

ORDINANCE 2022-35

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 12, HEALTH, SANITATION, NUISANCES, AND MINIMUM PROPERTY MAINTENANCE STANDARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED, by the City Commission of the City of Lake Wales,

SECTION 1:

§ 12-2. Definitions and rules of construction.

- (a) The following words, terms or phrases, when used in this article, shall have the meanings ascribed to them in this section:

Code enforcement Officer / Compliance Officer. Any designated or authorized employee or agent of the city whose duty it is to enforce or assure compliance with city codes and ordinances. Code enforcement Officer and Code Compliance Officer are used interchangeably to mean the same function.

~~**Repeat violation.** 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.~~

Repeat violation. A violation of a provision of a code or ordinance by a person who has been previously found through a code enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within 5 years prior to the violation, notwithstanding the violations occur at different locations.

~~**§ 12-7. Repeat violator status.** When a property owner violates any article within the City Code three (3) times If a repeat violation is found within a five (5) year period and is notified in accordance with the procedures herein, the owner shall be considered for an automatic code enforcement board hearing to be shown as repeatedly contributing to a nuisance, and any further violations of the same ordinance shall subject the owner to a repeat offender status and a fine not to exceed five hundred dollars (\$500.00) for each day the violation continues, in addition to any and all costs as foredescribed.~~

Article II. Nuisances

Division 2. Debris, Weeds, Wild Growth, Dangerous and Unsanitary Conditions.
Reserved

~~§ 12-38. Dead trees, limbs, branches and accumulated landscaping materials.~~

~~It shall be the responsibility of the owner and or occupant to remove and properly dispose of dead and/or downed trees, limbs, branches, bagged or piled grass clippings, bagged or piled leaves and other piles or accumulations of material resulting from landscaping or maintenance of a parcel of land or lots. Stumps resulting from the removal of dead trees will be ground to or below grade level as to prevent a hazardous condition.~~

~~(Ord. No. 2016-08, § 2, 06-21-16)~~

~~§ 12-40. Dangerous Conditions – General.~~

~~It is unlawful for any person to maintain or permit the existence of any condition that is a danger to life, health, or property within the City. Dangerous conditions include, but are not limited to, any unsecured structure, structures in violation of the Florida Building Code, The International Property Maintenance Code, The Uniform Code for the Abatement of Dangerous Buildings, trees in danger of falling, all or in part, unprotected excavations, improper storage of hazardous or toxic materials, any abandoned or stored refrigeration unit, appliance, derelict vehicle, derelict vessel, or other condition that could trap a person, in such a place as to be easily accessible to persons without first having made adequate provisions to prevent entry into such without having removed all latches, catches, locking devices or the door thereof, so that escape from the interior may be had, or otherwise ensure lack of access.~~

~~(Ord. No. 2016-08, § 2, 06-21-16)~~

~~§ 12-41. Graffiti.~~

~~No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.~~

~~It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.~~

~~(Ord. No. 2016-08, § 2, 06-21-16)~~

~~§ 12-36. Property clearing and cleaning.~~

~~All premises and exterior property, and on the portion of the adjoining public right-of-way between the property and the street, other than agricultural, shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height, dead and or downed trees, stumps must be ground to or below grade, low hanging branches must be trimmed to a height of at least six (6) feet above grade. The removal of any tree, four (4) inches or greater in diameter at breast height (DBH), cannot be removed without a permit.~~

EXCEPTION: ~~Parcels over 10 acres need only mow and clean the first twenty five (25) feet of the perimeter of the property.~~

~~(Ord. No. 2016-08, § 2, 06-21-16; Ord. No. 2018-06, § 1, 09-19-18)~~

~~§ 12-37. Junk & Trash.~~

~~All exterior property and premises shall be maintained in a clean, safe and sanitary condition. It shall be the duty of each property owner or household in this city to remove all debris, from his or her property, including the streets, alleys, and sidewalks bordering thereon, and keep same in good, clean, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.~~

~~No owner or occupant shall permit old or broken lumber, rusted or unused equipment, discarded refrigerators, discarded stoves, old pipe, scrap metal, or other used, discarded and worn, unsightly articles or materials to remain in any yard or open area owned, occupied or in the possession of such person for a period of more than ten (10) days.~~

~~Further, unless authorized by the zoning category of the property, no owner or occupant of a building, structure or premises may utilize such property for the open storage of abandoned, untagged, or inoperative motor vehicles, iceboxes, refrigerators, stoves, glass, building material, rubbish or similar items.~~

~~(Ord. No. 2016-08, § 2, 06-21-16; Ord. No. 2018-06, § 2, 09-19-18)~~

~~§ 12-39. Tree Declared Nuisance/ Dangerous.~~

- ~~a) Any tree extending over a street, alley highway, or parking lot shall be trimmed by the property owner, or his authorized agent, on which the tree trunk is located, so as to provide a clear height above the street, alley, highway, or parking lot of not less than fourteen (14) feet.~~
- ~~b) Any tree extending over a sidewalk, or multi-modal trail shall be trimmed by the property owner, or his authorized agent, so as to provide a clear height above the sidewalk, or multi-modal trail, of not less than eight (8) feet.~~
- ~~c) The property owner of any tree which extends over a street, alley, highway, parking lot, sidewalk, or multi-modal trail shall remove any and all dead branches from the tree which, if dislodged, are likely to fall upon the public street, alley, highway or sidewalk.~~
- ~~d) In the event that the property owner fails to meet the requirements of this section, then the City may issue a written notice of violation to the property owner giving fifteen (15) days to correct the violation. If the violation is not corrected within the given period of time then the City has the option of correcting the violation at the property owner's expense.~~

~~(Ord. No. 2016-08, § 2, 06-21-16; Ord. No. 2018-06, § 3, 09-19-18)~~

Division 5. Litter, Garbage and Refuse

~~§ 12-153. Accumulation of rubbish or garbage.~~

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

~~(Ord. No. 2016-08, § 2, 06-21-16)~~

~~§ 12-154. Disposal of rubbish.~~

~~Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.~~

~~(Ord. No. 2016-08, § 2, 06-21-16)~~

~~§ 12-155. Appliances, Refrigerators, and other Large Waste.~~

~~Appliances, Refrigerators, and other large waste not in operation shall not be discarded, abandoned or stored on any premises without first securing or removing the doors. (See also 12-233.11 Dangerous Conditions - General.)~~

~~(Ord. No. 2016-08, § 2, 06-21-16)~~

~~§ 12-156. Disposal of garbage.~~

~~Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.~~

~~(Ord. No. 2016-08, § 2, 06-21-16)~~

~~§ 12-157. Containers.~~

~~The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.~~

~~(Ord. No. 2016-08, § 2, 06-21-16)~~

§ 12-233. Exterior property areas

~~12-233.4 Weeds, grass and overgrowth. All premises and exterior property, other than agricultural, shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height, dead and or downed trees, stumps must be ground to or below grade, low hanging branches must be trimmed to a height of at least six (6) feet above grade. The removal of any tree, four (4) inches or greater in diameter at breast height (DBH), cannot be removed without a permit.~~

~~EXCEPTION: Parcels over 10 acres need only mow and clean the first twenty five (25) feet of the perimeter of the property.~~

§ 12-233.4 Grass, Weeds and overgrowth. It shall be the duty of each property owner or household in this city to remove all high grass, weeds or vegetation in excess of twelve (12) inches in height from their property including the portions of the right of ways such as but not limited to streets, alleys, and sidewalks bordering thereon. Trees, bushes, and shrubs must be maintained to avoid overgrowth that may impede, obstruct, or cause a safety hazard.

Exceptions:

- a. Cultivated flowers and gardens are exempt unless it impedes, obstructs, or causes a safety hazard.
- b. Undeveloped/unimproved parcels of five (5) acres or greater need only maintain the first twenty-five (25) feet of any side abutting any developed or improved parcel and all abutting public right-of-ways including but not limited to any street, highway, sidewalk or alley.

§ 12-233.12 Motor vehicles. No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any wrecked, junked, discarded, partially dismantled or non-operable motor vehicle to remain on such property for more than ten (10) days. This section shall not apply to a vehicle in an enclosed building, garage or carport; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

§ 12-236. Interior structure

§ 12-236.6 Light and ventilation.

- a) Minimum light requirements. The owner of the structure shall provide and maintain light in compliance with the following:
 - 1) Common halls and stairways: Every common hall and stairway in residential occupancies, other than in one-family and two-family dwellings, shall be lighted at all times with a least a sixty (60) watt standard incandescent lightbulb for each two hundred (200) square feet of floor area or equivalent illumination, provided that the spacing between lights shall be greater than twenty (20) feet. In other than residential occupancies, means of egress, including exterior means of

egress, [and] stairways shall be illuminated at all times that the building space served by the means of egress is occupied with a minimum of one footcandle at floors, landings and treads.

2) Other spaces: All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

b) Minimum ventilation requirements: The owner of the structure shall provide and maintain ventilation in compliance with the following:

1) Bathroom and toilet rooms: Every bathroom and toilet room shall comply with the ventilation requirements of the applicable Florida Building Code or building standards. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

2) Cooking facilities: Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit except when specifically approved in writing by the building official or city fire marshal. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

3) Process ventilation: Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

4) Clothes dryer exhaust: Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instruction.

§ 12-237. Rubbish and garbage

§ 12-237.4 Storage and use of garbage and recycling containers.

a. Containers shall not be stored on any right of way or upon neighboring property that is not owned or leased by the person accumulating the garbage and trash.

- b. Garbage and recycling containers shall not be stored or kept at curbside except for the purpose of collection. Containers are to be placed for collection at curbside immediately in front of premises no earlier than the night before scheduled collection day and be removed from curbside no later than the night of collection day.
- c. Containers shall be kept tightly covered or closed at all times and in such a manner as to protect the contents from wind, weather, flies, insects, rodents and other animals. The area surrounding the container shall be maintained free of garbage, trash and other litter at all times.
- d. All garbage and trash shall be accumulated for collection and disposal in approved containers designated by the garbage and trash collection service provider.
- e. Containers shall not be used to accumulate liquids. All garbage, cans and bottles shall be drained of all liquids before being placed in the container.

§ 12-237.5 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

- a. No garbage or trash shall be buried or burned upon any property within the city.
- b. No garbage or trash shall be deposited on any street or alley within the city or into any storm drain, manhole or gutter.
- c. No garbage or trash shall be deposited on any sidewalk or in any park within the city except in a container provided by the city for the use of persons utilizing said sidewalks and parks.
- d. No garbage or trash shall be deposited upon any vacant lot or unimproved property within the city.
- e. No garbage or trash shall be deposited on the property of another person or in the tote, can or dumpster of another person without the permission of that person. If permission is granted, the person granting such permission shall be responsible for payment of charges incurred in collection and disposal.
- f. **Bulk waste.** Discarded household furniture, appliances, stoves, washing machines and similar items shall be placed at the curbside or other designated location accessible to the collector vehicle. All lids or doors shall be securely sealed or otherwise prepared to prevent entry and entrapment. Such items

shall be removed by the contractor after the owner or occupant of the premises has made arrangements for a special pick up.

g. Items not collected or disposed of by the city or the contractor.

a) The following items shall not be accepted by the city or the contractor for collection and disposal:

2. Hazardous waste

3. Industrial waste

4. Infectious waste

5. Any waste materials that require special handling due to regulatory requirements

b) All waste materials listed in paragraph (a) shall be separately containerized by the owner or occupant of the premises and shall be collected by a contractor permitted by the applicable regulatory agencies and disposed of in accordance with guidelines promulgated by said agencies.

§ 12-237.6 Disposal of Yard waste.

a. Grass cuttings, weeds, leaves and other yard waste shall be placed in cans, bags or bundles. No single item shall exceed fifty (50) pounds in weight.

b. Yard waste shall not be mixed with garbage or trash. Yard waste shall be placed in a separate can, bag, or bundle.

c. Yard waste shall be placed at the curbside immediately in front of the premises if possible. On streets where no grassy area near the curbside is available for placement of yard waste, the owner or occupant of the premises shall place yard waste adjacent to the driveway but not farther than ten (10) feet from the street. Yard waste shall not be placed in the street.

d. No yard waste shall be deposited on any street, alley or park within the city or into any storm drain, manhole or gutter.

e. No yard waste shall be burned upon any property within the city.

§ 12-237.6 Dumpster screening. All dumpsters within the city shall be screened by a solid fence, landscaping or enclosure so as to not be visible off site. Location of dumpster shall be approved by the city and the city reserves the right to make approvals, exemptions, restrictions and or set conditions based on safety, lot size, location, collection accessibility, impact, and appearance. Temporary roll off dumpsters on a permitted construction or demolition site are exempt from screening requirements for the term of the permit.

§ 12-237.8 Dumpster and dumpster area maintenance.

- a. Dumpster shall be kept covered or closed at all times and in such a manner as to protect the contents from wind, weather, flies, insects, rodents and other animals. The area surrounding the dumpster shall be maintained free of garbage, trash and other litter or debris at all times.
- b. Bulk items such, as furniture, appliances or similar item shall not accumulate for a period longer than ten (10) days. The dumpster service provider must be contacted to schedule pick up of bulk items.
- c. Required screening and enclosures must be kept and maintained in its original design and to serve its intended purpose.
- d. Enclosure gates shall be kept closed at all times except for the purpose of collection.
- e. Dumpsters and enclosures shall be kept unobstructed and easily accessible to service provider truck.

§ 12-239. Sanitary drainage system

~~All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.~~

~~12-239.1 *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.~~

~~(Ord. No. 2016-02, § 1, 1-19-16)~~

§ 12-239 Plumbing facilities and fixture requirements.

- a. **General plumbing requirements.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

- b. Plumbing system hazards prohibited.** A plumbing system in a structure shall not constitute a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons.
- c. General water system requirements.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixtures shall 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 shall be supplied with hot or tempered and cold running water in accordance with the Florida Building Code.
- d. Water supply contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs, or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
- e. Water supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
- f. Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than one hundred ten (110) degrees Fahrenheit. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.
- g. General sanitary drainage system requirements.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- h. Sanitary drainage system maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstruction, leaks, and defects.
- i. Septic tanks.** All septic tanks shall be secured, in compliance with original

intent as permitted, in compliance with state regulations and be kept free of openings and defects.

- j. Public toilet facilities.** Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the international Plumbing code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

§ 12-241. Electrical equipment

~~12-241.1 *Installation.* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.~~

~~12-241.2 *Receptacles.* Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.~~

§ 12-241. Mechanical and electrical requirements.

- a. Heating requirements.** Heating facilities shall be provided in structures as required below:

- 1. Residential occupancies:** Dwellings shall be provided with permanently installed heating facilities capable of maintaining a room temperature of sixty-eight (68) degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms. Cooking appliances or portable units shall not be used to provide space heating to meet the requirements of this section.
- 2. Nonresidential occupancies:** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat capable to maintain a temperature of not less than sixty-eight (68) degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.
- 3. Occupiable work spaces:** Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than sixty-five (65) degrees Fahrenheit. Except in processing, storage, and operation areas that require cooling or special temperature conditions or areas in which persons are primarily engaged in vigorous physical activities.

- b. Mechanical appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be

capable of performing the intended function.

- c. Removal of combustion products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent, except fuel-burning equipment and appliances which are labeled for unvented operation.
- d. Combustible materials clearance.** All required clearances to combustible materials shall be maintained.
- e. Safety controls.** All safety controls for fuel-burning equipment shall be maintained in effective operation.
- f. Combustion air.** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.
- g. Energy conservation devices.** Devices intended to reduce fuel consumption by attachment to fuel-burning appliances, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved by the building official.
- h. Electrical equipment installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
- i. Luminaries.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, garage, boiler room and furnace room shall contain the required luminaries as required by the applicable Florida Building Code or building standards.
- j. Electrical system hazards prohibited.** Electrical systems in a structure shall not constitute a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lightning outlets, improper wiring or installation, deterioration or damage, or for similar reasons.
- k. Duct systems.** Duct systems shall be maintained free of obstruction and shall be capable of performing the required function.

SECTION 2:

Severability: If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated.

SECTION 3:

Effective date: This ordinance shall become effective immediately upon its passage by the city commission.

CERTIFIED AS TO PASSAGE this _____ day of _____ 2022.

By: _____
Mayor/Commissioner
City of Lake Wales, Polk County, FL

ATTEST: _____
City Clerk