

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HARDEE COUNTY, FLORIDA, RENAMING CHAPTER 6 OF THE HARDEE COUNTY CODE OF ORDINANCES FROM "COUNTY PROPERTY" TO "OFFENSES AND NUISANCES" TO PROVIDE FOR PUBLIC NUISANCES, INCLUDING EXCESSIVE NOISE, NUISANCE ABATEMENT, PROPERTY AND LOT MAINTENANCE STANDARDS, UNSAFE BUILDING DETERMINATION, ADOPTING MISDEMEANORS, REQUIREMENTS FOR OVERNIGHT CAMPING; PROVIDING FOR ENFORCEMENT, IMPOSITION OF PENALTIES AND ADMINISTRATIVE FINES; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, authorizes the various counties of the State of Florida to adopt regulations in the interest of the public health, safety, and the general welfare of the public; and

WHEREAS, the Board of County Commissioners (the "Board") of Hardee County, Florida (the "County") desire to update the County Code of Ordinances as may be amended and revised from time to time, which serve as the laws and regulations of the County; and

WHEREAS, nuisances, property maintenance standards, noise regulations and various offenses were contained in the Unified Land Development Code, different Chapters of the Code of Ordinances, or as stand-alone ordinances and were not always easily accessible for staff or property owners; and

WHEREAS, the Board has determined that it is in the best interests of the County to provide easily ascertainable regulations and requirements concerning nuisances and offenses contained within Chapter 6 which shall be re-named "Offenses and Nuisances;" and

WHEREAS, it is desirable and beneficial to the citizens and residents of the County to protect the health, safety and welfare of the public by prescribing property and lot maintenance standards, noise regulations, overnight camping on County-owned property, and to provide for abatement of nuisances within the unincorporated areas of the County; and

WHEREAS, this Ordinance was duly noticed and advertised pursuant to the law; and

WHEREAS, Chapter 6 shall be renamed "Nuisances and Offenses" and amended as provided for herein.

35 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
36 COMMISSIONERS OF HARDEE COUNTY:¹

37 **Section 1. Recitals.** That the above recitals are confirmed, adopted, and incorporated
38 herein and made a part hereof by reference.

39 **Section 2. Repeal.** Upon Adoption Chapter 6 "County Property" shall be repealed and
40 replaced in its entirety as provided for herein.

41 **Section 3. Replace/Amendment.** That Chapter 6, "County Property," of the County
42 Code of Ordinances is hereby created as follows:

43 **CHAPTER 6 COUNTY PROPERTY OFFENSES AND NUISANCES**

44 **ARTICLE 1. NUISANCE**

45 **DIVISION 1. GENERALLY.**

46 **Section 6-1. In General.**

47 This article shall apply to all premises and structures within the unincorporated limits of the County
48 used for or in conjunction with human habitation, commercial or industrial purpose without regard
49 to date or manner of construction, unless otherwise provided herein.

50 **Section 6-1.2 Definitions.**

51 (A) Construction of language. For the purpose of these minimum exterior property maintenance
52 standards, certain terms or words shall be interpreted as follows:

- 53 1. Words used in the singular shall include the plural, and the plural the singular.
- 54 2. Words used in the present tense shall include the future tense.
- 55 3. Words used in the masculine gender shall include the feminine and neuter.
- 56 4. The word "shall" is mandatory and not discretionary.
- 57 5. The word "may" is permissive.
- 58 6. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended
59 for", "maintained for" and "occupied for".
- 60 7. The word "person" includes a firm, association, organization, partnership, trust,
61 company or corporation as well as an individual.
- 62 8. The word "dwelling" includes the word "residence."

63 (B) The following words and phrases, when used in this Article, shall have the meanings described
64 to them in this section, except where the context clearly indicates a different meaning.

65 Abandoned property means wrecked or derelict property having no value other than nominal
66 salvage value, if any, which has been left abandoned and unprotected from the elements and
67 shall include wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats,
68 machinery, refrigerators, washing machines, plumbing fixtures, furniture, any other similar articles
69 which have no value other than nominal salvage value, if any, and which have been left
70 abandoned and unprotected from the elements.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

Acknowledgment shall mean a copy of proof that the property owner's written appeal was received by the County prior to the stipulated deadline.

Adjacent lot and lot adjacent mean the lot immediately adjoining or contiguous to or abutting the right-of-way immediately opposite the lot that is subject to review under this article.

Aircraft means any contrivance invented, used or designated for navigation or for flight in the air. The word aircraft shall include helicopters and lighter-than-air dirigibles and balloons.

Authorized private receptacle means a litter storage and collection receptacle as required and authorized by the Department of Public Works.

Basement means that portion of a building which is partly or completely below grade.

Blight means an adverse condition, to have a deleterious effect on.

Building means any structure as defined within the Building Code. The word "building" includes the word "structure".

Building Code shall mean that most current edition of the State of Florida Building Code, or such other code as may be officially designated by Hardee County, Florida, for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures.

Building material means any material or other substance accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.

Building official shall mean the Hardee County building official or his/her duly authorized representative.

Code enforcement officer is defined to be any agent or employee of the County or Hardee County Sheriff's Office whose duty is to enforce codes and ordinances enacted by the County as further defined in Section 3-3 of the Code.

Commercial and domestic material means and includes sand, earth, wood, stone, brick, concrete, construction blocks, roofing, wallpaper or other building material usually left over after a construction or remodeling project or removal of buildings.

Commercial garbage means all solid and semisolid kitchen refuse, subject to decay or putrefaction and all waste of animal or vegetable matter, which was intended to be used as food or by-products of food from kitchens or hotels, rest homes, apartment houses, rooming houses, meat markets and restaurant type establishments.

Commercial handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original, or copies of any matter of literature which:

1. Advertises for sale any merchandise, products, commodity or thing;
2. Directs attention to any business or mercantile or commercial establishments, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;
3. Directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit, but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of the information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good

order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of the State or under any ordinance of this County; or

4. When containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Commercial trash means all trash from commercial establishments which includes tin cans, bottles, paper, cardboard boxes and crates.

Commercial waste means trees, tree stumps, tree limbs, tree trunks or other material that may be accumulated as a result of citrus grove maintenance, or as a result of repairs to land or removing trees for buildings or as result of clearing of lots.

Condemn means to adjudge unfit for occupancy.

Developed lot means any lot which has a building or mobile home on it and is in a residential, mobile home, commercial, industrial or public use zoning district.

Domestic garbage means all solid and semisolid kitchen refuse, subject to decay or putrefaction and all waste of animal or vegetable matter which was intended to be used as food, tin cans, bottles and newspapers.

Domestic trash means any refuse other than garbage or putrescible material and building waste. It shall include cardboard boxes, grass or hedge clippings, weeds, fallen leaves, citrus droppings, branches and vines provided that such branches, shrubs and vines are not more than five feet long and four inches in diameter.

Domestic waste means tree trimmings, stumps, logs, tree trunks from removing or trimming of trees on domestic property, lawn grass, yard grass, discarded furniture and appliances.

Dwelling unit means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Exterior property areas means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

Garbage shall mean the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Hazardous refuse means materials such as poisons, acids, caustics, chemicals, infected materials, pathological waste, offal, fecal matter and explosives.

Imminent danger means a condition which could cause serious or life-threatening injury or death at any time.

Junk or inoperable vehicle means a vehicle, including, [but] not limited to, cars, trucks, buses, trailers and boats. A vehicle shall be deemed junk or inoperable whenever any of the following occurs:

1. The vehicle is without a valid registration and/or license plate.
2. The vehicle is apparently inoperable.
3. The vehicle is without fully inflated tires and/or has any type of support under it.
4. The vehicle has a substantially damaged or missing window, windshield, door, motor, transmission or other similar major part.

157 Litter means garbage, refuse, rubbish and all other waste material which, if thrown or deposited
158 as herein prohibited, tends to create a danger to public health, safety and welfare.

159 Loading and unloading areas means any land, lakeside, or dock space or area used by any
160 moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities
161 and persons.

162 Lost property shall mean all tangible personal property which:

163 1. Does not have an identifiable owner.

164 2. Is in a substantially operative, functioning condition or which has an apparent intrinsic
165 value to the rightful owner.

166 3. Has been mislaid on private property.

167 Lot means an area of land which abuts a street and which either complies with or is exempt from
168 the County Subdivision Regulations and a portion of a subdivision or any other tract or parcel of
169 land, including the air space above or contiguous thereto, intended as a unit for transfer of
170 ownership or for development or both. The word "lot" includes the words "plot", "tract" or "parcel"
171 and is classified as a designated zoning classification in the Unified Land Development Code.

172 Loud and Raucous Noise means any sound which, because of its volume level, duration, and
173 character, annoys, disturbs, injures, or endangers the health, safety, comfort, peace, tranquility,
174 or general welfare of reasonable persons or ordinary sensibilities within Hardee County.

175 Manure means cleanings from all barns, stables, corrals or pens used for stabling or penning of
176 animals or fowl.

177 Natural state means a vacant lot that has never been cleared or has not been maintained for a
178 period of three years or more.

179 Newspaper means any newspaper of general circulation as defined by general law, any
180 newspaper duly entered with the United States Postal Service, in accordance with Federal statute
181 or regulation, and any newspaper filed and recorded with any recording officer as provided by
182 general law, and in addition thereof, shall mean and include any periodical or current magazine
183 regularly published with not less than four issues per year, and sold to the public.

184 Noncommercial handbill means any printed or written matter, any sample, or device, dodger,
185 circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise
186 reproduced original, or copies of any matter of literature not included in the aforesaid definition of
187 a commercial handbill or newspaper.

188 Nuisance accumulations shall mean garbage, refuse, trash, rubbish, inoperative vehicles or
189 abandoned or lost property which is located on private property.

190 Nuisance weeds means grass, weeds, brush and undergrowth (specifically excluding trees,
191 planted ornamental shrubs and saw palmettos) which are allowed to grow in an uncontrolled
192 manner or not cared for or regularly maintained and which reach a height in excess of 14 inches
193 (nonresidential lot) or six inches (residential lot).

194 Overnight means a period from 10:00 p.m. to 6:00 a.m., or eight (8) hours of continuous duration.

195 Owner shall mean any person, agent, operator, firm or corporation having legal or equitable
196 interest in the property; or recorded in the official records of the State, County or municipality as
197 holding title as the guardian of the estate of any such person, and the personal representative or
198 administrator of the estate of such person authorized to take possession of real property by a
199 court.

200 Park means a park, reservation, playground, beach, recreation center or any other public area in
201 the County, owned or used by the County and devoted to active or passive recreation.

202 Person means an individual, corporation, partnership or any authorized group acting as a unit.

203 Person aggrieved means a person whose legal right is invaded by a decision complained of, or
204 whose pecuniary interest is directly affected by a decision. The person's interest must be specific
205 and personal, not common to all members of the community.

206 Premises means a lot, plot or parcel of land including the buildings or structures thereon.

207 Private premises means any dwelling, house, building or other structure, designed or used either
208 wholly or in part for private residential purposes, whether inhabited or temporarily or continuously
209 uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule
210 or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

211 Private property shall mean privately owned real property and improvements to real property
212 located within the County.

213 Public nuisance includes the following:

214 1. The physical condition, or use of any premises regarded as a public nuisance at common
215 law.

216 2. Any physical condition, use or occupancy of any premises or its appurtenances
217 considered an attractive nuisance to children, including, but not limited to, junk, inoperable
218 or unlicensed vehicles, abandoned wells, shafts, basements, excavations, abandoned
219 refrigerators and unsafe fences or structures.

220 3. Any premises designated as unsafe for human habitation or use.

221 4. Any premises which is manifestly capable of being a fire hazard or is manifestly unsafe or
222 unsecured as to endanger life, limb or property.

223 5. Any premises which is littered with rubbish or garbage.

224 6. Any structure or building that is in a state of dilapidation, deterioration or decay; open,
225 vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger
226 of collapse or failure, and is dangerous to anyone on or near the premises.

227 Public place means any and all streets, sidewalks, boulevards, alleys or other public ways and
228 any and all public parks, squares, spaces, grounds and buildings.

229 Public property shall mean real property, improvements thereto, and tangible personal property
230 owned by the Federal government, the State, the County, or a municipality and includes
231 sovereignty submerged lands located adjacent to the County, buildings, grounds, parks,
232 playgrounds, streets, sidewalks, parkways, rights-of-way and other similar property.

233 Real property shall mean land, buildings, fixtures, and all other improvements to land. The terms
234 "land," "real estate," and "real property," may be used interchangeably.

235 Refuse shall mean a combination of rubbish and garbage.

236 Rubbish shall mean both combustible and noncombustible waste materials, including car parts,
237 motors and abandoned appliances. The term shall also include rags, cartons, boxes, wood, wood
238 shavings, rubber, leather, tin cans, metals, mineral matter, glass, crockery, excessive yard waste,
239 chronic dust conditions and other similar materials, as well as the residue from the burning of
240 wood, coal and other combustible materials.

241 Rubble and debris means waste materials resulting from the construction or demolition of
242 structures or buildings which are not usable as a part of or for the construction or demolition of
243 structures or buildings.

244 Special Magistrate shall mean the County Special Magistrate created pursuant to F.S. § 162.05.

245 Street or highway shall mean the entire width between the boundary lines of every publicly
246 dedicated right-of-way within the County.

247 Strict liability offense shall mean an offense in which the prosecution in a legal proceeding is not
248 required to prove criminal intent as part of its case. It is enough to prove that the defendant either
249 did an act which was prohibited or failed to do an act which the defendant was legally required to
250 do.

251 Structure means anything constructed or erected on the ground or attached to anything
252 constructed or erected on the ground.

253 Trash [shall] mean an accumulation of materials which does not meet the definitions of
254 "abandoned property," "lost property," "garbage," "refuse" or "rubbish" and which may have some
255 real or perceived value to the owner of private property upon which it is located, but which
256 constitutes by its existence a nuisance in that it devalues the underlying or adjacent property,
257 creates a public nuisance, nuisance per se, or attractive nuisance as defined by law or threatens
258 the public health, safety and welfare.

259 Tree means any woody plant or palm which in its mature state under normal growing conditions
260 reaches a height of ten feet or greater.

261 Vehicle shall mean a machine, propelled by other than human power, designed to travel and to
262 transport persons or property or pull machinery, and shall include, without limitation, any
263 automobile, airplane, truck, trailer, motorcycle, tractor or water vessel.

264 Waste means garbage, rubbish and refuse from residential, commercial or industrial activities,
265 including kitchen and table food waste, animal or vegetative waste that is attendant with or results
266 from the storage, preparation, cooking or handling of food material; paper, wood scraps,
267 cardboard, cloth, glass, rubber, plastic; discarded automobiles, tires or automobile parts or
268 fixtures; household goods or appliances; toys; tools or equipment; and similar materials.

269 Workmanlike shall mean executed in a skilled manner; e.g., generally plumb, level, square, in
270 line, undamaged and without marring adjacent work.

271 Yard shall mean an open space on the same lot with a structure.

272 Yard trash means abandoned vegetative material from landscaping, maintenance or land clearing
273 operations, and includes such materials as tree and shrub trimmings, grass clippings, palm
274 fronds, tree limbs, tree stumps and similar materials.

275 **Section 6-1.3 Enforcement and Penalties.**

276 (A) Responsibility for enforcement. Hardee County Code Enforcement Officers shall have the
277 power and authority to enforce the Hardee County Noise Ordinance.

278 (B) Penalties. Penalties for violations of the ordinances to enforce shall be in the amount
279 prescribed in the Schedule of Civil Penalties adopted by Resolution, or as otherwise provided in
280 this Code or by law.

281 (C) Enforcement procedures. A violation of this Section shall be enforced pursuant to the
282 procedures set forth in Chapter 3.

283 **Section 6-1.4 Violations.**

284 Except as otherwise may be provided for, any person violating any of the provisions of this
285 Chapter shall be punishable as provided for in Chapter 3 of this Code.

286 **Section 6-1.5 Other Remedies.**

287 The Board of County Commissioners or any substantially affected person may bring suit in the
288 Circuit Court of the County to restrain, enjoin or otherwise prevent the violation of this Chapter.

289 **Section 6-1.6 Appeals.**

290 Appeals from this Chapter shall be in accordance with Section 3-8 of the Code.

291 **Section 6-1.7 No Liability for Reasonable, Good Faith Trespass by Enforcement Officer.**

292 The Hardee County Sheriff's Office and Officer's acting pursuant to this Code, any Code
293 Enforcement Officer, any Animal Control Officer, and the County shall be immune from
294 prosecution, civil or criminal, for reasonable, good faith trespass upon private property while in
295 the discharge of duties under this Article.

296 **Section 6-2 Abatement.**

297 Failure to comply with or appeal the terms of this Chapter shall constitute a continuing nuisance.
298 The County Manager or designee shall then have the authority, even during the pendency of
299 an appeal, to promptly abate the nuisance, in whole or in part, at the expense of the owner. At
300 least five days prior to an abatement of a nuisance pursuant to this Chapter, the County shall
301 give notice to the owner of the property that the County will correct the violation if it is not
302 otherwise corrected by the date specified in the notice and that all costs incurred will become a
303 lien against the property. Such notice shall be provided in accordance with Chapter 3. The
304 County, through its agents or authorized contractors, is authorized to enter upon the premises
305 and take such steps as are reasonably necessary to effect abatement. The County shall not be
306 required to have any nuisance abated by its contractors or agents.

307 **Section 6-2.1 Abatement Nuisance Emergency.**

308 The County Manager shall have the authority to promptly abate a nuisance that poses an
309 immediate risk to the health, safety, and welfare of pedestrians, young children, and the general
310 public, regardless of whether notice of the violation has been previously provided to the owner.
311 Examples of such nuisances include, without limitation, abandoned property that is within a
312 1,500-foot radius surrounding schools or parks. The County Manager or designee shall have
313 the authority to order the immediate removal of the abandoned property.

314 **Section 6-2.2 Assessment of Cost of Abatement; Imposition of Lien.**

315 As soon after such abatement as provided for herein is feasible, the cost, plus administrative
316 costs and recording fees for abating the nuisance on such premises, shall be calculated and
317 invoiced by the County to the owner of the premises. The cost plus said expenses are due and
318 payable upon the date of the mailing of said invoice. Such additional charges are hereby declared
319 to be necessary for the purpose of inspection and administration and enforcement of this Chapter.
320 Thereupon, the County shall levy a special assessment lien in the amount of such cost plus
321 administrative costs and recording fees against such premises. Such lien shall describe the
322 premises and show the total costs assessed are due and payable. Until payment is complete,
323 such assessments shall be legal, valid and binding obligation upon the property. Thirty days after
324 the filing of the lien, interest shall begin to accrue at the rate of 12 percent per annum on any
325 unpaid portion thereof.

326
327 **DIVISION 2. NOISE**

Section 6-3 Noise

This shall be the Hardee County Noise Ordinance.

Section 6-3.1 Loud and Raucous Noise and Public Nuisances Prohibited.

It shall be unlawful for any person to willfully make, continue or cause to be made or continued, any excessive, unnecessary, or unreasonable noise which disturbs the peace, quiet or enjoyment of any neighborhood or residence or which would cause discomfort or annoyance to any reasonable person of normal sensitivities, or any loud and raucous noise or public nuisance heard upon:

1. Public streets;
2. In public parks;
3. In any school or public building, or upon the grounds thereof while in use;
4. In any church places of worship or hospital or upon the grounds thereof while in use;
5. Upon any parking lot open to the members of the public as invitees or licenses;
6. Or in any occupied residential unit which is not the source of the noise or upon the grounds thereof;
7. From a location not less than 50 feet from the source of the noise, measured in a straight line from the source of the noise.

Any such excessive, unnecessary, or unreasonable noises, loud and raucous noises or public nuisances are deemed to be in violation of this Code.

Section 6-3.2 Enumerated Public Nuisances.

The following enumerated acts shall constitute public nuisances for the purposes of this Section.

(A) Radios, stereos, amplifiers, tape players, compact disc players, digital playing devise, live bands, and like devices. The using, operating or permitting to be played, used or operated, any radio, stereo, amplifier, tape player, compact disc player, digital playing device, musical instrument or other device for the producing or reproducing of sound in such a manner as to cause loud and raucous noise.

(B) Lawnmowers, trimmers, blowers, and like devices. The operation of any lawnmower, trimmer, blower or any internal combustion engine, the operation of which causes loud and raucous noise, unless the noise from such lawnmower, trimmer, blower or like device is muffled or such engine is equipped with a muffler device sufficient to prevent loud and raucous noise. For the purposes of this Section, muffling to the manufacturer's specifications shall be deemed sufficient to prevent a loud and raucous noise.

(C) Sound vehicles. No amplifier or loudspeaker in, upon or attached to a sound vehicle or other device for amplifying sound which emits loud and raucous noise shall be operated or permitted to operate within the County.

(D) Animals and birds. It shall be a violation of this Section for the owner or custodian of any animal or bird, other than a farm animal on real property zoned for agricultural use, to allow that animal or bird to frequently or continuously howl, bark, meow, squawk or make other sounds indigenous to such animal which creates a noise disturbance which is plainly audible across a residential or commercial real property line. It shall be a violation of this Section for the owner or custodian of any dog to allow that dog to bark, bay, cry, howl or make other similar noise continuously for a period of ten minutes or bark intermittently for one-half hour or more to the disturbance of any person at any time, day or night, regardless of whether the dog is physically

situated in or upon private property. It shall not be a violation of this Section, however, for any animal or bird to give a sound of danger warning under circumstances reasonably requiring the need for a warning.

(E) Defect in vehicle load. The use of any motor vehicle so out of repair, so loaded or in such manner as to create loud, grating, grinding, rattling or other loud and raucous noise or which is not equipped with a muffler in good working order and in constant operation as to prevent loud and raucous noise.

(F) Horns, signaling devices, and like devices. The sound of any horn, whistle, or other audible signaling device as to create a loud and raucous noise.

(G) Noises heard within schools, public buildings, churches places of worship, hospitals. The creation of any loud and raucous noise heard within any school, public building, church places of worship or hospital, or the grounds thereof, while in use, which interferes with the workings of such institution, or which disturbs or annoys hospital patients.

(H) Noises to attract attention. The use of and drum or other instrument or device to create a loud and raucous noise.

(I) Discharge of firearms. The discharging of firearms to create loud and raucous noise between the hours of one-half hour after dusk and one-half hour before sunrise; continuous discharge for one hour or longer.

Section 6-3.3 Exceptions

The term "loud and raucous noise" does not include noise or sounds generated by the following:

(A) Persons engaging in constitutionally protected speech as provided for in the Constitution and Laws of the United States and the State of Florida;

(B) Cries for emergency assistance and warning calls;

(C) Radios, sirens, horns and bells on law enforcement, fire, emergency medical services, or other emergency response vehicles;

(D) Motor vehicle horns sounded to alert or warn other motorists of pedestrians;

(E) Fire alarms and burglar alarms;

(F) Locomotives and other railroad equipment, aircraft, National Guard or Reserve equipment;

(G) Construction or repairing of buildings, except where such noise is further regulated through other provisions of this Code;

(H) The operation of industrial or agricultural equipment, such as power units and sprayers, provided such equipment is muffled or equipped with a muffler device sufficient to prevent loud and raucous noise. For purposes of this Section, muffling to the manufacturer's specifications shall be deemed muffling sufficient to prevent a loud and raucous noise;

(I) Boom cannon used in agricultural activities to keep away birds and other pests at certain times of the year;

(J) Night-time hunting as permitted through the Florida Fish and Wildlife Commission; and

(K) Pursuant to section 823.16, F.S. sport shooting ranges are exempt from noise regulations.

Section. 6-3.4 Violations.

Except as otherwise may be provided for, any person violating any of the provisions of this Section 6-3, shall be subject to the penalties as provided for in this Code.

Section 6-3.5 Standards.

(A) The following standards shall be applied as a method of determining violation of the provisions contained herein.

(B) The following standards may be considered in determining if violations of these Sections exist:

1. The volume of the noise;
2. The intensity of the noise;
3. Time of day of the noise;
4. Time duration of the noise;
5. Whether the nature of the noise is usual or unusual;
6. The volume and intensity of the background noise, if any;
7. The proximity of the noise to residential areas;
8. The nature and zoning of the area from which the noise emanates;
9. The nature and zoning of the receiving land.

(C) Sound levels prima facie but not exclusive. Violations of the sound limits proscribed by this Section shall constitute prima facie evidence of a violation of this Section. However, sound level measurements are not necessary for enforcement of this Section. Notwithstanding any other provision of this or any other County Code to the contrary, neither the sound level measurements made pursuant to this Section nor any other sound measurement is necessary to prove a violation of this Section.

(D) Maximum sound level generated across property lines. The sound from any activity or from any permissible use of property within the applicable zoning district classifications of Hardee County or from the use of any vessel or other watercraft on the waters of Hardee County shall be deemed excessive, unnecessary, offensive or unusually loud if the total sound level due to both ambient sound and the alleged source of the excessive, unnecessary, offensive or unusually loud sound exceeds the sound levels prescribed in the below table as measured in decibels on the A-Scale from the receiving property.

APPLICABLE SOUND LIMITS

Sound level in Decibels A-Scale (dBA)

<u>Zoning District</u>	<u>Day 6:00 a.m.—9:00 p.m.</u>	<u>Night 9:00 p.m.—6:00 a.m.</u>
<u>Agricultural</u>	<u>65</u>	<u>60</u>
<u>Residential</u>	<u>65</u>	<u>60</u>

Commercial or Business	75	75
Industrial or Manufacturing	75	75

(E) Interior sound within multi-family dwelling units. Notwithstanding any other provisions of this Article, it shall be a violation of this Section for any person to create, maintain or cause to be maintained any sound for any period of time within the interior of any multi-family dwelling unit which causes the sound level in any other dwelling unit to exceed the limits prescribed in the below table.

APPLICABLE SOUND LIMITS FOR MULTI-FAMILY DWELLING UNITS
Sound level in Decibels A-Scale (dBA)

	<u>Day</u> <u>6:00 a.m.—9:00 p.m.</u>	<u>Night</u> <u>9:00 p.m.—6:00 a.m.</u>
Multi-Family Dwelling Units	55	45

(F) Vessels and watercraft. In accordance with §§ 327.65 and 327.60(1), F.S., no person shall operate or give permission for the operation of any vessel on the waters of Hardee County, in such a manner as to exceed a maximum sound level of 90 dBA at a distance of 50 feet from the vessel.

(G) Measurement of sound. For purposes of this Section, the measurement of sound shall be made with a sound-level meter meeting the standards prescribed by the American National Standards Institute (ANSI), S1.4 American National Standard Specifications for sound level meters. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any sound measurement, both before and after the measurement is taken. Measurements shall be taken to provide a proper representation of the sound source. The microphone, during measurement, shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. No individual other than the operator shall be within ten (10) feet of the sound level meter during the sample. A windscreen for the microphone shall be used at all times.

(H) The sound level meter shall be of at least type 2 ANSI requirements. The sound level meter shall utilize the A-weighted network when measurements are taken. The microphone shall be oriented in accordance with the instrument manufacturer's instructions.

(I) For outside sound, the measurement shall be made at the nearest adjacent real property line from the property on which the sound source is located. Outside sound measurements shall be made at least four (4) feet above the ground and at a point at least ten (10) feet away from any walls, barriers, or other obstructions. Sound measurements inside multi-family dwelling units shall be made at least three (3) feet from any wall, ceiling, or partition.

(J) All sound measurements provided for in this Section shall be made by code enforcement officers who are qualified to operate the apparatus used to make the measurements as provided for in this Section.

(K) The Code Enforcement Officer conducting the sound measurements shall document all sound measurement results in a written record. That record shall include the following:

1. Instrument used, name, make type, serial and model number;
2. Date of last laboratory calibration;
3. On-site calibration before and after reading;
4. Name and location of measuring area;
5. Detailed sketch of measuring area;
6. Time and date of measuring;
7. Weather conditions; and,
8. Names of observers.

Section 6-3.6 Waivers and Permits.

(A) Waiver. Applications for a waiver for relief from the maximum allowable sound level limits designated in this Article shall be made in writing. Such applications, along with a fee established by resolution of the Board of County Commissioners, shall be made to the County Manager/designee. Any waiver granted by the County Manager/designee hereunder must be in writing and shall contain all conditions upon which the waiver shall be effective. The County Manager/designee may grant the requested waiver under the following conditions:

1. The County Manager/designee may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood, including but not limited to, the use of mufflers, screens, or other sound attenuating devices.
2. Waivers from maximum allowable sound level limits may only be granted for noises created by operations which were in existence on the effective date of this Article.
3. Waivers may be issued for no longer than 365 days, renewable by further application to the County Manager/designee.

(B) Permits. Any person desiring relief from the provisions of this Section not provided for by waiver shall apply for a permit to cause or create noise which would otherwise be in violation of this Article. Such applications, with the fee established by resolution of the Board of County Commissioners, shall be made in writing to the County Manager/designee at least 21 days prior to the date for which the relief is requested. The County Manager/designee may grant a permit under the following conditions:

1. Additional time is necessary for the applicant to alter or modify the activity or noise source to comply with this Article, and
2. The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with the provisions of this Article, and
3. No reasonable alternative is available to the applicant.

Applicants for permits issued pursuant to this Section shall comply with all reasonable conditions and requirements deemed necessary by the County Manager/designee including effective date, time of activity, location and equipment limitations, and sound attenuation devices. No permit shall be issued for a period exceeding 15 consecutive days. Any permit granted may be renewed upon

application to the County Manager/designee by showing that the reasons for which the permit was granted still exist. No permit granted pursuant to this Section shall be renewed more than once.

(C) Appeals. Any person aggrieved by the action taken by the County Manager/designee to approve or deny an application for a waiver or a permit may appeal that decision by filing a written notice of appeal in the office of the County Manager within 30 days after the date of the approval or denial of the waiver or permit. The County Manager shall schedule said appeal before the County Commission at its next regularly scheduled meeting.

DIVISION 3. PROPERTY MAINTENANCE

Section 6-4 Minimum Exterior Property Maintenance Standards

Section 6-4.1 Purpose.

The purpose of these minimum exterior property maintenance standards is to protect the public health, safety and general welfare as it pertains to premises and buildings used for residential, commercial and industrial purposes. This protection is provided by:

1. Establishing minimum standards for maintaining residential, commercial and industrial environmental quality to preserve and to achieve an acceptable appearance for existing structures and premises; to avoid blighting effects of the substandard maintenance of structures and premises and its negative impact on the value of surrounding properties; and to eliminate hazardous conditions.
2. Fixing the responsibilities of owners and occupants of structures and their premises.
3. Providing for administration, enforcement and penalties.

Section 6-4.2 Title.

This Section 6-4 of Chapter 6 of the Code shall be known as the "Minimum Exterior Property Maintenance Standards."

Section 6-4.3 Enforcement officer.

The Hardee County Code Enforcement Officer, as defined in Section 3-3 of the County Code of Ordinances, with assistance when needed from the Hardee County building official is hereby designated as the investigating and enforcing authority pursuant to the provisions of this Article. The Code Enforcement Officer is hereby directed and empowered to inspect land on which the building exists, to receive all complaints of a violation of this Article, and to enter upon any real property in the conduct of official business pursuant to this Article. The Code Enforcement Officer shall be responsible for providing all notices to affected property owners required by this Article and to take such other action as is reasonably necessary to accomplish the purpose of this Article.

Section 6-4.4 Applicability.

This Article shall apply to all premises and structures within the unincorporated limits of the County used for or in conjunction with human habitation, commercial or industrial purpose without regard to date or manner of construction, unless otherwise provided herein.

Section 6-4.5 Residential minimum exterior property maintenance standards.

(A) Application of maintenance standards. The following standards are applicable to all residential structures, dwelling units, residential portions of mixed use structures and all dwelling units located in commercial buildings.

(B) Structural soundness and maintenance of dwellings. Every foundation, exterior wall, and roof of every dwelling shall be so maintained and be kept in good repair and in safe condition so as to make all occupied rooms and other interior areas weather-tight, water-tight, rodent proof and so as to be fit for human habitation and so as to not adversely affect the neighborhood in which they are located.

Good repair, maintenance and safe condition shall include, but is not limited to the following:

1. Foundations. Foundations shall support the building at all points and shall be free of all holes and cracks which admit rodents, water or dampness to the interior of the building or lessen the capability of the foundation to support the building.
2. Exterior walls and surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the dwelling.
3. Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, and maintained so as to exclude adverse weather elements from entering the structure.
4. Exterior doors. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and waterproof and be provided with door hinges and door latches which are in good working condition.
5. Roof. Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rainwater from being discharged in a manner that creates a public nuisance or adversely affects adjacent properties.
6. Gutters. Rain gutters, down spouts, leaders or other means of water diversion shall be provided to collect, conduct and discharge all water from the roof and be maintained so as not to leak or cause dampness in the walls, ceiling or adversely affect adjacent properties.
7. Chimneys. Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.
8. Porch. Every porch shall be so maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors or other members, and steps thereto, so as to be safe to use and kept in sound condition and in good repair.
9. Structural member. Any structural member of a dwelling which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired or replaced as is necessary to serve the purpose as originally intended.
10. Exterior surfaces. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering.
11. Decorative features. All cornices, entablatures, bell courses, corbels, terracotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

599 (C) Exterior property and structure exteriors. All buildings and the exterior of all premises shall
600 be properly maintained to achieve a presentable appearance and to avoid blighting effects
601 and hazardous conditions.

- 602 1. Maintenance. The exterior of all premises and every structure thereon including, but
603 not limited to, walls, roofs, cornices, chimney, drains, towers, porches, landings, fire
604 escapes, stairs, signs, windows, doors, awnings, and all surfaces thereof, shall be
605 maintained so as to avoid any blighting effects on neighboring properties and shall be
606 painted or protected where necessary for the purpose of preservation. All canopies,
607 signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches,
608 balconies and similar overhanging extensions, where exposed to public view, shall be
609 maintained in good condition and shall not show evidence of ripping, tearing or
610 deterioration.
- 611 2. Fences and walls. All fences or similar structures shall always be in the state of good
612 structural repair. If any fences, retaining wall, or similar structure is found not to be in
613 the state of good structural repair, it shall be removed, replaced or repaired as
614 required. Except when constructed of materials that have been designed or
615 manufactured to remain untreated, all fences shall be treated periodically with paint
616 or chemicals so as to prevent deterioration.
- 617 3. Hazards. Hazards and unsanitary conditions shall be eliminated.
- 618 4. Storage. Outside storage is permitted only in accordance with applicable sections of
619 the Code.

620 (D) Stairways.

- 621 1. Exterior stairways. All exterior stairways on all residential premises shall be in accordance
622 with the following provisions:
 - 623 a. Stairways shall be maintained free of holes, grooves and cracks which constitute
624 a safety hazard.
 - 625 b. Stairways shall be maintained free of rotted or deteriorated supports.
 - 626 c. Stairways shall have treads of uniform width and risers of uniform height.
 - 627 d. Stairway handrails and/or railings shall be firmly fastened and maintained in good
628 condition. Where the absence of handrails and/or railings create a hazardous
629 condition, installation thereof may be required in accordance with the provisions
630 of the Building Code.

631 (E) Accessory structures. All structures accessory to the dwellings, including detached garages,
632 shall be maintained structurally sound, neatly maintained, and in good repair or shall be razed
633 to grade level and debris removed from the premises.

634 **Section 6-4.6 Commercial exterior property maintenance standards.**

635 (A) General provisions. Every commercial structure and commercial unit shall meet all of the
636 provisions and requirements of the Uniform Land Development Code Code, Building Code,
637 Fire Code and health ordinances applicable to the structure and its intended and present use.
638 Where these codes require the provision of a particular facility or equipment, or where they
639 set a structural or installation standard, such related parts of every commercial structure and
640 commercial unit shall be maintained to the minimum standard provided for in the applicable
641 section of this article or to the minimum standard provided for in the above codes, whichever
642 standard is higher.

643 (B) Structural soundness and maintenance of commercial structures. Every foundation, floor, wall,
644 ceiling and roof of every commercial structure shall be so constructed and maintained and
645 be kept in good repair and in safe condition so as to make all occupied rooms and other
646 interior areas weather-tight, water-tight, rodent proof and so as to be fit for human use and
647 so as to not adversely affect the neighborhood in which they are located. Good repair,
648 maintenance and safe condition shall include, but is not limited to the following:

- 649 1. Foundations. Foundations shall support the building at all points and shall be free of
650 all holes and cracks which admit rodents, water or dampness to the interior of the
651 building or lessen the capability of the foundation to support the building.
- 652 2. Exterior walls and surfaces. Exterior walls and other exterior surface materials shall
653 be free of holes, cracks, loose or rotting boards and timbers or any other condition
654 which might admit rodents, rain or dampness to the interior of the structure.
- 655 3. Windows. Windows shall be fully supplied with window glass or an approved
656 substitute which is glazed and is without open cracks or holes, shall have sashes in
657 good condition which fit within frames, and maintained so as to exclude adverse
658 weather elements from entering the structure.
- 659 4. Exterior doors. Doors shall be maintained so as to be structurally sound, fit within
660 frames so as to be weatherproof, windproof, and waterproof and be provided with
661 door hinges and door latches which are in good working condition.
- 662 5. Roof. Roof members, covering and flashing shall be structurally sound and tight so
663 as to prevent the entrance of moisture and be maintained by renewal, repair,
664 waterproofing or other suitable means. Roof drainage shall be adequate to prevent
665 rainwater from causing dampness in the interior portion of the building or adversely
666 affect adjacent properties.
- 667 6. Gutters. Rain gutters, down spouts, leaders or other means of water diversion shall
668 be provided to collect, conduct and discharge all water from the roof and be
669 maintained so as not to leak or cause dampness in the walls, ceiling or basements or
670 adversely affect adjacent properties.
- 671 7. Chimneys. Chimneys shall be free of cracks, holes or missing portions and
672 maintained in sound condition.
- 673 8. Porch. Every porch shall be constructed and maintained so as to be free of missing,
674 defective, rotting or deteriorated foundations, supports, floors or other members, and
675 steps thereto, so as to be safe to use and kept in sound condition and in good repair.
- 676 9. Structural member. Any structural member of a structure which has become
677 deteriorated or damaged to the extent that it does not serve the purpose as originally
678 intended shall be repaired or replaced as is necessary to serve the purpose as
679 originally intended.
- 680 10. Exterior surfaces. Except for materials that have been designed or manufactured to
681 remain untreated, all exterior wood, composition or metal surfaces shall be protected
682 from the elements by paint or other protective covering. Surfaces shall be maintained
683 so as to be kept clean and free of flaking, loose or peeling paint or covering.
- 684 11. Decorative features. All cornices, entablatures, bell courses, corbels, terracotta trim,
685 wall facings and similar decorative features shall be maintained in good repair with
686 proper anchorage and in a safe condition.

687 (C) Exterior property and structure exteriors. All buildings and the exterior of all premises shall
688 be properly maintained to achieve a presentable appearance and to avoid blighting effects
689 and hazardous conditions.

- 690 1. Maintenance. The exterior of all premises and every structure thereon including, but
691 not limited to, walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire
692 escapes, stairs, store fronts, signs, windows, doors, awnings, marquees and all
693 surfaces thereof, shall be maintained so as to avoid any blighting effects on the
694 neighboring properties and shall be painted or protected where necessary for the
695 purpose of preservation. All canopies, marquees, signs, awnings, exterior stairways,
696 fire escapes, standpipes, exhaust ducts, porches, balconies and similar overhanging
697 extensions, and their supporting structures were exposed to public view, shall be
698 maintained in good condition and shall not show evidence of ripping, tearing or
699 deterioration. Prohibited and obsolete signs shall be removed or replaced pursuant to
700 applicable sections of the County Code.
- 701 2. Fences and walls. All fences, retaining walls or similar structures shall be anchored
702 firmly in the ground, shall be constructed in a workmanlike manner and maintained in
703 that same manner so that such approved fences, retaining walls or similar structures
704 shall always be in the state of good structural repair. If any fence, retaining wall or
705 similar structure is found not be in the state of good structural repair, it shall be
706 removed, replaced or repaired as required. Except when constructed of materials that
707 have been designed or manufactured to remain untreated, all fences shall be treated
708 periodically with paint or chemicals so as to prevent deterioration.
- 709 3. Yards. All yards, courts and lots shall be kept free of noxious weeds, overgrown
710 grasses, debris and other materials which may cause a fire, health or safety hazard,
711 or general unsightliness.
- 712 4. Hazards. Hazards and unsanitary conditions shall be eliminated.
- 713 5. Drainage swales. Swales are to be maintained by the owners of the parcels on which
714 they are located, and at no time will anyone plant shrubs and/or trees or discharge,
715 empty or place any material fill or waste into any swale so as to impede or divert
716 drainage flow. Small swales can be mowed as part of the yard. Larger swales in
717 meadow situations should be mowed less frequently in order to allow grasses to grow
718 taller to prevent runoff and erosion. Swales in woodland areas should be left in their
719 natural condition leaving understory growth to prevent runoff and erosion.
- 720 6. Junk, inoperable or unlicensed vehicle. No junk, inoperable or unlicensed vehicle
721 shall be located on any commercial property, except when stored within a completely
722 enclosed building or in a manner in conformance with the Code.
- 723 7. Traffic markings. All traffic markings such as directional arrows, lane division lines,
724 parking space lines, stop signs, etc., shall be maintained so as to be clearly visible
725 and easily recognized.
- 726 8. Conduct of business.
 - 727 a. All business activity, except for off-street loading, shall be conducted within
728 completely enclosed buildings.
 - 729 b. All storage of trash and garbage containers and/or dumpsters shall be
730 effectively screened from view in a manner approved by the Planning and
731 Development Department.
 - 732 c. All storage of materials, goods or products, including inoperable vehicles, shall
733 be within a completed enclosed building, except those businesses which are

permitted or conditionally permitted under the terms of the County Code to conduct business or maintain outdoor storage of materials, goods, or products out-of-doors are excepted from compliance with this subsection.

9. Exterior light fixtures. Exterior light fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after business hours to provide for pedestrian and employee safety and properly aimed so as not to obtrusively shine on adjacent properties.

10. Exterior stairways. All exterior stairways on all commercial premises shall be maintained in accordance with the following provisions:

- a. Stairways shall be maintained free of holes, grooves and cracks which constitute a safety hazard.
- b. Stairways shall be maintained free of rotted or deteriorated supports.
- c. Stairways shall have treads of uniform width and risers of uniform height.
- d. Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, installation thereof may be required in accordance with the provisions of the Building Code.

(D) Accessory structures. All structures accessory to commercial use, including signs and detached storage buildings, shall be maintained structurally sound, neatly maintained and in good repair, or shall be razed to grade level and debris removed from the premises.

Section 6-4.7 Industrial exterior property maintenance standards.

(A) General provisions. Every industrial structure and industrial use shall meet all provisions and requirements of the Unified Land Development Code, Building Code, Fire Code and health ordinances applicable to the structure and its intended and present use. Where these codes require the provision of a particular facility or equipment, or where they set a structural or installation standard, such related parts of every industrial structure and industrial use shall be maintained to the minimum standard provided for in the applicable section of this article or to the minimum standard provided for in the above codes, whichever standard is higher.

(B) Structural soundness and maintenance of industrial structures. Every foundation, floor, wall, ceiling and roof of every industrial structure shall be so constructed and maintained and be kept in good repair and in safe condition so as to make all interior areas weather-tight, water-tight, rodent proof and so as to be fit for human use and so as not to adversely affect the neighborhood in which they are located. Good repair, maintenance and safe condition shall include, but is not limited to the following:

1. Foundations. Foundations shall support the building at all points and shall be free of all holes and cracks which admit rodents, water or dampness to the interior of the building or lessen the capability of the foundation to support the building.
2. Exterior walls and surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the building.
3. Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, and be maintained so as to exclude adverse weather elements from entering the structure.

- 779 4. Exterior doors. Doors shall be maintained so as to be structurally sound, fit within
780 frames so as to be weatherproof, windproof and waterproof and be provided with door
781 hinges and door latches which are in good working condition.
- 782 5. Roof. Roof members, covering and flashing shall be structurally sound and tight so
783 as to prevent the entrance of moisture and be maintained by renewal, repair,
784 waterproofing or other suitable means. Roof drainage shall be adequate to prevent
785 rainwater from causing dampness in the interior portion of the building or adversely
786 affect adjacent properties.
- 787 6. Gutters. Rain gutters, down spouts, leaders or other means of water diversion shall
788 be provided to collect, conduct and discharge all water from the roof and be
789 maintained so as not to leak or cause dampness in the walls, ceiling or basements or
790 adversely affect adjacent properties.
- 791 7. Chimneys. Chimneys shall be free of cracks, holes or missing portions and be
792 maintained in sound condition.
- 793 8. Structural member. Any structural member of a structure which has become
794 deteriorated or damaged to the extent that it does not serve the purpose as originally
795 intended shall be repaired or replaced as is necessary to serve the purpose as
796 originally intended.
- 797 9. Exterior surface. Except for materials that have been designed or manufactured to
798 remain untreated, all exterior wood, composition or metal surfaces shall be protected
799 from the elements by paint or other protective covering. Surfaces shall be maintained
800 so as to be kept clean and free of flaking, loose or peeling paint or covering.
- 801 10. Decorative features. All cornices, entablatures, bell courses, corbels, terra cotta
802 trim, wall facings and similar decorative features shall be maintained in good repair
803 with proper anchorage and in a safe condition.
- 804 (C) Exterior property and structure exteriors. All buildings and the exterior of all premises shall
805 be properly maintained to achieve a presentable appearance and to avoid blighting effects
806 and hazardous conditions.
- 807 1. Maintenance. The exterior of all premises and every structure thereon, including but not
808 limited to walls, roofs, cornices, chimneys, drains, towers, fire escapes, stairs, fronts,
809 signs, windows, doors, awnings, marquees and all surfaces thereof, shall be maintained
810 so as to avoid any blighting effects on neighboring properties and shall be painted or
811 protected where necessary for the purpose of preservation. All canopies, marquees, signs,
812 awnings, exterior stairways, fire escapes, standpipes, exhaust ducts and similar
813 overhanging extensions, including their supporting structures where exposed to public
814 view, shall be maintained in good condition and shall not show evidence of ripping, tearing
815 or deterioration. Prohibited and obsolete signs shall be removed or replaced pursuant to
816 the application section of the Code.
- 817 2. Fences and walls. All fences, retaining walls or other similar structures shall be anchored
818 firmly in the ground, shall be constructed in a workmanlike manner so that such approved
819 fences, retaining walls or similar structures shall always be in the state of good structural
820 repair. If any fence, retaining wall or similar structure is found not to be in the state of good
821 structural repair, it shall be removed, replaced or repaired as required. Except when
822 constructed of materials that have been designed or manufactured to remain untreated,
823 all fences shall be treated periodically with pain or chemicals so as to prevent deterioration.

- 824 3. Yards. All yards, courts and lots shall be kept free of noxious weeds, overgrown grasses,
825 debris and other materials which may cause a fire, health or safety hazard, or general
826 unsightliness.
- 827 4. Hazards. Hazards and unsanitary conditions shall be eliminated.
- 828 5. Drainage swales. Swales are to be maintained by the owners of the parcels on which they
829 are located, and at no time will anyone plant shrubs and/or trees or discharge, empty or
830 place any material fill or waste into any swale so as to impede or divert drainage flow.
831 Small swales can be mowed as part of the yard. Larger swales in meadow situations
832 should be mowed less frequently in order to allow grasses to grow taller to prevent runoff
833 and erosion. Swales in woodland areas should be left in their natural condition leaving
834 understory growth to prevent runoff and erosion.
- 835 6. Junk, inoperable or unlicensed vehicle. No junk, inoperable or unlicensed vehicle shall be
836 located on any industrial property, except when stored within a completely enclosed
837 building or stored on the premises of a lawfully established and maintained junkyard,
838 vehicle repair business, garbage or waste disposal site, or sanitary landfill or in a manner
839 that is otherwise in conformance with the Code.
- 840 7. Traffic markings. All traffic markings such as directional arrows, lane division lines, parking
841 space lines, stop signs, etc., shall be maintained so as to clearly visible and easily
842 recognized.
- 843 8. Conduct of business.
- 844 a. All storage of trash and garbage containers and/or dumpsters shall be effectively
845 screened from view in a manner approved by the Planning and Development
846 Department.
- 847 b. All storage of materials, goods or products, including inoperable vehicles, shall be
848 within a completely enclosed building, except those businesses which are
849 permitted or conditionally permitted under the terms of the County's Unified Land
850 Development Code to conduct business or maintain outdoor storage of materials,
851 goods or products, the storage of materials, goods or products, including
852 inoperable vehicles shall otherwise comply with the provisions of this Code subject
853 to exceptions expressly permitted in accordance with the ULDC.
- 854 9. Exterior light fixtures. Exterior lighting fixtures over steps, paths, walkways, courts, drives
855 and parking lots shall be neatly maintained in operable condition and lighted for sufficient
856 periods of time before and after business hours to provide for pedestrian and employee
857 safety and properly aimed so as not to obtrusively shine on adjacent properties.
- 858 10. Exterior stairways. All exterior stairways on all industrial premises shall be in accordance
859 with the following provisions:
- 860 a. Stairways shall be maintained free of holes, grooves and cracks which constitute
861 a safety hazard.
- 862 b. Stairways shall be maintained free of rotted or deteriorated supports.
- 863 c. Stairways shall have treads of uniform width and risers of uniform height.
- 864 d. Stairway handrails and/or railings shall be firmly fastened and be maintained in
865 good condition. Where the absence of handrails and/or railings create a hazardous
866 condition, installation thereof may be required in accordance with the provisions of
867 the Building Code.

(D) Accessory structures. All structures accessory to industrial use including signs, shall be maintained structurally sound and in good repair or shall be razed to grade level and debris removed from the premises.

Section 6-4.8 Notice of determination that a building or premises is in violation of minimum exterior property maintenance standards.

Upon identification of a building and/or premises in violation of the minimum exterior property maintenance standards by the Code Enforcement Officer, a notice of violation(s) shall be sent by the Code Enforcement Officer in accordance with Chapter 3, said notice shall be posted on the building and/or premises. Failure of any person to receive notice shall not invalidate any proceeding under this Chapter. If the corrections are not completed within the time provided for in the notice, the violation(s) shall be referred to the Special Magistrate for a public hearing concerning the violation(s).

Section. 6-4.9 Violations.

Except as otherwise may be provided for, any person violating any of the provisions of this Section 6-4, shall be subject to the penalties as provided for in this Code.

Section 6-5 Lot Maintenance

Section 6-5.1 Purpose, intent and scope.

The purpose of this Section 6-5 is to provide an effective procedure to promptly notify landowners of the existence of nuisance accumulations of abandoned or lost personal property, trash, rubbish, refuse, garbage or inoperative vehicles located on their personal property. This Section is intended to direct and provide for the removal of nuisance accumulations on private property in a timely manner to preserve the health, safety and welfare of the citizens of the County.

Section 6-5.2 Declaration of nuisance.

It is hereby declared and determined by the County that the following shall each individually or in any combination be considered a nuisance when they exist upon any lot, lots or adjacent lots, as the case may be, in the unincorporated area of the County.

1. Nuisance weeds, excluding trees, planted ornamental shrubs and saw palmetto, where the greater portion of the weeds on the lot exceeds 14 inches in height (nonresidential lots) or six inches in height (residential lots) which impair the economic welfare of property, contribute to a fire hazard and/or create a health hazard when any part of said growths are located on any lot adjacent to the boundary of any developed lot. Property, lots, tracts and parcels with Agricultural, Agricultural-2, Conservation, Public Recreation or Public Institutional Zoning District designation shall be exempt from this subsection.
2. Accumulations of waste, yard trash, or rubble and debris.
3. Accumulations of waste, yard trash, or rubble and debris that may harbor rats or snakes or that may contain pools of water that may serve as breeding grounds for insects or other disease vectors.

Section 6-5.3 Nuisance accumulation on private property.

(A) It is hereby declared by the County that nuisance accumulations on private property which impair the economic value of the underlying or adjacent property, create a danger to the public health, safety and welfare, constitute an attractive nuisance as defined by law, or create a fire hazard shall constitute a public nuisance, subject to immediate abatement as provided by this article or by any other remedy in law or equity, unless one of the following exceptions applies:

- 912 1. The inoperative vehicle(s) are in an enclosed building.
913 2. The private property is:
914 a. A legally permitted junkyard, automobile wrecking or wrecking yard or sanitary
915 landfill as defined and regulated by the Unified Land Development Code or any
916 other applicable ordinance.
917 b. Zoned or permitted by special permit or variance to allow such nuisance
918 accumulations.
919 3. The accumulation is made as part of a regularly scheduled garbage removal program or
920 service and the accumulation has not remained for more than four weeks awaiting
921 removal.

922 (B) The absence of a license plate for the current year and/or the absence of a current vehicle
923 registration shall be prima facie evidence that such vehicle is abandoned, junked or
924 discarded. The presence of a current license plate or registration shall not in and of itself
925 exempt any vehicle from becoming in violation of this section.

926 **Section 6-5.4 Accumulation and storage of excessive number of vehicles declared**
927 **nuisance.**

928 (A) The accumulation and storage of one or more inoperative or lost vehicles on private property
929 not specifically excepted in Subsection 6-5.3 herein above shall constitute a nuisance
930 detrimental to the health, safety and welfare of the inhabitants of the County; and it shall be
931 the duty of the owner of such vehicles and/or the private property owner, lessee or other
932 person in possession of private property upon which such vehicle is located to remove the
933 vehicle from the County limits or to a properly zoned location or to have the vehicle housed
934 in an enclosed building.

935 (B) When any inoperative or lost vehicle is found to be accumulated, stored or deposited in
936 violation of this article it shall be the duty of the Code Enforcement Officer to post or cause
937 to be posted thereon a notice containing among other information and wording:

- 938 1. Public notice to whom it may concern;
939 2. Date of posting;
940 3. Name of owner of vehicle if the same can be determined through diligent search and
941 inquiry; and
942 4. That the vehicle is believed to be abandoned, junked or discarded in violation of this
943 division. If it is not removed and lawfully stored within ten days from date of posting
944 of this notice, the offending owner or accumulator of the vehicle shall be subject to a
945 fine of up to \$500.00 and/or 60 days in jail. Each day that such condition continues to
946 exist shall be regarded as a new and separate offense.

947 (C) The form shall be substantially as follows:

948 **PUBLIC NOTICE**

949 Removal Date: _____, 200 No.: _____

950 This vehicle is believed to be abandoned, junked or discarded in violation of the Code of
951 Ordinances of Hardee County, Florida, Chapter 6. If it is not removed and lawfully stored within
952 ten (10) days from the date of posting of this Notice, the offending owner or accumulator of the
953 vehicle shall be subject to a fine of up to \$500.00 and/or sixty (60) days in jail. Each day that such
954 condition continues to exist shall be regarded as a new and separate offense.

955 Date of posting: _____, 200 Posted by: _____ License & Year: _____

956 Make of Vehicle: Year Make: Model: Color: _____

957 Condition of Vehicle: _____

958 Location of Vehicle: _____

959 Public Property: () Private Property: ()

960 HARDEE COUNTY SHERIFF'S DEPARTMENT

961 HARDEE COUNTY, FLORIDA

962 **Section 6-5.5 Abandonment of vehicle.**

963 No person shall abandon any vehicle within the County, and no person shall leave any vehicle at
964 any place within the County for such time and under such circumstances as to cause such vehicle
965 reasonably to appear to have been abandoned.

966 **Section 6-5.6 County authorized to remove vehicle.**

967 In the event the person who has accumulated, stored or deposited, or caused or permitted to be
968 accumulated, stored or deposited any abandoned, junked or discarded motor vehicle upon any
969 public or private property within the County, fails or refuses to comply with the provisions of this
970 Article, or cannot be located, the Code Enforcement Officer shall have the vehicle removed and
971 lawfully stored. Such vehicle so removed and lawfully stored shall not be returned to the person
972 until all costs of removal and storage shall have been paid and arrangements have been made to
973 repair the vehicle or to dispose of same. F.S. § 705.101 et seq. is hereby adopted by this
974 reference.

975 **Section 6-5.7 Lost or abandoned property.**

976 F.S. Ch. 705 is hereby adopted by reference for lost or abandoned property located on public
977 property.

978 **Section. 6-5.8 Violations.**

979 Except as otherwise may be provided for, any person violating any of the provisions of this Section
980 6-5, shall be subject to the penalties as provided for in this Code.

981 **Section 6-6 Unsafe or Dilapidated Buildings**

982 **Section 6-6.1 Purpose.**

983 There exists in the County buildings that are, or may become, unsafe or dilapidated due to lack
984 of maintenance or damage caused by weather, fire, vandalism, vermin, insects or other
985 conditions. Such buildings constitute a menace to the health, safety, welfare and reasonable
986 comfort of the citizens of the County. The existence of such buildings, if not remedied, creates
987 blighted areas, curtails investments and tax revenues, and impairs economic values.

988 **Section 6-6.2 Code Enforcement officer.**

989 The Code Enforcement Officer, as defined in Section 3-3 of the Code, with assistance when
990 needed from the Building Official is hereby designated as the investigating and enforcing authority
991 pursuant to the provisions of this Article. The Code Enforcement Officer is hereby directed and
992 empowered to inspect land on which the building exists, to receive all complaints of a violation of
993 this Article, and to enter upon any real property in the conduct of official business pursuant to this
994 Article. The Code Enforcement Officer shall be responsible for providing all notices to affected
995 property owners required by this Article and to take such other action as is reasonably necessary
996 to accomplish the purpose of this Article.

997 **Section 6-6.3 Unsafe and dilapidated buildings prohibited.**

998 (A) A building is unsafe or dilapidated when any of the following conditions exist:

- 999 1. There is an unusual sagging or leaning out of plumb of the building or any parts of the
1000 building and such effect is caused by deterioration of overstressing to such an extent that
1001 there is a reasonable likelihood that the walls or other structural members may fall or give
1002 way.
- 1003 2. The building has improperly distributed loads upon the floors or roofs, or the same are
1004 overloaded or have insufficient strength to be reasonably safe for the purpose used.
- 1005 3. The building has been damaged or destroyed by fire, wind, or other causes and has
1006 become dangerous to life, safety, or to the general health and welfare of people within or
1007 nearby the structure.
- 1008 4. The building is so dilapidated, decayed, unsafe, unsanitary, or so utterly fails to provide
1009 the amenities essential to decent living that it is unfit for human habitation or occupancy,
1010 or is likely to cause sickness or disease, so as to injure the health, safety or general
1011 welfare.
- 1012 5. The building has parts which are so attached that there is a reasonable likelihood they
1013 may fall and injure members of the public or property in general.
- 1014 6. The building is vacant and not sufficiently secured to prevent easy access to trespassers
1015 and vagrants, or is otherwise untended or unkempt to the extent that it poses a general
1016 health or safety hazard for neighboring people or property.
- 1017 7. The electrical or mechanical installations or systems create a hazardous condition
1018 contrary to the standards of the Building Code.
- 1019 8. An unsanitary condition exists by reason of inadequate or malfunctioning sanitary
1020 facilities or waste disposal systems.

1021 (B) A building that is unsafe or dilapidated constitutes a nuisance. No person shall permit an
1022 unsafe or dilapidated structure to exist on property under his or her ownership or control.

1023 **Section 6-6.4 Notice of determination that a building is unsafe or dilapidated.**

1024 Upon identification of a building as unsafe or dilapidated by the Code Enforcement Officer, a
1025 notice of violation(s) shall be sent by the Code Enforcement Officer in accordance with Chapter
1026 3, said notice shall be posted on the building and/or premises. Failure of any person to receive
1027 notice shall not invalidate any proceeding under this Chapter. If the corrections are not completed
1028 within the time provided for in the notice, the violation(s) shall be referred to the Special Magistrate
1029 for a public hearing concerning the violation(s).

1030 **Section 6-6.5 Condemnation by the Special Magistrate.**

1031 If the owner of any building has failed to remedy unsafe or dilapidated conditions as provided in
1032 the notice of violation, the Special Magistrate shall consider condemning the building in
1033 accordance with the hearing procedures provided for in Chapter 3.

1034 **Section 6-6.6 Notice of condemnation.**

1035 (A) A certified copy of the order of condemnation, together with a copy of the notice of
1036 determination containing information as provided in Subsections 6-6.4, shall be sent by the
1037 Code Enforcement Officer to each owner as listed on the most recent available records of
1038 the Hardee County Property Appraiser, by registered or certified mail, return receipt
1039 requested, or by hand delivery by the Code Enforcement Officer or Special Magistrate.

(B) In addition, a certified copy of the order of condemnation, together with a copy of the notice of determination, shall be posted on the building following the adoption of the order of condemnation.

(C) Failure of any person to receive notice shall not invalidate any proceeding under this Section. Evidence of an attempt to serve notice, and proof of posting, shall be sufficient to show that these notice requirements have been met. Proof of posting with the date and place of its posting shall be by affidavit of the person posting the notice. Attached to the affidavit shall be a copy of the notice posted.

Section 6-6.7 Repairs after condemnation.

After the Special Magistrate has condemned a building, no building permit application shall be accepted or permit issued for repairs of the building except as follows:

1. The Code Enforcement Officer together with the Building Official shall review any application for a permit to repair a condemned building, and shall determine whether repairs are feasible.
2. If the proposed repairs are not reasonably expected to resolve the conditions or are otherwise not feasible, the permit shall be denied.
3. If the repairs are feasible and are reasonably expected to resolve the conditions, a permit shall be issued only upon written condition that the owner or authorized agent specify the nature of the repairs, the date on which the repairs shall be complete, and that failure to complete the repairs within the time provided shall result in the Code Enforcement Officer taking remedial action with attachment of a lien for all costs or other action authorized by law.

Section. 6-6.8 Violations.

Except as otherwise may be provided for, any person violating any of the provisions of this Section 6-6, shall be subject to the penalties as provided for in this Code.

Section. 6-7 – 6-9 Reserved.

ARTICLE II OFFENSES

6-10 Adopting Misdemeanors

6-10.1 Misdemeanors Under State Law Constitute Misdemeanors in the County.

It shall be unlawful for any person to commit any act or fail to perform any duty, the commission of which, or the failure of which, constitutes a misdemeanor under the laws of the State of Florida. The violation of this Section shall constitute a violation of this Code of Ordinances.

6-11 Overnight Camping

Section 6-11.1 Overnight camping.

Overnight camping is prohibited on the rights-of-way, County parks and County-owned lands or County maintained lands in the County unless the County has specifically authorized overnight camping and has posted such authorization on the lands. Any person, firm or corporation who violates this Section shall be subject to the penalties as provided for in this Code.

6-12-6-19 Reserved.

ARTICLE III MISCELLANEOUS

6-20 Reserved.

Section 4. Conflicts. All Sections or parts of Sections of the County Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

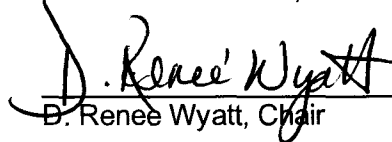
Section 6. Codification. That it is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the County Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 7. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

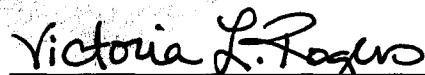
PASSED ON FIRST READING on the 15th day of March, 2024.

PASSED AND ADOPTED ON SECOND READING this 16TH day of May, 2024.

THE BOARD OF COUNTY COMMISSIONERS OF
HARDEE COUNTY, FLORIDA


D. Renee Wyatt, Chair


ATTEST:
HARDEE COUNTY, FLORIDA

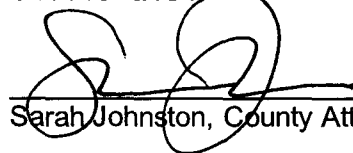


Victoria L. Rogers, Ex-Officio Clerk to the
Board of County Commissioners

Board Approved: 05/16/2024

Date: 06/05/2024

APPROVED AS TO FORM & LEGAL
SUFFICIENCY


Sarah Johnston, County Attorney



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

HARDEE CLERK TO BOARD
JUN 6 '24 AM 11:43

June 6, 2024

Jessica Santibanez
Deputy Clerk
Hardee County Clerk of the Circuit Court
Post Office Drawer 1749
Wauchula, Florida 33873-1749

Dear Jessica Santibanez,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hardee County Ordinance No. 2024-03, which was filed in this office on June 6, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh