

## **Chapter 9A CODE ENFORCEMENT AND ABATEMENT OF NUISANCES\***

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\*Editor's note--Ord. No. 984-90, <sec> 2, adopted April 18, 1990, amended Ch. 9A in its entirety to read as herein set out in 9A-1--9A-30. Prior to inclusion of said ordinance, Ch. 9A pertained to similar subject matter and derived from Ord. No. 954-89, adopted July 5, 1989. See the Code Comparative Table for a detailed analysis of inclusion.  
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### **ARTICLE I. IN GENERAL**

#### **Sec. 9A-1. Title.**

This chapter shall be known as the "Nuisance Code," may be cited as such, and will be referred to herein as "this code."

(Ord. No. 984-90, <sec> 2(9-1), 4-18-90)

#### **Sec. 9A-2. Purpose.**

- (a) It is the intent of the Council of the City in adopting this code to provide a comprehensive method for the identification and abatement of certain public nuisances within the City by providing an equitable, expeditious, effective and inexpensive method of enforcing the various codes and ordinances of the City.

It is also the intent of the Council of the City in adopting this code to enact the changes in Chapter 89-268, Laws of Florida, with respect to matters presented to the code enforcement board to reflect the additional remedies of noncriminal infraction disposition in County court (including the establishment of the monetary amounts of the civil penalty

required for the disposition of noncriminal infractions) and use of special masters.

- (b) Provisions of this code are to be supplementary and complementary to all provisions of the City Code, and state law and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the City to abate any and all nuisances.

(Ord. No. 984-90, <sec> 2(9-2), 4-18-90)

### **Sec. 9A-3. Application.**

The provisions of this code shall apply generally to all property throughout the City wherein any of the conditions, hereinafter specified, are found to exist; provided, however, that any condition which would constitute a violation of this code, but which is duly authorized under any City, State or Federal law, shall not be deemed to violate this code. The County shall have jurisdiction to enforce those codes and ordinances to which the City defers exclusive jurisdiction to the County.

(Ord. No. 984-90, <sec> 2(9-3), 4-18-90)

## **ARTICLE II. ENFORCEMENT AND PENALTIES**

### **Sec. 9A-4. Authority; "department head" construed.**

- (a) The Director of Planning, Zoning and Code Enforcement, hereinafter referred to as "department head," is hereby authorized and directed to use the provisions of this code for the purpose of abating those nuisances which exist as the result of violation of those ordinances for which his department has primary enforcement responsibility.
- (b) As used in this chapter, the term "department head" shall include the designated code enforcement officers of such department head, and
  - (1) The Fire Marshal and his designated Code enforcement officers; and
  - (2) The Director of Public Works and his designated code enforcement officers; and
  - (3) The Director of Building and his designated code enforcement officers.

(Ord. No. 984-90, <sec> 2(9-4), 4-18-90 Ord. No.1113-94 <sec> 1, 12-07-94)

### **Sec. 9A-5. Right of entry.**

To the extent authorized by law, the department head may enter on such premises at reasonable times to make inspections.

(Ord. No. 984-90, <sec> 2(9-5), 4-18-90)

**Sec. 9A-6. Responsibility for proper property maintenance.**

- (a) Every owner of real property within the City is required to maintain such property in a manner so as not to violate the provisions of this code and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.
- (b) Every occupant, lessee or holder of any interest in property, other than an owner thereof, is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed by this section on the owner thereof shall in no instance relieve those persons herein referred to from the similar duty.

(Ord. No. 984- 90, <sec> 2(9-6), 4-18-90)

**Sec. 9A-7. Code enforcement board, appointment, term, qualifications, composition, organization.**

- (a) Appointment. The City Council shall appoint a seven-member code enforcement board, and two (2) alternates to serve in the absence of a board member (or two (2) members) at a meeting.
- (b) Composition. Members of the enforcement board shall be residents of the municipality. Appointments shall be made by the City Council on the basis of experience or interest in the subject matter jurisdiction of the code enforcement board.
- (c) Terms; filling of vacancies. The initial appointments to the enforcement board shall be as follows:
  - (1) Two (2) members appointed for a term of one year.
  - (2) Three (3) members appointed for a term of two (2) years.
  - (3) Two (2) members appointed for a term of three (3) years.
  - (4) Thereafter, all appointments shall be made for a term of three (3) years. Any member may be reappointed one successive term upon approval of the City Council. Appointments to fill any vacancy on the enforcement board shall be for the remainder of the unexpired term of office. Any member who fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman shall automatically forfeit his appointment and the City Council shall promptly fill such vacancy. The members shall serve at the pleasure of the City Council and removal shall be as provided otherwise in the Code of Ordinances.
- (d) Officers; quorum; compensation. The members of the enforcement board shall elect a chairman and vice-chairman. The presence of four (4) or more members shall constitute a quorum of the enforcement board. Members shall serve without compensation, but may be reimbursed for such travel, mileage and per diem expenses as may be authorized by the City Council.

(Ord. No. 984-90, <sec> 2(9-22), 4-18-90)

### **Sec. 9A-8. Power of the enforcement board.**

The enforcement board shall have the power to:

- (a) Adopt rules for the conduct of its hearings.
- (b) Serve respondents and subpoena witnesses to hearings provided that at least ten (10) days' notice is given to respondents. Subpoenas may be served by sheriff's service or by the police department of the City or some other law enforcement officer or other person designated by City Council.
- (c) Subpoena records, surveys, plats and other evidentiary material.
- (d) Take testimony under oath.
- (e) Issue orders having the force of law to command whatever steps are necessary to bring the violation into compliance, said decision to be made within ten (10) days.
- (f) Issue fines pursuant to section 9A-10 of this code and include therein, on the order on liability or any other appropriate order, all costs incurred in prosecuting the case before the board, including but not limited to attorney fees of the prosecution and board attorneys.
- (g) Reduce or compromise fines after compliance, upon such terms and conditions as the board deems mete and just.
- (h) Issue an inspection warrant for the violation of a state or local law or rule relating to environmental, animal control or land use standards or in the instance of routine or area inspections.
- (i) The board shall notify the City Council of non-compliance with orders of the board pertaining to public nuisances as defined in Chapter 9A, Article IV, Section 9A-12, Code of Ordinances, City of Punta Gorda, Florida.
- (j) The board shall serve as an equalizing board to hear and consider any and all complaints concerning the amount of any special assessment established pursuant to the procedures set forth in Chapter 9A, Article V, Section 9A-17(e), Code of Ordinances, City of Punta Gorda, Florida, and shall adjust and equalize the special assessments, when it deems such action is necessary. The board may only adjust or equalize the established special assessment upon a showing by an interested party that the amount of the established special assessment is unreasonable or that the property will not derive any special benefit from the improvements made by the City. The board shall follow the procedures set forth in Chapter 9A, Article V, Section 9A-17(e), Code of Ordinances, City of Punta Gorda, Florida.
- (k) The board shall hear any appeal timely filed to contest the validity of any notice of false alarm or fee assessment issued under Chapter 15, Section 15-19, Punta Gorda Code.

(Ord. No. 984-90, <sec> 2(9-23), 4-18-90 Ord. 1113-94, <sec> 2 12-07-94; Ord. No. 1633-10, <sec> 1, 4-21-10; Ord. No. 1680-11, <sec> 2, 5-18-11)

### **Sec. 9A-9. Violations.**

Any person, firm or corporation, whether owner, lessee, sublessor, sublessee or occupant of any premises, who violates the provisions of this code, shall be guilty of a noncriminal infraction for each day the violation continues and the code enforcement board shall have jurisdiction to hear and decide cases when a violation is alleged, including disposition in County court and use of special masters.

(Ord. No. 984-90, <sec> 2(9-8), 4-18-90)

### **Sec. 9A-10. Fines.**

- (a) The enforcement board may order a respondent to pay a fine not to exceed two hundred fifty dollars (\$250.00) per day that any first violation continues past the due date set for compliance in the order of the enforcement board issued after a hearing.

The enforcement board may order a respondent to pay a fine not to exceed five hundred dollars (\$500.00) per day that any repeat violation continues past the date of notice to the violator of the repeat violation.

A fine order shall be issued by the enforcement board with reference to the fine imposed. Respondent shall have the right, within ten (10) days of the service of the fine order, to apply for hearing before the enforcement board with reference to the fine order. Such hearing shall be held at the next board meeting so as to provide for the opportunity to appeal from the original entry of the fine order. In the event no modification of the fine order occurs, a certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violations exist or, if the violator does not own the land, upon any other real or personal property owned by the violator and may be enforced in the manner as provided by Statute of the Florida Legislature, including levy against the personal property, but shall not be deemed otherwise to be a judgment of a court except for enforcement purposes, provided that in the event the owner of the land and the respondent are not the same person, that ten (10) days notice of the intent to record the order be first given to the landowner. After three (3) months from the filing of any such lien which remains unpaid, the enforcement board may authorize the City Attorney to foreclose on the lien, except as to homestead property. A liability order finding a violation and a fine order may be entered on one order, if appropriate.

- (b) No lien provided by the Local Government Code Enforcement Board Act shall continue for a longer period than twenty (20) years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchases for valuable consideration without notice, unless a notice of lis pendens is recorded. A reasonable attorney fee shall be taxed to the prevailing party and against the losing party in any court action.

- (c) A fine will continue to accrue until a violator comes into compliance, even though a fine order is entered. A respondent may apply within ten (10) days of the receipt of a fine order for an evidentiary hearing on the amount of the fine. The code enforcement board will not entertain evidence at this hearing as to the liability order finding a violation but will limit the consideration of the evidence and argument to the calculation of the fine amount.

(Ord. No. 984-90, <sec> 2(9-26), 4-18-90)

### ARTICLE III. DEFINITIONS

#### Sec. 9A-11. Generally.

For the purpose of this code the following words shall have the following specified meanings:

**City Attorney** means the legal counselor for the City of Punta Gorda.

**City Council** means the legislative body of the City of Punta Gorda.

**Codes** means the plumbing code, electrical code, gas code, building code, fire code, sign code, nuisance code, abatement code and zoning code of the City, and any other similar code which may be passed in the future which relates to the aesthetics, construction, safety or location of any structure or real property in the City of Punta Gorda.

**Commercial structures** shall mean any structure other than residential one- or two-family housing units.

**Department head or code inspector** means any authorized agent or employee of the City whose duty it is to ensure code compliance.

**Design guidelines** shall mean that the design guidelines shall set forth recommendations for design pertaining to sign placement, exterior color, construction and construction materials. Design guidelines for the revitalization area shall be adopted by and may from time to time be amended by the urban design and architectural review committee for the area.

**Development review committee means** a committee composed of City staff members, including the City Manager, Director of Public Works, Zoning and Planning Director, Building Director, Fire Chief, Police Chief and other representatives from the staff as required.

**Distressed Real Property** means any real property within the City of Punta Gorda, Florida which is the subject of an action to foreclose upon a mortgage or similar instrument, or which has been conveyed to a mortgagee by means of a deed in lieu of foreclosure.

**Enforcement board** means the code enforcement board.

**Foreclosure/Foreclose** means the legal process by which a parcel, tract, lot or

other defined area of real property, placed as security for a real estate loan, is prepared for sale by the mortgagee to satisfy the debt if the borrower/mortgagor defaults. The term shall also include the process by which the City of Punta Gorda, Florida seeks a judicial sale of real property to enforce a lien recorded pursuant to this Chapter 9A.

**Junk** means any cast-off, damaged, decayed, junked, obsolete, salvage, scrapped, unusable, worn-out or wrecked object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, metal, paper, plaster, plaster of Paris, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter or other substance, having no substantial market value or requiring reconditioning in order to be used for its original purpose.

**Junkyard** means any premises from on or which any junk is abandoned, bailed, bartered, bought, brought, bundled, deposited, disassembled, disposed of, exchanged, handled, kept, packed, processed, scattered, shipped, sold, stored or transported, regardless of whether or not such activity is done for profit.

**Local Agent** means any local individual or local property management company designated by a mortgagee as the local agent responsible for the security and maintenance of vacant distressed real property.

**Mortgagee** means the creditor, including but not limited to, trustees; service companies; lenders in a mortgage agreement; any agent, servant or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement. For the purposes of this Chapter 9A, the term Mortgagee does not apply to governmental agencies.

**Nuisance** shall mean harm, injury; annoying, unpleasant, obnoxious.

**Owner** means owner of record of real property, occupant, lessee, or interested holder in same, as the case may be and for the purposes of this Chapter 9A, shall also include every person, entity or service company, who alone or severally with others: (a) has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit, building, structure or parcel of land; or (b) has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit, building, structure or parcel of land, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (c) is a mortgagee in possession of any dwelling, dwelling unit, mobile dwelling unit, building, structure or parcel of land; or (d) is an agent, trustee or other person appointed by the courts and vested with possession or control of any dwelling, dwelling unit, mobile dwelling unit, building, structure or parcel of land. For the purposes of this Chapter 9A, the term Owner does not apply to governmental agencies.

**Person** means those persons as defined in section 1.01, Florida Statutes.

**Premises or property** means any real property, or portion thereof, including buildings or structures situated on the real property. For the purposes of this Chapter 9A, the terms do not include real property owned or leased by the City of Punta Gorda, Florida or any of its governmental bodies.

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

**Respondent** means those people or corporations who have allegedly violated any codes.

**Revitalization area** means this area of the City so designated by the City Council, of the City of Punta Gorda currently bounded on the north by the Peace River, the west by Maud Street, the south by Henry Street, and the east by Cooper Street.

**Revitalization officer** means the City's revitalization officer shall be the City's Zoning and Planning Code Enforcement Director (department head) or his designee, and is authorized to conduct inspections of all existing structures in the revitalization area.

**Special master** means an expert in environmental or other unique proceedings.

**Urban design and architectural committee (UDARC)** means a board appointed by the City Council to review and approve the privately financed physical development of the revitalization area according to the provisions of this article.

**Unreasonable period of time** means ten (10) days or more unless extended in writing by the department head.

**Vacant** means any building, structure or real property for which the City of Punta Gorda, Florida utilities bills have remained unpaid for more than sixty (60) days or any unimproved real property.

(Ord. No. 954-89, <sec> 1, 7-5-89; Ord. No. 984-90, <sec> 2, 4-18-90; Ord. No. 1633-10, <sec> 2, 4-21-10)

## **ARTICLE IV. NUISANCES SPECIFIED**

### **Sec. 9A-12. Generally.**

It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the City to maintain such premises in such a manner that any one or more of the following conditions or activities described in the following subsections are found to exist:

- (a) The keeping, storage, depositing, or accumulation on the premises for an unreasonable period of time of any personal property, including but not limited

to abandoned, wrecked, dismantled or inoperative vehicles or watercraft, automotive parts and equipment, watercraft parts and equipment, appliances, furniture, containers, packing material, scrap metal, wood, building materials, junk, rubbish, and debris, which is within the view at ground level of persons on adjacent or nearby real property or the public right-of-way and which constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values. Wood and building material being used or to be used for a project of repair or renovation for which a building permit has been obtained may be stored for such period of time as is necessary to expeditiously complete the project. Nothing contained herein shall preclude the use of aerial photographs as evidence in any enforcement proceeding to show the existence of a violation of this Section.

- (b) The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials, for an unreasonable period of time, which constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values.
- (c) The operation of a junkyard or automobile dismantling yard, except in zoning districts which allow such use by special exception.
- (d) Any vehicle which is inoperative or unlicensed for a period of ten (10) days is prohibited on public or private property unless within a completely enclosed garage. This subsection does not apply to the heavy commercial district (CI) or industrial districts.
- (e) Any watercraft which is inoperative or unregistered and appears to be in a state of decay and/or abandonment, as determined by the department head, shall be prohibited on any waterway, shore, private and public property unless within a completely enclosed garage or building. This subsection does not apply to the heavy commercial district (CI) or industrial districts.
- (f) The placement or deposit of any effluvia, refuse, or byproducts of decaying animal or vegetable matter in any of the canals, waterways, ditches or water reservoirs in the city so as to be a nuisance or injurious or detrimental to the health, safety, and welfare of the community.
- (g) Any dangerous, unsightly or blighted condition which is detrimental to the health, safety or welfare of the public.
- (h) Any condition in violation of Chapter 6 of the City Code (boats, docks and waterways).
- (i) Any condition in violation of Chapter 7 of the City Code (building regulations).
- (j) Any condition in violation of Chapter 9C of the City Code (fire prevention).
- (k) Any condition in violation of Chapter 10 of the City Code (garbage, trash and weeds).
- (l) Any condition in violation of Chapter 12 of the City Code (local business tax receipt).

- (m) Any condition in violation of Chapter 20 of the City Code (streets and sidewalks).
- (n) Any condition in violation of Chapter 24 of the City Code (trailers and trailer parks).
- (o) Any condition in violation of Chapter 25A-6 of the City Code (impounding of vehicles).
- (p) Any condition in violation of section 26 of the City Code (zoning).

(Ord. No. 984-90, <sec> 2(9-7), 4-18-90; Ord. No. 1619-09, <sec> 1, 10-21-09; 1691-11, <sec> 1, 9-21-11)

## **ARTICLE V. ABATEMENT**

### **Sec. 9A-13. Commencement of proceedings.**

Whenever the department head has inspected or caused to be inspected any premises and has found and determined that such premises are in violation of this code, he shall commence proceedings to cause abatement of the nuisance as provided herein.

- (a) Except as provided in subsection (b) of this section, if violation of this code is found, the department head shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the department head shall notify the enforcement board and request a hearing pursuant to the procedure in section 9A-14. Written notice shall be mailed to said violator and property owner as provided herein.

If a violation is corrected, then recurs, then the hearing may be had on liability, and the notice shall so state.

- (b) If the department head has reason to believe a violation presents a serious threat to the public health, safety and welfare, the department head shall make a reasonable effort to notify the violator and may immediately notify the enforcement board and request a hearing.

(Ord. No. 984-90, <sec> 2(9-24), 4-18-90)

### **Sec. 9A-14. Conduct of hearing.**

- (a) Upon request of the code inspector or at such other times as may be necessary, the chairman of the enforcement board may call a hearing of the enforcement board, and hearings may also be called by written notice signed by at least three (3) members of the enforcement board. Minutes shall be kept of all hearings by the enforcement board and all hearings shall be open to the public. The City Council shall provide clerical and administrative personnel as may be reasonably required by the enforcement board for the proper performance of its duties.

- (b) Each case before the enforcement board shall be presented by the department who shall prosecute code violations. In the event of unusual issues of fact or law, the City Manager shall retain a department attorney upon reasonable notice and demand.
- (c) The code inspector or his representative shall schedule for final evidentiary hearing any matter by the secretary for the board, giving notice to the respondent and the petitioner, and respondent may obtain subpoenas from the board, for any service by them, upon witnesses that they may require. An evidentiary hearing may be heard on any violation regardless of whether or not compliance occurs. A liability order finding a violation may be executed even if compliance occurs subsequent to the time specified by the code inspector and before the board hearing; however, only a fine against a repeat violator may be imposed under such circumstances.
- (d) The enforcement board shall then proceed with the hearings scheduled for that day. All testimony shall be under oath and shall be recorded. The respondent shall be responsible for an official court reporter to record the proceedings in the event an appeal is necessary. The enforcement board shall take testimony from the code inspector and respondent. Formal rules of civil procedure need not be complied with, although the hearing should be run fairly, giving each party an opportunity to be heard. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern said proceedings.
- (e) At the conclusion of the hearing, the enforcement board shall issue findings of fact and conclusions of law and shall issue an order affording the proper relief consistent with powers granted herein. The findings shall be by motion, approved by a majority of those present and voting, except that at least four (4) members of the enforcement board must vote for the action to be official.

The order may include a notice that it must be complied with by a specified date, and that a fine may be imposed if the order is not complied with by said date. A certified copy of a liability order finding a violation shall be recorded in the public records of the County and shall be notice to and binding on any subsequent purchasers, successors in interest or assigns if the violation concerns real property.

The code enforcement board shall issue and record an order acknowledging compliance if a liability order finding a violation is recorded and complied with by the date specified in the order, without requiring a hearing.

- (f) The respondent shall have the right to bring his case before the enforcement board at the next regularly scheduled meeting of the enforcement board after he has been given notice that he is in violation of any of the codes. If the respondent intends to appear and defend, then [the] respondent shall give at least five (5) days' written notice to the code inspector of his intent to appear and defend at the next regularly scheduled meeting. By written stipulation between the respondent and the code inspector, the matter may be considered at any meeting of the code enforcement board.

(Ord. No. 984-90, <sec> 2(9- 25), 4-18-90 Ord. 1113-94 <sec> 3, 12-07-94)

### **Sec. 9A-15. Notices.**

All notices required by this chapter shall be by certified mail, return receipt requested, or where mail would not be effective, by hand delivery by the code inspector, sheriff's service or service by the police department of the City or other law enforcement officer, or other person designated by the City Council. Service of a notice to an alleged violator may be made by leaving the notice at the violator's usual place of residence with any person residing therein who is above fifteen (15) years of age.

(Ord. No. 984-90, <sec> 2, (9-27), 4-18-90)

### **Sec. 9A-16. Appeal.**

An aggrieved party, including the City, may appeal a final administrative order of the enforcement board to the circuit court. The liability order finding a violation as referenced in section 9A-14 is a final administrative order. The fine order as referenced in section 9A-14 is a final administrative order, and the execution thereof is stayed if the application for hearing referenced in section 9A-14 is exercised. The execution of a fine order, in the event an application for hearing is made, shall be deemed to occur upon the execution of the order regarding the hearing. Any appeal must be filed within thirty (30) days of the execution of the order or ruling to be appealed. The appeal shall be on the record [below] and not a hearing de novo.

(Ord. No. 984-90, <sec> 2, (9-28), 4-18-90)

### **Sec. 9A-17. Additional remedies.**

- (a) The code inspector, after consultation with the City Attorney, may request the chairman of the enforcement board to authorize the City Attorney in writing to initiate civil action in circuit court in lieu of proceeding in the enforcement board for any cases which might require that a temporary injunction be issued.
- (b) The City Council may designate and appoint special masters for the enforcement of particular cases involving any code or ordinance, who shall have the same powers as the code enforcement board to hold hearings and assess fines against violators.
- (c) Procedures for enforcement of violations for civil violations of this code are as follows:
  - (1) The City hereby adopts herein a procedure for enforcement of violations of a code or ordinance, as a civil infraction in county court under Part II of Chapter 162, Florida Statutes.
  - (2) The City Council hereby adopts the citation form as attached and incorporated herein by reference.
  - (3) The City Council shall designate by resolution those employees as agents who are code enforcement officers under section 9A-4.

- (4) The code enforcement officer who has reasonable cause to believe that a person has committed an act in violation of a code or ordinance may issue a citation, after providing notice to the person allegedly violating a duly enacted code or ordinance of the violation and providing a reasonable time of up to thirty (30) days to correct the violation.
  - (5) A code enforcement officer may immediately issue a citation if the officer has reason to believe that the violation presents a serious threat to the public health, safety or welfare or if the violation is irreparable or irreversible.
  - (6) The code enforcement office shall deposit the original citation and one copy of the citation with the County court after issuing a citation to the alleged violator.
  - (7) The citation may be contested in County court.
  - (8) The monetary amounts of the civil penalties attached hereto and incorporated herein by reference are hereby established for disposition on noncriminal infractions of the referenced codes and ordinances. The maximum civil penalty for each infraction shall not exceed five hundred dollars (\$500.00). The attached schedule shall apply if the person, who has committed the civil infraction does not contest the citation, and pays the penalty. If a person elects to contest the citation, the judge shall have full discretion to impose the civil penalty he or she deems appropriate upon a finding of a violation.
  - (9) The citation method of enforcement shall not apply with reference to the enforcement of any building code where a permit has been issued or is not required, but does apply where it is required, but has not been issued.
- (d) (1) Section 403.413, Florida Statutes (2005), "The Florida Litter Law", is hereby adopted in its entirety by reference, as the same may, from time to time be amended.
- (2) The City of Punta Gorda Code Enforcement Officers are hereby authorized to enforce the provisions of Section 403.413, Florida Statutes (2005), as the same may, from time to time be amended, as adopted by this subsection.
- (3) Violations of 403.413, Florida Statutes (2005), as the same may, from time to time be amended, as adopted by this subsection, may be enforced in the same manner as any other violation to the City of Punta Gorda Code of Ordinances.
- (e) City Abatement of Nuisances and Reimbursement by Means of Special Assessment. A Special Assessment District is hereby established within the territorial limits of the City of Punta Gorda to authorize the levy and collection of a Special Assessment against any real property which is improved pursuant to the provisions of this Subsection. Upon receipt of a notice from the Code Enforcement Board of non-compliance with a Code Enforcement Board order to

abate a public nuisance found to exist upon private real property, the City Council may direct the City Manager to take all reasonable actions which are deemed necessary to bring the subject property into compliance with the Code Enforcement Board's order. The City's abatement of any public nuisance upon real property within the City and the levy and collection of a Special Assessment to reimburse the City for its abatement actions, shall be performed in accordance with the following procedures:

- (1) The City Manager or his designee shall verify that the subject property remains out of compliance with the Code Enforcement Board's order and shall attempt to contact the property owner to advise that if the property owner does not immediately bring the subject property into compliance with the Code Enforcement Board's order, the City will take all reasonable actions deemed necessary to bring the property into compliance and that the property owner will be responsible for reimbursing the City for all of its costs in abating the nuisance. The City Manager or his designee shall post the subject property at least 24 hours prior to the commencement of abatement actions with a notice indicating the date that the City will begin its actions to bring the property into compliance with the Code Enforcement Board's order. A copy of said order shall be posted with the notice.
- (2) No sooner than 24 hours prior to the posting of the subject property, the City may commence all reasonable actions necessary to bring the property into compliance with the Code Enforcement Board's order. If the real property is secured by locks or other means, the City shall have the authority to enter said property for purposes of improving the property and any additional costs incurred by the City to gain access to the property or in re-securing the real property after the completion of the nuisance abatement actions shall be considered to be reimbursable expenses.
- (3) Upon completion of the nuisance abatement actions by the City, the City shall mail an invoice to the real property owner, by certified mail, return receipt requested, requesting payment to the City for the costs of abating the nuisance upon the owner's property. For the purposes of this Subsection, the term "costs" shall include the actual cost of abating the nuisance, the cost of serving and publishing notice, the cost of obtaining title information, the cost of lien recordation, the costs of inspections and all other related costs, including, but not limited to administrative charges and fees in effect at the time of mailing the invoice. The invoice shall require full payment of the invoiced charges within thirty (30) days of the invoice date. A copy of the invoice, together with a copy of the Code Enforcement Board order may be mailed to any mortgagee.
- (4) If the property owner fails to pay the invoiced charges within thirty (30) days of the invoice date, the City Manager or his designee shall prepare a Resolution designating the name and address of the real property owner, a legal description of the property improved by the City's abatement actions and an itemization of the costs to be assessed against the improved real property. Upon approval of the Resolution by City Council, the costs stated

in the Resolution shall be and constitute a municipal Special Assessment against the benefitted real property and shall be and remain a lien against the real property and shall bear interest at a rate of eight percent (8%) per annum from the date the assessment is approved and recorded by the City Council. Such Special Assessment lien shall be coequal with the lien of all state, county, district and municipal taxes and superior in dignity to mortgages and all other liens, irrespective of the date of the recording of the Special Assessment lien, or the date of the recording of any mortgage or any other lien on the real property. The assessment shall be payable at the time and in the manner as stated in the Resolution. To the extent not inconsistent with general or special law, the Special Assessment lien established by Resolution adopted pursuant to this Subsection and unrecorded at the time of filing for record of *lis pendens* against the subject property, shall nevertheless be enforceable against the subject real property and shall have the priority as specified herein.

- (5) Upon approval of the Special Assessment Resolution by the City Council, the City Manager or his designee shall cause to be published in a local newspaper of general circulation a notice directed to the property owner of the real property benefitted by the City's nuisance abatement actions. Said notice shall designate a time and place where complaints will be heard with reference to the Special Assessment and when such Special Assessment will be finally approved and confirmed by the City Council. A copy of such notice shall be mailed to the real property owner and any known mortgagee, by certified mail, return receipt requested. Mailing to the property owner's last known address as the same appears on the records of the Charlotte County Property Appraiser shall be sufficient. Failure to notify any mortgagee or any other person having a secured interest in the benefitted real property shall not invalidate any action under this Subsection.
- (6) At the time and place designated in the notice provided pursuant to Sub-subsection (5) above, the Code Enforcement Board shall meet as an equalizing board to hear and consider any and all complaints as to the amount of the established Special Assessment. The Code Enforcement Board shall adjust and equalize the Special Assessments, when it deems such action is necessary. The Code Enforcement Board may only adjust or equalize the established Special Assessment upon a showing by an interested party that the amount of the established Special Assessment is unreasonable or that the property will not derive any special benefit from the improvements made by the City. At the conclusion of the hearing before the Code Enforcement Board, the Code Enforcement Board shall enter an order either adjusting, nullifying or confirming the Special Assessment. The Code Enforcement Board's order shall be provided to the City Council. If the Code Enforcement Board's order nullifies or adjusts the Special Assessment, the City Council shall adopt a new Resolution which shall supersede the initial Resolution approved pursuant to Sub-subsection (4) above. The new Resolution shall be recorded following adoption. If the Code Enforcement Board confirms the Special Assessment as initially established, the initial Resolution shall be recorded in the Public Records of Charlotte County,

Florida, and said Special Assessment shall be and remain legal, valid and binding as a lien upon the real property against which the Special Assessment is made, until paid in full, including any accrued interest. The liens provided for herein may be foreclosed in the manner provided by law.

- (f) Registration of Distressed Real Property; Duties of Mortgagees with Respect to Distressed Real Property. The following provisions shall apply with respect to all distressed real property located within the City of Punta Gorda, Florida. It is the express intent of the City Council of the City of Punta Gorda, Florida that the following registration requirements be made retroactive to January 1, 2008:
- (1) All mortgagees who have on or after January 1, 2008 filed any civil action to foreclose upon any mortgage, or similar instrument with respect to real property within the City of Punta Gorda, Florida, or who have recorded a deed in lieu of foreclosure with respect to real property within the City of Punta Gorda, Florida, shall register with the City of Punta Gorda, Florida Code Compliance Division in accordance with the procedure provided in this Subsection. Mortgagees who have filed a civil foreclosure action or recorded a deed in lieu of foreclosure prior to the effective date of the Ordinance establishing this Subsection shall have thirty (30) days to register from the date of receipt of written notification from the City of the mortgagee's obligation to comply with this Subsection. After the effective date of the Ordinance establishing this Subsection, all mortgagees who file any civil action to foreclose upon any mortgage, or similar instrument with respect to real property within the City of Punta Gorda, Florida, or who record a deed in lieu of foreclosure with respect to real property within the City of Punta Gorda, Florida, shall register with the City of Punta Gorda, Florida Code Compliance Division within ten (10) days from the date of filing or recording, as the case may be. This requirement shall not apply to any real property which has been conveyed to a bona fide purchaser for value prior to the effective date of the Ordinance establishing this Subsection.
  - (2) Registrations shall be made upon forms provided by the City of Punta Gorda, Florida Code Compliance Division and shall include the following information: (a) the street address of the distressed real property; (b) the Charlotte County, Florida Property Appraiser's Parcel ID number; (c) the owner of record's name, mailing address and telephone number; (d) the name, address, telephone number and email address of all mortgagees; and (e) the name, address, telephone number (including cell phone number) and email address of all local agents designated by the mortgagee pursuant to this Subsection. Addresses may not be a post office box. All registrations pursuant to this Subsection shall be valid for one (1) year and must be renewed annually.
  - (3) An annual registration fee of One Hundred Dollars (\$100.00) shall accompany each registration form. Subsequent annual registrations and fees are due within thirty (30) days of the expiration of the previous registration.

- (4) All mortgagees that have registered a property under this Subsection must report any change of information contained on the registration form within ten (10) days of the change. This requirement includes, but is not limited to the change in status of a real property from being legally occupied to becoming distressed vacant real property. Within ten (10) days of a real property becoming distressed vacant real property, the mortgagee shall furnish to the City of Punta Gorda, Florida Code Compliance Division all information required to be provided regarding designated local agents. There will be no charge or fee for modifications to registrations.
- (5) Any mortgagee/registrant may provide written proof of sale of a distressed property to a bona fide purchaser for value. Upon receipt of such proof and verification of the same by the City of Punta Gorda, Florida Code Compliance Division, the mortgagee/registrant's obligations under this Chapter 9A shall terminate with the exception that all mortgagees shall remain liable with respect to any Code Enforcement case pending against the mortgagee until said case is dismissed by the Code Enforcement Board.
- (6) All mortgagees of vacant distressed real property within the City of Punta Gorda, Florida shall be required to retain a local individual or local property management company as the local agent responsible for the security and maintenance of said real property. Contact information for all such designated local agents shall be included on the required registration form. Designated local agents shall be available for contact by the City on a 24-hour, 365 day basis and such emergency contact information must be provided on the registration form required by the Subsection. The designated local agent shall be jointly and severally responsible for ensuring that the vacant distressed real property remains in compliance with all applicable provisions of this Chapter 9A. The City of Punta Gorda, Florida Code Compliance Division shall forward a copy of all registration forms regarding vacant distressed real property to the City of Punta Gorda Police Department.
- (7) It shall be a violation of this Chapter 9A to fail to comply with any requirements of this Subsection.

(Ord. No. 984-90, <sec> 2(9 -29), 4-18-90; Ord. No. 1023- 91, <sec> 2, 6-5-91; Ord. No. 1448-06, <sec> 1, 09-20-06; Ord. No. 1633-10, <sec> 3, 4-21-10)

#### **ARTICLE VI. BUILDING MAINTENANCE AND APPEARANCE CODE\***

\*Editor's note--The City's business facade improvement standards, referred to in Art. VI, have not been included herein, but are available for public inspection at the offices of the City.

Cross reference(s)--Urban design and architectural review committee, <sec> 16B-41 et seq.

**Sec. 9A-18. Revitalization area; purpose.**

This article is adopted pursuant to authority granted to the City by Sections 163.350, 163.370(1)(c)5 and 163.370(i)(h)1 and 2, Florida Statutes and Chapter 89-268 Laws of Florida. The purpose of this section is to promote the [public health, safety and welfare by establishing minimum] building appearance and maintenance standards for commercial structures in the revitalization area included in the community redevelopment plan to be adopted by the City Council. The minimum building appearance and maintenance standards are required in order to eliminate existing blight, preserve the economic value of property in the area, prevent the spread of blight into other areas of the City, and promote the general health, safety, and welfare of the citizens of Punta Gorda through the regulation and enforcement of the provisions of this article.

(Ord. No. 984-90, <sec> 2(9-9), 4-18-90)

State law reference(s)--Community redevelopment, F.S. <sec> 163.330 et seq.; authority to formulate program, F.S. <sec> 163.350; powers relative to community redevelopment, F.S. <sec> 163.370.

**Sec. 9A-19. Intent.**

It is the intent of the City that the following standards shall be mandatory for all existing commercial structures whether occupied or vacant in the revitalization area and those which are scheduled for demolition. Furthermore, it is the intent of the City that these standards be the minimum for compliance with this act, and that the duly adopted Punta Gorda Business Facade Improvement Standards would be used as guidelines for revitalization work.

(Ord. No. 984-90, <sec> 2 (9-10), 4-18-90)

**Sec. 9A-20. Appearance and maintenance standards.**

- (a) Building fronts and sides abutting streets or public access.
  - (1) All deteriorated structural and decorative elements visible from a public right-of-way shall be repaired or replaced to match as closely as possible the original material and construction of that building except that changes shall be permitted that may be required which:
    - a. Are otherwise required or encouraged by the revitalization planning program and the business facade improvement standards for the area and amendments thereto; and
    - b. Will restore the building to its original constructed condition.
  - (2) Every such part of a structure visible from a public right-of-way or abutting a street shall be made structurally sound. Rotten or weakened portions shall be removed, repaired or replaced in such a manner as to be compatible with the rest of the structure or to match the original materials and construction techniques. All exposed wood shall be stained, sealed or painted. Every such part shall be clean of graffiti, litter, dirt or other debris,

and where surfaces are painted/stuccoed, once painted/stuccoed, or normally painted or stuccoed, not more than five (5) percent of such surface may be free of paint and/or stucco. Additionally, the exterior of every such structure visible from any public right-of-way or abutting a street shall be maintained so as to be free from mold, dirt, water stains, debris, or paint scaling to the extent said condition causes a measurable depreciation of property values in the immediate neighborhood.

- (3) Existing miscellaneous nonfunctional elements on the building fronts, such as empty electrical conduit, unused sign brackets, etc., shall be removed and the building surface repaired or rebuilt as required to match adjacent surfaces and the original condition.
- (b) Rear and side walls.
- (1) Rear and side walls shall be repaired and painted to present a neat and fresh appearance. Rear walls should be painted to cover evenly all miscellaneous patched and filled areas or be stuccoed to present an even, uniform surface.
  - (2) Side walls where visible from the street shall be finished or painted so as to be harmonious with the front of a building.
- (c) Windows.
- (1) Every broken or missing window shall be repaired or replaced with glass.
  - (2) All windows must be tight fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints, or loose mullions or muntins shall be replaced.
  - (3) Window openings in upper floors of the front, side or rear of the building shall not be filled or boarded up. Window panes shall not be painted.
- (d) Display window areas.
- (1) All display window areas shall include the building face, porches and entrance area leading to the door, the door, sidelights, transoms, display platforms, devices, including lighting, and signage designed to be viewed from the public right-of-way.
  - (2) Display windows, entrances, signs, lighting, sun protection, awnings, porches, security grills, etc., shall be compatible and harmonious with the original scale and character of the structure and with adjacent structures.
- (e) Canopies and awnings.
- (1) Soft, retractable, flameproof awnings are permitted over the first floor window and/or doors and on upper floors above windows only. They shall not project more than six (6) feet from the building front, shall not be lower than nine (9) feet above grade along a state roadway (U.S. 17 and U.S. 41),

and all other areas, and shall terminate against the building at a height not to exceed fourteen (14) feet above the pavement, except with prior approval of the UDARC.

- (2) Rigid or fixed awnings or canopies are permitted when original or an integral part of the structure and compatible and harmonious with the scale and character of the structure and adjacent structures, and pose no visual impediment to adjacent buildings. New rigid or fixed awnings/canopies may be added to existing structures subject to restrictions outlined above and with prior approval by the UDARC.
- (f) Roofs. Chimneys and all other rooftop structures shall be repaired and cleaned as required for rear and side walls. Any structure visible from the street or from other buildings shall be finished so as to be harmonious with other visible building walls. Television and radio antennas, pipes, ductwork, and mechanical equipment such as air conditioning units shall be located so as to be as inconspicuous as possible.
- (g) Trash and noncontiguous parts. There shall be no trash dumpsters on sidewalks or other areas open to the public except on those days when such trash is to be picked up by the City or other authorized agent.
- (h) Auxiliary structures. Structures at the rear of buildings attached or unattached to the principal commercial structure which are structurally deficient shall be properly repaired or demolished.
- (i) Vacant lots. Where a vacant lot exists or is created through demolition, the owner must properly landscape and screen the property from adjacent streets, alleyways and public improvement areas; cover all areas not actively used for parking or loading with grass or other ground cover approved for the property by city codes; maintain said ground cover; and keep the property free of trash and debris.
- (j) Temporary coverings. No temporary covering of any part of the structure may remain more than fifteen (15) days after ongoing construction has been completed or sixty (60) days total, whichever is longer. An example of a temporary covering is a board covering a broken or missing window.
- (k) Other. All other repairs to a building, as determined during an inspection, as necessary to safeguard the health and safety of possible building occupant shall be made in accordance with applicable sections of the City building code. Any issues of building rehabilitation not addressed in the preceding standards but covered in the Punta Gorda Business Facade Improvement Standards shall be subject to the facade improvement standards.

(Ord. No. 984-90, <sec> 2(9-11), 4-18-90 Ord. No. 1096-94 <sec> 1, 03-02-94)

### **Sec. 9A-21. Initial inspections.**

The city revitalization officer shall conduct an inspection of all existing structures in the regulated areas to determine their compliance with the standards contained herein and notify the owners of said structures in writing of any violations, the procedures for submitting rehabilitated plans, and penalties for continued violations. The initial inspection will take place for all properties identified within the revitalization area by April 1, 1989.

(Ord. No. 984-90, <sec> 2 (9-12), 4-18-90)

### **Sec. 9A-22. Initial compliance; penalties.**

- (a) If the total project cost (based on contractor estimates) to bring the structure into compliance is five thousand dollars (\$5,000.) or less, then from the date of receipt of written notice of noncompliance from the revitalization officer, the owner or his representative must apply for a building permit within thirty (30) days and all the work must be completed within sixty (60) days.
- (b) If the total project cost to bring the structure into compliance will exceed five thousand dollars (\$5,000.00), based on contractor estimates, the building's owner or his representative must submit plans for review to the City's development review committee within ninety (90) days, and after final approval by the development review committee [work] must be completed in one hundred eighty (180) days.
- (c) Any structure which is damaged by fire, accident, or act of God must be repaired or demolished. The owner of such a structure shall, within ninety (90) days, present plans to the city's development review committee for review of proposed construction plans. In all cases, damaged structures must be brought back into compliance with this article within one year.

(Ord. No. 984-90, <sec> 2(9-13), 4-18-90)

### **Sec. 9A-23. Review procedures--Total project cost five thousand dollars or less.**

- (a) Review of contracts or drawings for bringing commercial structures into conformance with the provisions of this article shall be the responsibility of the revitalization officer when the total project cost is five thousand dollars (\$5,000.00) or less. The revitalization officer shall approve such projects, provided they are consistent with the design guidelines adopted by the board.
- (b) The owner of a property or his representative has the right to appeal any decision of the revitalization officer of the urban design and architectural review committee.
- (c) The revitalization officer may present any project of five thousand dollars (\$5,000.00) or less to the urban design and architectural review committee where the project will have a major visible impact on the area.

(Ord. No. 984-90, <sec> 2(9-14), 4-18-90)

**Sec. 9A-24. Same--Total project cost over five thousand dollars.**

- (a) All plans for rehabilitation of existing commercial structures where the total project cost exceeds five thousand dollars (\$5,000.00) shall be reviewed by UDARC and the City's development review committee. Plans submitted shall follow section 26-10(5) of the City Code and include drawings, specifications, and sketches sufficient for the committee members to understand the details of the proposed work and its effect upon the appearance of the structure(s) in question.
- (b) Plans submitted to both committees for new construction or renovation/rehabilitation shall include sketch elevations indicating the appearance of the structure(s), height, mass, exterior building material type, location, size and types of all signs, and specifications or examples showing the color scheme proposed for the exterior of the structure(s).

(Ord. No. 984-90, <sec> 2(9-15), 4-18-90)

**Sec. 9A-25. Same--Exterior or color changes.**

The urban architectural review committee or the revitalization officer, depending on the total project cost as provided above, shall review and approve projects provided they are consistent with the facade improvement guidelines adopted by City Council. The following shall be deemed exterior or color changes:

- (a) A change in the color(s) of any portion or all of the exterior of a structure.
- (b) A change in the colors(s), size, shape, and/or design of any sign(s) attached or unattached to the structure.
- (c) Any changes proposed to the exterior appearance of a structure which would affect its color(s), exterior materials, height, or appearance.

(Ord. No. 984-90, <sec> 2(9-16), 4-18-90)

**Sec. 9A-26. Design guidelines.**

Design guidelines for the revitalization area shall be adopted by and may from time to time be amended by UDARC for the area by a majority vote of the committee and approved by City Council.

(Ord. No. 984-90, <sec> 2(9-17), 4-18-90)

**Sec. 9A-27. Applicability of article; stop work orders.**

No work, alterations, improvements, rehabilitation, renovation or maintenance shall be undertaken in the revitalization area after the effective date of this article which does not conform with the requirements herein. The revitalization officer shall request the building official to impose a stop work order if the work being done on any commercial structure does not comply with this article.

(Ord. No. 984-90, <sec> 2(9-18), 4-18-90)  
**Sec. 9A-28. Construction of article.**

Nothing herein shall be construed to permit any sign, construction, alteration, rehabilitation, renovation, or maintenance otherwise forbidden, restricted, controlled, or otherwise required by any other law.

(Ord. No. 984-90, <sec> 2 (9-19), 4-18-90)

**Sec. 9A-29. Authorized work; emergencies.**

Written approval by the urban design and architectural review committee shall be required before issuance of the necessary permits and before initiating any work, unless authorized on any emergency basis for reason of public safety by the City.

(Ord. No. 984-90, <sec> 2 (9-20), 4-18-90)

**Sec. 9A-30. Violations.**

Any person, firm, corporation or agent who violates one or more of the provisions of the above articles shall be deemed guilty of a noncriminal infraction and the code enforcement board shall have jurisdiction to hear and decide cases when a violation is alleged, including disposition in county court and use of special masters.

(Ord. No. 984-90, <sec> 2 (9-21), 4-18-90)

**ARTICLE VII. CIVIL PENALTIES FOR NONCRIMINAL INFRACTIONS\***

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\*Editor's note--Ord. No. 1014-90, <sec> 1, adopted Dec. 19,1990, amended Ch. 9A by adding provisions designated as Art. VII, <sec><sec> 9A-31--9A-34. Prior to inclusion of said provisions, Appendix A to Ch. 9A pertained to similar subject matter and derived from Ord. No. 984-90, <sec> 2, adopted April 18, 1990.

**Sec. 9A-31. Public works department.**

Section	Description of Violation	Penalty
(a)	Any object/structure attached to or resting on/or against the seawall is prohibited and shall be removed and seawall repaired; cleats specifically installed in the seawall cap prior to December 19, 1990 are exempt; however, use of cleats to tie a boat, regardless of date of installation, is prohibited.	
	First offense.....	\$100.00
	Second offense .....	200.00
(b)	Any (nonpermittable) alteration to the seawall or structures in the waterways	

	Is prohibited and shall be removed and/or repaired.	
	First offense .....	100.00
	Second offense .....	200.00
(c)	Use of any structures for the purpose of securing watercraft within six (6) feet landward of the seawall which cause damage to seawall tie-rods or deadmen or encroach into a drainage easement are prohibited.	
	First offense .....	100.00
	Second offense .....	200.00
(d)	Improper maintenance/appearance of docks, piers, posts, pilings, bulk-heads, boat lifts, etc., which may pose a hazard to safety or constitute visual blight is prohibited and shall be repaired and/or replaced.	
	First offense .....	100.00
	Second offense .....	200.00
(e)	Any action or condition to impose a substantial hydrostatic force against a seawall such as improper routing of stormwater from roof drains, excessive watering of vegetation, backwashing/overflow drains from ponds, water filter/softeners or any other device are prohibited and such condition shall be abated.	
	First offense .....	100.00
	Second offense .....	200.00
(f)	Alterations, connections or additions to the City water, wastewater and stormwater systems, whether in the public right-of-way, on private property or within easement areas without a permit from the appropriate City department are prohibited and shall be abated.	
	First offense .....	100.00
	Second offense .....	200.00
(g)	Tampering or interference with the City water, wastewater and/or storm water systems whether in the public right-of-way, on private property or within easement areas is prohibited.	
	First offense .....	500.00
	Second offense .....	500.00
(h)	Damage to the City's public transportation structures such as bridges, guardrails, handrails, sidewalks, street lights, etc., is prohibited.	
	First offense .....	100.00
	Second offense .....	200.00

(i)	<p>Damage to public or City-owned roadways such as deposits or spillage of substances which can deteriorate the pavement surface and also actions that physically alter the roadway such as holes, depressions, bumps, etc., in the road surface is prohibited.</p> <p>First offense..... 250.00</p> <p>Second offense ..... 500.00</p>
(j)	<p>Damage to or tampering with any landscaping, irrigation systems, or appurtenances in the public right-of-way, easement area, or City-owned property is prohibited.</p> <p>First offense..... 100.00</p> <p>Second offense ..... 200.00</p>
(k)	<p>Alterations or damage to storm drainage systems such as curb and gutter inlets, catch basins, drainage and under drainage piping, headwalls, drainage swales, filters, retention area, etc., are prohibited.</p> <p>First offense..... 100.00</p> <p>Second offense ..... 200.00</p>
(l)	<p>Improper maintenance of stormwater facilities.</p> <p>First offense..... 100.00</p> <p>Second offense ..... 200.00</p>
(m)	<p>Placement of any object or structure in the public right-of-way or easement areas not permissible by the City engineering department which may pose a safety hazard or interfere with storm drainage or other utilities, to include, but not limited to mailbox supports, basketball assembly supports, curbing, sidewalks, and landscaping is prohibited.</p> <p>First offense..... 100.00</p> <p>Second offense ..... 200.00</p>
(n)	<p>Damage to or tampering with any traffic regulation, signage, signals or pavement markings is prohibited.</p> <p>First offense..... 500.00</p> <p>Second offense ..... 500.00</p>
(o)	<p>Any condition in violation of uses of water during water emergency within and without the City limits.</p> <p>First offense..... 100.00</p> <p>Second offense ..... 200.00</p>
(p)	<p>Placement of any material or structure not permissible per City ordinances or rulings within twenty (20) feet landward of a canal seawall is prohibited and shall be removed.</p> <p>First offense..... 100.00</p> <p>Second offense ..... 200.00</p>

(Ord. No. 1014-90, <sec> 1, 12-19-90; Ord. No. 1023-91, <sec> 3, 6-5-91 Ord. No. 1093-94 <sec> 1, 01-05-94)

**Sec. 9A-32. Building Department.**

Section	Description of Violation	Penalty
(a)	Failure to obtain a certificate of competency. Fine.....	150.00
(b)	Hiring of an unlicensed contractor. Fine.....	150.00
(c)	Willful and deliberate disregard or negligent violation of the City's Building Code or other City ordinances regulating building or construction. Fine.....	150.00
(d)	Failure to obtain a building permit. Fine.....	150.00
(e)	Proceeding with work after a "stop work order" has been placed. Fine.....	150.00
(f)	Failure to correct violations within a reasonable time period. Fine.....	100.00
(g)	Construction during prohibited hours First Offense ..... Second Offense ..... Each Subsequent Offense.....	250.00 500.00 1,000.00

(Ord. No. 1014-90, <sec> 1, 12-19-90; Ord. No. 1443-06, <sec> 1, 07-05-06)

**Sec. 9A-33. Zoning department.**

Section	Description of Violation	Penalty
(a)	The keeping, storage, depositing or accumulation on the premises for an unreasonable period of time of any personal property, including but not limited to abandoned, wrecked, dismantled or inoperative vehicles or watercraft, automotive parts and equipment, watercraft parts and equipment, appliances, furniture, containers, packing material, scrap metal, wood, building materials, junk, rubbish and debris which is within the view of persons on adjacent or nearby real property or the public right-of-way and which constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values	

- is prohibited and shall be abated.  
 First offense..... \$100.00  
 Second offense ..... 200.00
- (b) The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete and other similar materials for an unreasonable period of time which constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values is prohibited and shall be abated.  
 First offense..... 100.00  
 Second offense ..... 200.00
- (c) The operation of a junk yard or automobile dismantling yard, except in zoning districts which allow such use by special exception is prohibited and shall be abated.  
 First offense..... 100.00  
 Second offense ..... 200.00
- (d) Any vehicle which is inoperative or unlicensed for a period of ten (10) days is prohibited on public or private property unless within a completely enclosed garage and shall be removed. (This does not apply to heavy commercial district (CI) or industrial districts).  
 First offense..... 100.00  
 Second offense ..... 200.00
- (e) Any watercraft which is inoperative or unregistered and appears to be in a state of decay and/or abandonment, as determined by the department shall be prohibited on any waterway, shore, private and public property, unless within a completely enclosed garage or building and shall be removed. (This does not apply to heavy commercial district (CI) or industrial districts).  
 First offense..... 100.00  
 Second offense ..... 200.00
- (f) The placement or deposit of any effluvia, refuse or byproducts of decaying animal or vegetable matter in any of the canals, waterways, ditches or water reservoirs in the City so as to be a nuisance or injurious or detrimental to the health, safety and welfare of the community is prohibited.  
 First offense..... 100.00  
 Second offense ..... 200.00
- (g) Any dangerous, unsightly or blighted condition which is detrimental to

	the health, safety or welfare of the public.	
	First offense .....	100.00
	Second offense .....	200.00
(h)	Any condition in violation of live- aboard boats, houseboats and other watercraft.	
	First offense .....	100.00
	Second offense .....	200.00
(i)	Any condition in violation of "prohibited trees".	
	First offense .....	100.00
	Second offense .....	200.00
(j)	Any condition in violation of sales within public right-of- way.	
	First offense .....	100.00
	Second offense .....	200.00
(k)	Any sign in violation of the City of Punta Gorda Sign Code.	
	First offense .....	100.00
	Second offense .....	200.00
(l)	Any condition in violation of Chapter 6 of the Punta Gorda City Code (Boats, Docks and Waterways).	
	First offense .....	100.00
	Second offense .....	200.00
(m)	Any condition in violation of Chapter 7 of the Punta Gorda City Code (Building Regulations).	
	First offense .....	100.00
	Second offense .....	200.00
(n)	Any condition in violation of Chapter 9C of the Punta Gorda City Code (Fire Prevention).	
	First offense .....	100.00
	Second offense .....	200.00
(o)	Any condition in violation of Chapter 10 of the Punta Gorda City Code (Garbage, Trash and Weeds).	
	First offense .....	100.00
	Second offense .....	200.00
(p)	Any condition in violation of Chapter 12 of the Punta Gorda City Code (Occupational License) operating a business without a valid occupational license.	
	First offense .....	100.00
	Second offense .....	200.00
(q)	Any condition in violation of Chapter 15, Sections 15-45 and 15-46 of the Punta Gorda City Code (Door-to-Door Selling, Soliciting and Canvassing).	
	First offense .....	100.00
	Second offense .....	200.00
	For each subsequent offense .....	300.00

(r)	Any condition in violation of the Punta Gorda City Code (Streets and Sidewalks).	
	First offense.....	100.00
	Second offense .....	200.00
(s)	Any condition in violation of Chapter 24 of the Punta Gorda City Code (Trailers and Trailer Parks).	
	First offense.....	100.00
	Second offense .....	200.00
(t)	Any condition in violation of Chapter 25-6 of the Punta Gorda City Code (Impounding of Vehicles).	
	First offense.....	100.00
	Second offense .....	200.00
(u)	Any condition in violation of Chapter 26 of the Punta Gorda City Code (Zoning).	
	First offense.....	100.00
	Second offense .....	200.00
(v)	Planting of any trees not allowed by City Code within one hundred (100) feet of any building, property line or utility right-of-way.	
	First offense.....	100.00
	Second offense .....	200.00
(w)	Cutting, trimming, destroying or otherwise altering any genus of mangrove without first obtaining approval from the Florida State Department of Environmental Regulation.	
	First offense, per tree.....	150.00
	Second offense, per tree .....	500.00
(x)	It shall be unlawful for any person, company or corporation to park trucks or trailers which have tandem axles (or two (2) rear wheels per side) overnight on public or private property, in other than CI, IG or IP zoning districts for which a valid occupational license has been issued for vehicle storage. Delivery or service vehicles used by local commerce and parked on the business property in a manner which does not violate the sign ordinance shall be exempt. This description specifically exempts pickup trucks of one (1) ton or less with or without two (2) rear wheels on each side which may be designed to pull a recreational vehicle with a fifth wheel mechanical device in the bed.	
	First offense.....	100.00
	Second offense .....	200.00

(Ord. No. 1014-90, <sec> 1, 12-19-90; Ord. No. 1032-91, <sec> 1, 11-6- 91; Ord. No. 1630-10, <sec> 4, 3-17-10)

**Sec. 9A-34. Fire department.**

Section	Description of Violation	Penalty	
(a)	Obstruction of fire hydrant and/or fire department connections.		
		First offense.....	\$100.00
		Second offense .....	200.00
(b)	Parking in fire lane.		
		First offense.....	100.00
		Second offense .....	200.00
(c)	Locked or blocked exit.		
		First offense.....	100.00
		Second offense .....	200.00
(d)	Failure to maintain exit lights.		
		First offense.....	100.00
		Second offense .....	200.00
(e)	Failure to maintain emergency lights.		
		First offense.....	100.00
		Second offense .....	200.00
(f)	Failure to maintain fire alarm system.		
		First offense.....	100.00
		Second offense .....	200.00
(g)	Failure to maintain stand pipe system.		
		First offense.....	100.00
		Second offense .....	200.00
(h)	Failure to maintain fire sprinkler system.		
		First offense.....	100.00
		Second offense .....	200.00
(i)	Failure to maintain fire extinguisher system.		
		First offense.....	100.00
		Second offense .....	200.00
(j)	Failure to maintain portable fire extinguisher.		
		First offense.....	100.00
		Second offense .....	200.00
(k)	Improper occupant load in place of assembly.		
		First offense.....	100.00
		Second offense .....	200.00
(l)	Any condition in violation of the Life Safety Code, NFPA- 101.		
		First offense.....	100.00
		Second offense .....	200.00

(Ord. No. 1014-90, <sec> 1, 12-19-90)