

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF ORLANDO, FLORIDA, RELATING TO CHAPTER 30A,
ORLANDO CITY CODE, "BUILDING SECURITY CODE"
BY AMENDING SECTIONS 30A.01, 30A.03, 30A.06, 30A.12,
30A.13, 30A.38, 30A.45, 30A.46, 30A.48, 30A.49, 30A.50,
30A.52 TO REFLECT DEPARTMENT TERMINOLOGY
CHANGES AND PROVIDING FOR SEVERABILITY,
CODIFICATION, CORRECTION OF SCRIVENER'S
ERRORS, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE
CITY OF ORLANDO, FLORIDA:

SECTION 1. CHAPTER 30A, AMENDED. Chapter 30A, Code of the City of
Orlando, Florida, is hereby amended as follows:

ARTICLE I. - IN GENERAL

Sec. 30A.01. - Enforcement Officer.

The provisions of this Chapter shall be administered by the ~~Planning and Development~~
~~Department Director~~ Code Enforcement Division Manager of the City of Orlando or such other
person or persons designated by said ~~Director~~ Manager or the City Council of the City of
Orlando. All inspections, regulations, enforcement and hearings on violations of the provisions
of this Code, unless expressly stated to the contrary, shall be under his direction and supervision.

Sec. 30A.03. - Applicability, Existing Buildings and Structures.

The provisions of these Minimum Standards Codes apply to every building or structure
irrespective of when said building was constructed, altered, or repaired. Additionally:

- (A) If, within any period of twelve (12) months, alterations or repairs costing in excess of
fifty (50) percent of the then physical value of the building are made to an existing
building, such building shall be made to conform to the requirements of the ~~City of~~
~~Orlando-Florida~~ Building Code for new buildings.
- (B) If an existing building is damaged by fire or otherwise in excess of fifty (50) percent of
its then physical value before such damage is repaired, it shall be made to conform to the
requirements of the ~~City of Orlando~~Florida Building Code for new buildings.
- (C) If the cost of such alterations or repairs within any twelve (12) month period or the
amount of such damage as referred to in paragraph (b) is more than twenty-five (25) but
not more than fifty (50) percent of the then physical value of the building, the portions to
be altered or repaired shall be made to conform to the requirements of the ~~Building Code~~

~~of the City of Orlando-Florida Building Code~~ for new buildings to such extent as the City may determine.

(D) Repairs and alterations, not covered by the preceding paragraphs of this article, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of the City of Orlando-Florida Building Code or in which manner as will not extend or increase an existing conformity or hazard, may be made with the same kind of materials as those of which the building is constructed.

(E) For the purpose of these Codes the "Physical Value" of a building or structure, as hereinafter defined, shall be determined by the assessed value of the structure as recorded on the most recent certified tax roll.

Sec. 30A.06. - Requirements Not Covered by Code.

Any requirements, not specifically covered by these Codes, but found necessary for the safety, health, and general welfare of the occupants of any dwelling, shall be determined by the ~~Director of Planning and Development~~ Code Enforcement Division Manager, or his designee, subject to the appeal to the Code Enforcement Board.

Sec. 30A.12. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this Code:

Building Code. The ~~Building Code of the City of Orlando-Florida Building Code.~~

Cellar. See Basement.

City. The City of Orlando or its agent as designated by the ~~Director of Planning and Development~~ Code Enforcement Division Manager charged with the responsibility of enforcing the provisions of this Code.

Enforcement Officer. The enforcement of this Code shall be the responsibility of the ~~Director of the Department of Planning and Development~~ Code Enforcement Division Manager of the City of Orlando, or such other person or persons designated by ~~said Director~~ the Division Manager or the City Council of the City of Orlando.

Sec. 30A.13. - Trust Fund for Affordable Housing.

As established in Chapter 58 (Section 58.2135 et seq.), the Trust Fund for Affordable Housing receives revenue from Intensity Bonus contributions.

The City of Orlando shall use the monies paid into the Trust Fund to support, build, construct, encourage, publicize, or otherwise aid the provision of affordable housing, as defined for this program from time to time by the City of Orlando and in accordance with the housing and growth management policies of the City.

Specific uses of the funds shall be approved by the City Council on a case-by-case basis, upon the recommendation of the ~~Planning and Development Director~~ Code Enforcement Division Manager. The City is authorized to contract in writing with private entities to assist in this program or to expend monies generated hereunder.

ARTICLE IV. - BUILDINGS, STRUCTURES AND PREMISES CONSTITUTING PUBLIC NUISANCES OR HAZARDS TO PUBLIC HEALTH, SAFETY AND WELFARE—AUTHORITY TO REQUIRE REPAIR, REMOVE, SECURE OR DEMOLISH

Sec. 30A.38. - Public Nuisances.

Public nuisances are defined in the Definitions section of Article I herein. When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings, or other buildings regulated by the Minimum Standards Codes, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the City ~~Planning & Development Director~~ Code Enforcement Division Manager or his Designee or the Code Enforcement Board are authorized to order the property owner or City agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined herein. These powers are hereby declared to be remedial and essential for the public interest and it is intended that such powers be liberally construed to effectuate the purposes stated herein.

Sec. 30A.45. - Procedure For Emergency City Action.

In cases involving extreme life-safety hazards which require emergency action on the part of the City to render the premises safe from such public safety hazards, the Building Official or Code Enforcement Division Manager, or his ~~their~~ or her Designee shall cause the necessary repairs, removals, or demolitions to be done to abate the safety hazards. The property owner shall be given notice as immediately as possible regarding such work, and the fixing of a lien therefor, however, this notice shall not be cause for holding up City work to abate any extreme and imminent public safety hazard. If an occupied building or structure requires emergency action due to extreme life-safety hazards, procedures set forth in Article I, Chapter 5 regarding notice

and vacating of such building or structure shall be followed. Whether or not the notice is sent prior, during, or after the City work, the notice shall state that the property owner(s), or occupants as the case may be, shall have an opportunity to contest the determination to do the emergency work and the charges therefor, upon appeal of such determination within thirty (30) days to the Code Enforcement Board. When the City work includes demolition of structures, the notice shall also be given to mortgage and lienholders of record.

ARTICLE V. - LOT CLEANING CODE

Sec. 30A.46. - Accumulation of Weeds, Rubbish and Other Matter Upon Land Prohibited as Public Nuisances.

The existence of excessive accumulation or untended growth of weeds, undergrowth or other dead or living plant life; or stagnant water, rubbish, garbage, refuse, debris, trash, including but not limited to household furnishings, and all other objectionable, unsightly or unsanitary matter upon any lot, tract or parcel of land within this City be it uncovered or under open shelter, to the extent and in the manner that such lot, tract or parcel of land is or may reasonably become infested or inhabited by rodents, vermin or wild animals, or may furnish a breeding place for mosquitoes, or threatens or endangers the public health, safety, or welfare, or may reasonably cause disease, or adversely affects and impairs the economic welfare of adjacent property, is hereby prohibited and declared to be a public nuisance and unlawful unless neatly arranged for removal in accordance with directions of the ~~Department of Planning and Development Code Enforcement Division~~ Code Enforcement Division.

Sec. 30A.48. - Notice to Remove and Appeal Process.

(a) If the ~~Director of Planning and Development Code Enforcement Division Manager~~ or his designee finds and determines that a public nuisance as described and declared in Sections 30A.46 and 30A.47 hereof exists, he shall so notify the record owner of the offending property and demand that such owner cause the condition to be remedied. The notice shall be given by both physical posting on the property in the name of the property owner and by certified mail or personal delivery to the owner or owners as their names and addresses are shown upon the records of the Orange County Tax Assessor. Notice shall be deemed complete and sufficient when so physically posted and personally delivered or mailed.

Sec. 30A.49. - Removal by City.

(a) If after fifteen (15) days from the date of the notice no written appeal has been filed and the condition described in the notice has not been remedied, the ~~Director of Planning and Development Code Enforcement Division Manager~~ or his or her designee shall cause the condition to be remedied by the City at the expense of the property owner. If a written appeal has been filed and the finding of public nuisance is upheld, the ~~Director of Planning and Development Code Enforcement Division Manager~~ or his designee may cause the condition to be remedied by the City at the expense of the property owner unless the City Council otherwise directs.

(c) In cases involving major nuisance conditions requiring immediate, direct action to abate hazards imminently dangerous to the health, welfare or safety of the public, the City may, upon ~~Planning and Development Director or Bureau Chief of~~ Code Enforcement Division Manager authorization, cause the conditions to be immediately remedied by City-authorized lot cleaning. Notice of said lot cleaning shall be given within five (5) days after the lot cleaning and according to the procedures detailed in Section 30A.48 above, except that the notice shall explain that the property contained hazards requiring immediate remedy, that the lot has already been cleaned, and that the property owner has fifteen (15) days from the date of the notice to apply to City Council to show why costs of cleaning should not be assessed against his property. Said emergency lot cleaning shall be at the expense of the property owner; however, the property owner may make a written request for a hearing before City Council as above provided within fifteen (15) days from the date of notice that his lot had to be cleaned and that a charge is being assessed therefore.

Sec. 30A.50. - Collection of Costs and Records; Secured Property.

After causing the condition to be remedied, ~~the Director of Planning and Development Code Enforcement Division Manager~~ shall certify to the Director of Finance the expense incurred in remedying the condition whereupon such expense, plus a charge to cover City administrative expenses, plus any administrative penalty as provided in Section 30A.51, shall become payable within thirty (30) days, after which a special assessment lien and charge will be made upon the property, which shall be payable with interest at the rate of eight percent (8%) per annum from the date of such certification until paid.

Such lien shall be enforceable in the same manner as a tax lien in favor of the City of Orlando and may be satisfied at any time by payment thereof including accrued interest. Notice of such lien may be filed in the office of the Clerk of the Circuit Court and recorded among the public records of Orange County, Florida.

If the subject property is secured by locks or otherwise, the City shall have the authority to enter said property for purposes of remedying the violative condition, and any additional costs incurred by the City in gaining access to the property or in re-securing the property after cleaning shall be considered expenses of remedying the condition.

Sec. 30A.52. - Definitions.

In addition to the definitions provided in Section 30A.12, the following additional definitions shall apply for the purposes of Article V:

- (1) ~~*Bureau Chief Division Manager*~~ of Code Enforcement. The ~~*Bureau Chief Division Manager*~~ of Code Enforcement of the City of Orlando, or his designee.
- ~~(2) *Director of Planning and Development*. The *Director of Planning and Development* of the City of Orlando, or his designee.~~

SECTION 2. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 3. CODIFICATION. The City Clerk and the City Attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by Section 1 of this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 4. SCRIVENER'S ERROR. The City Attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

SECTION 5. EFFECTIVE DATE. This ordinance takes effect immediately upon final passage.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2015.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day of _____, 2015.

DONE, THE SECOND READING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2015.

BY THE MAYOR/MAYOR PRO TEMPORE OF
THE CITY OF ORLANDO, FLORIDA:

Mayor / Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

Celeste T. Brown, City Clerk

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

Assistant City Attorney