

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 12-16

AN ORDINANCE AMENDING AND RESTATING THE BONITA SPRINGS PROPERTY MAINTENANCE CODE; ORDINANCE NO. 03-04, AS PREVIOUSLY AMENDED; AMENDING SECTION TWO, PURPOSE TO ADD TERM LANDOWNER; AMENDING SECTION FOUR: EXTERIOR STORAGE, ACCESSORY STRUCTURES AND FENCES TO INCLUDE REGISTRATION FOR TEMPORARY STORAGE UNITS (COMMONLY REFERRED TO AS PODS) ON RESIDENTIAL PROPERTY; AMENDING SECTION SIX, NUISANCES APPLICABLE TO RESIDENTIAL PROPERTY; AMENDING SECTION SEVEN, VACANT LOT MAINTENANCE; AMENDING SECTION NINE, NUISANCE VEGETATION AND REQUIREMENTS FOR LANDSCAPING, BUFFERS AND NATIVE VEGETATION; AMENDING SECTION TWELVE, OUTDOOR SINGLE AND TWO FAMILY RESIDENTIAL LIGHTING STANDARDS TO PROVIDE FOR STREETLIGHT SHIELDING; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, INCLUSION IN CODE, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, the City Council is the governing body in and for the City of Bonita Springs, a municipal corporation in the State of Florida; and

WHEREAS, the City of Bonita Springs found that adoption of a Property Maintenance Code helps keep property maintained in such a way as to promote a community; and

WHEREAS, City Council found that with the continuing increase in population and overall growth of Bonita Springs, the necessity of a property maintenance code became more important, in that property which is not secure and attractive destroys community pride, makes the City a less desirable place in which to live, and costs Bonita Springs citizens in the decline of property values in certain portions of the community; and

WHEREAS, City Council adopted Bonita Springs Ordinance No. 03-04 establishing the Bonita Springs Property Maintenance Code, as amended by Ordinance No. 05-01, dealing with overgrown vegetation, Ordinance No. 07-24 to add Outdoor Single and Two Family Residential Lighting Standards and Ordinance No. 11-01 to address removal or relocation by the City of private belongings within the rights-of-way and amending street numbers on buildings; and

WHEREAS, City Council wants to regulate temporary storage units for a limited time period on residential property; and

WHEREAS, Chapter 166, Florida Statutes, authorizes City Council acting for the City of Bonita Springs, Florida, to adopt Ordinances and Resolutions necessary for the exercise of its powers and prescribe fines and penalties for the

violation of Ordinances in accordance with law; and

WHEREAS, City Council finds it necessary to amend a Property Maintenance Code Ordinance to define the term landowner with broad use for its application to tenants and others who have control of the property, regulate temporary storage units for a limited time period on residential property; and require streetlight providers, such as FPL, to shield the security lights installed on behalf of property owners so light does not go above the fixture, nor will it spill onto adjacent properties or the right-of-way.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION ONE: TITLE AND CITATION

This ordinance shall be known and cited as the "Bonita Springs Property Maintenance Code."

The Bonita Springs Property Maintenance Code is amended and restated as follows, with underline identifying new language and with strike-through identifying deleted language.

SECTION TWO: PURPOSE

The purpose of this Ordinance is to protect the comfort, health, repose, safety, and general welfare of residents of the City of Bonita Springs by establishing minimum property and building maintenance standards; and providing for the abatement of nuisances affecting the general public.

The maintenance and nuisance standards in this Ordinance are supplemental to standards that are found in other portions of the Bonita Springs Land Development Code and in other ordinances adopted by the City of Bonita Springs.

The term "landowner" as used throughout the Bonita Springs Property Maintenance Code shall mean the property owner as used in Florida Statutes §162.06, but may also be a tenant or other person if it is able to be documented that they have control and rights to use the property from the owner under the name listed as owner by the Lee County Property Appraiser. Code Enforcement has the authority pursuant to this ordinance to cite for violations any alleged violator with the property under their control, with any owner transferring the property needing to adhere to the strict requirements of Florida Statutes §162.06 (5).

SECTION THREE: EXTERIOR SURFACES OF BUILDINGS

- A. All building walls and roofs shall be maintained in a secure and attractive manner. Deteriorated structural and decorative elements of any building wall or roof shall be repaired or replaced in a

workmanlike manner to match as closely as possible the materials and construction of the building.

- B. All exterior surfaces other than decay-resistant wood and other weather durable finishes shall be protected from the elements by use of paint, stain, or other wood or surface preservatives. Loose material, including peeling paint, shall be removed and replaced. Exterior surfaces should be cleaned on a regular basis so as to prevent and remove mildew formation.
- C. Doors and windows shall be maintained as follows:
 - (1) All doors and windows shall be secured in a tight-fitting and weatherproof manner.
 - (2) Sashes with visibly rotten wood must be repaired or replaced.
- D. Ground level storefront windows facing a public right-of-way shall be maintained in an unbroken and clean state.
 - (1) No window facing a public right-of-way shall be changed, removed, enclosed, or covered without a building permit, if applicable, except that damaged windows may be boarded up for a reasonable temporary period, not to exceed thirty (30) days, while repairs are being arranged. Replacement of any window with the same size window does not need a building permit and is not prohibited under this provision. Any building renovations approved under this code must treat such windows as an integral part of the building façade.
 - (2) All awnings or canopies facing or visible from the public right-of-ways shall be maintained in good condition. Torn or loose awnings shall be promptly repaired or replaced.
- E. All roofs shall be maintained in a secure and watertight condition.
- F. Any mechanical equipment, as defined by the Florida Building Code, placed on a roof after the effective date of this Ordinance, shall, as much as practicable, be placed in such a manner so as to avoid being a visual distraction from view from ground level of adjoining residential properties and public rights-of-way. This section shall not apply to properly installed solar panels.

SECTION FOUR: EXTERIOR STORAGE, ACCESSORY STRUCTURES AND FENCES

- A. No temporary or permanent storage of materials or equipment, including fences, shall be allowed on any vacant property except in

compliance with the regulations for the use of such property as set forth in this Property Maintenance Code, Chapter 4 of the Land Development Code, this code, or in conjunction with an active building permit.

- B. Equipment, materials, and furnishings not designed for use outdoors, such as automotive parts and tires, building materials, and interior furniture, may not be stored outdoors, except in compliance with the regulations for the use of the property as set forth in Chapter 4 of the Land Development Code.
- C. Accessory structures, including sheds shall be structurally sound and maintained in good repair. Sheds shall be secured pursuant to the manufacturer's requirements when they are not in use.
- D. Temporary Storage Units, Shipping or Sea Containers (referred to as "TSU" collectively) shall mean a transportable unit designed and used primarily for temporary storage of building materials (before they are utilized for building purposes), household goods, and other such materials for use on a limited basis on residential property.
 - 1. The TSU unit shall be located at such address for a maximum of fourteen (14) consecutive days on residential property, including the days of delivery and removal, with exception to an active building permit, where the TSU unit may stay on the property until the permit expires or a Certificate of Occupancy is issued, whichever occurs earlier in accordance with LDC 4-3044. An extension may be granted to the landowner by Code Enforcement, subject to conditions, for a reasonable additional time period in an amount not to exceed thirty (30) days.
 - 2. Each residential property may utilize a TSU unit no more than four (4) times per calendar year. A minimum of fifteen (15) days shall elapse between the end of one (1) time period and the beginning of another.
 - 3. In the event of a tropical storm warning or hurricane watch issued by the National Weather Service, the landowner shall immediately remove, or cause to be removed, the TSU unit after a warning or watch has been issued. In order to protect the health, safety and welfare of its citizens and the property located within the City in such event, the City Manager, or designee, may, by providing at least twenty-four (24) hours' notice, issue a warning to the landowner to remove the TSU unit. If the landowner fails to remove the TSU unit within the twenty-four hour period, the City, at its option, may enter into the residential property and remove the TSU unit. Landowners shall be liable for all costs incurred by the City for the removal of the TSU unit under these circumstances.

This right shall create a duty by the City to enter the property and remove the TSU unit.

4. The landowner shall be responsible for ensuring that the TSU unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times.
5. No TSU unit shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential property where the TSU unit is located (i.e. used for retail sales) or any other illegal or hazardous material. At no time shall a TSU unit be used for any of these purposes. Upon reasonable notice Landowner shall not unreasonably withhold consent to the City to inspect the contents of any TSU unit at any reasonable time to ensure that it is not being used to store said materials. "Reasonable notice" for the purpose of inspection is notice given at least 12 hours prior to the entry, and reasonable time for the purpose of inspection shall be between the hours of 7:30 a.m. and 6:00 p.m.

- E. All fences supplied or erected on any property shall consist of metal, wood, masonry or other decay resistant material. Fences shall be maintained in good condition, secure, and in the manner in which they were properly constructed. Materials, other than decay resistant varieties, shall be protected against decay and/or mildew by use of paint, stain, or other wood or surface preservatives.

SECTION FIVE: PUBLIC RIGHTS-OF-WAYS AND SIDEWALKS

Landowners shall maintain in a clean condition adjoining sidewalks and public rights-of-way that, because of their location and character, appear or are used as if they are an extension of the parcel of land. The landowner shall, at a minimum:

- A. Keep such sidewalks and rights-of-way clear of litter, debris, and weeds;
- B. Maintain trees and shrubs to allow a vertical clearance of at least seven (7) feet above any sidewalk; and
- C. Maintain fire lanes pursuant to Florida Fire Prevention Code Section 3-5.2, so as permit a minimum vertical tree clearance of thirteen (13) feet, six (6) inches from the curb or edge of street; and
- D. Regularly mow or otherwise maintain unpaved areas in a neat and attractive condition; and

- E. In the event an entity who has jurisdiction responsibility of a road need to perform any routine maintenance or road improvement within the right-of-way area (see Florida Statutes §334.03 for definition), the landowner will be responsible for removing and/or relocating its personal items, including the relocation of any existing irrigation system or otherwise bear the costs for any loss or repair. City is not responsible for replacement, repair or reimbursement.
- F. Any driveway culverts or swales must meet the specifications in Land Development Code section 3-720.
- G. Under no circumstance may new irrigation systems (supply lines or irrigation heads) be placed in the right-of-way area. Water distribution patterns for irrigation systems should not encroach into sidewalks or pavement areas.

SECTION SIX: NUISANCES APPLICABLE TO RESIDENTIAL PROPERTY

- A. No landowner or person owning, leasing, operating, or having control of any residential property within the City shall maintain, keep, or permit any nuisance as described in this section.
- B. The existence of any of the following conditions or conduct on residential property is hereby declared to constitute a public nuisance;
 - (1) A condition or use that causes a substantial diminution of value of property in the vicinity of the condition or use, except uses which are in compliance with the regulations for the use of such property as set forth in Chapter 4 of this code, or in conjunction with an active building permit.
 - (2) Buildings that are abandoned. Buildings which are unoccupied but otherwise in compliance with the provisions of this Ordinance shall not be deemed to be abandoned.
 - (3) Buildings that are boarded up, except when placed for temporary hurricane protection and removed within thirty (30) days provided, however, a property owner may board up an unoccupied building for hurricane protection during "Hurricane Season" (as defined by the National Weather Service), if such material is painted, stained, or otherwise coated to match or complement the exterior color of the building.
 - (4) Buildings that are partially destroyed and are either not rebuilt or demolished within a reasonable period of time,

considering the extent of the destruction and the size of the building.

- (5) Partially constructed buildings that are not completed within a customary construction period, based on the size of the building, or for which building permits have expired.
- (6) Any attractive nuisance dangerous to children such as excavations, untended and unfenced swimming pools, or abandoned or broken equipment or machinery except property which is being used in compliance with the regulations for the use of such property as set forth in Chapter 4 of this code, as may be amended or replaced, or in conjunction with an active building permit. Nothing in this subsection (6) shall require a property owner to fence a swimming pool, pond, lake, or other waterbody which was constructed in accordance with all applicable laws and ordinances in effect at the time of such construction or to fence a pond, lake, or other waterbody which naturally exists on property.
- (7) Overt blocking of drainage swales or pipes so as to cause flooding or adversely affect surrounding property.
- (8) Excessive or untended accumulations of debris or trash, including scattered trash and litter that remains on site for a period longer than twenty-four (24) hours.
- (9) Outdoor storage on private property of boats, or motor vehicles or trailers which are not affixed with a current registration decal.
- (10) Accumulation of dry vegetation, weeds, grass, uncultivated vegetation, and invasive exotics as defined in Bonita Springs Land Development Code §3-420(f), as may be amended or replaced:
 1. Which results in a condition that may threaten the health, safety or economic welfare of abutting or adjacent property owners or occupants, or
 2. Which presents a visual blight upon neighborhoods, or
 3. Which may harbor insect or rodent infestation that creates an unsafe or unsanitary condition on the property, or

4. Which may likely become a public safety hazard including but not limited to, fire and flood hazards, or
5. Which overhangs or grows across property lines.

SECTION SEVEN: VACANT LOT MAINTENANCE

- A. No landowner or person owning, leasing, operating, or having control of any vacant property within the City shall maintain, keep, or permit any nuisance as described in this section.
- B. The existence of any of the following conditions or conduct on vacant property is hereby declared to constitute a public nuisance;
 - (1) Accumulation of dry vegetation, weeds, grass, uncultivated vegetation, and invasive exotics as defined in Bonita Springs Land Development Code §3-420 (f), as may be amended or replaced:
 - (a) Which results in a condition that may threaten the health, safety or economic welfare of abutting or adjacent property owners or occupants, or
 - (b) Which presents a visual blight upon neighborhoods, or
 - (c) Which may harbor insect or rodent infestation that creates an unsafe or unsanitary condition on the property, or
 - (d) Which may likely become a public safety hazard including but not limited to , fire and flood hazard, or
 - (e) Which overhangs or grows across property lines.
 - (2) Motor vehicles, ~~or~~ boats or trailers parked or abandoned on vacant lots except when designated and approved by the Bonita Springs Land Development Code.
 - (3) Accumulation of abandoned or broken equipment, such as discarded furniture, household appliances, trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticultural debris, salvage materials and machinery.
 - (4) Inhabitation on vacant property except when designated and approved by the Bonita Springs Land Development Code

- (5) A condition or use that causes a substantial diminution of value of property in the vicinity of the condition or use, except uses which are in compliance with the regulations for the use of such property as set forth in Chapter 4, of this code, as may be amended or replaced, or in conjunction with an active building permit

SECTION EIGHT: INOPERATIVE VEHICLES ON PUBLIC PROPERTY

- A. The keeping, storing, or parking of an inoperative vehicle on any public property, including public streets and rights-of-way, is hereby declared to be a nuisance. It shall be unlawful for any person to allow any inoperative vehicle to remain on public property. The notice and removal procedures set forth in Florida Statutes §§705.105 through 705.104 may be used by City and Law Enforcement Personnel.
- B. If a vehicle becomes disabled while on public property, it shall be removed within twenty-four (24) hours.

SECTION NINE: NUISANCE VEGETATION AND REQUIREMENTS FOR LANDSCAPING, BUFFERS AND NATIVE VEGETATION

- A. No landowner or person owning, leasing, operating, or having control of any property within the City shall maintain, keep, or permit any nuisance as described in this section.
- B. The existence of any of the following conditions is hereby declared to constitute a public nuisance;
 - (1) Accumulation of dry vegetation, weeds, grass, uncultivated vegetation, and invasive exotics as defined in Bonita Springs Land Development Code §3-420 (f), as may be amended or replaced:
 - (a) Which results in a condition that may threaten the health, safety or economic welfare of abutting or adjacent property owners or occupants, or
 - (b) Which presents a visual blight upon neighborhoods, or
 - (c) Which may harbor insect or rodent infestation that creates an unsafe or unsanitary condition on the property, or
 - (d) Which may likely become a public safety hazard including but not limited to , fire and flood hazards, or
 - (e) Which overhangs or grows across property lines.

- C. Any landscaping, buffers, and native vegetation planted or preserved in accordance with a development order or rezoning approval shall be maintained in at least the same condition as required for the original installation or preservation. Chapter 3 of this code, as may be amended or replaced describes the current plant maintenance standards.

SECTION TEN: PLACEMENT OF STREET NUMBERS

- A. Every building in the City, including residences, shall continuously display the building number assigned to it by Lee County Emergency Management Services - 911 Addressing Office, so that the building can be readily identified from the street by emergency personnel.
- B. *Exception for certain single family residential structures.* A single family residence with a street number discernible on either a mailbox or a nameplate is not required to have the street number affixed to the structure provided that the specific single family residence and the mailbox / nameplate are both plainly visible from the street and the mailbox / nameplate clearly defines the structure in question. Due to public safety, this exception shall not apply to any single family residence where the mailboxes are located on one side of the street or in groups of two, three or more mailboxes. Numbers shall be at least three (3) inches high on any mailbox / nameplate in a color that contrasts with the immediate background and must be clearly visible from the adjoining street.
- C. Posted building numbers shall be at least three (3) inches high on residential buildings set back less than fifty (50) feet from the street. On residential buildings set back more than fifty (50) feet from the street, posted building numbers shall be at least six (6) inches high. Numbers on commercial, institutional, or multifamily buildings shall be at least six (6) inches high. Building numbers shall be in a color that contrasts with the immediate background and must be clearly visible from the adjoining street.
- D. On any commercial or non-residential building containing more than one occupant, building numbers, or other occupant identification, are to be posted on any rear doors where there is an alley or fire access.
- E. Additional addressing requirements are found in Land Development Code Chapter 6, Signs.

SECTION ELEVEN: REFUSE CONTAINERS

- A. Refuse containers shall not be moved to the street more than twenty-four (24) hours prior to scheduled curbside collections nor

remain there more than twenty-four (24) hours after scheduled collections.

- B. Any refuse containers that are not movable in accordance with subsection (a) shall be opaquely screened from view from streets and adjoining properties. This screening may be achieved by landscaping or by virtue of the location of the container on the site. Screening may also be achieved by walls or opaque fencing provided the wall or fence does not exceed the maximum height permitted for that location (see §4-1171 et. seq.) If the nonmovable refuse container would be visible above the allowable height, it must be replaced with a shorter container.

**SECTION TWELVE: OUTDOOR SINGLE AND TWO FAMILY
RESIDENTIAL LIGHTING STANDARDS**

- A. *Purpose.* The purpose of this provision is to curtail and reverse the degradation of the night-time visual environment by minimizing light pollution glare and light trespass through regulation of the form and use of outdoor lighting; and to conserve energy and resources while maintaining night-time safety, utility security and productivity.
- B. *Applicability.* All luminaires on single and two family residential developments and all accessory structures, regardless of whether a Certificate of Occupancy or Certificate of Compliance is required, must comply with the provisions and standards of this Section. Nothing in this section shall be interpreted to supersede any requirements of the City of Bonita Springs Ordinance No. 01-06, which pertains to sea turtle conservation. In the event of a conflict with residential areas regulated by the Sea Turtle Ordinance, the terms of that ordinance will apply.
- C. *General exemptions.* The following are exempt from the provisions of this Section:
 - 1. Outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene and propane;
 - 2. Low wattage decorative lighting fixtures (comprised by incandescent bulbs of less than 8 watts each or other lamps of output less than 100 lumens each) used for decoration in the lanai or porch area not visible from the road (however, the same lights in the yard may only be used for decoration from November 15 through January 15th for the holidays and not more than 30 days use in any one calendar year for other times);
 - 3. Candles;
 - 4. Dock lights ("snook lights") are permitted, as long as the light is shielded and is directional so that it does not reflect upon adjoining properties or

create a navigational hazard;

5. Flagpoles not to exceed twenty feet in height may have a luminaire mounted at the bottom of the pole, as long as the light is shielded and is directional to illuminate a flag as required by flag etiquette and/or protocol.

D. *Standards and Criteria.* When specific standards are not addressed in these sources, the standards of the Illuminating Engineering Society of America (IESNA) will apply. Between the hours of 10:00 pm and 6:00 am all single and two family residential developments must conform to following provisions:

1. *Existing Outdoor Lighting.* The following standards apply to existing outdoor lighting installed and in existence as of February 1, 2008.

a. *Luminaire Standards.* The following standards apply to luminaire designs.

- i. All light fixtures shall have bulbs that are fully recessed within the fixture and may not emit light above horizontal plane;
- ii. The cone of emitted light shall not project on to a neighboring property.

b. *Luminaire Mount Standards.* The following standards apply to luminaire mountings.

- i. The pole on which a luminaire is mounted shall not exceed the height of the lowest eave of the dwelling unit, or 15 feet, whichever is lower;
- ii. Luminaires mounted on buildings may only be attached to walls and may not exceed the height of the eave, or 25 feet, whichever is lowest.

2. *New Outdoor Lighting.* The following standards apply to new outdoor lighting installed after February 1, 2008, between the hours of 10:00 p.m. and 6:00 a.m.

a. *Luminaire Standards.* The following standards apply to luminaire designs.

- i. All light fixtures shall have bulbs that are fully recessed within the fixture and may not emit light above horizontal plane;
- ii. The cone of emitted light shall not project on to a neighboring property;
- iii. All luminaires shall have a maximum lamp wattage of 100 watts for

incandescent bulb types and 26 watts for compact fluorescent bulb types;

- iv. Solar lights are encouraged;
- v. Light from a luminaire that projects on to roadways that causes glare, annoyance, discomfort, or loss of visual ability shall not be permitted;
- vi. Lighting that is directed in such a manner as to shine light rays above the horizontal plane shall not be permitted;
- vii. Flashing or moving lights that change at intervals more frequently than once each six seconds shall not be permitted with the exception of low wattage decorative lighting fixtures (comprised by incandescent bulbs of less than 8 watts each or other lamps of output less than 100 lumens each) used for decoration;
- viii. Luminaires activated by motion detectors shall not remain on for more than 5 minutes and may not be activated by movement that occurs outside property boundaries.

b. *Luminaire Mount Standards.* The following standards apply to luminaire mountings.

- i. The pole on which a luminaire is mounted shall not exceed the height of the lowest eave of the dwelling unit, or 15 feet, whichever is lower.
- ii. Luminaires mounted on buildings may only be attached to walls and may not exceed the height of the eave, or 25 feet, whichever is lowest;
- iii. The pole on which a luminaire is mounted must be placed on the interior of the site at least 15 feet from the property boundary.

3. *Streetlights:* A streetlight is defined in Florida Statutes §768.1382, as an outdoor security light, or any outdoor area light that is owned or maintained by or for a streetlight provider (government or utility). The term "streetlight" does not include any customer-owned or customer-maintained streetlights, outdoor security lights, or outdoor area lights of any type, regardless of their location. Any streetlight installed on private residential property must be shielded so no light goes above the fixture, and should be directed so that it does not induce glare upon adjacent properties or upon the right-of-way. Customer-owned or customer-maintained lighting must be shielded in accordance with Section Twelve D, Standards and Criteria.

E. Permit Criteria. The applicant for any building permit, Certificate of Occupancy or Certificate of Compliance, as applicable under the provisions of the Building Code involving outdoor lighting fixtures, must submit as part of the application evidence that the proposed work will comply with the outdoor lighting standards of this code. Specifically the submission must include the following:

1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices.
2. A detailed description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices under consideration for the project, with as much detail as possible, including manufacturer's catalogue cuts and drawings including pictures, sections, and proposed wattages for each fixture. Once a lighting device has been chosen, the owner must submit all information listed above related to the selected lighting device. In no case may a certificate of compliance be issued prior to the submission of the required information related to the owner's lighting device selection.
3. All applications for building permits, Certificates of Occupancy or Certificates of Compliance must provide data such as that furnished by the manufacturer of the proposed illuminating devices, showing the angle of cut-off and other characteristics of the light emissions including references to the standards contained herein.
4. All applications for building permits, Certificates of Occupancy or Certificates of Compliance must provide the location, number, wattage, elevation, orientation, fixture cut sheets, and all types of proposed exterior artificial light sources must be included on the light plan. A city approved lighting plan is required before a building permit will be issued. Final inspections for a Certificate of Occupancy or Certificate of Compliance will be performed by the City.

F. Compliance. Outdoor lighting must be maintained in compliance with this code.

SECTION THIRTEEN: DESIGNATION OF INVESTIGATING AND ENFORCING AUTHORITY

The Lee County Sheriff's Office and City of Bonita Springs Code Enforcement is hereby authorized to enforce the provisions of this Ordinance. The City Manager, or his designee, is hereby designated to assist with the investigation and enforcement of the provisions of this Ordinance. The City Manager or his designees are hereby directed and empowered to receive all complaints of violations of this Ordinance and to enter upon real property in conduct of official business pursuant to this ordinance, provided, however, this Ordinance shall not be construed to give the Lee County Sheriff's Office, the City of Bonita Springs Code Enforcement, the City Manager, or his designee any new or expanded powers to enter into any structure to enforce this ordinance or conduct official business pursuant to this Ordinance. Entry into any structure

shall only be in compliance with all other provisions of local ordinances and state and federal laws and constitutions. The City Manager or his designee shall be responsible for providing all notices to affected property owners required by this Ordinance and to take other action as is reasonably necessary to accomplish the purpose of this Ordinance, including, but not limited to, creating a program to assist property owners with property maintenance.

SECTION FOURTEEN: BUDGET OF FUNDS

Assisting with the property maintenance code as set forth herein is declared to be for a municipal purpose and the City Manager is authorized to budget in order to establish funds for the carrying out of the purposes of this Ordinance.

SECTION FIFTEEN: CRIMINAL AND CIVIL REMEDIES

Persons violating any provisions of this Ordinance shall be guilty of a misdemeanor of the second degree, punishments provided in Florida Statutes §775.082 or §775.083. The City Council may institute in any Court, or before any Administrative Board or Special Master of competent jurisdiction, action to prevent, restrain, correct or abate any violation of this ordinance or of any order or regulation made in connection with its administration or enforcement, and the Court, Administrative Board or Special Master shall adjudge to the City such relief by way of injunction or any other remedy allowed by law or otherwise, to include mandatory injunction, as may be proper under all the facts and circumstances of the case in order to fully effectuate the regulations adopted in orders and rulings made pursuant thereto.

SECTION SIXTEEN: SEVERABILITY

The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any Court of competent jurisdiction shall hold any of the provisions of this Ordinance unconstitutional, the decision of such Court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the City Council for the City of Bonita Springs that this Ordinance would be adopted had such unconstitutional provision not been included herein.

SECTION SEVENTEEN: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted City of Bonita Springs Ordinance or Florida Statutes, the more restrictive shall apply.

SECTION EIGHTEEN: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intention of the City Council for the City of Bonita Springs that the provisions of this Ordinance shall become and be made a part of the Bonita Springs City Code; and that sections of this Ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION NINETEEN: EFFECTIVE DATE

The effective date of this Ordinance shall be thirty (30) days from its adoption date.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Florida this 19th day of December, 2012.

AUTHENTICATION:




Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Nelson	Aye	Simmons	Aye
McIntosh	Aye	Simons	Aye
Martin	Aye	Lonkart	Aye
Slachta	Aye		

Date Filed With City Clerk: 12-20-12