
ORDINANCE 25-

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING CHAPTER 41, PROPERTY MAINTENANCE CODE, BY AMENDING SECTION 41.06 - DEFINITIONS; AND AMENDING SECTION 41.08 - EXTERIOR PROPERTY AREAS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida (“City”) desires to update Chapter 41 of the Port St. Lucie Code of Ordinances (“Code”) by amending Section 41.06 to insert definitions of failed culvert pipe, inoperable recreational vehicle and inoperable utility trailer, and by amending Section 41.08 to include inoperable recreational vehicles and utility trailers, to clarify that a failed culvert pipe must be replaced, to require that the swale be sodded and stabilized, to prohibit the accumulation or burial of land clearing debris, to prohibit the storage of motor vehicles, recreational vehicles, and utility trailers on unimproved properties, and to prohibit the storage of motor vehicles, recreational vehicles, and utility trailers within the rear of a residentially zoned property unless behind a privacy fence.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

Section 2. Title IV, Property Maintenance, Chapter 41, Property Maintenance Code, Section 41.06 is hereby amended as follows:

Sec. 41.06. Definitions.

- (a) *Scope.* Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this section:

Code official. City manager and/or his designee.

Exterior property. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Failed Culvert Pipe. A collapsed driveway or blocked culvert pipe that is not conveying the designed drainage capacity.

Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Improved property. Any lot, tract, or parcel within the city upon which there is constructed any structure or improvement.

Infestation. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pest.

Inoperable motor vehicle, recreational vehicle, utility trailer. A motor vehicle, recreational vehicle, or utility trailer, upon or by which any person or property is or may be transported or drawn upon a road, and which cannot be driven upon the public streets for any reason including, but not limited to, being unregistered, if applicable, wrecked, abandoned, or in a state of disrepair or major disassembly, or incapable of being moved under its own power.

Land clearing debris. Trees, tree trunks, stumps, rocks, bushes, vegetation, soil, and other materials resulting from a land clearing or lot clearing operation.

Let for occupancy or let. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or licenses, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Motor Vehicle. A self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped.

Occupancy. The purpose for which a building or portion thereof is utilized or occupied.

Occupant. Any individual living or sleeping in a building, or having possession of a space within a building.

Owner. Any persons, or entity who have legal or equitable title in any control of any lot, premises, building, structure, or part thereof as owner, or as fiduciary, trustee, receiver, guardian, or mortgagee in possession, regardless of how such possession was obtained.

Person. An individual, corporation, partnership or any other group acting as a unit.

Premises. A lot, plot or parcel of land, easement of public way, including any structures thereon.

Recreational Vehicle. A vehicle or conveyance as defined under Section 73.01.

Rubbish. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimming, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Additions to text are indicated by underline; ~~striketrough~~ indicates deletion

Swale. The depressed earthen sodded area immediately adjacent to the paved travelway and used for stormwater drainage purposes; usually located between a street/road and the private property line.

Tenant. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Utility Trailer. An enclosed or open utility trailer as defined under Section 72.10.

Vehicle recovery area. The first eight (8) feet of a sodded area adjacent to the paved travelway.

Vermin. Rats, mice or other rodents as designated by the code official.

- (b) *Interchangeability.* Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- (c) *Terms defined in other codes.* Where terms are not defined in this code and are defined in the Florida Building Code, Florida Building Code, Residential, Florida Fire Prevention Code, Florida Building Code, Plumbing, Florida Building Code, Mechanical or The National Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes.
- (d) *Terms not defined.* Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.
- (e) *Parts.* Whenever the words "dwelling unit", "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit," or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

Section 3. Title IV, Property Maintenance, Chapter 41, Property Maintenance Code, Section 41.08 is hereby amended as follows:

Sec. 41.08 – Exterior property areas.

- (a) *Sidewalks and drainage.* All sidewalks, walkways, stairs, driveways, curbs, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- (b) *Grass and/or weeds.* It shall be the duty and responsibility of owners to maintain improved property in a manner so as to prevent the existence of grass or weeds exceeding twelve (12) inches in length.
- (c) *Vermin infestation.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

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- (d) *Accessory structures.* All accessory structures, including, but not limited to, detached garages, sheds, fence and walls, shall be maintained structurally sound and in good repair.
- (e) *Motor Vehicles, Recreational Vehicles, and/or Utility Trailers.* Except as provided for in other regulations, no ~~inoperative inoperable~~ motor vehicle, ~~inoperable recreational vehicle,~~ or ~~inoperable utility trailer~~ shall be parked, kept or stored on any premises, unless in an enclosed structure, and no ~~motor vehicle or motor vehicle parts, recreational vehicle or recreational vehicle parts, or utility trailer or utility trailer parts~~ shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

- (f) *Defacement of property.* No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

- (g) *Maintenance of right-of-way.* It shall be the duty and responsibility of owners of improved property to maintain that portion of the street/road right-of-way from the edge of the pavement to the owner's property line. This responsibility shall include, but not be limited to:
 - (1) Maintenance of the culvert pipe and replacement of a failed culvert pipe, as necessary, ~~of the culvert pipe~~ beneath any driveway crossing the swale in a manner such as not to impede or interfere with the stormwater drainage function of the swale. Provided, however, that the cost of culvert replacement as a result of a drainage improvement or driveway modification initiated by the city shall be at the city's expense.
 - (2) Properly mowing the grassed area to maintain a neat appearance, including the removal of grass, weeds, bushes, sand, silt and debris at both ends of, or within, any driveway culvert pipe to effectively maintain flow through the culvert. The swale shall be sodded and stabilized at all times in accordance with Section 56.25.
 - (3) Removing trash, debris, and litter from the swale area to prevent obstruction or partial obstruction of the driveway culvert and swale.
 - (4) Where a plastic pipe flowliner has been installed in the swale, remove silt, litter, debris, grass and weed growth and grass clippings from the liner so the flowliner remains unobstructed and allows the stormwater to freely flow downstream to the outfall.
- (h) *Swales, vehicle recovery areas and drainage rights-of-way.* The following activities are hereby prohibited and declared unlawful in the swales, vehicle recovery areas and drainage rights-of-way:

- (1) Placement or maintenance of trees, shrubbery, above ground sprinkler systems, signs (not including traffic control signs installed by a regulatory agency), news racks, concrete blocks, coral rock, pyramid-shaped cement curbstones, metal or wooden posts, railroad ties or any other sharp edged or pointed organic or nonorganic material which could cause a road or traffic hazard or injury to pedestrians ~~pedestrians~~. Nothing contained herein shall prohibit the location of mailboxes, for the purposes of mail service, within this area nor from the placement of landscaping or other improvements in an area within three (3) feet from the center of the mailbox post or support. Nothing herein shall prohibit the placement of round cement "buttons" within the swale and vehicle recovery areas in front of improved properties.
 - (2) The direct discharge of water softener brine and heat pump water discharge.
- (i) Unlawful Accumulation or Burial of Land Clearing Debris. It shall be unlawful for any person to accumulate or bury any land clearing debris.
 - (j) Improper storage of Motor Vehicles, Recreational Vehicles, and Utility Trailers.
 - (1) Storage on Unimproved Property. It shall be unlawful for any person to cause, permit, or allow the storage of any motor vehicle, recreational vehicle, or utility trailer on any unimproved property, as defined in Section 43.03.
 - (2) Storage on a Residentially Zoned Property. It shall be unlawful for any person to cause, permit, or allow the storage of any motor vehicle, recreational vehicle, or utility trailer within the rear of any residentially zoned property unless said vehicle is entirely behind a legally permitted, opaque privacy fence with a minimum height of six (6) feet, provided a ten-foot rear lot setback is maintained.

Section 4. Conflict. If any ordinances or parts of ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

Section 5. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 6. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word "ordinance" may be changed to "section" or other appropriate word as may be necessary.

Section 7. Effective Date. This Ordinance shall become effective ten (10) days after final adoption on second reading.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this
_____ day of _____, 2025.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

By: _____
Richard Berrios, City Attorney