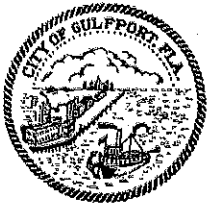


Council Workshop Meeting
Agenda Packet
Tuesday, October 18, 2011
6:00 pm



City of Gulfport Florida
City Council Workshop
Tuesday, October 18, 2011

City Hall – 2401 53rd Street South

6:00 p.m.

Agenda

Call to Order.

Public Session.

1. Discuss proposed nuisance/code enforcement ordinances.
 - edging of curbs/streets
 - residential trash can location
 - debris special pick-up
 - recreational vehicle storage
 - non-operative/unlicensed vehicles; limit of boats, trailers and recreational vehicles; equipment, materials or furnishings not designed for use outdoors.
2. Review meetings calendar.
3. Any other business.
4. Adjournment.

Any person who decides to appeal any decision of the City Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. Any person with a disability requiring reasonable accommodation in order to participate in this meeting should call (727) 893-1000 or fax a written request to (727) 893-1008. Posted: October 14, 2011.

Agenda Item No. 1
Draft Ordinances



GULFPORT CITY COUNCIL

WORKSHOP AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

DATE: October 18, 2011

AGENDA ITEM: 1

SUBJECT: Code Enforcement

BACKGROUND:

The City of Gulfport currently uses a Code Enforcement process based on a previously established community standard that had been passed on to staff by previous administrations and City Councils. This standard of enforcement established that staff would make every effort and explore various means to work with respondents/violators to abate violations prior to taking a more aggressive action such as issuing citations or litigation.

The broad based general goal of this policy was to garner compliance without litigation. This enforcement process is very time consuming and based on statistics, including citations (less than 1 percent of the cases) and the number of resident generated complaints (between 10 – 15 percent of cases), with the balance of cases being derived or generated from the once a month sector inspection process presently being utilized. Statistically, it can be argued that this method has met the Community standard previously established.

Subsequently, the present City Council has directed staff to become more strident in actively pursuing Code Enforcement cases within the community. On August 9, 2011, City staff presented various options and methods to be considered for this guidance to be implemented:

- 1). Establishment and utilization of a Special Magistrate process - Due to the Quasi-judicial nature of the Code Enforcement proceedings, this process is anticipated to increase operational efficiency of the Code Enforcement process for frequent or repeat offenders.
- 2). Change in Code Enforcement – Standard Operating Procedure - Once a violation is verified by field observation, a notice of violation will be sent by certified mail. A copy will be sent by regular mail. A re-inspection will be scheduled after the due date on the notice. If the violation remains unabated, the inspector will take the next action. With the tools currently at our disposal this will likely result in a Local Ordinance Violation (LOV) citation. This will be continued until the violation is abated. Should the magistrate ordinance be approved, this tool may substitute a LOV citation. This change will remove the present courtesy notice steps in the existing process.
- 3). In response to community concerns expressed to City Council, staff has expressed to City Council of the need to enact specific ordinances targeting unwanted violations. Without doing this, other options are unlikely to address some of the issues with code enforcement. Often time's complaints cannot be prosecuted because there is no violation of an existing local ordinance. Staff advises that some will require minimal changes to the City Code of Ordinances, where as others will require extensive changes or the creation of specific new ordinances.

As outlined on September 22, 2011, staff is bringing forth for consideration the first series of City Code of Ordinance adjustments. The first (1st) set of proposed ordinances address the following issues that appear to staff to be some of the most common complaints that are now limited in means of enforcement:

1. Non-operable /unregistered vehicles prohibited in front yards – Chapter 12, section 12-2 (n) Specific Nuisances.
2. Mandate string-lining (edging) of curbs/street edge - mandating the trimming of landscaping – Chapter 12, section 12-2 Specific Nuisances
3. Define lawn furniture and prohibit all others for outdoor use – Chapter 12, section 12-2 Specific Nuisances
4. Define and limit # of (boats, trailers, RVs?) in front yards– Chapter 12, section 12-2 (t) Specific Nuisances
5. Change debris special pick-up order from 7 days to 3 days – Chapter 11, section 11-23 Special Pick-up – (Presently, does not become a nuisance issue until 7 days have passed).
6. Amend residential trash can location after servicing – place on side of house and out of view from street - Chapter 11, section 11-15 Location of Containers.
7. Amend RV storage allowances/location.

It is anticipated that additional issues such as will be the next phase of codes to be brought forward:

- Putting visible addresses in back of property for easier ID – Additionally, there is presently no City Code of Ordinance requirement for front addresses either. We use the NFPA General Fire Safety Code. It is recommended that we put requirements for both front and rear addresses (in alleyways).

Extensive Ordinance and Code development necessary for the following:

- Minimum standards for commercial properties – Change the title of Chapter 23 to Minimum Housing and Commercial standards and create a new section for Commercial properties.
- Require the registration of all rental properties (including single family residences). This would provide for the identification of a responsible party for all properties.

RECOMMENDATION:

To give staff specific direction on how the City Council would like to proceed or if desired set the proposed ordinances for Public Hearing.



CITY OF GULFPORT, FLORIDA
Community Development

Memorandum

October 5, 2011

TO: James E. O'Reilly, City Manager

FROM: Frederick J. Metcalf, Community Development Director

RE: Code Enforcement SOP

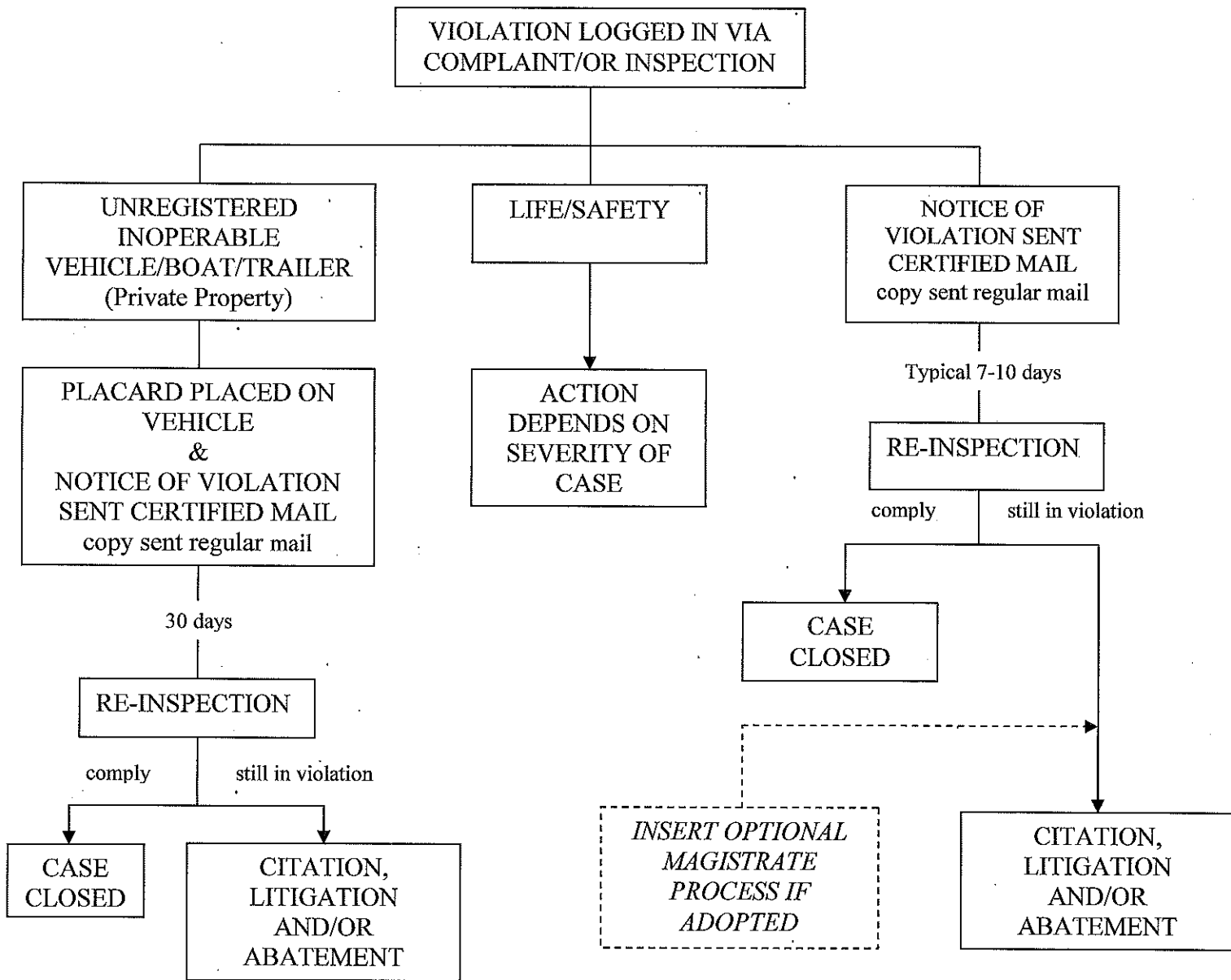
In response to the City Council's expressed desire to move to a more strident code enforcement program, I have instituted the following changes to our standard operating procedures (SOPs). The attached "Typical Code Enforcement Process" will be utilized, effective immediately.

Once a violation is verified by field observation, a notice of violation will be sent by certified mail. A copy will be sent by regular mail. A re-inspection will be scheduled after the due date on the notice. If the violation remains unabated, the inspector will take the next action. With the tools currently at our disposal this will likely result in a Local Ordinance Violation (LOV) citation. This will be continued until the violation is abated. Should the magistrate ordinance be approved, this tool may substitute a LOV citation.

We will continue to abate abandoned properties where an owner cannot be found, such as with foreclosures that have not been taken over by a financial institution. We will also continue to work with respondents that contact us and offer a reasonable abatement plan.

TYPICAL CODE ENFORCEMENT PROCESS

Effective 10/1/11



CITY OF GULFPORT

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF GULFPORT; PROVIDING FOR AMENDMENT OF SUBSECTION (a) OF SECTION 12-2, PERTAINING TO SPECIFIC NUISANCES RELATING TO WEEDS, GRASSES OR OTHER VEGETATION; DEFINING WEEDS; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council wishes to clarify nuisances as they relate to weeds, grasses or other vegetation; and

WHEREAS, the City Council wishes to provide regulations for the maintenance of the city's curbs or edges of pavement; and

WHEREAS, the City Council has found this ordinance to be in the best interest, safety and welfare of the citizens of the city; and

WHEREAS, notice of this ordinance has been provided in accordance with applicable law;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF GULFPORT HEREBY ORDAINS:

Section 1. Subsection (a) of section 12-2 of the Code of Ordinances, pertaining to specific nuisances, is hereby amended, as follows:

- (a) Any weeds, grasses or other vegetation, which are not cultivated, landscaped and regularly tended, or which are growing over, in or onto the curbing or paved area of any sidewalk, road, street, avenue or highway within the city, or any weeds or grasses exceeding twelve (12) inches in height of a height exceeding twelve (12) inches, including without limitation, broom grass, jimson, burdock, ragweed or sandspur and not including trees, flowers and ornamental bushes or plants; Weeds shall be defined as all grasses, annual plants and vegetation, other than trees and shrubs, provided, however, this term shall not include cultivated flowers and individual community gardens.

Section 2. All Ordinances, or parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. If any portion or part of this ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediately upon final passage.

Michael J. Yakes, Mayor

FIRST READING : _____

PUBLISHED : _____

SECOND READING/
PUBLIC HEARING : _____

I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of law and the City Charter this ____ day of _____, 2011.

Lesley DeMuth, City Clerk

**CITY OF GULFPORT, FLORIDA
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 11, GARBAGE, TRASH, SEWERS AND WATER, ARTICLE I, GARBAGE, SECTION 11-15, LOCATION OF CONTAINERS; PROVIDING FOR CONCEALMENT; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Gulfport desires to limit the visibility of garbage and trash containers in the City of Gulfport.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GULFPORT, FLORIDA AS FOLLOWS:

Section 1. The Code of Ordinances of the City of Gulfport is hereby amended as follows:

Section 11-15. Location of containers

Garbage and trash containers shall be placed where easily accessible to the city's solid waste collector. Such containers shall not be kept upon neighboring property not owned or leased by the person by whom the garbage and trash was accumulated, whether such neighboring property be vacant or improved. Garbage and trash containers shall be placed ~~in~~ at the edge of the property adjacent to the alley for all properties adjacent to an alley. If alley pickup is impractical, containers shall be placed at curbside on the day the garbage and trash is to be collected. In no case shall the containers or garbage be placed on the street before 5:00 p.m. of the day preceding collection. All containers must be removed from curbside of the property on the day of collection and placed in the side or rear yard and behind the front of the primary structure.

Section 2. This Ordinance shall be published in accordance with the law.

Section 3. All Ordinances, or parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance:

Section 4. If any portion or part of this ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 5. This Ordinance shall become effective immediately upon final passage.

Michael J. Yakes, Mayor

FIRST READING : _____

PUBLISHED : _____

SECOND READING/
PUBLIC HEARING : _____

I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of law and the City Charter this ____ day of _____, 2011.

Lesley DeMuth, City Clerk

**CITY OF GULFPORT, FLORIDA
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 11, GARBAGE, TRASH, SEWERS AND WATER, ARTICLE I, GARBAGE, SECTION 11-23, AMENDING FEES AND SPECIAL PICK-UP BY LIMITING THE PERIOD OF ACCUMULATION; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Gulfport desires to eliminate the accumulation of trash and debris subject to special pick-up within the city limits of the City of Gulfport.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GULFPORT, FLORIDA AS FOLLOWS:

Section 1. The Code of Ordinances of the City of Gulfport is hereby amended as follows:

Section 11-23. Special pick-up

- (a) Any accumulation of trash that cannot be placed in three (3) thirty-two-gallon containers twice a week, or equivalent, in accordance with this article, shall be picked up by the city, with or without notification by the owner or occupant of each living unit. An additional fee shall be charged according to the size of the load, which shall be billed as an additional charge on the utility bill. A single pick-up item shall be eleven dollars and twenty-five cents (\$11.25) and a white goods pick-up shall be twenty-two dollars and fifty cents (\$22.50). All white goods doors shall be removed before being set out for collection. Other larger loads, including yard waste exceeding six (6) feet by three (3) feet by three (3) feet (two (2) cubic yards) shall be based on the size and type of equipment required to load and haul the trash. ~~No trash shall be allowed to accumulate for a period of longer than one (1) week.~~ Vehicle tires shall be eleven dollars and twenty-five cents (\$11.25) per tire; car batteries shall be five dollars and sixty-two cents (\$5.62) per battery. Twenty pound bottled gas cylinders shall be eleven dollars and twenty-five cents (\$11.25) and shall not be picked up unless they are empty. Televisions and home computer components shall be sixteen dollars and eighty-seven cents (\$16.87). No trash shall be allowed to accumulate for a period of longer than seventy-two (72) hours.

Section 2. This Ordinance shall be published in accordance with the law.

Section 3. All Ordinances, or parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 4. If any portion or part of this ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 5. This Ordinance shall become effective immediately upon final passage.

Michael J. Yakes, Mayor

FIRST READING : _____

PUBLISHED : _____

SECOND READING/
PUBLIC HEARING : _____

I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of law and the City Charter this ____ day of _____, 2011.

Lesley DeMuth, City Clerk

CITY OF GULFPORT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA PROVIDING FOR AMENDMENT OF CHAPTER 21 OF THE CODE OF ORDINANCES, PERTAINING TO THE KEEPING AND MAINTAINING OF RECREATIONAL VEHICLES; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City wishes to amend the regulations for keeping and maintaining of recreational vehicles; and

WHEREAS, the City Council has found this ordinance to be in the best interest, safety and welfare of the citizens of the city; and

WHEREAS, notice of this ordinance has been provided in accordance with applicable law;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF GULFPORT HEREBY ORDAINS:

Section 1. Chapter 21 of the Code of Ordinances, pertaining to the regulation of recreational vehicles, is hereby amended as follows:

Sec. 21-1. Definitions.

For the purpose of this chapter the following words and phrases shall mean:

- (1) Recreational vehicle. Any structure intended for or capable of human habitation, mounted upon wheels and capable of being moved from place to place, either by its own power or by power supplied by some vehicle attached or to be attached thereto.

Sec. 21-2. ~~Permit to maintain~~ Keeping of recreational vehicles; ~~required.~~

It shall be unlawful to place, keep or maintain any recreational vehicle upon any lot or parcel of ground within the city, except in a designated recreational vehicle park, ~~unless such person shall first obtain from the city manager, or his or her designee, a permit to do so or as provided for in this section.~~

Sec. 21-3. Application for permit.

~~Every applicant for a permit under the provisions of section 21-2, shall file with the city a written application, stating the name of the applicant and the location of the premises upon which he or she desires to place such recreational vehicle. Such application must be signed by the applicant and attested by a notary public.~~

Sec. 21-43. Regulations for the keeping and maintaining of recreational vehicles.

In placing, keeping or maintaining a recreational vehicle upon any lot or parcel of ground within the city ~~for which a permit has been issued~~ under the provisions of section 21-2, it shall be unlawful for any person to violate the following regulations:

- (1) No recreational vehicle shall be placed, kept or maintained except in the rear or side yard of any parcel of land within the city, nor beyond the front of any structure upon said property, ~~nor within six (6) feet of the side yard line of an interior lot, nor within fifteen (15) feet of the side yard line of a corner lot, which side yard line abuts a street or alley, nor within fifteen (15) feet of the rear property line, nor within five (5) feet of any structure located upon said property.~~
- (2) Recreational vehicles cannot obstruct openings required for entry or exit to a building.
- (3) Recreational vehicles cannot obstruct light to neighboring buildings.
- (4) Recreational vehicles may not exceed a body width of 102 inches or an overall length of 40 feet.
- (25) No recreational vehicle shall be connected to any utility.
- (36) No recreational vehicle shall be used for business purposes.
- (47) No recreational vehicle shall be utilized for storage in connection with any business.
- (58) No recreational vehicle shall be utilized for sleeping purposes or human habitation.

Provided, however, that the foregoing regulations prohibiting the location, use of a recreational vehicle for sleeping purposes and for human

habitation shall not apply for a period of time less than seventy-two (72) hours; and provided further, that the foregoing regulations prohibiting a recreational vehicle from being connected to utility services and prohibiting a recreational vehicle from being used for business purposes shall not apply in regard to any recreational vehicle used at the site of and in connection with any construction for which a building permit has been issued by the city and so long as said building permit remains valid.

Secs. 21-5, 21-6. Reserved.

Section 3. All Ordinances, or parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 4. If any portion or part of this ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 5. This Ordinance shall become effective immediately upon final passage.

Michael J. Yakes, Mayor

FIRST READING : _____

PUBLISHED : _____

SECOND READING/
PUBLIC HEARING : _____

I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of law and the City Charter this _____ day of _____, 2011.

Lesley DeMuth, City Clerk

**CITY OF GULFPORT, FLORIDA
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 12, HEALTH AND SANITATION, ARTICLE I, NUISANCES, SECTION 12-2, SPECIFIC NUISANCES; BY AMENDING SUBSECTION (N) NON-OPERATIVE OR UNLICENSED VEHICLES; AMENDING SUBSECTION (T) LIMITATION ON STORAGE; ESTABLISHING SUBSECTION (U) EXTERIOR STORAGE; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Gulfport has determined that in order to effectuate code enforcement within the City of Gulfport, specific nuisances need to be clarified.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GULFPORT, FLORIDA AS FOLLOWS:

Section 1. The Code of Ordinances of the City of Gulfport is hereby amended as follows:

Section 12-2. Specific nuisances

(n) Non-operative or unlicensed vehicles, located and specifically restricted as follows:

- (1) All non-operative or unlicensed vehicles wholly or partially within any public right-of-way, private property or on any public property are hereby prohibited;
- (4) On each property within the city not specifically provided for in subparagraphs (1), (2) or (3) hereof, all non-operative or unlicensed vehicles shall be kept, stored or maintained within a fully enclosed building at all times, except that ~~one (1) non-operative or unlicensed, non-commercial~~ such vehicles may be kept, stored or maintained outside of an enclosed building, in the side or rear yard, so long as such vehicles is are concealed from view from any ~~abutting property or right-of-way street or roadway~~, by:
 - a. A fully enclosed fence constructed of solid materials and at least six (6) feet in height; or
 - b. Solid vegetation allowable under this Code; or
 - c. A cover designed exclusively for covering automobiles, which is tightly secured to the vehicle to prevent removal by wind and which covers the entire vehicle.

Section 2. The Code of Ordinances of the City of Gulfport is hereby amended as follows:

- (t) No more than one (1) licensed vessel including a licensed trailer, and, licensed trailer or licensed recreational vehicle shall be kept, stored or maintained outside an enclosed building, in the front yard, on any property in the city, except those kept on property for which a current and valid occupational license has been issued for a boat or launch business under section 13-34(38) of this Code. Licensed vessels on trailers, trailers, and recreational vehicles not associated with commercial businesses may be kept, stored or maintained outside an enclosed building in the side or rear yard so long as such vehicles are concealed from view from any street or roadway, by:
 - a. A fully enclosed fence constructed of solid materials and at least six (6) feet in height; or
 - b. Solid vegetation allowable under this Code.

Section 3. The Code of Ordinances of the City of Gulfport is hereby amended as follows:

- (u) Equipment, materials or furnishings not designed for use outdoors, such as automobile parts and tires, building materials, and interior furniture, may not be stored outdoors. Construction materials, unless such materials are related to an active building permit related to the property at which the materials are located, shall not be stored outdoors on a residentially zoned property.

Section 4: This Ordinance shall be published in accordance with the law.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

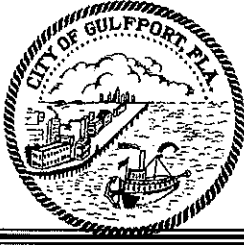
Section 6. If any part of this ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts shall continue to be in full force and effect.

Michael J. Yakes, Mayor

FIRST READING : _____
 PUBLISHED : _____
 SECOND READING/
 PUBLIC HEARING : _____

I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of law and the City Charter this ____ day of _____, 2011.

Agenda Item No. 2
Meetings Calendar



CITY of GULFPORT, FLORIDA

MEETINGS November 2011

- | | |
|--|--|
| November 1, 2011 | City Council Workshop - 6:00 p.m. |
| November 1, 2011 | City Council Meeting - 7:00 p.m. |
| November 2, 2011 | Planning and Zoning Board - 6:30 p.m. |
| November 9, 2011 | Board of Adjustment - 6:30 p.m. |
| November 11, 2011 | City Hall Closed - Veterans Day |
| November 15, 2011 | City Council Meeting - 7:00 p.m. |
| November 16, 2011 | Historic Preservation Committee - 5:30 p.m. |
| November 24 &
November 25, 2011 | City Hall Closed - Thanksgiving Holiday |

All meetings are open to the public and are held in the City Hall, City Council Chambers, 2401 53rd Street South, unless otherwise noted. Meetings may occasionally be added, cancelled or rescheduled after this list is published.

**Agenda Item No. 3
Other Business**

**Agenda Item No. 4
Adjournment**