

ORDINANCE NO. 1469

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, CREATING SECTION 8-7 OF THE CITY'S CODE OF ORDINANCES RELATED TO MAINTENANCE OF BUILDINGS; SETTING STANDARDS FOR MAINTENANCE OF BUILDINGS; REQUIRING THAT BUILDINGS AND PROPERTY MEET THE MAINTENANCE STANDARDS SET FORTH HEREIN; ESTABLISHING CIVIL PENALTIES FOR VIOLATIONS OF SECTION 8-7; PROVIDING THAT VIOLATIONS OF SECTION 8-7 MAY BE ENFORCED BY THE REMEDIES AND PROCEDURES SET FORTH IN CHAPTER 25 RELATED TO CODE ENFORCEMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City Council desires to improve and maintain the appearance of certain buildings and structures, which, while structurally sound, safe, and complying with the minimum requirements set forth in the Florida Building Code, are inadequately maintained; and

WHEREAS, the City's tourist economy is largely dependent upon the City maintaining a welcoming and desirable appearance of its buildings; and

WHEREAS, the City Council finds that inadequate maintenance of certain buildings which become aesthetically displeasing, affect property values of nearby property, affect citizen and visitor attitudes about the desirability of the City as a tourist destination its businesses including the livability of its residential neighborhoods, contribute to community blight; and

WHEREAS, the City Council finds that establishing reasonable uniform community standards for appearance and maintenance of buildings and properties in the City will benefit the City's appeal for visitors and residents alike; and

WHEREAS, the City finds that buildings which have broken windows or are poorly maintained so as to appear abandoned become targets of vandalism and may

create opportunities for other criminal acts; and

WHEREAS, the City Council finds that providing a mechanism to assure building maintenance is reasonably related to crime prevention. This division is designed to protect and preserve the appearance, character, and value of buildings, structures, and properties, thereby promoting the general welfare.

WHEREAS, while the City Council is desirous of protecting property values, protecting and enhancing the aesthetics of the City as a tourist destination, the livability of its neighborhoods, preventing community blight, and preventing crime, the City is no less cognizant of a resident's right to enjoyment and use of his or her building, dwelling, and property—free of unreasonable or unwarranted governmental intrusion. The City recognizes that this right is also an important public purpose no less worthy of protection than the other interests identified above.

WHEREAS, the City has carefully weighed these governmental interests, and has attempted to strike a reasonable balance among them by enacting the regulations encompassed in this Ordinance. Their purpose is to establish reasonable standards of community appearance and property maintenance which will allow the City to address instances where governmental action is appropriate.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Chapter 8, Article I, Sections 8-7 of the Code of Ordinances of the City of Panama City Beach related to building maintenance, are created to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 8-7. Inadequately maintained buildings, structures, or properties

(a) Every building, structure, and property shall be maintained in good repair and in good condition, in accordance with the following appearance standards:

(1) Exterior Walls.

a. External walls (or any portion thereof) and external wall patches (except areas featuring real brick, rock, or other architectural treatments that are not customarily painted) shall be painted. Cracking, chipping, blistering, or peeling paint shall not be so excessive or exist to such a degree that such conditions are easily and clearly discernable from any adjoining public right-of-way or property.

b. All building exterior wall surfaces shall be kept free of discolored or chipped paint to prevent deterioration, and must be repainted, recovered, or cleaned when twenty-five (25) percent or more of any exposed, single distinct wall face surface area becomes discolored or has peeling or chipping.

For purposes of this section discolored shall mean the present wall surface color has discernibly different colors due to bleaching, soiling, staining or streaking. "Good condition" shall mean the building feature is performing according to its originally intended function. "Good repair" shall mean that any repair made to a structure's feature is consistent with and ensures the feature's originally intended function and that the repair was executed in a workmanlike manner.

(2) Roof repairs and replacements shall be finished. There shall be no areas of exposed roofing underlay materials, or mismatched or assorted shingles. All roof repairs or roof replacements shall be finished. Tar paper, bitumen membrane or other "drying in underlay system" must be covered with tiles or shingles and finished on the edges with drip edging or other appropriate flashing.

(3) Repair work shall be painted in a manner that matches as close as reasonably possible the color of the area around or near the patch.

(4) The glass in windows and in glass sliding doors shall be free from cracks or breaks.

(5) Foundations, exterior walls and roofs shall be weathertight without any cracks or holes.

(6) All appurtenances to any structure, such as awnings, shutters, light fixtures or mailboxes shall be securely attached and not broken, hanging loose, or falling away from the structure.

(9) Decorative elements of any structure facade(s) shall be kept in a well maintained condition so that they are not broken, hanging loose, falling down, or unpainted.

(10) Windows and doors shall be secured in a tight-fitting, weather-proof and rodent-proof manner. Window sashes with rotten wood, broken joints or deteriorated mullions or muntins, shall be replaced and all materials exposed to the exterior painted, stained or otherwise treated in a manner consistent and harmonious with the remainder of the structure. Soffit screens shall be secured in

a tight-fitting and rodent-proof manner and the screens shall be free from holes, tears or rips.

(11) Screen enclosures shall be free of tears or rips greater than twelve (12) inches in length or diameter, and all panels of the enclosure designed to be screened must contain screening.

(12) All private sidewalks, walkways, decks, roads, streets, driveways, parking areas, and other paved or hard surfaced areas located within private property and intended for use by vehicular or pedestrian traffic shall be kept clean and free of trash or debris at all times.

(13) Mildew, rust, and excessive dirt deposits.

a. All buildings, structures, (including roofs), or other improvements shall be free from mildew, rust deposits and dirt and must be repainted, recovered or cleaned when twenty-five (25) percent or more of any single distinct surface area becomes so discolored. Discolored shall mean the wall surface is a different color due to the presence of the mildew, rust or dirt and that such discoloration is easily and clearly discernable from any adjoining public right of way or adjoining private property.

(b) Failure of any building, structure or property to comply with the above community appearance standards shall be a violation of this Code. However, if any of the above conditions exist on a temporary basis while work is being performed pursuant to a valid building permit, which work is to cure the condition, then no violation of this section shall exist during the term set by the building permit.

(c) Upon determination by code enforcement officer that a building, structure, or property violates the provisions of this section, in addition to any other penalty provided by law, this section may be enforced by the remedies and procedures set forth in Chapter 25 of this Code (the Code Enforcement Hearing Officer System).

(d) The following schedule of penalties shall apply to violations of section 8-7, and a greater penalty may in any case be imposed:

(1) One (1) to four (4) separate violations; twenty-five dollars (\$25.00) per violation, per week the violation continues.

(2) Five (5) or more separate violations; fifty dollars (\$50.00) per violation, per week the violation continues.

(e) The City Manager may suspend the requirements of this section following a disaster where the City Manager finds the community is in need of additional time to address life-safety issues prior to complying with these standards. "Disaster" means any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by the City, Bay County, the Governor of the State of Florida, or the President of the United States.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 4. SEVERABILITY. If any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 13th day of September, 2018.



MAYOR

ATTEST:



CITY CLERK

EXAMINED AND APPROVED by me this 13th day of September, 2018.



MAYOR

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