



AGENDA
CODE ENFORCEMENT & APPEALS BOARD HEARING
DECEMBER 6, 2018
5:30 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

- 1. CALL TO ORDER / ROLL CALL / DETERMINATION OF A QUORUM**
- 2. APPROVAL OF MINUTES**
 - 2.1 *The minutes from November 1, 2018, will be presented for approval.*
- 3. OLD BUSINESS**
 - 3.1 **JUANITA C RYALS, 205 NORTH 14TH STREET, CASE 18-00124.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-116 (a), cleaning of lots; maintenance of structures; and Section 66-40 Disposition of garbage; covering of containers. *Mr. Edward Nixon, on behalf of the property owner, requests an extension.*
- 4. NEW BUSINESS**
- 5. BOARD BUSINESS**
 - 5.1 **ORDINANCE 2018-42: CODE AMENDMENT - CLEANING OF LOTS, MAINTENANCE OF STRUCTURES -** *Staff to provide update.*
- 6. ADJOURNMENT**

Quasi-Judicial – Denotes that the item must be conducted as a Quasi -Judicial hearing in accordance with City Commission established procedure and Florida Statutes.

All members of the public are invited to be present and be heard. Non -English speaking individuals may request a language or sign interpreter at least ten (10) working days prior to this meeting. Persons with disabilities requiring accommodations in order to participate should contact the City Clerk at (904) 310 - 3115 or TTY/TDD 711 (for the hearing or speech impaired).

For information regarding this matter, please contact the Community Development Department (904) 310-3135. If any person decides to appeal any decision made by the Code Enforcement & Appeals Board with respect to any matter considered at such meeting he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

1. Call to Order/ Roll Call/Determination of Quorum – The meeting was called to order at 5:32 pm.

Council Members Present

Chair Buddy Boyd

Vice Chair Adam Kaufman

Gail Schults

Cynthia Crow

Henry Byrd

Christine Harmon

Council Members Absent

Marlene Chapman

Others Present

Tammi Bach, City Attorney

Michelle Forstrom, Code Enforcement Manager

George Wells, Code Enforcement Officer

Samantha Rogic, Recording Secretary

Chair Boyd called the meeting to order. City Attorney Bach explained quasi-judicial hearings. Chair Boyd asked if any Board member had had ex parte communications and none had.

2. Approval of Minutes – According to the agenda support documents, the Minutes for the September 6, 2018, Regular Hearing were presented for approval. **A motion was made by Vice Chair Kaufman, seconded by Member Byrd, to approve the Minutes. Vote upon passage of the motion was taken by voice vote being all ayes, carried.**

3. Old Business

There were no agenda items under old business.

4. New Business

4.1 GEORGE LEE LANNON, 1423 HIGHLAND DRIVE, CASE 18-00125

Violation(s) of the City of Fernandina Beach Land Development Code exist: Section 7.01.05 Recreational Vehicles, Boats, Trailers, or Similar Items.

Chair Boyd read the case. CA Bach recommended that Member Byrd abstain from voting on this case since he has stated previously that he disagrees with this particular City ordinance.

Ms. Rogic swore in witnesses.

Mr. Wells presented for the City and submitted evidence into the record. On a proactive sweep he noticed the boat parked in the front yard. It was there after notices and when Mr. Wells spoke with the property owner, Mr. Lannon, he said he would move it but it had not been. Mr. Lannon indicated he was not concerned with fines as the property would be foreclosed on soon. City recommends a fine of \$50.00 per day plus administrative fees.

Member Crow asked about the foreclosure. Mr. Wells said that Mr. Lannon had told him he was going to move the boat, but it didn't really matter to him as he thought the bank was going to foreclose on the property soon anyway. Member Crow asked about this property coming before the Board previously and Mr. Wells explained that the vehicle violation had come into compliance the day of the hearing and so the property was only found in violation of 42-116(a) and it was corrected after 6 days. This is not a repeat violation.

Member Crow expressed sympathy for the property owner that the property might be foreclosed on, but she felt the Board needed to be consistent. Vice Chair Kaufman agreed that he was in violation. Mr. Wells stated that Mr. Lannon rents a property nearby where he can put the boat and be in compliance.

A motion was made by Member Crow, seconded by Vice Chair Kaufman, find the property in violation of LDC Section 7.01.05. Vote upon passage of the motion was taken by ayes and nays, and being all in favor, passed. Member Byrd abstained.

A motion was made by Member Crow, seconded by Vice Chair Kaufman to collect all applicable administrative fees and fines of \$50.00 per day beginning November 15, 2018, if not in compliance. Vote upon passage of the motion was taken by ayes and nays, and being all in favor, passed. Member Byrd abstained.

Vice Chair Kaufman asked whether the City could advertise this particular Code section to provide awareness. Ms. Forstrom stated that she could have something put in the “City Scoop” in the newspaper.

4.2 MELISSA A. & EDWARD E. SLAMINKA, 910 DIVISION STREET, CASE 18-00113.

Violation(s) of the City of Fernandina Beach Code of Ordinances exist: 42-116(a) Cleaning of lots, maintenance of structures; and 22-101 Standard Housing Code – Adoption, enforcement, permit requirements.

Chair Boyd read the case. Ms. Forstrom presented for the City and entered evidence into the record. She showed pictures of the property taken that day. In April, she had spoken with the property owner Melissa Slaminka because the property was not hooked up to electricity and water, and there was a trailer in the back. Ms. Slaminka stated that she and her husband were no longer together and she wanted to be left alone to live the way she liked. Ms. Forstrom explained that within City limits, hot and cold water and power was required. Ms. Slaminka stated that she used her car’s solar panels for electricity but did not have water. Mr. and Mrs. Gainey, who were living there as well, promised to turn on the water in their names and confirmed that no one was living in the trailer. The water was turned on later that month. She revisited the property and spoke with Ms. Slaminka to explain that while the property was much better, the fence still needed repair and vehicle needed to be properly tagged.

In July the City received complaints that someone was sleeping in the hammock and living in carport. Ms. Forstrom visited the property and saw that the carport had been enclosed with sheets and blankets to make a living quarters and the neighbor confirmed that someone was living in the carport and there was no electricity. She took pictures. In August the interim building official inspected the property and spoke with the man living in the carport and posted a stop work order. Later that month, Ms. Forstrom posted a notice of violation for living there without hot and cold water and power. She spoke with neighbors who said that the man who had been living in the carport had left town and that the others were not really living in the house, just visiting every few days.

In September, Ms. Slaminka called the City and stated that no one was living there any more, and asked what she needed to do to get the property in compliance. Ms. Forstrom advised her to speak with the building official for the stop work order and to clean the front yard, remove the sheets, etc. In October, Ms. Forstrom visited the property and nothing had been done to bring it into compliance, and she posted a notice and called Ms. Slaminka. She believes the property is going into foreclosure. She has been working with investigators on this case. Staff recommends \$100 per day per violation and administrative fees.

Member Crow asked about some of the pictures relating to the carport. Ms. Forstrom described the issues in detail. Other members asked whether the house was habitable and Ms. Forstrom stated that she had not been in the house so she didn’t know, but the carport was not habitable. The violations that still exist are the carport and cleaning of lots. Member Harmon asked whether the hot and cold water and electricity were still factors, and Ms. Forstrom replied that they were not because the property was vacated. If there were people living there it would present a problem.

Ms. Laurel Strong, 914 Division Street, called the City when the problems began. They have chicken wire and plastic on the carport that they are using as walls. She remembers the Gaineses from another property on the street and they trashed that property too. She expressed that she called the police on several occasions because of the amount of strangers coming and going, and fights. They are tired of the trash and want to live in a nice safe neighborhood.

Ms. Katie McClurg, 920 Division Street, was very emotional in describing how she feels unsafe in her neighborhood and asked the City for help.

Member Harmon asked what the Board could do. Chair Boyd stated that they can find the property in violation and fine them. Vice Chair Kaufman wanted to know if there was a way to have a health department inspect the property, since there seems to be an imminent danger. It does not seem likely that this owner will clean up the property or pay a fine. Ms. Forstrom stated that she had been working with police. Vice Chair Kaufman asked if there could also be police patrols at night.

City Attorney Bach stated that the City has the ability to abate some of the violations that are outside of the house by hiring contractors to clean up the yard and carport. Ms. Forstrom also asked to be able to board up windows if that is done.

Member Crow asked about the process of finding them in violation and how much time The City needed to give them to resolve the issues. CA Bach stated that they already had time to remedy the violations. She recommended that if the Board find in violation, to impose fines and administrative fees, and to have Code Enforcement abate the property, including cleaning the yard, getting rid of overgrowth, tearing down fence panel and cleaning the carport.

The Board discussed that they have never given this kind of order before, they were under the impression they had to give property owners time before implementing any fines or abatement. CA Bach wanted to clarify that the City cannot go inside the house legally without a warrant.

Ms. Strong said that she has gone to the health department about the rats, and the police about them stealing water. She said that the house has no water faucets and is not habitable. Member Shults asked if there were any children in the house. Ms. Strong stated she had seen some but not that stayed for any period of time.

There was discussion over the foreclosure of this house. Ms. Forstrom said that at this point, the bank does not yet own the property, so they cannot do anything, and the property owners don't care, because they are losing the house.

A motion was made by Member Crow, seconded by Vice Chair Kaufman, find the property in violation of 42-116 (a) and 22-101. Vote upon passage of the motion was taken by ayes and nays, and being all in favor, passed.

A motion was made by Vice Chair Kaufman, seconded by Member Crow, to collect all applicable administrative fees and, if not in compliance by November 5, 2018, have the City take all necessary action to abate the violations and anything else they deem necessary, and lien the property with the associated costs. Vote upon passage of the motion was taken by ayes and nays, and being all in favor, passed.

City Attorney Bach clarified that the City would just go in for initial abatement, and was not taking responsibility for the long-term upkeep of the property.

4.3 JUANITA C. RYALS, 205 NORTH 14TH STREET, CASE 17-00124.

Violation(s) of the City of Fernandina Beach exist: Section 42-116(a) Cleaning of lots, maintenance of structures and 66-40 Disposition of garbage; covering of containers.

Chair Boyd read the case. Ms. Forstrom presented for the City and entered evidence into the record. In March, she visited the property based on complaints and spoke to the man of the house regarding the tree on a car in the backyard. On the subsequent visit, the tree had been cut up but there were piles of garbage on the property and in the right of way, and overgrowth. The violations still exist and the City recommends a fine of \$100 per day per violation and administrative fees.

Member Crow asked about the ordinance 66-40, and Ms. Forstrom explained that garbage must be put in containers or the trash company can't pick it up, and since it is in the right-of-way, the City has not been able to mow because of the overgrowth. There was discussion on whether the City could have someone come clean up the garbage. CA Bach said that the right-of-way trash is the City's responsibility.

A motion was made by Member Crow, seconded by Vice Chair Kaufman, find the property in violation of 42-116(a). Vote upon passage of the motion was taken by ayes and nays, and all in favor, passed.

A motion was made by Member Crow, seconded by Member Chapman, to collect all applicable administrative fees and beginning November 15, 2018, fines of \$100.00 per day, if not in compliance. Vote upon passage of the motion was taken by ayes and nays, and being all in favor, passed.

5. Board Business

Code Enforcement Manager Michelle Forstrom told the Board that there was an item before the City Commission to amend the Code of Ordinance to amend 42-116 (a&b).

6. **Adjournment** - There being no further business to come before the Code Enforcement and Appeals Board, the meeting was adjourned at 6:48 p.m.

Katie Newton, Recording Secretary

Carlton “Buddy” Boyd, Chair

STAFF REPORT
Case 18-00124
City of Fernandina Beach Code Enforcement & Appeals Board
November 1, 2018

Violation Information

Owner: Juanita C Ryals, 205 North 14th Street, Fernandina Beach, FL 32034

Violation: City of Fernandina Beach Code of Ordinances, Section 42-116 (a), cleaning of lots; maintenance of structures; 66-40 Disposition of garbage; covering of containers.

Location: 205 North 14th Street, Fernandina Beach, FL 32034

Summary and Background Information

March 26, 2018, After receiving complaints about this property, I visited this property and talked with the man of the house about the tree on the vehicle in the back yard; the piles of trash in the right-of-way; the junk in his yard; and the two inoperable vehicles in his front yard. He told me that he would take care of the tree, the yard and the vehicles. I took pictures.

April 5, 2018, I re-inspected the property and found that some of the tree had been cut back from the vehicle, but a large portion still laid across the top. Some junk was gone from the yard, and some new had been brought in. The piles were still in the right-of-way. One of the vehicles in front was still there and being worked on. The man of the house told me that he was still working on everything. I took pictures.

October 4, 2018, I revisited this property and found that the tree had been cut up and removed from on top of the vehicle; both vehicles in the front had been removed; the piles were still in the right-of-way; a portion of the yard was overgrown; and once again, some item had been removed from the yard, but other stuff had replaced it. I took pictures.

October 5, 2018, I sent a Notice of Violation/Notice of Hearing letter. I have received the signed green card.

October 24, 2018, I re-inspected the property. Nothing had changed. I took more pictures.

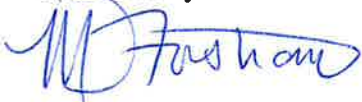
Conclusion

I have not heard anything from anyone regarding this property owner. The property is still in violation.

Recommendation

Staff recommends assessing a \$100.00 fine per day, per violation (overgrown yard, piles of garbage in the right-of-way) and administrative fees incurred until compliance is achieved.

Submitted by:



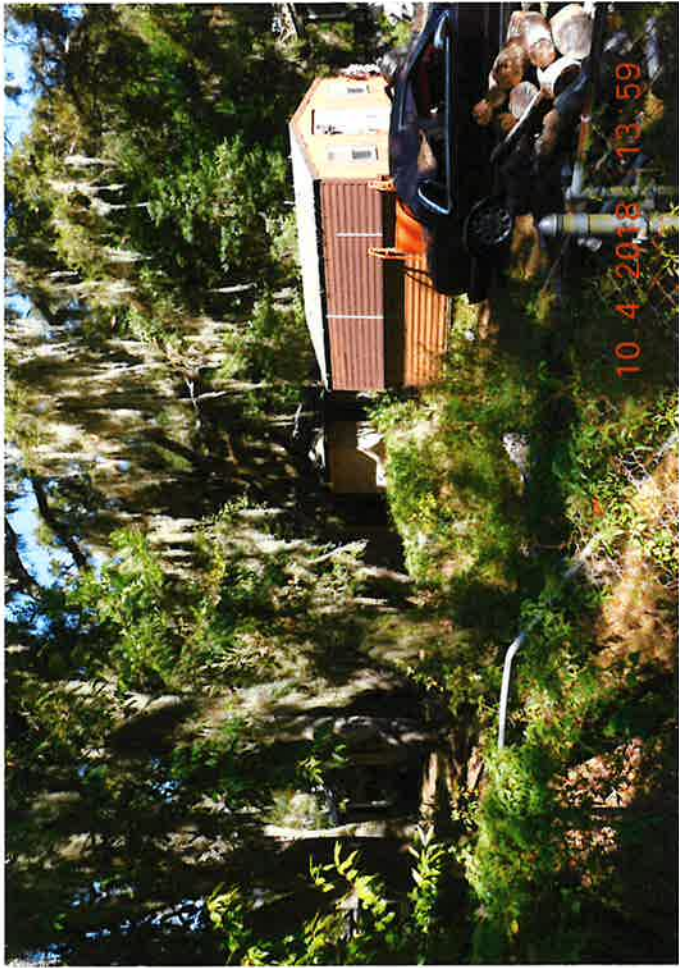
Michelle D. Forstrom
Code Enforcement Director















CODE ENFORCEMENT & APPEALS BOARD
NOTICE OF VIOLATION/NOTICE OF HEARING

October 5, 2018

Case Number: 18-00124

Cert. #7012 1640 0001 5937 9654

IN THE MATTER OF:

Juanita C Ryals
205 North 14th Street
Fernandina Beach, FL 32034

PREMISES: 205 North 14th Street, Fernandina Beach, FL 32034

The brief legal description of the real property upon which this violation occurred is: **BLOCK 245 SUB A & B OF 10 IN DB 198 PG 265 REPLAT OF BLOCK 245 PB 2/54, FERNANDINA BEACH, FL 32034.**

The Code Enforcement office of the City of Fernandina Beach has previously notified you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and contends that the following violation(s) exist: **42-116 (A) Cleaning Of Lots; Maintenance of Structure; and 66-40 Disposition of garbage; covering of containers** (These can be found on the City's website: www.fbfl.us/code). This letter specifically addresses the junk, debris, and similar items in the yard; the overgrown yard; and the trash and debris in the right-of-way on North 14th Terrace.

Therefore, you are hereby directed to remedy and discontinue the problems by: removing or storing in a proper receptacle, all junk, debris or similar items in the yard; cutting the entire yard; and removing the trash and debris from the right-of-way on North 14th Terrace by October 19, 2018 fourteen (14) days from the date of this notice, and if this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: November 1, 2018
TIME: 5:30 p.m.
LOCATION: City Commission Chambers, 204 Ash Street
Fernandina Beach, Florida 32034

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, and fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED \$250.00 per day, per violation).

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).

A handwritten signature in blue ink, appearing to read "Michelle D. Forstrom". The signature is stylized with a large initial "M" and a long, sweeping underline.

Michelle D. Forstrom
Code Enforcement Manager

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

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OFFICIAL USE

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Postage	\$.47	Postmark Here
Certified Fee	3.45	
Return Receipt Fee (Endorsement Required)	2.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.67	
Sent To Street, Apt. 1 or PO Box # City, State, ZIP+4® JUANITA C RYALS 205 NORTH 14TH STREET FERNANDINA BEACH, FL 32034		

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JUANITA C RYALS
205 NORTH 14TH STREET
FERNANDINA BEACH, FL 32034



9590 9402 3035 7124 0456 39

2. Article Number (Transfer from service label)

7012 1640 0001 5937 9654

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

- ☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

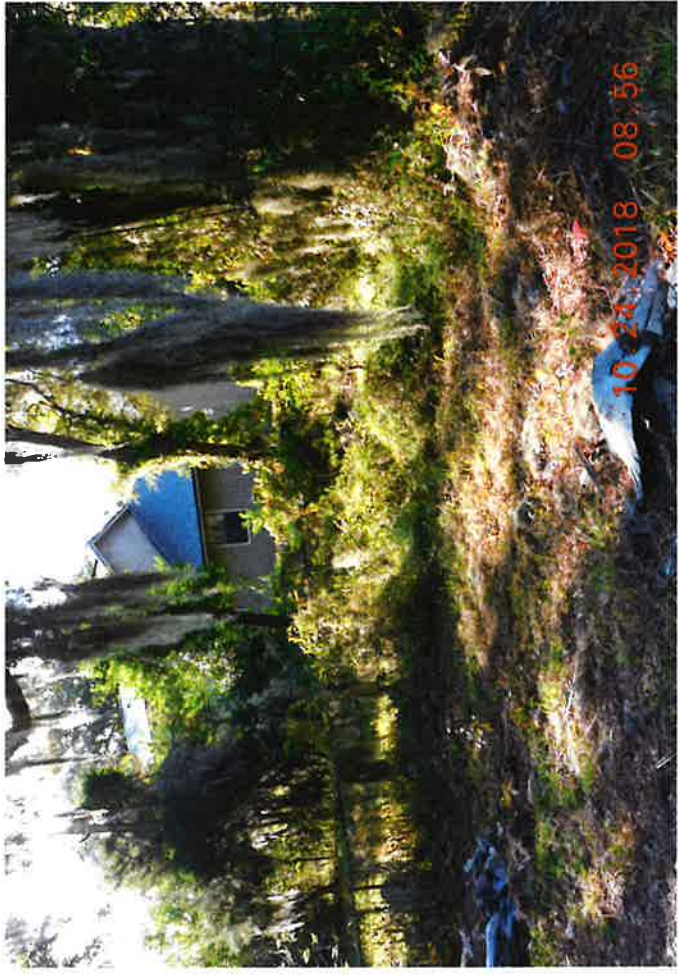
09/08/18

- D. Is delivery address different from item 1?** ☐ Yes
 If YES, enter delivery address below: ☒ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery







City of Fernandina Beach

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF ENFORCEMENT

Date: November 6, 2018

Case Number: 18-00124

IN THE MATTER OF: Respondent Name: Juanita C. Ryals
Respondent Address: 205 N. 14th St., Fernandina Beach, FL 32034

This case having come before the Code Enforcement & Appeals Board of the City of Fernandina Beach on November 1, 2018, a violation hearing having been held, and the Board having heard testimony, does hereby make the following finding of facts, and conclusions of law therefore imposing the following order and penalty:

SECTION 1 - FINDINGS OF FACT

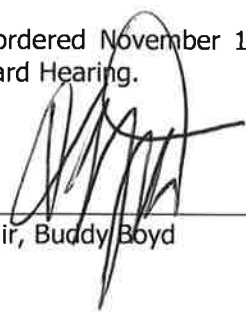
1. The Respondent was properly served notice of these proceedings as required by law on October 5, 2018, and the Respondent was not present at the hearing.
2. The real property on which the violations occurred at 205 N. 14th St, Fernandina Beach, FL and a brief legal description being **BLK 245 SUB A & B OF 10 IN DB 198 PG 265 REPLAT OF BLOCK 245 PB 2/54, Fernandina Beach, FL 32034.**
3. The Respondent is the owner of record of the aforementioned real property.
4. The Respondent violated sections of the Fernandina Beach Code of Ordinances: **42-116 (a) Cleaning of lots, maintenance of structures AND 66-40 Disposition of garbage; covering of containers.**

SECTION 2 - CONCLUSION OF LAW & IMPOSITION OF FINE

1. Based on the foregoing findings of fact, the Board voted to find the property in violation of Section 42-116 (a), to collect administrative fees, and assess fines of \$100 per day, beginning November 15, 2018 if the property has not been brought into compliance.
2. The City of Fernandina Beach shall record a certified copy of this order in the public records and this Order shall constitute a lien against the real property on which the violations exist and upon any other real or personal property owned by the Respondent if fines are not paid within thirty (30) days.
3. If the lien remains unpaid for a period of three (3) months from the date of the filing of the lien, the City of Fernandina Beach may foreclose on the lien or sue to recover a money judgment for the amount of the lien plus accrued interest.

SECTION 3 - CERTIFICATION OF VOTE

Done and ordered November 1, 2018 at the City of Fernandina Beach, Nassau County, Florida Code Enforcement & Appeals Board Hearing.

By: 
Chair, Buddy Boyd

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

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Ordinance 2018-42
Code Amendment - Cleaning of Lots, Maintenance of Structures

ITEM TYPE: Ordinance (w/o fiscal impact)

REQUESTED ACTION: Consider Ordinance 2018-42 at Second Reading.

SYNOPSIS: The Code Enforcement and City Planning departments have recently received complaints from homeowners that the current standards in Chapter 42, Article IV of the Code of Ordinances are too vague. This can cause issues with enforcement of the Code. The new language in the proposed Ordinance uses the International Building Code standards to clearly indicate the standards of maintenance required for lots and buildings located within the City limits.

This Ordinance was approved at First Reading by the City Commission at its Regular Meeting on November 7, 2018.

FISCAL IMPACT: No fiscal impact.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission enact proposed Ordinance 2018-42 at Second Reading.

Date: November 29, 2018

Submitted By: Katie Newton, Legal Assistant

COMMISSION ACTION: Enact

ORDINANCE 2018-42

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING CHAPTER 42, ENVIRONMENT, ARTICLE IV, WEEDS AND WILD GROWTH, OF THE CODE OF ORDINANCES; BY AMENDING THE TITLE OF THE ARTICLE TO "CLEANING OF LOTS; MAINTENANCE OF STRUCTURES"; BY AMENDING SECTION 42-116 TO CHANGE HEADING TO "DUTY TO MAINTAIN PROPERTY" AND CLARIFYING DUTY; BY AMENDING SECTION 42-117 TO "EXTERIOR STRUCTURES" AND CLARIFYING DUTY TO MAINTAIN EXTERIOR OF STRUCTURES; BY AMENDING SECTION 42-118 TO CHANGE HEADING TO "COMPONENT SERVICEABILITY" AND REQUIRING COMPONENTS SUPPORTING STRUCTURES TO BE MAINTAINED; BY AMENDING SECTION 42-119 TO CHANGE HEADING TO "RUBBISH AND GARBAGE" AND PROHIBITING ACCUMULATION OF GARBAGE ON EXTERIOR OF STRUCTURES; BY AMENDING SECTION 42-120 TO CHANGE HEADING TO "PEST ELIMINATION" AND REQUIRING ELIMINATION OF PESTS; BY CREATING SECTION 42-121 "VACANT STRUCTURES AND LAND" AND REQUIRING MAINTENANCE OF VACANT LAND; BY CREATING SECTION 42-122 "SWIMMING POOLS" AND REQUIRING POOLS BE MAINTAINED AND SANITARY; BY CREATING SECTION 42-123 "WATER AND ELECTRIC SERVICE" AND REQUIRING STRUCTURES BE CONNECTED; BY CREATING SECTION 42-124 "AUTHORITY TO INSPECT PREMISES" AND PROVIDING FOR CITY INSPECTIONS; BY CREATING SECTION 42-125 "NOTICE TO CORRECT VIOLATIONS" AND PROVIDING FOR NOTICE; BY CREATING SECTION 42-126 "RIGHT TO APPEAL"; BY CREATING SECTION 42-127 BY PROVIDING FOR "IMPOSITION OF LIEN AGAINST PROPERTY BY CITY"; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, property and structures that are not maintained are harmful to the general welfare of the citizens of the City of Fernandina Beach; and

WHEREAS, City of Fernandina Beach has a duty to establish standards of maintenance of property and structures within city limits; and

WHEREAS, Chapter 42, Article IV of the City Code of Ordinances regulates the cleaning of lots and maintenance of structures within the city limits; and

WHEREAS, certain revisions are necessary to update the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. It is hereby proposed that the title of Chapter 42, Environment, Article IV, Weeds and Wild Growth, of the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended to read as follows:

ARTICLE IV. ~~WEEDS AND WILD GROWTH~~ CLEANING OF LOTS, MAINTENANCE OF STRUCTURES.

SECTION 2. It is hereby proposed that Section 42-116 of the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended to read as follows:

Sec. 42-116. ~~Cleaning of lots; maintenance of structures~~ Duty to maintain property.

~~(a) All owners of lots are hereby required to cut down and remove therefrom all growing weeds and unwholesome vegetation and to clear the property of all debris and rubbish that may be unsightly, creating a health hazard or providing a sanctuary for illegal activities. The height of all grass and similar vegetation shall not exceed 12 inches. The cutting of such grass and similar vegetation and removing of weeds and other unwholesome vegetation and debris shall be done as often as deemed necessary to eliminate the problem and meet the standards in this article.~~

(a) No person owning, leasing, renting, occupying, being in possession of or having charge of any property in the City, including disturbed vacant lots, shall maintain or allow to be maintained on such property, except as may be permitted by any other City ordinance, any of the following conditions visible from any public street or alley, or from any other private property:

(1) Overgrown, uncultivated, unkempt, or potentially hazardous vegetation of any type, including but not limited to shrubs, brush, weeds, vines; and grasses over 12 inches in height or length, including vegetation that may harbor rodents or transient activity, or encroach onto adjoining public or private properties. Where erosion control issues or indigenous species are present, an exception or modification may be made to these requirements. Regulated wetlands, other environmentally sensitive areas, undeveloped land, and managed stormwater facilities are exempt from these requirements.

(2) Vegetation and overgrowth including but not limited to tree limbs, branches, hedges, vines and shrubs that encroach the public right-of-way must be maintained to create a clear unobstructed passage to a height of eight feet above sidewalks and pedestrian walkways and fourteen feet above streets and vehicular traffic areas.

(3) Vegetative debris and decaying or live organic matter must be removed from roofs and gutters.

~~(b) All owners of property where structures have been placed shall maintain their structures in such a manner as not to present an unsightly appearance nor create a hazard to the public; provide a sanctuary for illegal activities, or be a danger to surrounding property.~~

SECTION 3. It is hereby proposed that Section 42-117 of the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended to read as follows:

Sec. 42-117. ~~Authority to inspect premises.~~ Exterior structure.

~~(a) For the purpose of enforcing the provisions of this article, the city manager or his designee may enter upon any property within his jurisdiction for the purpose of inspection and determination as to the degree of infraction.~~

- (a) The exterior of a structure must be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare.
- (b) All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences, must be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, must be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint must be removed and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, must be weather resistant and water tight. All metal surfaces subject to rust and corrosion must be coated to prohibit such rust and corrosion, and all surfaces with rust or corrosion must be stabilized and coated to prohibit future rust and corrosion. Oxidation stains must be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- (c) All structural members must be maintained free from deterioration and be capable of safely supporting the imposed dead and live loads.
- (d) All foundation walls must be maintained plumb and free from open cracks and breaks and kept in such a manner so as to prevent the entry of rodents and other pests.
- (e) All exterior walls must be free from holes, breaks, and loose or rotting materials, maintained weatherproof and properly surface coated where required to prevent deterioration.
- (f) The roof and flashing must be sound, tight, and not have defects that admit rain. Roof drainage must be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts must be in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- (g) All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features must be maintained in good repair with proper anchorage and in a safe condition.
- (h) All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts must be maintained in good repair and be properly anchored to be kept in a sound condition. When required, all exposed surfaces of metal or wood must be protected from the elements against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (i) Every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, must be structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- (j) All chimneys, cooling towers, smoke stacks, and similar appurtenances must be structurally safe and sound and in good repair. All exposed surfaces of metal or wood

must be protected from the elements against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

- (k) Every handrail and guard must be firmly fastened and capable of supporting normally imposed loads and be maintained in good condition.
- (l) Every window, skylight, door and frame must be in sound condition, good repair, and weather tight. All glazing materials must be free from cracks and holes.
- (m) Doors, windows, or hatchways for all primary and accessory dwelling units must be provided with devices designed to provide security for the occupants and property within.
- (n) All exterior gates, gate assemblies, operator systems if provided, and hardware must be in good condition. Latches at all entrances must tightly secure the gates.

SECTION 4. It is hereby proposed that Section 42-118 of the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended to read as follows:

Sec. 42-118. ~~Notice to correct violations.~~ Component serviceability.

~~The city manager or his designee is charged with the duty of inspecting the various properties in the city to determine their condition with regard to the provisions of this article and to notify the owner as follows:~~

- ~~(1) If the name and address of the owner is known, he may be notified by printed or written notice, sent by mail or personally delivered, stating the violation, the remedy anticipated, and the required time limit corrective action is to have been taken.~~
- ~~(2) If the name or address of the owner is not known, notice may be accomplished by publication in one issue of the Fernandina Beach News-Leader or other local publication of general distribution, giving general notice of the violation, the required time limit for corrective action, and giving the location by street address and/or by blocks and lots of the property involved.~~
- (a) The components of a structure and equipment therein must be maintained in good repair, structurally sound, and in a sanitary condition.
- (b) Where any of the following conditions cause the component or system to be beyond its limit state, the component or system will be determined as unsafe and must be replaced or repaired to comply with the International Building Code as required for existing buildings. Buildings in the Historic Districts must comply with Historic District Guidelines outlined in the Land Development Code.
 - (1) Soils that have been subjected to any of the following conditions: collapse of footing or foundation system; damage to footing, foundation, concrete, or other structural element due to soil expansion; adverse effects to the design strength of footing, foundation, concrete, or other structural element due to a chemical reaction from the soil; inadequate soil as determined by a geotechnical investigation; where the allowable bearing capacity of the soil is

in doubt; or adverse effects to the footing, foundation, concrete, or other structural element due to the ground water table.

- (2) Concrete that has been subjected to any of the following conditions: deterioration; ultimate deformation; fractures; fissures; spalling; exposed reinforcement; or detached, dislodged, or failing connection.
- (3) Aluminum that has been subjected to any of the following conditions: deterioration; corrosion; elastic deformation; ultimate deformation; stress or strain cracks; joint fatigue; or detached, dislodged, or failing connections.
- (4) Masonry that has been subjected to any of the following conditions: deterioration; ultimate deformation; fractures in masonry or mortar joints; fissures in masonry or mortar joints; spalling; exposed reinforcement; or detached, dislodged, or failing connections.
- (5) Steel that has been subjected to any of the following conditions: deterioration; elastic deformation; ultimate deformation; metal fatigue; or detached, dislodged, or failing connections.
- (6) Wood that has been subjected to the following conditions: ultimate deformation; deterioration; damage from insects, rodents, and other vermin; fire damage beyond charring; significant splits and checks; horizontal shear cracks; vertical shear cracks; inadequate support; detached, dislodged, or failing connections; or excessive cutting and notching.

- (c) Demolition of unsafe conditions will be permitted when approved by the code official.

SECTION 5. It is hereby proposed that Section 42-119 of the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended to read as follows:

Sec. 42-119. ~~Right to appeal.~~ Rubbish and garbage.

~~Any person adversely affected by a decision of the city manager or his designee in the enforcement or interpretation of any terms or provisions of this article may appeal such decisions to the city commission, by filing written notice thereof, within ten days after the decision of the city manager or his designee.~~

- (a) All exterior property and premises must be free from any accumulation of rubbish or garbage.
- (b) Refrigerators and similar equipment not in operation must not be discarded, abandoned, or stored on premises without first removing the doors.

SECTION 6. It is hereby proposed that Section 42-120 of the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended to read as follows:

Sec. 42-120. ~~Imposition of lien against property by City.~~ Pest elimination.

~~If any owner fails to remedy the condition stated in the notification provided for in section 42-118 within the time frame allotted, the city commission may, at its discretion, cause such remedial work to be done and bill the cost of such work to the owner of the property. If the bill is not paid within 30 days from the date it is mailed to the owner, such charge shall become a lien against the property until the amount of such charge, including interest, cost of publication of notice, court costs, and attorneys' fees shall have been paid to the city by the owner.~~

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

SECTION 7. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended by adding a section numbered 42-121, which section reads as follows:

Sec. 42-121. Vacant structures and land.

All vacant structures and premises thereof or vacant land must be maintained in a clean, safe, secure, and sanitary condition so as not to cause a blighting problem or adversely affect the public health or safety. A structure will be considered vacant if it is not connected to water and electric services.

SECTION 8. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended by adding a section numbered 42-122, which section reads as follows:

Sec. 42-122. Swimming pools.

Swimming pools must be maintained in a clean and sanitary condition, and in good repair.

SECTION 9. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended by adding a section numbered 42-123, which section reads as follows:

Sec. 42-123. Water and electric service

- (a) Every sink, lavatory, bathtub, or shower, drinking fountain, water closet, or other plumbing fixture must be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs, and showers must be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.
- (b) Inhabited structures must be properly connected to electric service as evidenced by an operational meter.

SECTION 10. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended by adding a section numbered 42-124, which section reads as follows:

Sec. 42- 124. Authority to inspect premises.

For the purpose of enforcing the provisions of this article, the city manager or his designee may enter upon any property within his jurisdiction for the purpose of inspection and determination as to the degree of infraction, subject to Florida law.

SECTION 11. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended by adding a section numbered 42-125, which section reads as follows:

Sec. 42-125. Notice to correct violations.

The city manager or their designee is charged with the duty of inspecting the various properties in the city to determine their condition regarding the provisions of this article and to notify the owner as follows:

- (1) If the name and address of the owner is known, they may be notified by printed or written notice, sent by mail or personally delivered, stating the violation, the remedy anticipated, and the required time limit corrective action is to have been taken.
- (2) If the name or address of the owner is not known, notice may be accomplished by publication in one issue of the Fernandina Beach News-Leader or other local publication of general distribution, giving general notice of the violation, the required time limit for corrective action, and giving the location by street address and/or by blocks and lots of the property involved.

SECTION 12. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended by adding a section numbered 42-126, which section reads as follows:

Sec. 42-126. Right to appeal.

Any person adversely affected by a decision of the city manager or his designee in the enforcement or interpretation of any terms or provisions of this article may appeal such decisions to the city commission, by filing written notice thereof, within ten days after the decision of the city manager or his designee.

SECTION 13. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended by adding a section numbered 42-127, which section reads as follows:

Sec. 42-127. Imposition of lien against property by City.

If any owner fails to remedy the condition stated in the notification provided for in section 42-125 within the time frame allotted, the city commission may, at its discretion, cause such remedial work to be done and bill the cost of such work to the owner of the property. If the bill is not paid within 30 days from the date it is mailed to the owner, such charge shall become a lien against the property until the amount of such charge, including interest, cost of publication of notice, court costs, and attorneys' fees shall have been paid to the city by the owner.

SECTION 14. All ordinances or parts of ordinances and all resolutions in conflict herewith be and the same are hereby repealed.

SECTION 15. SEVERABILITY. If any provision or portion of the Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of the Ordinance shall remain in full force and effect.

SECTION 16. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final adoption.

ADOPTED this 4th day of December, 2018.

ATTEST:

CITY OF FERNANDINA BEACH

Caroline Best
City Clerk

John A. Miller
Commissioner-Mayor

APPROVED AS TO FORM &
LEGALITY:



Tammi E. Bach
City Attorney