

INTERNATIONAL PROPERTY MAINTENANCE CODE, NUISANCES, AND CONDEMNATION AND DEMOLITION

ORDINANCE NO. 2009-4152

An ordinance of the City of Sanford, Florida adopting and enacting the *2006 International Property Maintenance Code* as promulgated by the International Code Council and as amended by the City of Sanford addressing matters such as maintenance requirements for the interior and exterior of structures, and space requirements for determining maximum occupancy as well as requirements for heating and plumbing in existing workplaces, hotels and residential occupancies, and minimum light and ventilation criteria; amending Section 38-92 of the *City Code* pertaining to conditions that constitute nuisances; substantially revising Chapter 18, Articles I and II, *City Code of the City of Sanford*, as amended by Ordinance Number 4137; providing for implementing administrative actions; providing for conflicts and repealing Sections 50-31, 50-32, 50-33, 18-37 and 18-38 of the *City Code of the City of Sanford*; providing for a savings provision; providing for codification in the *City Code*; providing for severability and providing for an effective date.

Whereas, the International Code Council, a membership association dedicated to building safety and fire prevention, develops the codes used to construct residential and commercial buildings, including homes and schools; and

Whereas, most United States cities, counties and states that adopt codes choose the international codes developed by the International Code Council; and

Whereas, the *2006 International Property Maintenance Code* was developed by the ICC and addresses maintenance requirements for the interior and exterior of structures, and space requirements for determining maximum occupancy; and

Whereas, the *2006 International Property Maintenance Code* also contains requirements for heating and plumbing in existing workplaces, hotels and residential occupancies, and minimum light and ventilation criteria; and

Whereas, the City Commission of the City of Sanford desires to protect the public health, safety and welfare of the citizens of the City and maintain a high quality of life for the citizens of the City; and

Whereas, the City Commission of the City of Sanford desires to enhance and continue a well ordered and comprehensive system relative to the abatement of nuisances within the City; and

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Whereas, the City Commission of the City of Sanford desires to enhance and continue a well ordered system relative to the condemnation and demolition of buildings which are in a dilapidated, unsanitary, unsafe or uninhabitable condition; and

Whereas, the City Commission of the City of Sanford hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) to this Ordinance, the City staff report and City Commission agenda memorandum relating this Ordinance; and

Whereas, the City of Sanford has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

Whereas, this Ordinance is enacted pursuant to the home rule powers of the City of Sanford as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 163, *Florida Statutes*; Chapter 166, *Florida Statutes*; Chapter 468, *Florida Statutes*; Chapter 489, *Florida Statutes*; Chapter 893, *Florida Statutes*; and other applicable controlling law.

Now, therefore, be it enacted by the People of the City of Sanford, Florida:

Section 1. Adoption of 2006 International Property Maintenance Code. A new section of the *City Code of the City of Sanford* is created to read as follows:

The provisions of the *2006 International Property Maintenance Code* are hereby adopted and enacted as set forth in the Exhibit to this Ordinance which is incorporated herein by this reference thereto as if fully set forth in this Section verbatim.

Section 2. Amendment of Section 38-92 of the City Code. Section 38-92 of the *City Code of the City of Sanford* is amended to read as follows:

Sec. 38-92. Nuisances generally.

No person shall keep or permit to remain upon his premises, or upon any premises owned, used or controlled by him in any dwelling house, warehouse or other building, or upon any vacant lot, or in any yard or other place within the corporate limits of the city, any nuisance to the annoyance of those residing or being in the vicinity thereof, or any unwholesome, decayed or decaying animal or vegetable matter, or any other matter or thing detrimental to the health or comfort of residents: to include, but not be limited to, the following conditions:

(1). Junk, consisting of unsightly, worn-out or discarded material of little or no residual value including scrap metal, scrap lumber, wastepaper products, discarded building materials, or other debris, the accumulation of which has an adverse effect upon neighborhood or city property values, health, safety or general welfare;

(2). Abandoned property, meaning any personal property including, but not limited to, motor vehicles, left in plain view under circumstances reasonably indicating that the possessor or owner thereof has relinquished any rights of ownership therein;

(3). Wrecked motor vehicle, meaning any motor vehicle the condition of which is wrecked,

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dismantled, partially dismantled, incapable of operation by its own power on any public street, or from which the wheels, engine, transmission or other substantial part thereof is or are removed;

(4). A motor vehicle kept in the front yard of a residence on other than pavement or in a driveway, whether such driveway is paved or unpaved;

(5). Any garbage; rubbish; trash; refuse; cans; bottles; boxes; container; paper; tobacco products; tires; abandoned or inoperative appliance; mechanical equipment or parts; building or construction materials; tools; machinery; wood; vessels; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facilities; or a substance in any form resulting from domestic, industrial, commercial, mining or agricultural operations; or dead or decaying plants (except for compost piles) or exotic animals of any kind;

(6). Any building or structure, or part thereof, which is in a dilapidated, unsanitary or unsafe condition, or which constitutes a fire hazard;

(7). Any building, structure, lot, place or location where any activity in violation of law is conducted, performed maintained or allowed;

(8). Stagnant or insufficiently treated water, in a pool, pond or container of any kind, including water in which algae is allowed to grow or in which mosquitoes or other insects are able to be breed.

(9). Animal excrement;

(10). Nonoperative or unlicensed motor vehicles ;

(11) Furniture kept or stored outdoors where such furniture is of the kind and sort normally and customarily kept inside such as, for example, upholstered sofas, and where such furniture is not in actual use;

(12) Any operable appliance kept or maintained outside in the open air and not under roof such as a garage or carport;

(13). certain state of being or situation located on property which:

(a). Injures or endangers the comfort, repose, health or safety of any person; or

(b). Offends decency; or

(c). Is offensive to the senses; or

(d). Interferes with, obstructs or renders dangerous for passage on any public or private street, alley, highway, right-of-way, easement, sidewalk, stream, ditch, channel or drainage of any property; or

(e). Renders other persons insecure in life or the use of property; or

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- (f). Interferes with the comfortable and quiet enjoyment of life or property; or
- (g). Tends to or could depreciate the value of property of any persons; or
- (h). The accumulation of garbage and trash in violation of section 16-23 of this chapter; or
- (i). Any trash, litter, debris, garbage, bottles, paper, plastic, metals, cans, rags, offal, bricks, concrete, lumber, building materials, or dead or decaying plants, (except for compost piles) or animals of any kind; or
- (j). Any condition which provides, or could provide, harborage for rats, mice, snakes, insects or other vermin; or
- (k). Any noises or vibrations, including animal noises, which disturb the peace of the surrounding area or are otherwise unlawful; or
- (l). Any foul, offensive or unlawful emissions, odors or stenches and the causes thereof; or
- (m). The pollution of any well, body of water or drainage system by sewage, dead animals, industrial wastes, debris or other substances; or
- (n). Dense smoke, noxious or lethal fumes, lethal gas, soot or cinders; or
- (o). Any condition constituting a fire hazard; or
- (p). Blocking of drainage inlets, pipes, ditches, swales, channels, culverts or streams; or
- (q). Is declared otherwise by ordinance or statute to be a nuisance, unlawful or prohibited such as, by way of example only, is violative of the 2006 *International Property Maintenance Code* as enacted by the City.

Section 3. Revisions to Chapter 18, Articles I and II. The following sections of Chapter 18, Articles I and II, *City Code of the City of Sanford*, as amended by Ordinance Number 4137, are amended to read as follows:

CHAPTER 18: BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Section 18-2. Amendments to Florida Building Code.

* * *

101.4.2.3.2. Unsafe buildings shall be abated using the 2006 *International Property Maintenance Code* ~~Standard Unsafe Building Abatement Code, 1985 edition, promulgated by the Southern~~

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~~Building Code Congress International, Inc.~~, subject to all amendments, modifications or deletions enacted by the City hereinafter contained and such Code is incorporated herein and adopted by this reference thereto.

* * *

101.4.15. Words defined.

Abandon or abandonment.

- (1) Termination of a construction project by a contractor without just cause or proper notification to the owner including, but not limited to, the reason for termination.
- (2) Failure of a contractor to perform work without just cause for 90 days.
- (3) Failure to obtain an approved inspection within 180 days from the previous approved inspection.

Appraised value. For the purpose of this section, appraised value is defined as either:

- (1) One hundred twenty percent of the assessed value of the structure as indicated by the county property appraiser's office; or
- (2) The value as indicated in a certified appraisal from a certified appraiser.

Assessed value. The value of real property and improvements thereon as established by the county property appraiser.

Authorized agent. A person specifically authorized by the holder of a certificate of competency to obtain permits in his or her stead.

Basic wind speed line. The basic wind speed line for the jurisdiction shall be as established by the wind speed contour map attached to, and made part of, this chapter if applicable.

Board. The appropriate city or county board of adjustment and appeals, unless otherwise specifically stated.

Building component. An element or assembly of elements integral to or part of a building.

Building shell. The structural components that completely enclose a building, including, but not limited to, the foundation, structural frame, floor slabs, exterior walls and roof system.

Building system. A functionally related group of elements, components and/or equipment, such as the electrical, plumbing and mechanical systems of a building.

Certificate of competency (certificate). An official document evidencing that a person is qualified to engage in the business of contracting, subcontracting or the work of a specific trade.

Certificate of experience. An official document evidencing that an applicant has satisfied the work experience requirements for a certificate of competency.

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Certificate of occupancy (C.O.). An official document evidencing that a building satisfies the requirements of the jurisdiction for the occupancy of a building.

Certification. The act or process of obtaining a certificate of competency from the state or municipality through the review of the applicant's experience and financial responsibility as well as successful passage of an examination.

Certified contractor. Any contractor who possesses a certificate of competency issued by the State Department of Business and Professional Regulation or its successor agency.

Change of occupancy. A change from one building code occupancy classification or subclassification to another.

Commercial building. Any building, structure, improvement or accessory thereto, other than a one- or two-family dwelling.

Cumulative construction cost. The sum total of costs associated with any construction work done to a building or structure either at one time or at different times within a specified period of time.

Demolition. The act of razing, dismantling or removal of a building or structure, or portion thereof, to the ground level.

Documented Construction Value. Documented contractual job pricing including, but not limited to, such detailed construction costs estimates as required to meet the needs of the building official.

Examination. An exam prepared, proctored and graded by a recognized testing agency unless otherwise implied in context or specifically stated otherwise.

FCILB. The Florida Construction Industry Licensing Board.

Imminent danger. Structurally unsound conditions of a structure or portion thereof that are likely to cause physical injury to a person entering the structure; or, due to structurally unsound conditions, any portion of the structure is likely to fall, be carried by the wind, or otherwise detach or move, and in doing so cause physical injury or damage to a person on the property or to a person or property nearby; or the condition of the property is such that it harbors or is inhabited by pests, vermin, or organisms injurious to human health, the presence of which constitutes an immediate hazard to people in the vicinity.

Inspection warrant. A court order authorizing the official or his or her designee to perform an inspection of a particular property named in the warrant.

Intensification of use. An increase in capacity or number of units of a residential or commercial building.

Interior finish. The preparation of interior spaces of a commercial building for the first occupancy thereof.

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Licensed contractor. A contractor certified by the state or the City local jurisdiction who has satisfied the all state or local requirements to be actively engaged in contracting.

Market value. As defined in floodplain regulations of this code.

Owner's agent. A person, firm or entity authorized in writing by the owner to act for or in place of the owner.

Permit. An official document authorizing performance of a specific activity regulated by this chapter.

Permit card or placard. A document issued by the city evidencing the issuance of a permit and recording of inspections.

Qualifying agent, primary. A person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage, and control the contracting activities of the business organization with which he or she is associated; who has the responsibility to supervise, direct, manage and control construction activities on a job for which he or she has obtained a permit; and whose technical and personal qualifications have been determined by investigation and examination and is evidenced by his or her possession of a certificate of competency.

Qualifying agent, secondary. A person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage and control construction activities on a job for which he or she has obtained a permit, and whose technical and personal qualifications have been determined by investigation and examination and is evidenced by his or her possession of a certificate of competency.

Reciprocity. To accept a verified affidavit from any municipality or county of the state that the applicant has satisfactorily completed a written examination in its jurisdiction equal in content with the examination required by this chapter.

Registered contractor. A contractor who has registered with the Department of Business and Professional Regulation or its successor agency of the State pursuant to fulfilling the competency requirements of the City local jurisdiction.

Registration. The act or process of registering a locally obtained certificate of competency with the state, or the act or process of registering a state issued certificate of competency with the City municipality.

Remodeling. Work which changes the original size, configuration or material of the components of a building.

Residential building. Any one- or two-family building or accessory.

Roofing. The installation of roof coverings.

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Spa. Any constructed or prefabricated pool containing water jets.

Specialty contractor. A contractor whose services do not fall within the categories specified in F.S. § 489.105(3).

Start of construction.

Building: The removal, disassembly, repair, replacement, installation or assembly of the building, structure, building system or building components in whole or parts thereof.

Site: The physical clearing of the site in preparation for foundation work, including, but not limited to, site clearing, excavation, dewatering, pilings and soil testing activities.

Stop work order. An order by the building official, or his or her designee, which requires the immediate cessation of all work and work activities described in the order.

Structural component. Any part of a system, building or structure, loadbearing or non-loadbearing, which is integral to the structural integrity thereof, including but not limited to walls, partitions, columns, beams and girders.

Structural work or alteration. The installation or assembling of new structural components into a system, building or structure. Also, any change, repair or replacement of any existing structural component of a system, building or structure.

Substantial completion. Where the construction work has been sufficiently completed in accordance with the applicable city, state and federal codes, so that the owner can occupy or utilize the project for the use for which it is intended.

Value. Job cost.

Section 102. Building department.

102.1. * * *

102.2. Employee qualifications.

102.2.1. Building official qualifications. The building official shall be licensed as a building code administrator by the state. The building official shall be appointed or hired by the City Manager ~~applicable governing authority~~ and shall not be removed from office except as provided by controlling City policy ~~for cause after full opportunity has been given to be heard on specific charges before such applicable governing authority.~~

102.2.3. Employee qualifications. The building official, with the approval of the City Manager ~~applicable governing authority~~, may appoint or hire such number of officers, inspectors, plans examiners, assistants and other employees as shall be authorized from time to time. A person shall

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not be appointed or hired as inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner, in the appropriate trade as established by the state.

102.3. Restrictions on employees. An officer or employee connected with the department, except one whose only connection is as a member of the board established by this code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, within the jurisdiction of the department, unless he is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with his or her duties or conflict with the interest of the department.

102.4. * * *

102.5. Liability. Any officer or employee, or member of the board of adjustments and appeals, charged with the enforcement of this code, acting for the applicable governing authority in the discharge of his or her duties, shall not thereby render himself or herself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his or her duties. ~~Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provisions of this code shall be defended by the city attorney at the direction of the city commission until the final termination of the proceedings, unless such person is found to have acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for the safety, health, and welfare of the public.~~

Section 103. Powers and duties of the building official.

103.1. * * *

103.2. Right of entry.

103.2.1. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code. If such building or premises are occupied, he or she shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry. Administrative inspection warrants, as permitted by State law, may be pursued under the supervision of the City Attorney.

103.2.2. When the building official ~~shall have first~~ has obtained an ~~a proper~~ administrative inspection warrant in accordance with the controlling requirements of law or other remedy provided by law to secure entry, it is prohibited and unlawful for an ~~æ~~ owner or occupant or any other persons having

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charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.

103.3. * * *

103.4. * * *

103.4.1. * * *

103.4.2. * * *

103.5. Unsafe buildings or systems. All buildings, structures, or electrical, gas, mechanical or plumbing systems which are unsafe or unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which, in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the provisions of the City's codes and ordinances ~~Standard Unsafe Building Abatement Code or other local ordinance.~~

103.6. Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the building official by applying sound and generally accepted practices and principles applicable to the building industry.

104.1.6. * * *

104.2.1.2. Additional data. The building official may ~~shall be allowed to~~ require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations.

104.2.4. Site drawings. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official may ~~shall be permitted to~~ require a boundary line survey prepared by a qualified licensed surveyor whenever the boundary lines cannot be readily determined in the field.

104.2.5. * * *

104.3.1.1. * * *

104.4.6. Public right-of-way. A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where the building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure

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removed from another lot or premises, unless the applicant has made application for, and been issued, right-of-way permits from the authority having jurisdiction over the street, alley or public lane.

104.5.1. * * *

104.5.1.5. * * *

104.6.2. Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall pay a permit fee in the amount of twice ~~be subject to a penalty of 100 percent of the usual permit fee in order to address additional administrative costs incurred by the City addition to the required permit fees or as provided by local ordinance.~~ This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger as determined by the Building Official. But in all such cases the required permit must be obtained within three business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of the a double fee as set forth herein. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

104.6.5. * * *

104.6.6. Building permit valuations. If, ~~in the opinion of the building official~~ finds, based upon generally accepted data, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor. The permit valuation may be calculated using the latest building valuation data published by the International Code Council ("ICC") or other applicable model code organization, ~~at the option of~~ which is determined by the building official to be generally accepted in the building field.

Section 105. Inspections.

105.1. Existing building inspections. Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He or she shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He or she shall make a record of every such examination and inspection and of all violations of the technical codes.

105.2. Manufacturers and fabricators. When deemed necessary by the building official, he or she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

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105.3. Inspection service. The building official may make, or cause to be made, the inspections required by section 105. He or she may accept reports of department inspectors, independent inspectors or recognized inspection services, provided that after investigation he or she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless ~~the same are~~ recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections are ~~shall be~~ certified in accordance to F.S. ch. 468.

105.4. After Hours Inspections. The term after hours shall mean that time after 5:00 p.m. and prior to 8:00 a.m. weekdays. In the event that a permitted construction project requires after hours or weekend inspection, requests shall be completed on the approved request form, submitted within the specified time frame, and the fee for such inspection shall be paid in accordance with the established fee table. In order to obtain after hours inspection the following must ~~shall~~ be met:

- requests must be made before noon on the day preceding the day the inspection is needed;
- requests for weekend or holiday inspections must be submitted one week in advance; and
- if the inspection is already scheduled for a particular day, there must be established to the satisfaction of the building official, an emergency condition necessitating the inspection before any fees are imposed and calculated; emergencies excepted.

105.5. Site Debris. All contractors are ~~will be~~ responsible for assuring that the work sites and the adjacent streets are not littered during construction period. This obligation and duty includes unused or discarded work materials in addition to personal trash of the workmen (lunch items, cans, papers, etc). All debris shall be kept in such a manner as to prevent it from being spread by any means. Construction job sites must be kept clean, such that accumulation of construction debris must not remain on the property for a period exceeding fourteen days. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving a final inspection approval. All waste removal receptacles must be City approved. ~~Violators of the above sections may be punished according to Chapter 1, Section 7 of the City of Sanford Code of Ordinances.~~

105.6. Required inspections--Building.

1.1. Slab inspection: Must ~~To~~ be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed and the electrical, plumbing and mechanical work is complete. Slab shall not be poured until all required inspections have been made and passed. A foundation survey prepared and certified by a registered surveyor is ~~shall be~~ required for all new construction prior to approval of the framing inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

2.1. Insulation inspection: Must ~~To~~ be made after the framing inspection is approved and the insulation is in place.

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Note: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

2.3 4. Roofing inspection: Must ~~To~~ be made as two inspections on tile, slate or similar roof coverings or as one inspection on all other roof coverings, and shall at a minimum include the following building components:

- Dry-in.
- Insulation.
- Roof coverings.
- Flashing.

105.7. Permit Card. ~~The contractor shall~~ Placement of permit card must remain visibly posted the permit card on the street side of the site. Supporting documents and construction plans must be presented when inspections are requested. ~~The p~~Permit card must be maintained on site in a protected and safe condition during the entire time the job is in progress.

106.1.2. Issuing certificate of occupancy. Upon completion of construction of a building or structure in a manner consistent with all applicable development orders and development permits and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications, and after the final inspection, and after verification that all septic system permits have received an approved final inspection where applicable, the building official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of this code.

Section 107. Tests.

107.1. For products not covered under the statewide product evaluation and approval system, the building official may require tests or test reports as proof of compliance. Required tests shall ~~are to be accomplished~~ ~~made~~ at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

Section 108. Severability.

108.1. * * *

Section 109. Violations and penalties.

109.1. Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be subject to code enforcement in any manner available under law and the provisions of Section 1-7 of the City Code shall apply as to violations constituting separate offenses ~~guilty of a misdemeanor of the second degree. Each such person shall be considered guilty of a~~

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~~separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. Upon conviction of any such violation such person shall be punished within the limits as provided by law and local ordinance.~~

Section 110. Construction board of adjustment and appeals.

110.1. Appointment. There may be established a board to be called the construction board of adjustment and appeals, which should consist of nine members but not less than seven. The board shall be appointed by the City Commission ~~applicable governing body~~.

110.2. Membership and terms.

110.2.1. Membership. The construction board of adjustment and appeals should be composed of two Division 1 contractors, one electrical contractor, one mechanical contractor, one plumbing contractor, architect, engineer and two members of the general public whenever possible. A board member shall not act in a case in which he or she has a personal or financial interest and are subject to the ethics laws and policies generally applicable to local government officials.

110.2.2. Terms. The terms of office of the board members shall be staggered so no more than one-third of the board is appointed or replaced in any 12-month period. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the board shall, at the discretion of the City Commission ~~applicable governing body~~, render any such member subject to immediate removal from office. Any general provision of the City Code relative to terms of office shall prevail over this provision.

110.2.3. * * *

110.2.4. Secretary of board. A person shall be appointed by the Building Official ~~local jurisdiction~~ to act as secretary of the board, and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.

110.3. * * *

110.4. Appeals.

110.4.1. * * *

110.4.2. * * *

110.4.2.1. * * *

110.4.3. Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the building official. Appeals relating to provisions of the Florida Building Code, other than local amendments,

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may be appealed to the Florida Building Commission, pursuant to F.S. § 120.569, regarding the City's local government's action. Notice of administrative rights may be obtained from the ~~local~~ building department.

110.4.4. Unsafe or dangerous buildings or service systems. In the case of a building, structure or service system which, ~~in the opinion of the building official~~ has found to be ; is unsafe, unsanitary or dangerous, the building official may, in his or her order, limit the time for such appeals to a shorter period and provide notice to all affected parties of such action in a reasonable manner under the circumstances.

110.5. Procedures of the board.

110.5.1. * * *

110.5.2. Decisions. The construction board of adjustment and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision in accordance with the provisions of Section 166.033, Florida Statutes. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision or seek relief from a higher authority. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

Section 18-3. * * *

Section 18-4. Finished floor elevations. * * *

Section 18-5. Slope of driveways. * * *

Section 18-6. Construction in floodprone areas.

The codes and ordinances of the City provisions of sections 18-4 and 18-5 shall not be in violation of or supersede any section of this code, or any ordinance or zoning regulation, pertaining to construction within floodprone areas shall prevail over the provisions of this Chapter.

Section. 18-7. Television dish antennas and satellite antennas.

(a) *Building permit required.* The installation of all television dish antennas and/or satellite antennas shall require a building permit.

(b) *Installation regulations.*

(1) Television dish antennas or satellite antennas shall not be installed on or attached to any part of the roof structure of any residential building.

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(2) Television dish antennas or satellite antennas may be installed on or attached to roofs of commercial or industrial buildings but only upon submission of a certificate of an engineer or architect currently registered to do business in the state. Such certification must certify ~~shall be to the effect that a structural analysis has been accomplished made of the building and that~~ the building can safely support the specific antenna with a minimum wind loading of 100 miles per hour.

(3) Television dish antennas or satellite antennas shall not be installed in front of the front line of any residential, commercial, or industrial building.

(4) Television dish antennas or satellite antennas may only be installed in side yards or back yards of any building consistent with the City's land development regulations.

(5) No portion of any antenna or support structure shall be closer than five feet to any property line.

(6) Television dish antennas or satellite antennas shall not be located on any public way, easement, or parkway.

(7) Televisions dish antennas or satellite antennas shall not be installed in any designated parking area of any building.

(8) Mobile mounted television dish antenna or satellite antenna structure shall comply with all requirements of subsections (b)(1) through (7) of this section.

(c) *Apartment or condominium buildings above three stories.* Apartment or condominium buildings above three stories in height shall be treated as commercial structures for the purpose of this section for television dish antennas or satellite antennas.

(d) *Compliance with height restrictions of zoning ordinance.* The installation of any television dish antenna or satellite antenna shall not exceed the height restriction set forth in the land development regulations applicable zoning ordinance for that location.

Section 18-8. Tent permits.

(a) *Required.* No tent shall be erected within the city until a permit has been obtained from the building division and the fire department.

(1) Tents/canopies meeting all of the following requirements are ~~will be~~ exempt from permitting through the building division:

- a. Is 400 square feet or less;
- b. Does not have attachable sides;
- c. Does not have provisions for electricity;
- d. Is not utilized for a place of assembly for more than 50 people; and
- e. Does not provide for the sale of hazardous materials.

(2) All tents/canopies require a permit from the fire department.

(b) *Application.* An application for a tent permit shall include the following:

- (1) Letter from the property owner, authorizing use of the property.
- (2) Certification of tent fire resistance, effective for the period specified by the permit.
- (3) Tent permit application form.

(c) *Issuance; conditions.* ~~All permits shall will be subject to the following conditions issued upon submittal of the documents specified in subsection (b) of this section, and payment of the applicable fee, contingent upon~~ All permits shall will be subject to the following conditions issued upon submittal of the documents specified in subsection (b) of this section, and payment of the applicable fee, contingent upon the following conditions:

(1) Inspection shall be requested by the permittee when the grounds are prepared by cutting grass, removing debris, or any other potential fire hazards, and electric service is ready for connection. Inspection approval will authorize erection of the tent.

(2) Final inspection by the building department and fire prevention inspector shall be requested by the permittee when the tent is erected, sanitary facilities are provided, and seats and fire extinguishers are installed.

(3) The tent shall not be occupied or electrical service connected until satisfactory final inspections, as determined by the City, have been performed.

(4) Permits are limited to two weeks, with provision for one extension of two weeks after satisfactory reinspection and approval by the City to ensure safety to life conditions have not deteriorated.

(5) No tent shall be permitted on a site for a period longer than 28 days. No permit shall be issued obtained for the same site within a period of 180 days following expiration of a tent permit.

(6) Adequate parking shall be provided ~~as a condition precedent to the issuance of a tent permit.~~

ARTICLE II. UNSAFE OR UNSANITARY BUILDINGS

Section 18-31. Authority to condemn.

The city commission is authorized to condemn and order to be demolished and removed, or to be put in a sound state of repair, any and all buildings and structures within the city found to be in a dilapidated, unsanitary, unsafe or uninhabitable condition. Additionally, City officials, as designated herein in emergency circumstances, are authorized to demolish and remove, or to be put in a sound state of repair, any and all buildings and structures within the City found to be in a dilapidated, unsanitary, unsafe or uninhabitable condition as set forth in the City's codes and ordinances.

Section 18-32. Periodic inspection of buildings; notice of condemnation; hearing.

(a) The building official, the fire chief, the code official or their designees, are authorized to periodically inspect buildings and structures within the city, and if such official finds any building, or structure to be in a dilapidated, unsanitary, unsafe or uninhabitable condition, shall report such fact in writing to the city manager, specifying in detail the condition of the building or structure. The city shall thereupon determine whether or not a public hearing shall be held to condemn such building or structure. If the city manager determines such hearing will be held, he or she shall cause to be ~~it shall~~ ~~order~~ placed upon such building or structure a notice of condemnation, and simultaneously therewith direct to be delivered to the owner or owners, or any one owner, either in person or by certified or registered mail to the last known address as shown by the tax assessment rolls of the county, a notice to the owner of the property involved, that the building or structure thereon has been found by officials of the city to be in dilapidated, unsanitary, unsafe or uninhabitable condition, and that the city intends to condemn the same. Such notice shall further provide that a hearing will be held before the city commission at a stated time and at a stated place, and that at such time and place a full determination will be made by the city commission as to the condition of the building or structure. If the owner cannot be located for personal delivery or receipt of certified or registered mail of the notice, after reasonable inquiry, then the notice shall be published once a week for two consecutive weeks in a newspaper of general circulation within the city, and such service shall be deemed sufficient to show that the notice requirements of this section have been met without regard to whether or not the property owner actually received such notice.

(b) The property owner and the City Manager, or designee, at the hearing, shall ~~have a full opportunity to be heard and to present such~~ relevant evidence as they desire ~~the owner sees fit.~~ The

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City Commission may accept evidence from the general public as deemed appropriate for the particular case.

Section 18-33. Uninhabitable, dilapidated, unsafe or unsanitary buildings or structures.

(a) A building or structure shall be uninhabitable, dilapidated, unsafe or unsanitary when:

(1) An order has been issued by the City under its codes or ordinances finding that a public nuisance exists; and It is visited by persons for the purpose of unlawfully procuring or using any controlled substance, as defined under F.S. ch. 893, or any drugs, as defined in F.S. ch. 499;

~~(2) It is used for the illegal keeping, selling or delivering of such controlled substances or drugs; or~~

~~(3)~~ (2) It is found to have one or more of the following characteristics:

- a. It is vacant, unguarded and open at doors or windows;
- b. There is an unwarranted accumulation of debris or other combustible material therein;
- c. The structure's condition creates hazards with respect to means of egress and fire protection as provided for the particular occupancy;
- d. There is a falling away, hanging loose or loosening of any siding, block, brick, or other building material;
- e. There is deterioration of the structure or structural parts;
- f. The structure is partially destroyed;
- g. There is an unusual sagging or leaning out of plumb of the structure or any parts of the structure and such effect is caused by deterioration or over-stressing;
- h. The electrical or mechanical installations or systems create a hazardous condition; or
- i. An unsanitary condition exists by reason of inadequate or malfunctioning sanitary facilities or waste disposal systems- ;
- j. It is in substantial non-compliance with the 2006 *International Property Maintenance Code* as enacted by the City; or

(3) It is found to have one or more of the characteristics in Section 18-33(a) (2) a - j and an order has been issued by the City Commission sitting as the City's public nuisance abatement board declaring the subject property to be a public nuisance.

~~(b) A building or structure shall be presumed to be utilized for the purposes set forth in subsection (a)(1) or (2) of this section when there are one or more arrests or police reports of incidents which involve the keeping, consumption, or delivery of controlled substances or drugs on the premises of the subject building or structure.~~

~~(c) A building or structure found to be uninhabitable, dilapidated, unsafe or unsanitary as provided in this section shall be subject to demolition.~~

(c) The City shall implement the provisions of the 2006 *International Property Maintenance Code*, as enacted by the City, in conjunction with the provisions of this Article.

(d) The City may sell any material salvaged from any demolished building or structure and any other

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property contained therein or thereupon and credit the proceeds against the cost of demolition or removal, or where an independent contractor is employed to demolish or remove any such building or structure, to convey such material or property to the contractor as compensation or partial compensation for such demolition or removal. Should the proceeds from the disposition of such materials or property exceed the cost of such demolition or removal, such excess shall be used, applied, or paid over in accordance with the written directions of the parties entitled thereto.

(e) The City Commission is authorized to appropriate and expend such funds as may be necessary to carry out the provision of this Article. Nothing contained herein shall require the City Commission to appropriate or expend any funds to carry out the purpose of this Article. The authority granted herein is permissive and shall not be construed to impose an obligation on the Building Official or the City to condemn any building or structure.

(f) Nothing herein precludes exercise of emergency powers otherwise available in the face of imminent threat to public safety.

(g) The provisions of this Article shall not be deemed to repeal or modify any provision of a City code or ordinance relating to condemning of buildings and structures but the provisions herein shall be supplemental and in addition to the powers that may be exercised by the City through its City Commission or its officers and employees.

Section 18-34. Order of condemnation; repair or removal.

If the city commission determines upon full hearing as provided in section 18-32 that such building or structure should be condemned, such fact shall be stated in writing to the property owner including reasonable specifications as to the deficiencies justifying such condemnation and the property owner shall be given a reasonable time, according to the size, condition and location of such building or structure, in which to cause the building or structure to be demolished and removed, the illegal conditions abated, or placed in a state of sound repair, and in the event of failure on the part of the property owner within such time period to effect the demolition and removal, abatement or repair, then such building or structure will be demolished and removed by the city and the cost of the same specially assessed as a lien against the land. The order of condemnation shall be delivered to the property owner or owners, or any one owner, either in person or by certified or registered mail to the last known address as shown by the tax assessment rolls of the county. The lack of a signed returned receipt shall not constitute a failure to notify owners or interested parties. Service shall be deemed complete upon mailing. The order of condemnation shall be recorded in the public records of the county as a municipal special assessment lien. The recordation of such order of condemnation/ as a municipal special assessment lien as provided in this section shall constitute notice to any subsequent purchasers, transferees, grantees, mortgagors, mortgagees, lessees, lienors, and all persons having, claiming or acquiring any interest in the property described therein, or affected thereby. No condemned building or structure stating that the same is condemned shall be occupied or used for any purpose during the period of time the same is condemned.

Section 18-35. Demolition by city; municipal special assessment lien.

If, within the time stated in the order of condemnation/municipal special assessment lien provided for in section 18-34, the property owner fails to demolish and remove or repair such condemned building

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or structure, and has not shown cause before the city commission which justifies an extension of time, the city commission shall forthwith order such building or structure to be demolished or removed by the city and the actual costs including administrative costs of the same specially assessed as a municipal special assessment lien upon the land. The city may enforce its municipal special assessment lien and maintain a personal action against the property owner or owners at the same time to recover such cost and any and all interest accrued thereon. In any suit by the city either at law or in equity for the collection of the amount of the lien, the city shall be entitled to recover its actual costs and attorney's fee for the suit and such costs and attorney's fee shall also become a lien upon the land. Any lien for costs and fees incurred pursuant to sections 18-31 through 18-36 shall constitute a ~~lien against the premises to the same extent and character as the~~ lien for special assessments, and with the same penalties and rights of collection, foreclosure, sale and forfeiture as obtained for special assessment liens.

Section 18-36. Emergency powers

The City Manager, building official, fire chief, or code official shall have the power to promptly cause a building, structure or portion thereof to be made safe or cause its removal in cases of emergency which have been determined to involve imminent danger to human life or health. For this purpose such structure or land on which such structure stands or abutting land or structures may be entered by such official with such assistance and at such cost as the official may deem necessary. The official may order the vacation of adjacent structures and may protect the public by appropriate fencing or such other means as may be necessary, and for this purpose may close a public or private way. All costs incurred by the city pursuant to this section shall be assessed and enforced as stated in section 18-35 and other controlling provisions of the City's codes and ordinances.

Section 4. Implementing Administrative Actions. A new section of the *City Code of the City of Sanford* is created to read as follows:

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative rules.

Section 5. Repealer/Conflicts.

(a). Sections 50-31, 50-32, 50-33, 18-37 and 18-38 of the *City Code of the City of Sanford* are hereby repealed.

(b). All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

Section 6. Savings.

The prior actions of the City of Sanford relating to property maintenance requirements, condemnation and demolition activities, as well as all code enforcement activities of the City relating thereto are hereby ratified and affirmed.

Section 7. Severability.

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If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 8. Codification.

This Ordinance shall be codified in the *City Code of the City of Sanford*; provided, however, that Sections 5, 6, 7, 8 and 9 shall not be codified. The Code Codifier is granted broad and liberal authority to change section numbers in the current *City Code* and other appropriate actions as set forth in Section 1-10 of the *City Code*.

Section 9. Effective Date.

This Ordinance shall take effect immediately upon passage and adoption.

Passed and adopted this ____ day of _____, 2009.

City Commission of the City of Sanford, Florida

Seminole County, Florida

Linda Kuhn, Mayor

Attest:

Janet Dougherty, City Clerk

Approved as to form and
legality:

William L. Colbert, Esquire
City Attorney

Certificate

I, Janet R. Dougherty, City Clerk of the City of Sanford, Florida, do hereby certify that a true and correct copy of the foregoing Ordinance No. _____, Passed and Adopted by the City Commission

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of the City of Sanford, Florida, on the _____ day of _____, 2009, was posted at the front door of the City Hall in the City of Sanford, Florida, on the _____ day of _____, 2009.

Janet R. Dougherty

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EXHIBIT TO ORDINANCE

2006 International Property Maintenance Code

As Enacted By The City Of Sanford

All New Text

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CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Sanford, hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. It is not the intent of the City to cause conflict with the controlling provisions of Federal and State law and, to the extent of conflict, if any, such provisions shall prevail over the provisions of this code.

SECTION 102 APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Florida Building Code. Nothing in this code shall be construed to conflict with any provision of the Florida Building Code.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair

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existing remedies of the City or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Florida Building Code requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

SECTION 103 DEPARTMENT OF COMMUNITY IMPROVEMENT

103.1 General. The Department of Community Improvement is hereby created and the executive official in charge thereof shall be known as the code official said official to operate under the authority and direction of the City Manager.

103.2 Appointment. The code official shall be appointed by the City Manager.

103.3 Deputies. In accordance with the prescribed procedures of the City and with the concurrence of the City Manager, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official shall enforce the provisions of this code.

104.2 Rule-making authority. The City Manager shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures to implement this Code. The code official shall have the authority to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules and interpretations shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

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104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the City Manager.

104.4 Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to seek the City Attorney to take actions to pursue recourse as provided by law.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

SECTION 105 APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the office of the City Clerk as a development order.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Such decisions shall be recorded in the office of the City Clerk as development orders.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the

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authority to require tests to be made as evidence of compliance at no expense to the City.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

105.3.2 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

SECTION 106 UNSAFE STRUCTURES AND EQUIPMENT

106.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or in a dilapidated, unsanitary, or uninhabitable condition, or is found unlawful, such structure shall be condemned pursuant to the provisions of the City's codes and ordinances.

106.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

106.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

106.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

106.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

106.1.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. It is prohibited and unlawful for any person to occupy a placarded premises or to operate placarded equipment.

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SECTION 107 EMERGENCY MEASURES

107.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

107.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

107.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

107.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

107.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the owner of the property causing such costs to the City. Upon failure to pay the City, the City shall record a municipal special assessment lien upon the property.

107.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the City Manager and be afforded a hearing consistent with controlling law.

CHAPTER 2

DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 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.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *Florida Building Code* or the City's codes and ordinances, such terms shall have the meanings ascribed to them as stated in those codes when applicable.

201.4 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.

201.5 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 202 GENERAL DEFINITIONS

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

[B] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

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.

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

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

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

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

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 license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

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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.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

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

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

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

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 trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

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

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

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CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. Nothing in this code shall be deemed to preclude action being taken by the City under the provisions of Sections 38-143 through 38-150 of the City Code relating to weeds, wild growth and debris remediation by the City.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon, except for approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds, noxious weeds, or plant growth in excess of 12 inches in height.

302.5 Rodent harborage. 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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302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Vehicles. Except as provided for in other regulations, no inoperative or unlicensed vehicle shall be parked, kept or stored on any premises (including public property), and no vehicle 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. Removal of junk vehicles on public property shall be subject to the provisions of Section 38-177 of the City Code. *Exception:* A vehicle of any type is permitted to undergo major overhaul, including body work, on a property owner's property if such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property. It is prohibited and unlawful for a person to 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.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

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304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.4 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.5 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.6 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.7 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.8 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.9 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.10 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

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304.11 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.12 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.12.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.12.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.13 Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.14 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.

304.15 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.16 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.17 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.17.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.17.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.17.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit,

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rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 HANDRAILS AND GUARDRAILS

306.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the *Florida Building Code*.

SECTION 307 RUBBISH AND GARBAGE

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307.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of debris, rubbish, junk, trash, cans, paper, tires, furniture, building material or appliances.

307.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

307.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

307.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

307.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

307.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

307.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

SECTION 308 EXTERMINATION

308.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

308.2 Owner. The owner of any structure shall be responsible for extermination within the structure.

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

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SECTION 401 GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *Florida Building Code* shall be permitted.

SECTION 402 LIGHT

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

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SECTION 403 VENTILATION

403.1 Habitable spaces. Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

SECTION 404 OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

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404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one-and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.

2. Basement rooms in one-and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.4 Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m²) and every bedroom shall contain at least 70 square feet (6.5 m²).

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

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404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6.

404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that the code official finds and determines, based upon generally accepted practices and principles, endanger the life, health, safety or welfare of the occupants.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such

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plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

SECTION 502 REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

SECTION 503 TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities

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shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume

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and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

SECTION 507 STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

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602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the Florida Building Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Florida Building Code.

2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

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603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the Florida Building Code, Electrical. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 605 ELECTRICAL EQUIPMENT

CODING: Words ~~stricken~~ are deletions; words underlined are additions and *** shall constitute ellipses to the unaffected original text.

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times

within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607 DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

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