced against any violator, which may include the owner of the premises on which a nuisance exists, or the person or persons generating the nuisance.

(c) This article shall be enforced as provided for by Florida law, including referral or citation to the city's code enforcement board, issuance of a citation as may be provided for by city ordinance, the entering onto the property and the abatement of the nuisance by the city, or the

PALMETTO PROPERTY MAINTENANCE CODE

Adopted by Ordinance No. 07 - 949

The below sections of the “International Property Maintenance Code, Edition 2006,” as published by the International Code Commission, Inc. and amended from time to time, are hereby adopted by reference as if fully rewritten herein and shall be referred to as the *Palmetto Property Maintenance Code*.

CHAPTER 1 ADMINISTRATION

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

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

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 307 RUBBISH AND GARBAGE

307.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

307.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

SECTION 308 EXTERMINATION

308.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 GENERAL

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *international Building Code* shall be permitted.