



Proposed Neglected Property: Building and Grounds Ordinance

Ordinance Summary

Introduction

Although the incidents of neglected properties in the City of Sanibel have been, and continue to be, isolated, the number of complaints from neighboring properties has increased over the last few years.

Instances of neglect, if allowed to continue, can have an adverse impact on surrounding property values including the community's overall image as a whole.

Code Enforcement has not had the full compliment of specific code regulations to address these types of properties and the proposed amendment will provide the tools by which Code Enforcement can directly address these types of properties.



Issue: Neglected properties are a detriment to the housing stock of the City of Sanibel and can have a negative impact on the value of the property in addition to the value of neighboring properties.



Issue: Yards containing gravel, rock, shell or similar materials becoming overgrown with unsuited or unwanted vegetation.



Issue: Litter and other clutter accumulating on properties.



Issue: Pools and other bodies of water not being maintained leading to potential health hazards.



Issue: The accumulation of excessive mold or mildew on the exterior of structures.



Issue: Neglected properties becoming dilapidated decreasing the integrity of the structure.



Issue: Substantial amounts of chipping or peeling paint on the exterior of structures.



Issue: Roofs with damaged or missing shingles and detached gutters and downspouts can lead to water damage to the structure and could produce a nuisance to adjacent properties.



Issue: Unmaintained exterior stairs, balconies, and decks which produce a risk to safety.



Issue: Deteriorated walkways, particularly in commercial areas, create hazardous conditions for pedestrians.



Issue: Unanchored exterior structural elements, such as a roof, awning or chimney, having the potential to become a projectile in high winds.



Issue: Open or unlocked windows, doors and gates on vacant or abandoned properties allowing access to unauthorized persons increasing the risk of crime and injury.



Issue: Open or unlocked windows, doors and gates on vacant or abandoned properties allowing access to wildlife.



Issue: Broken or boarded windows can allow access by unauthorized persons in addition to signaling that the property is abandoned or vacant which can create security problems.



Issue: Attractive nuisances, such as swimming pools, can become a safety issue if not properly secured.

What does the proposed ordinance address?

- What is a neglected property?
- How is a property determined to be neglected and by whom?
- What are the property maintenance requirements?
- Are there provisions for securing a neglected property?
- What are the enforcement procedures?
- Can a plan be established with Staff to remedy the violations?
- Is there an appeal process?
- Does the proposed ordinance adhere to the Sanibel Plan?

What is a neglected property?

- Per the ordinance:
 - *Neglected* means the failure to exercise the care, either by action or inaction, that a reasonably prudent person would exercise in the maintenance of a property leading to a state of degradation that could be a hazard to the public health, safety, or general welfare.

How is a property determined to be neglected and by whom?

- **Meets one or more of the following criteria:**
 - It is declared a nuisance upon inspection.
 - It shows evidence of neglect upon inspection.
- **By whom?**
 - **The Enforcing official**
 - The City Manager or their designee
- **Included in definition section of ordinance:**
 - **Enforcing Official**
 - **Evidence of Neglect**
 - **Inspection**
 - **Nuisance**

What are the property maintenance requirements?

- **In general:**
 - Yards maintained as they have been traditionally maintained (Manicured lawn maintained as manicured lawn).
 - Property must be free of litter.
 - Pools, fountains, hot tubs and spas must be maintained with clear water and no noxious odors.
 - Exterior of structures kept in good repair without holes or excessive mold, mildew or chipping paint.
 - Roof kept in good repair and gutters free of obstructions.
 - Exterior walkways, decks and balconies must be kept in safe condition.
 - Exterior structural elements such as roofs and siding must be secured so as to not become a projectile in high winds.



Issue: Neglected properties are a detriment to the housing stock of the City of Sanibel and can have a negative impact on the value of the property in addition to the value of neighboring properties.

Remedy in Ordinance : An ordinance specifically tailored to Code Enforcement designed to address neglected properties.



Issue: Yards containing gravel, rock, shell or similar materials becoming overgrown with unsuited or unwanted vegetation.

Remedy in Ordinance: Yards containing gravel, rock, shell or similar materials shall be kept reasonably free of overgrown vegetation.



Issue: Litter and other clutter accumulating on properties.

Remedy in Ordinance : Front, side, and rear yards must remain litter free.



Issue: Pools and other bodies of water not being maintained leading to potential health hazards.

Remedy in Ordinance : Pools, fountains, hot tubs and spas must be maintained so the water remains free and clear of hazards, pollutants, debris and fungal or plant growth and shall not produce noxious odors or become a breeding ground for mosquitos.



Issue: The accumulation of excessive mold or mildew on the exterior of structures.

Remedy in Ordinance: The accumulation of excessive mold or mildew on the exterior of a structure to the degree that it detracts from its appearance or poses a threat to public health safety or welfare must be removed.



Issue: Neglected properties becoming dilapidated decreasing the integrity of the structure.

Remedy in Ordinance : The exterior of a structure must be maintained in good repair.



Issue: Substantial amounts of chipping or peeling paint on the exterior of structures.

Remedy in Ordinance : The occurrence of exterior chipping or peeling paint to the level that it detracts from the aesthetic of the structure must be corrected.



Issue: Roofs with damaged or missing shingles and detached gutters and downspouts can lead to water damage to the structure and could produce a nuisance to adjacent properties.

Remedy in Ordinance : Roofs must be sound and tight with no defects that might admit leaks. Gutters and downspouts must be maintained in good repair and properly affixed.



Issue: Unmaintained exterior stairs, balconies, and decks which produce a risk to safety.

Remedy in Ordinance : Exterior stairs, balconies, and decks must be structurally sound and maintained in good repair.



Issue: Deteriorated walkways, particularly in commercial areas, create hazardous conditions for pedestrians.

Remedy in Ordinance: Walkways must be maintained in sound condition and good repair.



Issue: Unanchored exterior structural elements, such as a roof, awning or chimney, having the potential to become a projectile in high winds.

Remedy in Ordinance: Exterior structural elements must be maintained in good repair and anchored so as to not become a flying projectile in high winds.

Are there provisions for securing neglected properties?

- All water features, such as swimming pools, hot tubs and spas, must be secured to prevent unauthorized access.
- Provisions for securing neglected property will apply if the property is:
 - Vacant
 - Unoccupied for at least 30 days.
 - Abandoned
 - Vacant and in the process of foreclosure.
- Secured by:
 - Closing and locking of all windows, doors, gates and other openings.
 - Inaccessible to unauthorized persons or wildlife



Issue: Open or unlocked windows, doors and gates on vacant or abandoned properties allowing access to unauthorized persons increasing the risk of crime and injury.

Remedy in Ordinance : All windows, doors, and gates must be closed and locked to prevent access by unauthorized persons.



Issue: Open or unlocked windows, doors and gates on vacant or abandoned properties allowing access to wildlife.

Remedy in Ordinance: All windows doors and gates must be closed and locked and other openings must be secured to prevent access by wildlife.



Issue: Broken or boarded windows can allow access by unauthorized persons in addition to signaling that the property is abandoned or vacant which can create security problems.

Remedy in Ordinance : Broken windows must be secured by re-glazing or replacing the windows.



Issue: Attractive nuisances, such as swimming pools, can become a safety issue if not properly secured.

Remedy in Ordinance : All attractive nuisances, such as swimming pools, must be secured to prevent access by unauthorized persons.

What are the enforcement procedures?

- The enforcement procedure will be administered as is established in:
 - Section 2-352 of the Sanibel Code.
 - Chapter 162 of the Florida Statutes.

Can a plan be established with Staff to remedy the violations?

- **Abatement Plan**
 - Application submitted to the Planning Department addressing the following:
 1. Justification
 2. Plan for remediation
 3. Timeline
 - Staff will review and approve, deny or modify the plan within seven days.
 - Written notice sent to owner or their designee.
 - Owner or their designee must apply for all necessary permits to complete the plan.
 - Must be done within seven days of date of approval.
 - Failure to do so nullifies an approved plan.

Is there an appeal process?

- Appeals can be made per the process outlined in Section 14-270 of the Sanibel Code.
 - File appeal with City Manager within 14 days of violation.
 - Appeal heard by City Council.
 - City Council can sustain, modify or withdraw the notice of violation.

Does the proposed ordinance adhere to the Sanibel Plan?

- *Housing Goals Objectives and Policies – Provide safe and decent housing in adequately serviced neighborhoods to meet the needs of the present and future residents of the City of Sanibel.*
- *Objective 2 – Conserve and maintain the City’s sound and aesthetic housing stock by requiring permits for work done on existing structures and inspections for compliance with the Land Development Code and the Building Code.*
- *Policy 2.1 – Maintain standards in the Land Development Code that ensure quality housing that is safe and structurally sound and promotes stable neighborhoods.*
- *Objective 7 – Require substandard housing conditions to be eliminated when work is done under a City permit.*
- *Policy 7.1 – For any substandard dwelling (i.e., structurally unsound and an immediate threat to health, safety and welfare) in the City of Sanibel, the owner will be cited for the violations and ordered to comply with the appropriate requirements of the Sanibel Building Code.*

Do other area cities have a similar ordinance?

	Neglected Property Regulations?	Abandoned or Vacant Property Registration?
Naples	Yes	No
Longboat Key	Yes	No
Ft. Myers	Yes	Yes

Conclusion

The overall intent of the proposed ordinance is to achieve compliance amongst neglected properties rather than penalizing them.

By bringing neglected properties into compliance, not only will public health, safety and welfare be upheld, it will also assist in protecting property values in the City of Sanibel.