CITY OF SANIBEL

ORDINANCE NO. 13-003

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, PART II – SANIBEL CODE; SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 126 – ZONING; ARTICLE XIV – SUPPLEMENTARY DISTRICT REGULATIONS; TO ADD A NEW DIVISION 17. DISTRESSED PROPERTIES; ADDING SECTION 126-1311 INTENT AND PURPOSE; SECTION 126-1312 DEFINITIONS; SECTION 126-1313 DECLARATION OF DISTRESSED PROPERTY; SECTION 126-1314 MAINTENANCE AND SECURITY STANDARDS; SECTION 126-1315 JOINT RESPONSIBILITY; SECTION 126-1316 ABATEMENT BY THE PERSON IN CHARGE; SECTION 126-1317 ABATEMENT PLAN; SECTION 126-1318 EXCEPTIONS; SECTION 126-1319 ENFORCEMENT; SECTION 126-1320 APPEALS; SECTION 126-1321 SUPPLEMENTAL CODE PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 166.021, Florida Statutes, the Sanibel City Council has the power to adopt ordinances necessary for the exercise of municipal powers and to prescribe fines and penalties for the violation of ordinances in accordance with law; and

WHEREAS, distressed properties are parcels of land upon which are located residential or commercial buildings where the land and/or buildings constitute, or have features that constitute, a public nuisance, attractive nuisance, public safety threat or hazard or such buildings, accessory structures or improved parcels of land have been abandoned or neglected to the point that they constitute an economic or aesthetic threat to the neighborhood in which they are located, as more specifically defined in this Ordinance.

WHEREAS, economic events in recent years in the housing market have led to a rise in the number of distressed properties nationwide and within the City; and

WHEREAS, distressed properties succumb to the forces of nature and the elements; swimming pools and spas, become stagnant creating public health hazards; windows break or are broken, and building exteriors suffer damage and wear-and-tear from neglect and vandalism, all of which have a negative impact on neighboring properties; and

WHEREAS, distressed properties often have features which create "attractive" public nuisances that are a threat to the health, safety and welfare of children and can cause economic and aesthetic decline to a neighborhood; and

WHEREAS, the City desires to protect its individual neighborhoods and the City as a whole from decline, and economic and aesthetic devaluation; to protect the public health, safety, and welfare of its citizens; and to maintain an acceptably high quality of life for the community; and

WHEREAS, the presence of distressed properties may discourage buyers from purchasing property adjacent to or in areas where these properties exist; and

WHEREAS, the City finds that the abatement or proper maintenance of distressed properties serves a critical public purpose will protect against decay and devaluation of such properties and surrounding properties and that is caused by the lack of adequate maintenance, neglect, and disrepair of those distressed properties.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Sanibel, Florida:

SECTION ONE. The Code of Ordinances of the City of Sanibel, Part II – Subpart B, Land Development Code, Chapter 126 – Zoning; Article XIV Supplementary District Regulations is hereby amended to add a new Division 17 – Distressed Properties, Section 126-1311 through Section 126-1321, with underlining indicating added language as follows:

DIVISION 17. DISTRESSED PROPERTIES.

Sec. 126.1311 Intent and Purpose. It is the intent and purpose of this Division to protect the health, safety and welfare of the citizens of the City, reduce the potential for economic decline as a result of public nuisances on improved parcels, protect the aesthetic standards deemed essential by the Sanibel Community, and to preserve and protect property values within the City of Sanibel.

Sec. 126-1312 Definitions. The following terms, whether or not in capitalized text, when used in this Division will have the following meanings, except where the context clearly indicates and requires a different meaning.

Building means a structure which is designed, built or occupied as a shelter or roofed enclosure for persons, animals or property; or a shelter located on a foundation or other support and used for residential, business, mercantile, storage, commercial, professional, industrial, institutional, assembly, educational or recreational purposes.

Enforcing Official means the City Manager, or designee.

Improved Property means Property which has located upon it a Building, Structure or other physical improvements.

Inspection means a close viewing of the property and the exterior of any structures located thereon from any legal vantage point and includes viewing of any interior portions of the structure which are visible from the outside of the structure.

Nuisance means any item, thing, manner, or condition whatsoever that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property or could otherwise be a hazard to the public health, safety or general welfare.

Owner means every person or entity which, alone or jointly with others, has legal or equitable title to any Property, dwelling, dwelling unit, mobile dwelling unit, Building, or Structure.

Person in Charge: Unless otherwise required by the context, shall mean and be deemed to include a property owner, agent, occupant, lessee, contract purchaser, or other person having possession or control of Property.

Property means any real property, or portion thereof, located in the City of Sanibel.

Structure means anything constructed, installed or portable, the use of which requires a location on land. It includes a movable structure while on land which can be used for housing, business, commercial, agricultural, or office purposes, whether temporarily or permanently. Structure also includes, but is not limited to, fences, tiki or chikee huts and the like, swimming pools, poles, pipelines, transmission lines, game courts and tracks.

Vacant Building means a building that appears to be partially or substantially empty of furnishings or appliances or not otherwise legally occupied, or exists with any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that there is no intent or actions by the current Owner or Person in Charge to occupy in the immediate future a Property or Building. Such conditions include, but are not limited to: overgrown and/or dead vegetation; accumulations of newspapers, circulars and/or flyers; disconnected utilities; accumulation of trash, junk and/or debris; broken or boarded up windows and/or doors; the absence of merchandise consistent with retail sale; and statements by neighbors or service providers (e.g. utility company, post office, etc.) that the Property or Building is unoccupied. This definition is not intended to include and does not include the temporary or seasonal absence of an owner from a residential dwelling or a commercial building for which a tenant is being actively sought.

Sec. 126-1313 Declaration of Distressed Property.

(1) Any Improved Property within the City of Sanibel upon which is located an occupied or Vacant Building, as defined in this Division, and which has located upon or within such Improved Property a Nuisance condition which constitutes, or may constitute, a threat to the health, safety or welfare of any person, as determined by the City's Enforcing Official pursuant to this Code of Ordinances, is hereby declared a Distressed Property and is in violation of this Code.

(2) Any Improved Property within the City of Sanibel that is in a condition which fails to meet the minimum maintenance requirements and security standards set forth in Section 126-1314 of this Division, based upon the Inspection of the Enforcement Official from any public right-of-way or adjacent property (where legally authorized) is hereby declared to be a Distressed Property and is in violation of this Code.

Sec. 126-1314 Maintenance and Security Standards.

A. Maintenance Requirements.

1. Improved Property shall be maintained in accordance with the terms and conditions set forth herein, all applicable City codes and ordinances, State laws, relevant sanitary codes, and the Florida Building Code concerning external or visible maintenance.
2. All front, side, and rear yard areas shall be free of litter, refuse and debris as defined in Sections 30-31, 30-34 and 30-36 of the Sanibel Code, except temporary storage or placement of refuse and debris for appropriate disposal.
3. Pools, fountains, hot tubs and spas shall be maintained so the water contained within in them remains free and clear of hazards, pollutants, debris, fungal or plant growth and shall not produce noxious odors nor act as a breeding ground for mosquitos. Pools, fountains, hot tubs and

spas shall comply with the requirements of City codes and ordinances and the Florida Building Code.

4. The exterior of a structure shall be kept and maintained in good repair, structurally sound and sanitary without excessive mold, mildew, or peeling and chipped paint to the degree that it detracts from the overall appearance of the property when viewed from any adjacent property (where authorized) or any public right-of-way or becomes a hazard to the public health, safety or general welfare. Walls shall be free of holes, loose or rotten wood, be weatherproofed and coated with paint, siding or similar protection to prevent deterioration.

5. The roof and flashing shall be sound, tight and not have defects that admit leaks. Roof drains, gutters and downspouts shall be maintained in good repair and properly affixed. Roof water shall not be discharged in a manner that creates a public nuisance.

6. Every exterior stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained and kept in sound condition and minimally safe repair.

7. The roof, siding, awnings, chimneys, sheds, and other exterior structural elements of a property shall be kept and maintained in good repair and anchored in such a manner as not to become flying projectile in high winds.

B. Security Requirements

1. Improved Property that is determined to have a Vacant Building upon Inspection shall be kept in a secure manner so as to be kept inaccessible to wildlife or unauthorized persons. A secure manner shall include, but not be limited to, the closure and locking of all windows, doors, gates and other building or structure openings of such size that may allow access to the interior of a building or structure. Broken doors and windows shall be secured and repaired or completely replaced within 10 days of being damaged to the point that such door or window does not secure the building.

2. Any excavations, swimming pools, hot tubs, spas, at grade fountains or other attractive nuisances shall be properly secured and comply with the requirements of the City Code of Ordinances and the Florida Building Code.

Sec. 126-1315 Joint Responsibility. If more than one person or entity is a Person in Charge of Property, then all such persons or entities shall be jointly and severally liable for abating the Distressed Property violation.

Sec. 126-1316 Abatement by the Person in Charge. Within ten (10) days after receipt of the mailing or service of a notice of violation, the Person in Charge shall remove or correct the nuisance or violation, or shall apply for an Abatement Plan as provided in Section 1317 of this Division. In the event that the nuisance or violation is not cured or corrected within the period of time specified, or (2) an Abatement Plan is not applied for, as required, or (3) in the event the Abatement Plan is denied by the City and a date for abatement is specified but not complied with, or (4) if an approved Abatement Plan is not complied with as to timeframes or requirements, the violation shall be enforced as authorized in this Division.

Sec. 126-1317 Abatement Plan

1. Should the violation to be remedied be costly or extensive, the Person in Charge or their designee may apply for an abatement plan with the Planning Department. The application shall include the following:
    a. Justification for the need of an abatement plan including, but not limited to, excessive costs or extensive work to remedy; and
    b. A detailed plan describing each violation to be remedied; and
    c. A timeline for completing each violation to be remedied.
2. The Planning Department shall review the application and either approve, deny, or modify the abatement plan within five (5) business days of receipt of the abatement plan. Written notice of the Planning

Department's decision shall be provided to the Person in Charge or their designee, and the Owner, if identifiable and different from the Person in Charge.

3. The Person in Charge or their designee shall apply for any and all of the requisite building and development permits, if any, within fourteen (14) days of the issuance of an approved abatement plan and follow all requirements and timeframes of the approved Abatement Plan. Failure to do so shall render the approved abatement plan null and void, unless an extension or amendment is approved, in writing, by the Planning Department.

Sec. 126-1318. Exceptions. This Chapter shall not apply to a Building and/or Property that is actively undergoing construction or repair as evidenced by a valid building permit and the Person in Charge is progressing diligently to complete the repair or construction. This exception does not apply to requirements relevant to public safety and health concerns.

Sec. 126-1319 Enforcement. A violation of this Ordinance shall be enforced pursuant to any of the alternative means of enforcement authorized in Section 1-15 of the Sanibel Code of Ordinances.

Sec. 126-1320 Appeals. The Person in Charge shall have the right to contest the abatement notice by filing a written appeal of that decision to the City Council, addressed to the office of the City Manager, within ten (10) days after any hand delivered or mailed Notice of Violation is received or otherwise legally served upon the Person in Charge. Any person aggrieved by the requirements of this ordinance may seek an appeal in accordance with procedures set forth in Section 14-270 of the Sanibel Code.

Sec. 126-1321 Supplemental Code Provisions. This Chapter is supplemental to all other provisions and requirements of the Sanibel Code of Ordinances and nothing herein shall be construed to limit, in any way, the enforcement of any condition or violation through any other provision of the Code of Ordinances, the Florida Building Code or any other applicable State or local law.

SECTION TWO. Codification.

This ordinance shall be an amendment to the Code of Ordinances of the City of Sanibel.

SECTION THREE. Severance.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION FOUR. Effective date.

This Ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this _____ day of _____, 2013.

AUTHENTICATION:

_____ _____

Kevin Ruane, Mayor Pamela Smith, City Clerk

APPROVED AS TO FORM: Kenneth B. Cuyler 6/25/13

Kenneth B. Cuyler, City Attorney Date

Vote of Council Members:

Ruane _____
Congress _____
Denham _____
Harrity _____
Jennings _____

First Reading _____
Publication Date _____
Second Reading _____

Date Filed with City Clerk: _____

RESOLUTION NO. 13-04

CITY OF SANIBEL
PLANNING COMMISSION

A RESOLUTION APPROVING AND RECOMMENDING ENACTMENT BY THE CITY COUNCIL OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES, PART II – SANIBEL CODE; SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 126 – ZONING; ARTICLE XIV – SUPPLEMENTARY DISTRICT REGULATIONS; TO ADD A NEW DIVISION 17. DISTRESSED PROPERTIES; ADDING SECTION 126-1311 INTENT AND PURPOSE; SECTION 126-1312 DEFINITIONS; SECTION 126-1313 DECLARATION OF DISTRESSED PROPERTY; SECTION 126-1314 MAINTENANCE AND SECURITY STANDARDS; SECTION 126-1315 JOINT RESPONSIBILITY; SECTION 126-1316 ABATEMENT BY THE PERSON IN CHARGE; SECTION 126-1317 ABATEMENT PLAN; SECTION 126-1318 EXCEPTIONS; SECTION 126-1319 ENFORCEMENT; SECTION 126-1320 APPEALS; SECTION 126-1321 SUPPLEMENTAL CODE PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an Application (no. 12-7070ldc) was made by the City of Sanibel to provide definitions, requirements and procedures, and standards for maintaining and securing all buildings and structures; and

WHEREAS, public hearings were legally and properly advertised and held on March 26, 2013, April 23, 2013 and June 25, 2013; and

WHEREAS, the Planning Commission made reference to the *Sanibel Plan* and determined that the proposed amendment to the land development regulations is consistent with the intent and purpose of the *Sanibel Plan;* and

WHEREAS, the Planning Commission determined that the proposed amendment:

A. Will encourage the most appropriate use of land and city resources, consistent with the public interest;

B. Will prevent the overcrowding of land and avoid the undue concentration of population;

C. Will not adversely affect the development of adequate and efficient provisions for transportation, water, sewage, schools, parks, recreation facilities, and the environmental, social and economic resources of the City;

D. Will not adversely affect the character stability of the present and future land use and development of the community;

E. Will not adversely affect orderly growth and development;

F. Will preserve, promote, protect and improve the public health, safety and general welfare of the community; and

G. Is consistent with the City Charter.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the City Council adopt Ordinance 13-___, Distressed Property Ordinance.

The foregoing Resolution was adopted by the Planning Commission upon a motion by Planning Commission Member Chair Valiquette and seconded by Planning Commission Member Commissioner Ketteman, and the vote was as follows:

Christopher Heidrick	Yes	Holly Smith	Yes
Chuck Ketteman	Yes	John Talmage	Yes
Tom Krekel	Excused	Michael Valiquette	Yes
Phillip Marks	Yes		

DULY PASSED AND ADOPTED this 25th day of June 2013.

SANIBEL PLANNING COMMISSION

Signed: _____ 6/25/2013
Michael Valiquette, Planning Commission Chairman — Date Signed

Approved As To Form: _____ 6/21/13
Kenneth B. Cuyler, City Attorney — Date Signed

Date Filed With City Manager: 06/25/2013

CITY OF SANIBEL

ORDINANCE NO. 13-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, PART II – SANIBEL CODE; SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 126 – ZONING; ARTICLE XIV – SUPPLEMENTARY DISTRICT REGULATIONS; TO ADD A NEW DIVISION 17. DISTRESSED PROPERTIES; ADDING SECTION 126-1311 INTENT AND PURPOSE; SECTION 126-1312 DEFINITIONS; SECTION 126-1313 DECLARATION OF DISTRESSED PROPERTY; SECTION 126-1314 MAINTENANCE AND SECURITY STANDARDS; SECTION 126-1315 JOINT RESPONSIBILITY; SECTION 126-1316 ABATEMENT BY THE PERSON IN CHARGE; SECTION 126-1317 ABATEMENT PLAN; SECTION 126-1318 EXCEPTIONS; SECTION 126-1319 ENFORCEMENT; SECTION 126-1320 APPEALS; SECTION 126-1321 SUPPLEMENTAL CODE PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, distressed properties are parcels of land upon which are located residential or commercial buildings where the land and/or buildings constitute, or have features that constitute, a public nuisance, attractive nuisance, public safety threat or hazard or such buildings, accessory structures or improved parcels of land have been abandoned or neglected to the point that they constitute an economic or aesthetic threat to the neighborhood in which they are located, as more specifically defined in this Ordinance.

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WHEREAS, distressed properties often have features which create "attractive" public nuisances that are a threat to the health, safety and welfare of children and can cause economic and aesthetic decline to a neighborhood; and

WHEREAS, the City desires to protect its individual neighborhoods and the City as a whole from decline, and economic and aesthetic devaluation; to protect the public health, safety, and welfare of its citizens; and to maintain an acceptably high quality of life for the community; and

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DIVISION 17. DISTRESSED PROPERTIES.

Sec. 126.1311 Intent and Purpose. It is the intent and purpose of this Division to protect the health, safety and welfare of the citizens of the City, reduce the potential for economic decline as a result of public nuisances on improved parcels, protect the aesthetic standards deemed essential by the Sanibel Community, and to preserve and protect property values within the City of Sanibel.

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Vacant Building means a building that appears to be partially or substantially empty of furnishings or appliances or not otherwise legally occupied, or exists with any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that there is no intent or actions by the current Owner or Person in Charge to occupy in the immediate future a Property or Building. Such conditions include, but are not limited to: overgrown and/or dead vegetation; accumulations of newspapers, circulars and/or flyers; disconnected utilities; accumulation of trash, junk and/or debris; broken or boarded up windows and/or doors; the absence of merchandise consistent with retail sale; and statements by neighbors or service providers (e.g. utility company, post office, etc.) that the Property or Building is unoccupied. This definition is not intended to include and does not include the temporary or seasonal absence of an owner from a residential dwelling or a commercial building for which a tenant is being actively sought.

Sec. 126-1313 Declaration of Distressed Property.

(1) Any Improved Property within the City of Sanibel upon which is located an occupied or Vacant Building, as defined in this Division, and which has located upon or within such Improved Property a Nuisance condition which constitutes, or may constitute, a threat to the health, safety or welfare of any person, as determined by the City's Enforcing Official pursuant to this Code of Ordinances, is hereby declared a Distressed Property and is in violation of this Code.

(2) Any Improved Property within the City of Sanibel that is in a condition which fails to meet the minimum maintenance requirements and security standards set forth in Section 126-1314 of this Division, based upon the Inspection of the Enforcement Official from any public right-of-way or adjacent property (where legally authorized) is hereby declared to be a Distressed Property and is in violation of this Code.

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spas shall comply with the requirements of City codes and ordinances and the Florida Building Code.

4. The exterior of a structure shall be kept and maintained in good repair, structurally sound and sanitary without excessive mold, mildew, or peeling and chipped paint to the degree that it detracts from the overall appearance of the property when viewed from any adjacent property (where authorized) or any public right-of-way or becomes a hazard to the public health, safety or general welfare. Walls shall be free of holes, loose or rotten wood, be weatherproofed and coated with paint, siding or similar protection to prevent deterioration.

5. The roof and flashing shall be sound, tight and not have defects that admit leaks. Roof drains, gutters and downspouts shall be maintained in good repair and properly affixed. Roof water shall not be discharged in a manner that creates a public nuisance.

6. Every exterior stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained and kept in sound condition and minimally safe repair.

7. The roof, siding, awnings, chimneys, sheds, and other exterior structural elements of a property shall be kept and maintained in good repair and anchored in such a manner as not to become flying projectile in high winds.

B. Security Requirements

1. Improved Property that is determined to have a Vacant Building upon Inspection shall be kept in a secure manner so as to be kept inaccessible to wildlife or unauthorized persons. A secure manner shall include, but not be limited to, the closure and locking of all windows, doors, gates and other building or structure openings of such size that may allow access to the interior of a building or structure. Broken doors and windows shall be secured and repaired or completely replaced within 10 days of being damaged to the point that such door or window does not secure the building.

2. Any excavations, swimming pools, hot tubs, spas, at grade fountains or other attractive nuisances shall be properly secured and comply with the requirements of the City Code of Ordinances and the Florida Building Code.

Sec. 126-1315 Joint Responsibility. If more than one person or entity is a Person in Charge of Property, then all such persons or entities shall be jointly and severally liable for abating the Distressed Property violation.

Sec. 126-1316 Abatement by the Person in Charge. Within ten (10) days after receipt of the mailing or service of a notice of violation, the Person in Charge shall remove or correct the nuisance or violation, or shall apply for an Abatement Plan as provided in Section 1317 of this Division. In the event that the nuisance or violation is not cured or corrected within the period of time specified, or (2) an Abatement Plan is not applied for, as required, or (3) in the event the Abatement Plan is denied by the City and a date for abatement is specified but not complied with, or (4) if an approved Abatement Plan is not complied with as to timeframes or requirements, the violation shall be enforced as authorized in this Division.

Sec. 126-1317 Abatement Plan

1. Should the violation to be remedied be costly or extensive, the Person in Charge or their designee may apply for an abatement plan with the Planning Department. The application shall include the following:
    a. Justification for the need of an abatement plan including, but not limited to, excessive costs or extensive work to remedy; and
    b. A detailed plan describing each violation to be remedied; and
    c. A timeline for completing each violation to be remedied.
2. The Planning Department shall review the application and either approve, deny, or modify the abatement plan within five (5) business days of receipt of the abatement plan. Written notice of the Planning

Department's decision shall be provided to the Person in Charge or their designee, and the Owner, if identifiable and different from the Person in Charge.

3. The Person in Charge or their designee shall apply for any and all of the requisite building and development permits, if any, within fourteen (14) days of the issuance of an approved abatement plan and follow all requirements and timeframes of the approved Abatement Plan. Failure to do so shall render the approved abatement plan null and void, unless an extension or amendment is approved, in writing, by the Planning Department.

Sec. 126-1318. Exceptions. This Chapter shall not apply to a Building and/or Property that is actively undergoing construction or repair as evidenced by a valid building permit and the Person in Charge is progressing diligently to complete the repair or construction. This exception does not apply to requirements relevant to public safety and health concerns.

Sec. 126-1319 Enforcement. A violation of this Ordinance shall be enforced pursuant to any of the alternative means of enforcement authorized in Section 1-15 of the Sanibel Code of Ordinances.

Sec. 126-1320 Appeals. The Person in Charge shall have the right to contest the abatement notice by filing a written appeal of that decision to the City Council, addressed to the office of the City Manager, within ten (10) days after any hand delivered or mailed Notice of Violation is received or otherwise legally served upon the Person in Charge. Any person aggrieved by the requirements of this ordinance may seek an appeal in accordance with procedures set forth in Section 14-270 of the Sanibel Code.

Sec. 126-1321 Supplemental Code Provisions. This Chapter is supplemental to all other provisions and requirements of the Sanibel Code of Ordinances and nothing herein shall be construed to limit, in any way, the enforcement of any condition or violation through any other provision of the Code of Ordinances, the Florida Building Code or any other applicable State or local law.

SECTION TWO. Codification.

This ordinance shall be an amendment to the Code of Ordinances of the City of Sanibel.

SECTION THREE. Severance.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION FOUR. Effective date.

This Ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this _____ day of _____, 2013.

AUTHENTICATION:

_____ _____

Kevin Ruane, Mayor Pamela Smith, City Clerk

APPROVED AS TO FORM: _____ _____

Kenneth B. Cuyler, City Attorney Date

Vote of Council Members:

Ruane _____
Congress _____
Denham _____
Harrity _____
Jennings _____

First Reading _____
Publication Date _____
Second Reading _____

Date Filed with City Clerk: _____