Ordinance 16-46

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE II, DIVISION 3 OF CHAPTER 18 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR PROHIBITION OF SECURITY BARS GRILLES AND GRATES ON DOORS, WINDOWS, BREEZEWAYS AND OPENINGS FACING AND VISIBLE FROM STREETS OR PUBLIC RIGHTS OF WAY ON COMMERCIAL AND INDUSTRIAL PROPERTIES; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden ("City") desires to amend Article II, Division 3 of Chapter 18 of its Code of Ordinances to prohibit security bars, security grilles and security grates on doors, windows, breezeways and openings facing and visible from streets and public rights-of-way on commercial and industrial properties; and

WHEREAS, security bars, security grilles and security grates on doors, windows, breezeways and openings create an unfavorable and negative environment and indicate criminal activity and unsafe conditions where such does not exist; and

WHEREAS, the City is a safe and aesthetically pleasing community and the City Commission wishes to ensure that the public and its citizens have a safe place to work and live and prevent the negative effects and reduction in property values associated with such security bars, grilles and grates.

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I: SECTION 18-99. Section 18-99 is hereby created as follows (underlined text indicates additions):

Sec. 18-99. Security Bars / Security Grates.

(a) Definitions: The term *security bars, security grilles and security grates* mean bars, rods, and grates placed on or within the exterior or interior, or over all or a portion of, a building's or structure's doors, windows, breezeways or openings.

(b) No security bars, security grilles or security grates may be installed, constructed, placed or used to cover any door, window, breezeway or opening on commercial or industrial zoned properties that faces any street or public right-of-way and would be visible from any street or public right-of way.

(c)   Removal of non-conforming security bars, security grilles and security grates. Any existing commercial or industrial zoned property that has security bars, security grilles and security grates that were properly permitted and installed in compliance with this Code and the Florida Building Code prior to the effective date of this section shall remove such bars, grilles and grates no later than October 31, 2021, or upon seeking a building permit for improvements or modifications to the structure(s) upon such property for improvements or modifications that exceed ten (10) percent of the replacement cost of such structure(s). If any security bars, security grilles or security grates were not in compliance with this Code and the Florida Building Code as of the effective date of this section, then such are illegally nonconforming and shall be removed by the property owner on or before October 31, 2017. No non-conforming security bars, security grilles or security grates may be enlarged, repaired or replaced by another non-conforming fixture.

(d)   Any violation of this section shall be prosecuted in accordance with section 18-4.

SECTION II: CONFLICTS. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION III: SEVERABILITY. If any portion of this Ordinance is determined to void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

SECTION IV: CODIFICATION. That Section I of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; the word "*Ordinance"* may be changed to *"Section", "Article",* or other appropriate word.

SECTION V: This Ordinance shall become effective upon approval by the City Commission at its second reading.

FIRST READING AND PUBLIC HEARING: _September 21_____, 2016

SECOND READING AND PUBLIC HEARING: _October 13,_____, 2016.

APPROVED:

__/S/_____
Bob Buchanan, Mayor Pro-Tem

ATTEST:

__/S/_____
Kathy Golden, City Clerk