

ORDINANCE NO. 10- 1547

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14-51 "ESTABLISHED"; AMENDING CHAPTER 14-52 "COMMERCIAL STANDARDS"; CREATING SECTION 14-56 "MAINTENANCE OF SIDEWALKS AND SWALE AREA" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS,** The Town of Surfside ("Town") proposes to amend its Code of Ordinances to address property maintenance standards; and

**WHEREAS,** The Town has determined that existing Property Maintenance Standards should be supplemented by this Town ordinance; and

**WHEREAS,** The Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on January 7, 2010 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

**WHEREAS,** The Town Commission held its first public reading on January 12, 2010 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS,** The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on February 9, 2010 and further finds the proposed change to the Code necessary and in the best interest of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA as follows:**

**Section 1. Recitals.** The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2. Code Amendment.** The code of the Town of Surfside, Florida is hereby amended as follows:

**Sec. 14-51. Established.**

(b) All exterior walls of every structure shall be maintained weathertight and otherwise maintained so as to resist decay or deterioration from any cause. All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved coating, applied in a workmanlike fashion. All exterior surfaces including walls, trim, doors and signs shall be properly maintained in a clean and sanitary condition, free of dirt, mold, mildew and faded or chipped paint, and must be repainted, recovered or cleaned when 25% or more of any exposed surface becomes discolored or is peeling in the approved color.

(d) Whenever there is an unpaved area between the sidewalk and the curb, or between the sidewalk and the property line, it shall be the responsibility of the owner and/or occupant of the property to make sure that there are no holes or hidden dangers in the unpaved areas.

~~(d)~~ (e) The town manager is hereby authorized and directed to employ necessary personnel and equipment to enter upon any property whose owner or occupant fails to maintain lawns, landscaping and driveways in accordance with this article and to maintain same.

~~(e)~~ (f) In order to defray the cost to the town of maintaining such property there is hereby levied and assessed against each owner or occupant who fails to maintain such lawns, landscaping and driveways in accordance with this article, the sum of \$125.00 per time the town provides such maintenance. All charges becoming due and payable under this subsection constitute, and are hereby imposed as liens against the real property, and, upon becoming delinquent April 1 of the following year, until fully paid and discharged, shall remain liens, equal in rank and dignity with the ad valorem taxes of the town, and may be satisfied by the sale of certificates in the same manner as is provided for the sale of certificates on delinquent ad valorem taxes. Such lien shall be superior in rank and dignity to other liens, encumbrances, titles and claims in, to or against the real property involved.

**Sec. 14-52. Commercial standards established.**

(2) All exterior signs shall be in good repair and free of chipping, pitting, cracking, peeling, fading or discoloration. Lighted signs shall have all lights working. All signs shall be maintained in a safe, presentable and good structural condition, which shall include the replacement of defective parts, repainting, cleaning and other acts required for the maintenance of the sign. The area around the base of the sign shall be kept free of weeds and debris. If a sign does not comply with the above standards, the town manager or designee may require its removal

(3) Doors and windows shall be free of cracked or discolored glass or corroded frames. All doors and windows shall be maintained in a safe, presentable and good structural condition, which shall include the replacement of defective parts, repainting, cleaning and other acts required for maintenance of the doors and/or windows.

(9) Every merchant, storekeeper or operator of a business in the city shall sweep, hose down or cause to be swept and hosed down the sidewalks adjoining his respective place of business and shall remove gum and other sticky substances from the sidewalks, and continuing such actions as often as necessary thereafter to keep the area clean, on each day such business shall be operated. The sweepings shall be picked up and not swept into the gutter.

(10) Every restaurant shall provide a cigarette disposal receptacle permitted by law. The cigarette receptacle shall be kept clean and sanitary. The contents shall be regularly emptied and the contents shall not be swept into the gutter.

**Sec. 14-56. Maintenance of Sidewalks and Swale Area.**

(a) Swale area defined. A swale area is that area between the property line and the back of the street curb or the edge of the paved roadway.

(b) Persons liable. In the case of rental property , the occupant shall be held jointly and severally liable for compliance with those duties and obligations imposed upon the owner by this section.

(c) Sidewalks, alleys and rights-of-way to be kept clean. All owners of unimproved property and occupants, or occupants and owners of improved property, shall maintain their property in a clean and litter-free manner, including sidewalks, grass strips, alleys up to and including the median point of the alley, curbs, swale areas, or rights-of-way up to the edge of the pavement of any public street. Landscaping and maintenance of landscaped areas shall be done pursuant to Section 90-89 of the Town Code of Surfside.

(d) Enforcement. The Town Manager is empowered and authorized to require compliance with this section within 30 days of written notice. Failure to comply shall be punishable as provided in section 1-8 hereunder.

**Section 3. Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.


**Section 4. Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

**Section 5. Inclusion in the Code of Ordinances.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.


**Section 6. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 12 day of January, 2010.

PASSED and ADOPTED on second reading this 9 day of February, 2010.

  
\_\_\_\_\_  
Marc Imberman, Vice Mayor

Attest:

  
\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

On Second Reading Moved by: Commissioner Levine

On Second Reading Seconded by: Commissioner Calderon

**Vote:**

Mayor Burkett	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Vice Mayor Imberman	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Calderon	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Levine	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Weinberg	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>