which has been started prior to the effective date of this chapter, may be completed and used in accordance with the plans and specifications upon which the building permit was granted, provided the construction is completed within one year after the effective date of this chapter. ('69 Code, App. A § 3.3)

(B) No building or structure not completed in substantial conformity with plans and specifications upon which the building permit for its construction was issued, shall be maintained, or be permitted to remain, unfinished for more than six months after active construction operations have been suspended or abandoned. ('69 Code, App. A § 3.5) (Ord. 218, passed 10-23-69) Penalty, see § 155.999

§ 155.010 EXISTING PLATTED PLOTS.

Where such conditions exist in present platted and recorded areas that strict conformance with plot width, depth, area, or yard requirements causes unnecessary difficulty in the practical utilization of a corner or interior plot, the Board of Adjustment may make such alterations or deviations in the application of these requirements, as will in its judgment, permit the reasonable development and use of a specified plot in such a manner as to carry out the spirit and purpose of this chapter. ('69 Code, App. A § 3.8) (Ord. 218, passed 10-23-69)

§ 155.011 OUTSTANDING PERMITS.

(A) Where, at the effective date of this chapter, there are outstanding valid building permits authorizing the construction of buildings, structures, additions, or alterations, the use or construction of which do not conform to the requirements of this chapter, those permits shall be void unless actual construction work, excluding grading or excavating, is underway within 60 days of the effective date of this chapter.

(B) Where, at the effective date of this chapter, there are outstanding valid permits authorizing the use of land or buildings without construction work, and where the use is not permissible under the terms of this chapter, the permit shall be void unless the use is actually in operation on that date. ('69 Code, App. A § 3.4) (Ord. 218, passed 10-23-69)

§ 155.012 ISSUANCE OF PERMIT OR APPROVAL NOT TO JUSTIFY ERRORS OR VIOLATIONS.

(A) The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter. No permit presuming to give the authority to violate or cancel the provisions of this chapter shall be valid insofar as the work or use which it authorizes is lawful.

(B) The issuance of a permit upon plans and specifications shall not prevent the enforcing officer from thereafter requiring the correction of errors in the plans and specifications or from preventing building operations being carried on thereunder when in violation of this chapter, or any regulations of the city. ('69 Code, App. A § 3.7) (Ord. 218, passed 10-23-69)

§ 155.013 NUISANCES PROHIBITED.

(A) Nothing shall be allowable on the premises in any district provided for in this chapter that shall in any way be offensive or obnoxious by reason of the emission of odors, gases, dust, smoke, vibration, or noise, including the crowing of cocks, barking of dogs, or any noises or odors emanating from any animal, fish, or fowl. Nor shall anything be constructed or maintained that would in any way constitute an eye-sore or nuisance to adjacent property owners or residents or to the community.

(B) Each and every one of the following conditions or acts is considered to be a nuisance:

(1) Fire hazards. Dry or dead shrubs, dead trees, combustible waste and refuse, or any material growing on a street or sidewalk or upon private property within the city which by reason of its size, manner of growth, and location constitutes a fire hazard to a building or other property or when dry, will in reasonable probability constitute a fire hazard.

(2) Hazardous obstructions. An obstacle, landscaping, or thing installed or maintained in the corner setback area, reaching a height higher than four feet above the adjoining top of curb at the applicable corner of the street, intersection of four feet above the nearest pavement surface where there is no curb, or

existing traveled roadway at the corner in question where there is no curb or pavement. Hazardous obstructions do not mean existing or future permanent buildings, otherwise constructed or maintained in accordance with applicable zoning and building regulations, public utility poles, trees trimmed at the trunk at least eight feet above the level of ground surface, provided that the trees are spaced so that the trunks do not obstruct the vision of motorists.

(3) Animals in residential zones. Prohibited to keep or maintain chickens or other farm animals, and four or more dogs over the age of four months old.

(4) Polluted water. A swimming pool, pond, or other body of water which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted. For the purpose of this section ***POLLUTED WATER*** means water contained in a swimming pool, pond, or other body of water which includes, but is not limited to, bacterial growth, algae, remains of insects, remains of deceased animals, reptiles, rubbish, refuse, debris, papers, and any other foreign materials or matter which because of its nature or location constitutes an unhealthy, unsafe, or unsightly condition.

(5) Public burning. The intentional out-door burning of any material, structure, matter, or thing unless otherwise specifically authorized.

(6) Refuse and waste. Refuse and waste matter, which by reason of its location and character is unsightly and interferes with the reasonable enjoyment of property by neighbors, detrimentally affects property values in the surrounding neighborhood or community, or which would materially hamper or interfere with the prevention or suppression of fire upon the premises. For the purpose of this section ***REFUSE*** and ***WASTE*** means unused or discarded matter and material having no substantial market value, and which consists of such materials as: rubbish, refuse, debris, and matter of any kind, including but not limited to rubble, asphalt, concrete, plaster, tile, rocks, bricks, soil, building materials, crates, cartons, containers, boxes, machinery or parts thereof, scrap metal and any other pieces of metal, ferrous or nonferrous, furniture, trimmings from plants and trees, cans, bottles, and barrels.

(7) Maintenance of property. It is declared a public nuisance for any person owning, leasing, occupying, or having charge or possession of any premises in this city to maintain the premises in such a manner that any of the following conditions are found to exist thereon:

(a) Buildings which are abandoned, boarded up, partially destroyed, or left unreasonably in a state of partial construction.

(b) Unpainted buildings causing dry rot, warping, and termite infestation.

(c) Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief.

(d) The accumulation or allowing overgrown and useless vegetation, but not limited to, grasses, weeds, shrubs, and plot line hedges.

(e) Weeds and grass growth in rocked landscaped areas.

(f) Driveways containing pot holes or eroded areas.

(g) Household items, papers, cardboard, vehicle parts, cans, drums, wood, and debris stored in an open carport, to the extent that it creates an eyesore to the abutting resident or residents of the city.

(h) Landscape not maintained in a healthy growing condition, yard and swale areas void of landscape (grass) or other accepted landscape materials.

(i) Nothing shall be allowable on the premises in any district that shall in any way be offensive or obnoxious by the emission of odors, gases, dust, smoke, or vibration.

(j) Septic tank drain fields, failure of drainfields as evidenced by odors, saturated adjacent top soil, or unusual growth of vegetation.

(8) Permitted fences and utility sheds. Sheds and fences that are unsightly by reason of disrepair, which includes but is not limited to broken slats, rotten posts, or other missing members, and in a state of dilapidation or arrangement that is deemed unsafe for the purpose they were intended.

(9) Maintenance of buildings. Property which is maintained in such a condition as to become so defective, unsightly, or in such a condition of

deterioration or disrepair that the same causes depreciable diminution of the property values of surrounding property or is materially detrimental to proximal properties and improvements. This includes but is not limited to the following:

(a) Peeled and unpainted surfaces of buildings including wood and concrete.

(b) Graffiti covering exterior surfaces.

(c) Rotted or decayed wood trim.

(d) Screen enclosures that are required for pools, that contain missing or ripped sections and screening on main building structures with ripped and torn panels.

(e) Buildings or structures main-tained in violation of the South Florida Code as adopted by the city.

(10) Maintenance of premises. So out of harmony of conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use, or property values of such adjacent properties.

(11) Property affecting tax receipts. Property main-tained (in such relation to surrounding property) so as to establish a prevalence of depreciated values, impaired investments, and social economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts from such particular areas are inadequate for the cost of public services rendered therein.

(C) Notice to abate. When the Code Enforce-ment Officer or Building Official finds that any premises or property within the city may be main-tained contrary to one or more of the provisions of this section, he shall notify the owner, lessee, occupant, mortgagee, or beneficiary by written notice, served personally or posted on the premises, stating the conditions which constitute the public nuisance and shall order the abatement of the nuisance by a time period consistent with the nature of the violation. Failure to bring about compliance within the time stated shall result in a summons before the Code Enforcement Board, the Special Master, or the County Court. The summons shall be served according to state statutes.

(D) Abatement by the city. If the person fails to abate the nuisance within the time set forth, the city may proceed to abate the nuisance.

(E) Record of expenses. The city shall keep an itemized account of the expenses involved in abating the nuisance. The city shall post conspicuously on the property and shall also mail to the owner of the property a statement showing the expense of the abatement, together with a notice of the time and place when the statement will be submitted to the Commission for approval and confirmation, and at which time the Commission shall consider objections or protests to the cost of the work.

(F) Procedure in case of emergency. When the conditions which constitute the nuisance pose an immediate threat to the public peace, health, or safety, the Commission may order the nuisance abated immediately or take steps itself to abate the nuisance, after adoption of a resolution declaring the facts which constitute the emergency.

(G) Graffiti.

(1) No person shall write, paint, or draw any inscription, figure, or mark of any type on any public or private building or other real or personal property, owned, operated, or maintained by a governmental entity or any agency or instrumentality thereof or by any person, firm, or corporation, unless the express permission of the owner or operator of the property has been obtained and any required permits are obtained.

(2) No person shall carry an aerosol spray paint can or broad-tipped indelible marker with the intent to violate the provisions of division (G)(1).

(3) For the purposes of this section, the term ***BROAD-TIP INDELIBLE MARKER*** means any marker or similar implement which contains a fluid which is oil or water based and which has a flat or angled writing surface 1/4 inch or greater.

(4) For the purposes of this section, ***EFFECTIVELY OBSCURE*** shall mean to clean or remove any and all graffiti and shall not mean the blacking out of and graffiti.

(5) Any person convicted of a violation of this division (G) shall be punished by a fine of not more than $250 for a first offense and of not more than $500 dollars for a second or subsequent offense, or by imprisonment in the county jail for a term not to exceed 60 days, or by both such fine and imprisonment in the discretion of the court. Where a minor is found to have violated division (G)(1) or (2) or both, the fine imposed by this section shall be assessed against such minor's parents or legal guardian.

(6) In addition to any punishment, the court shall order the defendant to make restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense in a reasonable amount or manner to be determined by the court. Where the defendant is a minor, the court shall order the parent or legal guardian of such minor to make such restitution.

(7) In addition to any punishment, the court may in its discretion order the defendant to perform monitored community service.

(8) Whenever the city becomes aware of the existence of graffiti on an property, including structures or improvements within the city, a code enforcement officer is authorized, upon such discovery, to give or cause to be given notice to remove or effectively obscure such graffiti to the property owner, the property owner's agent or manager, or other person in possession or control of the property.

(9) It shall be unlawful for any person or firm owning the property, acting as manager or agent for the owner of property, or in possession or control of property to fail to remove or paint over in any aesthetically acceptable manner any graffiti from such property within ten days from receipt of the notice described in division (G)(8). If the person or firm owning such property, acting as manager or agent for the owner of such property, or in possession or control of such property fails to remove or effectively obscure the graffiti within the time period enumerated above, the city shall cause the graffiti to be removed or effectively obscured and charge the property owner, or property owner's manager or agent, for the expenses incurred by the city. The city may sue in a court of competent jurisdiction to recover such expenses, together with attorney's fees and costs.

(10) Any person or firm owning property, acting as agent or manager for the owner of such property, or in possession or control of such property who commits a violation of division (G)(9) shall be punished by a fine of not more than $500. In deciding the amount of fine to impose, the court shall consider the efforts taken by the violator, if any, to remove or effectively obscure the subject graffiti in a timely manner and how often the violator has been victimized by graffiti during the preceding calendar year. The provisions of this division (G)(10) shall not apply to a property owner, manager, agent, or possessor of property if, in the sole determination of the City Manager or his designee, such property owner, agent, manager, or possessor has been vic-timized two or more times by graffiti within any calendar year, and, during such time, has removed or effectively obscured such graffiti from the property in a timely manner.

(11) There is hereby created the city Anti-Graffiti Trust Fund. Civil penalties assessed against the violators of this section pursuant to the procedures set forth in this section ultimately received by the city shall be placed in the fund. The City Commission shall direct the expenditure of monies in the fund. Such expenditures shall be limited to the payment of the cost of removal of graffiti, the costs of administering this section, and such other public purposes as may be approved by the City Commission by resolution.

(H) Schedule of civil penalties.

(1) First offense: $ 250

(2) Second offense: $500, and/or

(3) Imprisonment for not more than 60 days.

(4) Any victim who fails to remove or obscure graffiti within the time period prescribed herein shall be fined not more than $500, to be determined at the discretion of the City Manager or his designee.

(5) In addition to any punishment or fine, the court may, in its discretion, order the defendant to perform monitored community service.
('69 Code, App. A § 3.31) (Ord. 218, passed 10-23-69; Am. Ord. 812, passed 11-5-86; Am. Ord. 1170, passed 8-7-96; Am. Ord. 1223, passed 8-6-97; Am. Ord. 1224, passed 9-3-97; Am. Ord. 1234, passed 11-5-97)
Penalty, see § 155.999

§ 155.014 USE OF PROPERTY IN CITY GOVERNMENT CAPACITY.

The provisions of this chapter are not intended, and shall not be construed, to preclude the use of any property by the city in any city government capacity, function, or purpose.
('69 Code, App. A § 3.30) (Ord. 218, passed 10-23-69)