

ORDINANCE NO. 4131

PROPOSED ORDINANCE 00-11

**AN ORDINANCE RELATING TO CODE ENFORCEMENT; PROVIDING MINIMUM MAINTENANCE STANDARDS FOR COMMERCIAL, OFFICE AND INDUSTRIAL STRUCTURES; PRESCRIBING RESPONSIBILITIES AND OBLIGATIONS OF OWNERS AND OPERATORS THEREOF; PROVIDING EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Lakeland has previously adopted minimum maintenance standards for all residential structures within the City and certain non-residential structures located within specific area of the City; and

**WHEREAS**, THE Code Enforcement Division of the City of Lakeland has presented evidence to the City Commission which supports the contention and request that minimum standards for all commercial, office and industrial structures within the City are necessary and appropriate to protect and promote the best interests of the City and the health, safety and welfare of its citizens.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:**

**SECTION 1. Duties and Responsibilities of Owner and Operator of Commercial, Office and Industrial Structures:**

- A. General Maintenance of Commercial, Office and Industrial Structures.
  - 1. The exterior of every structure or accessory structure (including but not limited to storefronts, walls, fences and signs) shall be substantially weathertight, watertight and impervious to the adverse effects of weather, shall be maintained in sound condition and good repair, and shall not constitute a safety hazard or nuisance, All surfaces shall be maintained free of broken glass, loose siding or shingles, crumbling stone or brick, excessive peeling paint, graffiti, mildew, mold, dirt or other conditions reflective of

Deterioration or inadequate maintenance to the end that the basic integrity of the structure may be preserved, safety and fire hazards may be eliminated, and adjoining properties and neighborhood may be protected from blighting influence. In the event exterior repairs become necessary, such repairs shall be made with the same or similar materials used in the construction of the existing structure and in such manner as to permanently repair the damaged area or areas.

2. All reconstruction of the exterior walls and sidings shall conform to the requirements of the City of Lakeland Building Code and shall be finished in a manner such that the materials used will not be of a kind that by their appearance, under prevailing appraisal practices and standards, will depreciate the values of neighboring and adjoining premises.
3. All roofs shall have suitable coverings, free of holes, cracks or excessively worn surfaces, which will prevent the entrance of moisture into the structure and provide reasonable durability. Roofs shall be maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.
4. Supporting structure members and foundation wall are to be kept structurally sound, free of deterioration and capable of bearing imposed loads safely.
5. All exterior electrical wiring and equipment shall be installed and maintained in accordance with the requirements of the authority having jurisdiction.
6. The owner and operator shall each have the duty and full responsibly of providing garbage storage containers for occupied structures.
7. Existing miscellaneous non fictional elements on the building exterior, such as empty electrical conduit, unused awning brackets, pipes, ductwork, mechanical equipment, sign brackets, etc., shall be removed and the building surface repaired or rebuilt as required.

8. Adequate run-off drains shall be provided and maintained in accordance with the appropriate provisions of the ordinances of the City of Lakeland to eliminate, or shall be subject to enforcement action.
  9. Sources of infestation and all nuisance conditions shall be abated, or they shall be subject to enforcement actions.
  10. Exterior porches, landings, balconies, stairs and fire escapes shall be kept structurally sound, in good repair and free of defects.
- B. Any exterior signs which have excessively weathered or faded or those upon which the paint has excessively peeled or cracked shall, with the supporting members, be removed forthwith or put into a good state of repair.
- C. Windows.
1. Window panes or an approved substitute shall be maintained without cracks or holes. Window openings in occupied buildings or structures shall not be boarded or filled except as a temporary measure during replacement or construction. Such temporary measure shall not exceed 120 days in duration.
  2. All windows exposed to public view shall be kept clean and free of marks or foreign substances except when necessary in the course of changing displays. No storage of materials, stock or inventory shall be permitted in the window display areas or other areas ordinarily exposed to public view unless said areas are first screened from public view by drapes, venetian blinds or other permanent screening which renders the windows opaque to the public view. All such screening shall be maintained in a clean and attractive manner and in a good state of repair.
- D. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or any other portion of the premises shall be maintained in good repair shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are properly maintained in accordance with the foregoing,

they shall, together with their supporting members, be removed forthwith. In the event said awnings or marquees are made of cloth, plastic or of a similar material, said cloth or plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing, or other holes. Nothing herein shall be constructed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

E. Every structure shall have such unobstructed means of egress leading to open space outside of any building or structure or part thereof, which shall be of a number, size, design and location meeting local and state building codes, housing standards, fire code and other applicable requirements.

F. In the instances where a structure, due to its zoning, geographic location or applicable ordinance, rule, code law or regulation, is subject to a more restrictive maintenance standard than those set forth hereinabove, the more restrictive standard shall apply.

**SECTION 2. Duties and Responsibilities of Owners and Operators of Commercial, Office or Industrial Structures.**

A. All parts of the premises under the control of any owner or operator shall be kept in a clean and satisfactory condition and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or unsanitary or which would obstruct the owner or operator from performing any duty required hereunder or maintaining the premises in a clean and sanitary condition.

B. Every owner and operator shall be responsible for the elimination of infestation in and on the premises subject to his control.

C. Every owner and operator shall be responsible for willfully or maliciously causing damage to any part of the premises.

D. Nothing herein shall be construed to provide a defense to any owner violating this ordinance. Owners are presumed responsible for their properties. However, in the above defined circumstances, operators may be held jointly and severally liable, as well as the owner.

**SECTION 3. All ordinances or parts of ordinances in the conflict herewith are hereby repealed.**

**SECTION 4.** If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

**SECTION 5.** This ordinance shall take effect immediately upon this passage.

**PASSED AND CERTIFIED AS TO PASSAGE** this 6<sup>th</sup> day of March, A, D. 2000.

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RALPH L FLETCHER, MAYOR

ATTEST: \_\_\_\_\_  
KELLY KOOS  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: \_\_\_\_\_  
JOSEPH P. MAWHINNEY  
CITY ATTORNEY