

ORDINANCE NO. 14-013

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING **CHAPTER 16, ARTICLE III, SECTION 16-48 "DEFINITIONS"** AND; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Code of Ordinances of the City of Fort Pierce, Florida prohibits any objects or conditions defined as a nuisance from being kept or maintained upon any private or public property within the City limits; and

WHEREAS, the definitions of Nuisance as an Object and Nuisance as a Condition must be periodically reviewed and amended; and

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida:

SECTION 1. 16-48 of the Code of Ordinances of the City of Fort Pierce, Florida, is hereby amended so that the same shall read thereafter as follows:

Sec. 16-48. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning;

Department means the Department of Code Enforcement.

Motor vehicle means any vehicle or conveyance which is self-propelled and designed to travel along the ground. This includes, but is not limited to, automobiles, buses, mopeds, motorcycles, trucks, tractors, trailers, go-carts, golf carts, motor homes and recreational vehicles.

Nuisance as an object means one of the following:

- (1) Junk, consisting of unsightly, worn-out or discarded material of little or no residual value including scrap metal, scrap lumber, wastepaper products, discarded building materials, or other debris, the accumulation of which has an adverse effect upon neighborhood or city property values, health, safety or general welfare;
- (2) Abandoned property, meaning any personal property, including motor vehicles, left in plain view under circumstances reasonably indicating that the possessor or owner thereof has relinquished any rights of ownership therein;
- (3) Wrecked motor vehicle or watercraft, meaning any motor vehicle or watercraft the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power ~~on any public street~~, or from which the wheels, engine, transmission or other substantial part thereof is or are removed;
- (4) A motor vehicle kept in the front yard of a residence on other than pavement unless parked in a driveway, whether such driveway is paved or unpaved;
- (5) Any garbage; rubbish; trash; refuse; cans; bottles; boxes; container; paper; tobacco products; tires; abandoned or inoperative appliance; mechanical equipment or parts; building or construction materials; tools; machinery; wood; vessels; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facilities; or a

substance in any form resulting from domestic, industrial, commercial, mining or agricultural operations; or dead or decaying plants (except for compost piles) or exotic animals of any kind;

- (6) Any building or structure, or part thereof, which is in a dilapidated, unsanitary or unsafe condition, or which constitutes a fire hazard;
- (7) Any building, structure, lot, place or location where any activity in violation of law is conducted, performed maintained or allowed;
- (8) Stagnant or insufficiently treated water, in a pool, pond or container of any kind, including water in which algae is allowed to grow or in which mosquitos or other insects are able to breed;
- (9) Animal excrement;
- (10) Non-operative or unlicensed motor vehicles, located and specifically restricted as follows:
 - (a) All non-operative or unlicensed vehicles wholly or partially within any public right-of-way or on any public property are hereby prohibited, unless specifically authorized by item 10(b) of this code;
 - (b) On property for which a current and valid ~~occupational license~~ business tax receipt has been issued for any automobile, truck, or motor vehicle business, all non-operative or unregistered vehicles shall be kept, stored, or maintained at least fifteen (15) feet from the paved edge of the nearest roadway, at all times;
 - (c) On, property having a land use and zoning designation for commercial use, and having a current and valid ~~occupational license~~ business tax receipt for a commercial business, all unlicensed vehicles shall be kept, stored or maintained at least fifteen (15) feet from the paved edge of the nearest roadway at all times, and no unlicensed vehicle shall be allowed to remain on any property for a period in excess of thirty (30) days in any ninety-day period, unless such vehicle is kept, stored or maintained with a fully enclosed building or legally permitted fenced storage area. Any vehicle found on the same property, outside of an enclosed building or fenced storage area, during two (2) separate inspections by the city more than thirty (30) but less than ninety (90) days apart, shall be presumed to have remained on the subject property outside of an enclosed building or fenced storage area for in excess of thirty (30) days in any ninety-day period, irrespective of whether said vehicle had been removed during said period;
 - (d) On properties within the city not described by the immediately foregoing subsections, all non-operative or unlicensed vehicles shall be kept, stored or maintained within a fully enclosed building at all times.
- (11) Furniture kept or stored outdoors where such furniture is of the kind and sort normally and customarily kept inside such as, for example, upholstered sofas, and where such furniture is not in actual use.
- (12) Any operable appliance kept or maintained outside in the open air and not under roof such as a garage or carport.
- (13) Graffiti, which includes but is not limited to any unauthorized inscription, word, figure, painting or other defacement that is written, etched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of any public or private property by any graffiti implement including but not limited to aerosol paint container, marker, gum label, paint stick or graffiti stick, etching equipment, brush

or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.

Nuisance as a condition means a certain state of being or situation located on property which:

- (1) Injures or endangers the comfort, repose, health or safety of any person; or
- (2) Offends decency; or
- (3) Is offensive to the senses; or
- (4) Interferes with, obstructs or renders dangerous for passage on any public or private street, alley, highway, right-of-way, easement, sidewalk, stream, ditch, channel or drainage of any property; or
- (5) Renders other persons insecure in life or the use of property; or
- (6) Interferes with the comfortable and quiet enjoyment of life or property; or
- (7) Tends to or could depreciate the value of property of any persons; or
- (8) Is declared otherwise by ordinance or statute to be a nuisance, unlawful or prohibited; or
- (9) Any trash, litter, debris, garbage, bottles, paper, plastic, metals, cans, ~~pages~~ ~~frags~~, offal, bricks, concrete, lumber, building materials, or dead or decaying plants, (except for compost piles) or animals of any kind; or
- (10) Any condition which provides, or could provide, harborage for rats, mice, snakes, insects or other vermin; or
- (11) Any noises or vibrations, including animal noises, which disturb the peace of the surrounding area or are otherwise unlawful; or
- (12) Any foul, offensive or unlawful emissions, odors or stenches and the causes thereof; or
- (13) The pollution of any well, body of water or drainage system by sewage, dead animals, industrial wastes, debris or other substances; or
- (14) Dense smoke, noxious or lethal fumes, lethal gas, soot or cinders; or
- (15) Any condition constituting a fire hazard; or
- (16) Blocking of drainage inlets, pipes, ditches, swales, channels, culverts or streams; or
- (17) The accumulation of garbage and trash in violation of section 16-23 of this chapter.
- (18) Any landscaping element that is not well-maintained including but not limited to lawns, hedges, bushes and trees. Such landscaping elements shall be kept trimmed and free from becoming overgrown and unsightly where exposed to public view and where the same may constitute a blighting factor thereby depreciating adjoining property.

Person means any natural person, firm, partnership, association, corporation, organization or entity of any kind.

Person or individual means any natural person, firm, partnership, association, corporation, organization or entity of any kind.

Private property means any real property within the city which is privately owned and is not defined as public property.

Public property means lands and improvements owned by the federal government, the state, a county or municipality and includes sovereignties submerged lands located adjacent to the county or municipality, beaches, buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way and similar public property.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 4. This Ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM
AND CORRECTNESS:

Robert V. Schwerer, Esq.
CITY ATTORNEY

(STATE OF FLORIDA)
(ST. LUCIE COUNTY)SS

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 14-013 was duly advertised by title only in the St. Lucie News Tribune on April 11, 2014; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the city of Fort Pierce, Florida, on April 21, 2014; and was duly introduced, read by title only, and passed on second and final reading on May 5, 2014 by the City Commission of the City of Fort Pierce, Florida.

In witness herewith, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 5th day of May, 2014.

LINDA HUDSON, MAYOR COMMISSIONER

LINDA W. COX, CITY CLERK

(CITY SEAL)