

1 **NOW, THEREFORE,** BE IT ORDAINED BY THE CITY COUNCIL OF THE
2 CITY OF ORLANDO, FLORIDA:

3 **Section One:** Chapter 30A, Code of the City of Orlando, Florida, is
4 hereby deleted in its entirety.

5 **Section Two:** Chapter 14, Code of the City of Orlando, Florida, is hereby
6 adopted as follows:

7 ARTICLE I. PURPOSE, ADMINISTRATION, APPLICATION AND
8 ENFORCEMENT

9 Sec. 14.01. Purpose.

10 The overall purpose of this Property Maintenance Code is to protect the
11 public health, safety, morals and welfare by establishing minimum requirements
12 governing the maintenance, appearance and condition of residential, rental,
13 housing, commercial, business and industrial premises; to establish minimum
14 requirements for governing utilities, facilities and other physical components and
15 conditions essential to make the aforesaid facilities fit for occupancy and use; to
16 require structural strength, stability, sanitation, adequate light and ventilation, and
17 safety to life and property from fire, nuisances and other hazards; to conserve
18 and maintain the viable housing stock to basic standards essential for occupancy
19 and use; to minimize the degree to which the economic welfare of adjacent
20 property is adversely affected or impaired; to positively influence those factors
21 which contribute to neighborhood blight; and to provide for the repair, demolition
22 or vacation of residential, commercial, business or industrial premises. This
23 Code is hereby declared to be remedial and essential for the public interest and it

1 is intended that this Code be liberally construed to effectuate the purposes as
2 stated herein.

3 Sec. 14.02. International Property Maintenance Code.

4 With the amendments referenced below, the City of Orlando hereby
5 adopts the 2018 edition of the International Property Maintenance Code (IPMC)
6 published by the International Code Council and incorporates the same by
7 reference as if fully set forth herein. The IPMC is adopted as the City of Orlando
8 Property Maintenance Code and shall be the governing law relative to all
9 buildings, structures and premises as defined herein.

10 (A) General Amendments. The IPMC is hereby amended in that

11 _____ (1) wherever the words "International Building Code" or
12 "International Existing Building Code" are found, the words "Florida building
13 codes" shall be substituted.

14 _____ (2) wherever the term "owner-occupant" is found in the IPMC it
15 shall be deleted.

16 _____ (3) wherever the words "International Fire Code" are found, the
17 words "National Fire Protection Act" or "NFPA" shall be substituted. Any
18 reference to section numbers in the International Fire Code are hereby deleted.

19 _____ (4) wherever the words "International Residential Code" are
20 found they shall be deleted.

21 (B) Technical Amendments. The following sections of the IPMC are
22 hereby amended as follows:

ORDINANCE NO. 2018-33

1 (1) Section 101.1 entitled "Title" is amended to read as follows:

2 These regulations shall be known as the City of Orlando Property Maintenance
3 Code, hereafter referred to as "this Code."

4 (2) Section 102.3 entitled "Application of Other Codes" is
5 amended to read as follows: Repairs, additions, or alterations to a structure, or
6 changes of occupancy, shall be done in accordance with the procedures and
7 provisions of the Florida building codes as adopted by the City of Orlando and
8 the State of Florida. If there is inconsistency between this Code and the Florida
9 building codes, the Florida building codes shall prevail.

10 (3) Section 102.6 entitled "Historic Buildings" is hereby deleted
11 in its entirety.

12 (4) Section 103.1 entitled "General" is amended to read as
13 follows: The provisions of this Chapter shall be administered by the code official
14 for the City of Orlando or such other person or persons designated by said official
15 or the City Council of the City of Orlando. All inspections, regulations,
16 enforcement and hearings on violations of the provisions of this Code, unless
17 expressly stated to the contrary, shall be under his or her direction and
18 supervision.

19 (5) Section 103.2 entitled "Appointment" is hereby deleted in its
20 entirety.

21 (6) Section 103.4 entitled "Liability" is amended so that the
22 words "board of appeals" is substituted with the words "Code Enforcement
23 Board."

1 (7) Section 103.4.1 entitled “Legal Defense” is hereby deleted in
2 its entirety.

3 (8) Section 103.5 entitled “Fees” is hereby deleted in its entirety.

4 (9) Section 104.2 entitled “Inspections” is hereby deleted in its
5 entirety.

6 (10) Section 104.3 entitled “Right of Entry” is hereby deleted in its
7 entirety.

8 (11) Section 106.2 entitled “Notice of Violation” is hereby deleted
9 in its entirety.

10 (12) Section 106.3 entitled “Prosecution of Violation” is hereby
11 deleted in its entirety.

12 (13) Section 106.4 entitled “Violation Penalties” is amended to
13 read as follows: Any person who shall violate a provision of this Code, or fail to
14 comply therewith, or with any of the requirements thereof, shall be prosecuted
15 within the limits provided by state or local laws.

16 (14) Section 107 entitled “Notices and Orders” is hereby deleted
17 in its entirety.

18 (15) Section 108.2 entitled “Closing of Vacant Structures” is
19 hereby deleted in its entirety.

20 (16) Section 108.3 entitled “Notice” is hereby deleted in its
21 entirety.

22 (17) Section 108.4 entitled “Placarding” is hereby deleted in its
23 entirety.

1 (18) Section 108.4.1 entitled "Placard Removal" is hereby deleted
2 in its entirety.

3 (19) Section 108.5 entitled "Prohibited Occupancy" is hereby
4 deleted in its entirety.

5 (20) Section 108.7 entitled "Record" is amended so that the word
6 "occupancy" is substituted with the word "nature."

7 (21) Section 109 entitled "Emergency Measures" is hereby
8 deleted in its entirety, except for Section 109.2 entitled "Temporary Safeguards."

9 (22) Section 110 entitled "Demolition" is hereby deleted in its
10 entirety.

11 (23) Section 111 entitled "Means of Appeal" is hereby deleted in
12 its entirety.

13 (24) Section 112.1 entitled "Authority" is amended to read as
14 follows: Whenever the code official, or his or her designee, finds any work
15 regulated by this Code being performed in a manner contrary to the provisions of
16 this Code, the code official or designee is authorized to issue a stop work order
17 after consultation with the Building Official.

18 (25) Section 112.4 entitled "Failure to Comply" shall be deleted in
19 its entirety.

20 (26) Section 202 entitled "General Definitions," the following
21 terms shall be deleted in their entirety: *Cost of Such Demolition or Emergency*
22 *Repairs; Deterioration; Dwelling Unit; Exterior Property; Garbage; Habitable*
23 *Space; Historic Building; Housekeeping Unit; Infestation; Operator; Owner;*

1 Person; Pest Elimination; Rooming House; Rooming Unit; Strict Liability Offense;
2 Structure; Ultimate Deformation; and Yard.

3 (27) Section 202 entitled "General Definitions" the definition for
4 the term "Rubbish" is amended to read as follows: Combustible or
5 noncombustible waste materials, except garbage; the term shall include, but not
6 be limited to, the residue from the burning of wood, coal, coke and other
7 combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber,
8 leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass,
9 crockery and dust and other similar materials.

10 (28) Section 302.1 entitled "Sanitation" is amended to read as
11 follows: Exterior property and premises, including shared and common areas,
12 shall be maintained in a clean, safe and sanitary condition.

13 (29) Section 302.3 entitled "Sidewalks and Driveways," the term
14 "sidewalks" is hereby deleted.

15 (30) Section 302.4 entitled "Weeds" is hereby deleted in its
16 entirety.

17 (31) Section 302.6 entitled "Exhaust Vents," the term "odors" is
18 hereby deleted.

19 (32) Section 302.7 entitled "Accessory Structures" is amended to
20 read as follows: Accessory structures, including garages, fences, walls and
21 storage buildings shall be maintained structurally sound and in good repair.

22 (33) Section 302.8 entitled "Motor Vehicles" is amended to read
23 as follows: Except as provided for in other regulations, inoperative or unlicensed

1 motor vehicles shall not be kept at any time in a state of major disassembly,
2 disrepair, or in the process of being stripped or dismantled. Painting of vehicles
3 is prohibited unless conducted inside an approved spray booth.

4 (34) Section 302.9 entitled "Defacement of Property" is amended
5 to read as follows: A person shall not willfully or wantonly damage, mutilate or
6 deface any exterior surface of any structure or building on any private or public
7 property by placing thereon any marking, carving or graffiti. It shall be the
8 responsibility of the owner to restore said surface to an approved state of
9 maintenance and repair using like or similar color(s) to the original surface prior
10 to defacement.

11 (35) Section 303.1 entitled "Swimming Pools" is amended to read
12 as follows: Swimming pools shall be secured and maintained in a clean and
13 sanitary condition, and in good repair, including eliminating all stagnant water by
14 either filling the pool in with fill dirt or restoring water quality or clarity.

15 (36) Section 303.2 entitled "Enclosures" is hereby deleted in its
16 entirety.

17 (37) Section 304.2 entitled "Protective Treatment," the first
18 sentence is amended to read as follows: Exterior surfaces, including but not
19 limited to, siding, doors, door and window frames, cornices, porches, trim,
20 balconies, decks and fences shall be maintained in good condition.

21 The following language is hereby included: Existing skirting shall be
22 maintained free from broken or missing sections, pieces or cross members.
23 Skirting shall be securely attached and sized from the ground to the lower

1 outside perimeter of the structure. Replacement or new skirting shall be
2 constructed of materials intended for exterior use and properly sized and
3 mounted to prevent free access to the crawl space of the structure. Crawl space
4 access grille or door and ventilation grilles shall be sized according to local code
5 requirements.

6 (38) Section 304.6 entitled "Exterior Walls" is amended to read as
7 follows: Exterior walls shall be free from holes, breaks, and loose or rotting
8 materials; and maintained weatherproof and properly surface coated where
9 required to prevent deterioration. Peeling, flaking and chipped paint shall be
10 eliminated and surfaces repainted.

11 (39) Section 304.13 entitled "Window, Skylight, and Door
12 Frames" is hereby deleted in its entirety.

13 (40) Section 304.13.1 entitled "Glazing" is hereby deleted in its
14 entirety.

15 (41) Section 304.13.2 entitled "Openable Windows" is hereby
16 deleted in its entirety.

17 (42) Section 304.14 entitled "Insect Screens" is hereby deleted in
18 its entirety.

19 (43) Section 304.15 entitled "Doors" is hereby deleted in its
20 entirety.

21 (44) Section 305.3 entitled "Interior Surfaces" is amended to read
22 as follows: Interior surfaces, including windows, doors, walls and ceilings shall
23 be maintained in good, clean and sanitary condition and rodent-proof. Peeling,

1 chipping, flaking or abraded paint shall be repaired, removed or covered.

2 Cracked or loose plaster, decayed wood and other defective surface conditions

3 shall be corrected.

4 (45) "Section 305.6 entitled "Interior Doors" is hereby deleted in
5 its entirety.

6 (46) Section 403.1 entitled "Habitable Spaces" is hereby deleted
7 in its entirety.

8 (47) Section 403.2 entitled "Bathrooms and Toilet Rooms" is
9 amended to reference Orlando City Code Section 14.11 (1) and (2) instead of
10 Section 403.1.

11 (48) Section 403.4 entitled "Process Ventilation," the term
12 "irritating" is hereby deleted.

13 (49) Section 502.1 entitled "Dwelling Units" is hereby deleted in
14 its entirety.

15 (50) Section 602.2 entitled "Residential Occupancies" shall be
16 amended to read as follows: Dwellings shall be provided with heating facilities
17 capable of maintaining a room temperature of 68° F (20° C) in all habitable
18 rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used, nor
19 shall portable unvented fuel-burning space heaters be used as a means to
20 provide required heating. If the heating facility is a portable electric space heater,
21 then it must have a tip-over switch with automatic shut-off capability and overheat
22 protection with automatic shut-off capability.

1 (51) Section 602.3 entitled "Heat Supply" is amended to require
2 the supply of heat year-round and Exception Number 2 is hereby deleted in its
3 entirety.

4 (52) Section 602.4 entitled "Occupiable Work Spaces" is
5 amended to require the supply of heat year-round.

6 (53) Section 603.5 entitled "Combustion Air" shall include the
7 following language: Inflammable or combustible liquids or other materials may
8 not be stored on the premises unless they are of a type approved for storage by
9 the regulations of the City of Orlando Fire Department and then only in such
10 quantities and in such fireproof storage containers as may be prescribed by the
11 regulations of said department. Operating chimneys and all flue and vent
12 attachments thereto shall be maintained structurally sound, free from defects and
13 so maintained as to capably perform at all times the function for which they were
14 designed. Chimneys, flues, gas vents or other draft producing equipment shall
15 provide sufficient draft to develop the rated output of the connected equipment
16 and shall be structurally safe, durable, smoketight and capable of withstanding
17 the action of flue gasses.

18 (54) Section 604.1 entitled "Facilities Required" is amended to
19 read as follows: Every occupied building shall be provided with an electrical
20 system that is in compliance with this Code. Such building shall be properly
21 connected to and be provided with electric power through safely insulated
22 conductors conforming to the National Electrical Code as adopted and amended
23 by Chapter 22 of the Orlando City Code.

1 (55) Section 604.3.1.1 entitled "Electrical Equipment," the
2 exception is amended to read as follows: Equipment shall be allowed to be
3 repaired where an inspection report from a licensed electrical contractor indicates
4 that the equipment has not sustained damage that required replacement.

5 (56) Section 604.3.2.1 entitled "Electrical Equipment," the
6 exception is amended to read as follows: Electrical switches, receptacles and
7 fixtures shall be allowed to be repaired where an inspection report from a
8 licensed electrical contractor indicates that the equipment has not sustained
9 damage that requires replacement.

10 (57) Section 605.1 entitled "Installation" is amended to read as
11 follows: Electrical equipment, wiring, outlets, and appliances shall be properly
12 installed and maintained in a safe and approved manner in accordance with the
13 provisions of the electrical code of the authority having jurisdiction.

14 (58) Section 606 entitled "Elevators, Escalators and
15 Dumbwaiters" is hereby deleted in its entirety except for Section 606.2.

16 (59) Section 702.1 entitled "General" is hereby deleted in its
17 entirety.

18 (60) Section 702.4 entitled "Emergency Escape Openings" is
19 amended to delete the phrase "in accordance with the code in effect at the time
20 of construction" and the phrase "that was in effect at the time of construction.

21 (61) Section 704.1.3 entitled "Fire Protection Systems" is
22 amended to read as follows: Fire protection systems shall be inspected,

1 maintained and tested in accordance with the NFPA. The remainder of this
2 subsection is hereby deleted.

3 (62) Section 704.2.1 entitled "Records" is hereby deleted in its
4 entirety.

5 (63) Section 704.2.2 entitled "Records Information" is hereby
6 deleted in its entirety.

7 (64) Section 704.3.1 entitled "Emergency Impairments" is
8 amended to delete the last sentence.

9 (65) Section 704.6.4 entitled "Smoke Detection System" is
10 amended to read as follows: Smoke detectors listed in accordance with UL 268
11 and provided as part of the building's fire alarm system shall be an acceptable
12 alternative to single- and multiple-station smoke alarms.

13 (66) Section 705 entitled "Carbon Monoxide Alarms and
14 Detection" shall include the following language: Any dwelling unit that contains
15 fuel-burning appliances, fuel-burning fireplaces, and/or fuel-burning forced air
16 furnaces shall be provided with carbon monoxide detection that is installed in
17 accordance with NFPA 720.

18 Sec. 14.03. Applicability, Existing Buildings and Structures.

19 The provisions of this Code apply to every building or structure
20 irrespective of when said building was constructed, altered, or repaired and
21 irrespective of any permits or licenses which shall have been issued for the use
22 or occupancy of the building or structure, for the construction or repair of the

1 building, or for the installation or repair of equipment or facilities prior to the
2 effective date of this Code. Additionally:

3 (A) If, within, any period of twelve (12) months, alterations or repairs
4 costing in excess of fifty (50) percent of the then physical value of the building
5 are made to an existing building, such building shall be made to conform to the
6 requirements of the Florida Building Code for new buildings.

7 (B) If an existing building is damaged by fire or otherwise in excess of
8 fifty (50) percent of its then physical value before such damage is repaired, it
9 shall be made to conform to the requirements of the Florida Building Code for
10 new buildings.

11 (C) If the cost of such alterations or repairs within any twelve (12)
12 month period or the amount of such damage as referred to in paragraph (B) is
13 more than twenty-five (25) but not more than fifty (50) percent of the then
14 physical value of the building, the portions to be altered or repaired shall be
15 made to conform to the requirements of the Florida Building Code for new
16 buildings to such extent as the City may determine.

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

1 (E) For the purpose of this Code the “Physical Value” of a building or
2 structure, as hereafter defined, shall be determined by the assessed value of the
3 structure as recorded on the most recent certified tax roll.

4 (F) This Code establishes minimum requirements for occupancy and
5 does not replace or modify requirements otherwise established for construction,
6 replacement or repair of buildings except such as are contrary to and less
7 stringent that the provisions of this Code.

8 (G) No owner or operator shall let for occupancy by any person any
9 premises, any dwelling, dwelling unit, rooming house, or building which contain
10 major violations as defined in this Code.

11 Sec. 14.04. Enforcement of and Compliance with Other Ordinances.

12 No certification of compliance with this Code shall constitute a defense
13 against any violation of any other ordinance of the City of Orlando otherwise
14 applicable to any structure or premises, nor shall any provision of this Code
15 relieve any owner or operator from complying with other applicable City
16 ordinances or any official of the City of Orlando from enforcing any such
17 ordinances.

18 Sec. 14.05. Right of Entry/Inspections.

19 In accordance with the requirements of applicable federal or state law, the
20 enforcement officer, upon presentation of proper identification to the owner,
21 operator, agent or tenant in charge of such property, may enter any building,
22 business, industrial premise, structure, dwelling, apartment, apartment house, or
23 other premises regulated by this Code within the City of Orlando, during all

1 reasonable hours to enforce this Code, except in cases of emergency where
2 extreme hazards are known to exist which may involve the potential loss of life or
3 severe property damage, in which case the above limitations shall not apply.

4 Sec. 14.06. Procedure When Violation is Discovered.

5 Whenever the enforcing authority determines that there has been or is a
6 violation, or that there are reasonable grounds to believe that there has been or
7 is a violation of any provisions of this Code, the enforcement procedure set forth
8 in Chapter 5 of the Orlando City Code shall be utilized. In instances where the
9 abatement of a public nuisance or a public safety hazard is necessary, the
10 enforcement procedure set forth in Article V of this Code shall be utilized. The
11 time given to comply with minor infractions as defined in this Code shall not
12 exceed one hundred twenty (120) days. The time given to comply with major
13 violations shall not exceed forty-five (45) days.

14 Sec. 14.07. Hearings.

15 Any person affected by any notice which has been issued in connection
16 with the enforcement of any provision of this Code or of any rule or regulation
17 adopted pursuant thereto may request and shall be granted a hearing on the
18 matter before the Code Enforcement Board pursuant to Chapter 5 of the Orlando
19 City Code.

20 ARTICLE II. DEFINITIONS

21 The following definitions are in addition to the definitions adopted from
22 Chapter 2 of the 2018 IPMC and shall apply in the interpretation and
23 enforcement of this Code:

1 Abandoned Motor Vehicle. A vehicle that cannot be driven upon the
2 public streets for reasons including, but not limited to, being unlicensed, wrecked,
3 abandoned, in a state of disrepair, or incapable of being moved under its own
4 power.

5 Accessory Structure. A structure, the use of which is incidental to that of
6 the main building and which is attached thereto or located on the same premises.

7 Board. Code Enforcement Board.

8 Building. Any structure built for the support, shelter, or enclosure of
9 persons, animals, chattels, or property of any kind. A combination of materials to
10 form a construction adapted to permanent or continuous occupancy for use for
11 public, institutional, residence, business or storage purposes.

12 City. The City of Orlando or its agent as designated by the code official
13 charged with the responsibility of enforcing the provisions of this Code.

14 Deterioration. The condition or appearance of a building or parts thereof,
15 characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other
16 evidence of physical decay or neglect, excessive use or lack of maintenance.

17 Dwelling. Any building which is wholly or partly used or intended to be
18 used for living or sleeping by human occupants whether or not such building is
19 occupied or vacant.

20 Dwelling Unit. Any room or group of rooms located within a dwelling and
21 forming a single habitable unit for living, sleeping, cooking and eating whether or
22 not such unit is occupied or vacant.

1 Enforcement Officer. The enforcement of this Code shall be the
2 responsibility of the code official for the City of Orlando, or such other person or
3 persons designated by the code official or the City Council of the City of Orlando.

4 Exposed to Public View. Any premises, or any part hereof, or any
5 building, or any part thereof, which may be lawfully viewed by the public or any
6 member thereof, from a sidewalk, street, alleyway, or from any adjoining or
7 neighboring premises.

8 Exterior of Property. Those portions of a building which are exposed to
9 the outside and the open space of any premises outside of any building erected
10 thereon.

11 Extermination. The control and extermination of insects, rodents, or other
12 pests by eliminating their harborage places; by removing or making inaccessible
13 materials that may serve as their food; by poisoning, spraying, fumigating,
14 trapping; or by any other recognized and legal pest elimination methods.

15 Fire Hazard. Anything or any act which increases or may cause an
16 increase of the hazard or menace of fire to a greater degree than that customarily
17 recognized as normal by experts in preventing, suppressing, or extinguishing fire;
18 or which may obstruct, delay or hinder or may become the cause of an
19 obstruction, a delay, a hazard or a hindrance to the prevention, suppression or
20 extinguishment of fire.

21 Floor Area. The total area of all habitable space in a building or structure.

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

1 Habitable Room. A space in a structure for living, sleeping, eating or
2 cooking. Bathrooms, toilet compartments, closets, halls, storage or utility
3 spaces, and similar areas are not considered habitable space.

4 Infestation. The existence in large numbers of insects, rodents, or other
5 pests so as to render unpleasant, unsafe or unsanitary.

6 Major Violation. A condition existing on a premise which is below the
7 minimum requirements set out by this Code and which is dangerous to health or
8 safety of the occupants, passers-by, or persons in contiguous areas; or a series
9 of minor violations which when considered together present a hazardous or
10 undesirable condition.

11 Minor Violation. A condition which is below the minimum requirements set
12 out by this Code but which is not serious enough to be considered a major
13 violation.

14 Mixed Occupancy. Any building containing one or more dwelling units or
15 rooming units and also having a portion thereof devoted to nondwelling uses.

16 Multiple Dwelling. Two or more dwelling units whose occupants are living
17 independently of each other and doing their own cooking in the said building, and
18 including flats and apartments.

19 Nuisance or Public Nuisance. Any one or combination of the following:

20 (1) Any public nuisance known at common law or in equity
21 jurisprudence or as provided by the Statutes of the State of Florida or ordinances
22 of the City of Orlando.

1 (2) Any attractive nuisance which may prove detrimental to the
2 health or safety of children and others whether in a building, on the premises of a
3 building or upon an unoccupied lot. This includes, but is not limited to:
4 abandoned wells, shafts, basements, excavations, unused iceboxes,
5 refrigerators, abandoned motor vehicles and any structurally unsound fences or
6 structures; lumber, trash, fences, debris, or vegetation such as poison ivy, oak or
7 sumac, which may prove a hazard for inquisitive persons. Abandoned buildings
8 are attractive nuisances when they are unsecured or unsecurable and when by
9 reason of abandonment or neglect they contain unsound walls or flooring, unsafe
10 wiring, fire hazards, or other unsafe conditions as further defined herein. Unsafe
11 conditions may include such neglect of security that opportunities for criminal
12 activity persist to the danger and detriment of the neighborhood.

13 (3) Physical or unsanitary conditions or conditions so lacking
14 illumination or ventilation as to be dangerous to human life or detrimental to
15 health of persons on or near the premises where the condition exists.

16 (4) Major and minor violations of this Code which cumulatively
17 impact upon premises to the point whereby conditions endanger human life or
18 substantially and detrimentally affect the safety or security of occupants, nearby
19 occupants or passers-by.

20 (5) Whatever renders air, food or drink unwholesome or
21 detrimental to the health of human beings.

22 (6) Fire hazards.

1 (7) Trees containing limbs larger than 3” in diameter which are
2 broken and hanging or broken and lodged/wedged in such a fashion that they
3 present an immediate threat to adjoining properties. A tree becomes a hazard
4 when, collectively, a substantial number of smaller limbs threaten adjoining
5 properties as described above. A hazard also exists when a tree exhibits
6 structural defects of any part of the tree including but not limited to cracks,
7 hollows, rotting wood, lack of foliage, uprooting, presence of fungi, insects or
8 disease.

9 Operator. Any person who has charge, care or control of premises or a
10 part thereof, whether with or without the knowledge or consent of the owner.

11 Owner. The holder of the title in fee simple; any person, group of persons,
12 company, association, partnership, or corporation having a legal or equitable
13 interest in the property; or recorded in the official records of the state, county, or
14 municipality as holding title to the property; or in whose name tax bills on the
15 property are submitted. It shall also mean any person who, alone or jointly or
16 severally with others:

17 (1) shall have legal title to any dwelling unit, with or without
18 accompanying actual possession thereof; or

19 (2) shall have charge, care or control of any dwelling or dwelling
20 unit, as owner, executor, executrix, or administrator of the estate of the owner if
21 ordered by a court to take possession, trustee, guardian of the estate of the
22 owner, mortgagee or vendee in possession, or assignee of rents, lessee, or other
23 person, firm or corporation in control of a building; or their duly authorized

1 agents. Any such person thus representing the actual owner shall be bound to
2 comply with the provisions of this article, and of rules and regulations adopted
3 pursuant thereto, to the same extent as if he or she were the owner. It is her or
4 her responsibility to notify the actual owner of the reported violations of these
5 regulations pertaining to the property that apply to the owner.

6 *Person.* Includes any individual, firm, corporation, company, association
7 or partnership.

8 *Plumbing.* All of the following supplies, facilities and equipment: gas
9 pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes,
10 water closets, sinks, installed dishwashers, lavatories, bath tubs, shower baths,
11 installed clothes washing machines, catch basins, vents and any other similar
12 supplied fixtures, together with all connections to water, sewer or gas lines and
13 water pipes and lines; sanitary drainage or storm drainage facilities, the venting
14 system and the public or private water supply systems, within or adjacent to any
15 building, structure, or conveyance; also the practice and materials used in the
16 installation, maintenance, extension, or alteration of stormwater, liquid-waste, or
17 sewerage, and water supply systems of any premises to their connection with
18 any point of public disposal or other acceptance terminal.

19 *Public Areas.* An unoccupied open space adjoining a building and on the
20 same property, that is maintained accessible to the public and free of
21 encumbrances that might interfere with its use by the public.

22 *Public Nuisance.* See Nuisance.

1 Refuse. All putrescible and nonputrescible solid wastes (except body
2 wastes), including but not limited to garbage, rubbish, ashes, street cleanings,
3 dead animals, abandoned automobiles and solid market and industrial wastes.

4 Repair. The replacement of existing work with the same kind of material
5 used in the existing work, not including additional work that would change the
6 structural safety of the building, or that would affect or change required exit
7 facilities, a vital element of an elevator, plumbing, gas piping, wiring or hearing
8 installations, or that would be in violation of a provision of law or ordinance. The
9 term “Repair” or “Repairs” shall not apply to any change of construction.

10 Residential Occupancy. A building in which sleeping accommodations are
11 provided, and all dormitories, shall be classified as “Residential Occupancy.”
12 Such buildings include, among others, the following: dwellings, multiple
13 dwellings, lodging houses, and rooming houses.

14 Rooming House. A dwelling used, or intended to be used, for the
15 furnishing of sleeping accommodations for pay or other considerations to
16 transient or permanent guests.

17 Rooming Unit. Any room or group of rooms forming a single habitable unit
18 used or intended to be used for living and sleeping, but not for cooking or eating
19 purposes.

20 Sanitary Sewer. Any sanitary sewer owner, operated and maintained by
21 the City of Orlando and available for public use for the disposal of sewage.

1 Sewage. Waste from a flush toilet, bath tub, sink, lavatory, dishwashing or
2 laundry machine, or the water-carried waste from any other fixture or equipment
3 or machine.

4 Stairway. One or more flights of stairs and the necessary landings and
5 platforms connecting them, to form a continuous and uninterrupted passage from
6 one story to another in a building or structure.

7 Story. That portion of a building included between the upper surface of
8 any floor and the upper surface of the floor next above, except that the topmost
9 story shall be that portion of a building included between the upper surface of the
10 topmost floor and the ceiling or roof above.

11 Structure. A combination of any materials, whether fixed or portable,
12 forming a construction, including buildings.

13 Violator. Any owner, operator, or legally responsible person who owns or
14 maintains property in violation of City codes. Owners are ultimately responsible
15 for controlling conditions and uses on their property.

16 Washrooms. Enclosed space containing one or more sinks, tubs,
17 showers, or basins and which shall include toilets, urinals, or fixtures serving
18 similar purposes.

19 Water Closet Compartment. Enclosed space contained one or more
20 toilets that may also contain one or more lavatories, urinals and other plumbing
21 fixtures.

22 Weathering. Deterioration, decay or damage caused by exposure to the
23 elements.

1 Yard. An open space at grade between a building or structure and the
2 adjoining lot lines unoccupied and unobstructed by any portion of a building or
3 structure from the ground upward.

4 ARTICLE III. GENERAL REQUIREMENTS

5 Sec. 14.08. Occupant Responsibility.

6 (A) Nothing in this Code shall be interpreted or construed to relieve any
7 occupant of a dwelling unit, commercial building, or industrial premises from any
8 obligation placed or required by federal or state law or City ordinance.

9 (B) No occupant of a dwelling unit, commercial building, or industrial
10 premises shall commit any act of vandalism, malicious mischief, or willful
11 destruction of the property belonging to the owner nor shall such occupant
12 intentionally litter or cause any accumulation of trash or debris in or about the
13 dwelling unit, building, or premises or any common areas appurtenant thereto.

14 (C) Any person violating the provisions of subsection (B) may be
15 prosecuted as provided in Section 1.08 of the Orlando City Code.

16 Sec. 14.09. Responsibility of Owners and Operators of Commercial,
17 Business, or Industrial Structures.

18 Owners are presumed responsible for their properties. However,
19 operators may be held jointly or severally liable, as well as the owners, for
20 violations of this Code.

21 Sec. 14.10. Basic Equipment and Facilities.

22 No person shall occupy as owner-occupant or let or sublet to another for
23 occupancy any dwelling or dwelling unit designed or intended to be used for the

1 purpose of living, sleeping, cooking, or eating therein, nor shall any vacant
2 dwelling building be permitted to exist which does not comply with the following
3 requirements, which are supplemental to the IPMC:

4 (A) *Sanitary Facilities.* Every dwelling unit shall contain not less than a
5 kitchen sink, lavatory, tub or shower, and a water closet all in good working
6 condition. Also, the lavatory shall be placed in the same room as the water
7 closet or located in close proximity to the door leading directly into the room in
8 which such water closet is located. A kitchen sink shall not be used as a
9 substitute for the required lavatory. In every building the lavatory and water
10 closet shall be properly connected to an approved water and sewer system. In
11 every commercial building and industrial premises the washroom and water
12 closet compartment floors shall be surfaced with water resistant materials and be
13 kept in a dry, clean and sanitary condition at all times. Every plumbing fixture
14 and water and waste pipe shall be properly installed and maintained in good
15 sanitary working condition free from defects, leaks, and obstructions.

16 (B) *Location of Sanitary Facilities.* All required plumbing fixtures shall
17 be located within the dwelling unit and be accessible to the occupants of same.
18 The water closet, tub or shower and lavatory shall be located in a room affording
19 privacy to the user and such room shall have a minimum floor space of 30 sq. ft.
20 with no dimension less than 4 ft. Bathrooms shall be accessible from habitable
21 rooms, hallways, corridors or other protected or enclosed areas, not including
22 kitchens or other food preparation areas.

1 (C) Water Supply. Every dwelling unit shall have connected to the
2 kitchen sink, lavatory, and tub or shower an adequate supply of both cold and hot
3 water. All water shall be supplied through an approved distribution system
4 connected to a potable water supply. All plumbing fixtures, devices, and
5 appurtenances shall function properly, safely, and free from defects and leaks.

6 (D) Accessories. Each bathroom in every dwelling unit shall contain at
7 least one (1) soap dish, one (1) towel rack, one (1) toilet paper holder or
8 dispenser, and one (1) shower curtain rod, if applicable. All accessory items,
9 towel bars, soap dishes, toilet paper holder or shower rods used or intended to
10 be used shall be secured to walls and floors as required, and shall be properly
11 maintained to provide intended use of such items.

12 (E) Kitchen Facilities. Every dwelling unit shall contain a kitchen
13 equipped with the following minimum facilities:

14 _____ (1) Shelving, cabinets or drawers for the storage of food and
15 cooking and eating utensils, all of which shall be maintained in good repair.

16 _____ (2) Freestanding or permanently installed cookstove. Portable
17 electric cooking equipment shall not fulfill this requirement. Portable cooking
18 equipment employing flame shall be prohibited.

19 _____ (3) Mechanical refrigeration equipment for the storage of
20 perishable foodstuffs.

21 Exception: Nothing herein shall preclude a written agreement between an
22 owner and tenant that the tenant will furnish mechanical refrigeration equipment
23 and/or a cookstove as required in this section. It shall be an affirmative defense

1 available to an owner charged with a violation of this section if such an
2 agreement exists.

3 (F) *Fire Protection.* A person shall not occupy as owner-occupant or let
4 to another for occupancy, any building or structure which does not comply with
5 the applicable provisions of the fire prevention code of the applicable governing
6 body.

7 (G) *Smoke Detector Systems.* Every dwelling unit shall be provided
8 with an approved listed smoke detector, installed in accordance with the
9 manufacturer's recommendations and listing. When activated, the detector shall
10 provide an audible alarm. The detector shall be tested in accordance with and
11 meet the requirements of UL 268. "Single and Multiple Smoke Detectors."

12 Sec. 14.11. Ventilation.

13 (A) Every habitable room shall have at least one window or skylight
14 which can be easily opened, or such other device as will adequately ventilate the
15 room. The total of openable window area in every habitable room shall equal to
16 at least 45% of the minimum window area size or minimum skylight-type window
17 size, as required, or shall have other approved, equivalent ventilation.

18 (B) Year-round mechanically ventilating conditioned air systems may
19 be substituted for windows, as required herein, in rooms other than rooms used
20 for sleeping purposes. Window type air-conditioning units are not included in this
21 exception.

22 Sec. 14.12. Sanitation.

1 (A) Care of Premises. It shall be unlawful for the owner or occupant of
2 a residential building, structure, or property to utilize the premises of such
3 residential property for the open storage of any abandoned motor vehicle, icebox,
4 refrigerator, stove, glass, building material, building rubbish or similar items. It
5 shall be the duty and responsibility of every such owner and occupant to keep
6 the premises of such residential property clean and to remove from the premises
7 all such abandoned items as listed above including, but not limited to, weeds,
8 dead trees, trash, garbage, and other similar items upon notice pursuant to this
9 Code.

10 (B) Use and Operation of Supplied Plumbing Fixtures. Every owner
11 and occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean
12 and sanitary condition and shall be responsible for the exercise of reasonable
13 care in the proper use and operation thereof.

14 ARTICLE IV. EXTERIOR AND INTERIOR OF STRUCTURES

15 Sec. 14.13. Exterior of Buildings and Structures.

16 (A) Foundation. The building foundation system shall be maintained in
17 a safe manner and capable of supporting the load which normal use may cause
18 to be placed thereon.

19 (B) Means of Egress. Every dwelling unit shall have safe, unobstructed
20 means of egress with minimum ceiling height of 7 ft. leading to a safe and open
21 space at ground level. Stairs shall have a minimum head room of 6 ft. 8in.

1 (C) Windows. Every window shall be substantially weathertight,
2 watertight and rodent-proof, and shall be kept in sound working condition and
3 good repair.

4 (D) Windows to be Glazed. Every window sash shall be fully supplied
5 with glass window panes or an approved substitute which are without open
6 cracks and holes.

7 (E) Window Sash. Window sash shall be properly fitted and
8 weathertight within the window frame.

9 (F) Windows to be Openable. Every window required for light and
10 ventilation for habitable rooms shall be capable of being easily opened and
11 secured in position by window hardware.

12 (G) Exterior Doors.

13 (1) Every exterior door, basement or cellar door and hatchway
14 shall be substantially weathertight, watertight, and rodent-proof, and shall be kept
15 in sound working condition and good repair.

16 (2) Every exterior door shall be provided with properly installed
17 hardware that is maintained to insure reasonable ease of operation to open,
18 close and secure in an open or closed position, as intended by the manufacturer
19 of the door and the attached hardware.

20 (N) Exterior Door Frames.

21 (1) Exterior door frames shall be properly maintained and shall
22 be affixed with weatherstripping and thresholds as required to be substantially

1 weathertight, watertight, and rodent and insect restrictive when the door is in a
2 closed position.

3 (2) Exterior door jambs, stops, headers, and moldings shall be
4 securely attached to the structure, maintained in good condition without splitting
5 or deterioration that would minimize the strength and security of the door in a
6 closed position.

7 (O) Screens. All structures which do not have a central air-conditioning
8 system shall have screens on all exterior openable windows and doors used or
9 required for ventilation. Screens on windows and doors shall be stretched and
10 fitted and maintained without open rips or tears. Screens on porches, balconies
11 or other appurtenances shall be maintained in good repair. Screen enclosures,
12 such as those of swimming pools shall be maintained in good repair or, where
13 not required for security, with their supporting members removed forthwith.

14 Sec. 14.14. Interior of Buildings and Structures.

15 (A) Interior Floors, Walls, and Ceilings. Every toilet, bathroom and
16 kitchen floor surface shall be constructed and maintained so as to be
17 substantially impervious to water and so as to permit such floor to be easily kept
18 in a clean and sanitary condition.

19 (B) Interior Doors. Every existing interior door shall fit reasonably well
20 within its frame and shall be capable of being opened and closed by being
21 properly and securely attached to jambs, headers or tracks as intended by the
22 manufacturer of the attachment hardware.

1 (C) Interior Door Hardware. Every interior door shall be provided with
2 proper hardware, securely attached and maintained in good condition. Hasp lock
3 assemblies are not permitted on the exterior side of the door of habitable rooms.

4 (D) Bathroom Doors. Privacy of bathrooms shall be afforded by doors
5 complete with privacy hardware intended by manufacturer for that purpose.

6 Sec. 14.15. Rooming Houses.

7 (A) Compliance Exceptions. No person shall operate a rooming house,
8 or shall occupy or let to another for occupancy any rooming unit in any rooming
9 house, except in compliance with the provisions of this Code as modified in this
10 section.

11 (B) License Required. No person shall operate a rooming house
12 without the required state and local licenses.

13 (C) Sanitary Facilities. At least one (1) toilet, wash basin and bathtub
14 or shower, properly connected to a water and sewer system in good working
15 condition, shall be supplied for each fifteen (15) guests or major portion thereof
16 for each sex.

17 (D) Water Heater Required. Every lavatory basin and bathtub or
18 shower shall be supplied with hot water at all times.

19 (E) Required Living Space. Every rooming house shall contain at least
20 one hundred fifty (150) square feet of floor space for the first occupant thereof
21 and at least one hundred (100) additional square feet of floor area per additional
22 occupant. The floor area shall be calculated on the basis of the total area of all
23 habitable rooms.

1 (F) Minimum Floor Area for Sleeping Purposes. Every room occupied
2 for sleeping purposes by one (1) person shall contain at least seventy (70)
3 square feet of floor space and every room occupied for sleeping purposes by
4 more than one person shall contain at least (50) square feet of floor space for
5 each occupant thereof.

6 (G) Exit Requirement. Every rooming unit shall have safe,
7 unobstructed means of egress leading to safe and open space at ground level,
8 as required by the laws of the governed area or of the state.

9 (H) Sanitary Conditions. The owner and operator of every rooming
10 house shall be responsible for the sanitary maintenance of all walls, floors, and
11 ceilings, and for the maintenance of a sanitary condition in every other part of the
12 rooming house; and each shall be further responsible for the sanitary
13 maintenance of the entire premises where the entire structure or building is
14 leased or occupied by the operator.

15 ARTICLE V. PUBLIC NUISANCES OR HAZARDS TO PUBLIC HEALTH,
16 SAFETY AND WELFARE – AUTHORITY TO REQUIRE REPAIR, REMOVE,
17 SECURE OR DEMOLISH

18 Sec. 14.16. Public Nuisances.

19 Public nuisances are defined in the Definitions section of Article II herein.
20 When nuisance conditions or hazards degenerate or cumulatively impact on
21 structures, dwellings, or other buildings regulated by this Code, to the extent that
22 repair, removal, securing, vacating or demolition is necessary for the public
23 health, safety and welfare, then the code official, or his or her designee, or the

1 Code Enforcement Board are authorized to order the property owner or City
2 agents to repair, remove, secure, vacate or demolish such structures according
3 to procedures outlined herein. These powers are hereby declared remedial and
4 essential for the public interest and it is intended that such powers be liberally
5 construed to effectuate the purposes stated herein.

6 Sec. 14.17. Procedure for Major Violations Generally.

7 Procedures for handling major violations is set forth in Chapter 5 of the
8 Orlando City Code, except that depending upon the degree of danger to the
9 occupants or public, the enforcement officer may cause the Notice of Violation to
10 warn the property owner(s) that failure to cure said major violations may result in
11 further City or Code Enforcement Board action to effect necessary repairs,
12 removals, securing, vacating or demolition of structure(s).

13 Sec. 14.18. Procedure for Vacating of Structures or Premises.

14 (A) Procedure. Procedures for notice to vacate a building or structure
15 declared unfit for human occupation and constituting a nuisance, service of said
16 notice, vacating and occupancy of such building or structure, and removal of
17 placard or notice shall be in accordance with Article I, Chapter 5 of the Orlando
18 City Code.

19 (B) Penalty for Violation of this Section. Any person who violates any
20 provision of this Section shall be punished as provided in Section 1.08 of the
21 Orlando City Code.

22 Sec. 14.19. Procedure for City Work or Contracted Work to
23 Repair/Secure.

1 In cases involving nuisance or hazardous conditions which require direct
2 governmental action to abate a serious and continuing danger to the public or
3 occupants, including attractive nuisance cases, and where the property owner or
4 operator fails to heed the notices and enforcement efforts made by the City
5 pursuant to Article I of this Code, but where the emergency nature of the dangers
6 to the public is not so extreme as to warrant dispensing with notice to the
7 property owner(s), then the City enforcement officials shall follow the procedures
8 set forth in Article I, Chapter 5 of the Orlando City Code.

9 Sec. 14.20. Procedure for City or City Contracted Demolition.

10 Due to a variety of reasons, including but not limited to abandonment,
11 neglect, inadequate property management, or obsolescence, the condition(s)
12 constituting a danger or nuisance to the public cannot be made safe. Factors
13 evidencing a determination that a property cannot be made safe may include, but
14 not be limited to: a history of unsecured or unsecurable dangerous conditions; a
15 history demonstrating the property owner's failure to exercise reasonable control
16 over the property to keep it secure or safe; a history showing that the property
17 has become an attractive nuisance to children or transients; a history showing a
18 proliferation of criminal activity due to dilapidated conditions and lack of
19 management and control over the premises; a history showing that
20 notwithstanding the reasonable efforts of enforcement personnel and/or the Code
21 Enforcement Board, the property remains in a condition which is imminently
22 dangerous to the public health, safety and welfare. In such cases the
23 enforcement official shall:

1 (A) Proceed with Notice to Vacate in accordance with Article I, Chapter
2 5, if such has not already been accomplished.

3 (B) Include with the Notice to Vacate and Statement of Violation Notice
4 of Hearing a statement which informs the property owner(s) and tenant(s) that
5 the hearing before the Code Enforcement Board may result in an order requiring
6 the property owner or City to demolish the structure(s) on the property with any
7 costs therefor being assessed against the property and constituting a lien
8 thereon.

9 (C) Such notice of requested demolition shall be served not only upon
10 the property owner(s) of record, but shall also be served upon mortgage holders
11 and lienholders of record as determined by a legally valid property records
12 search.

13 (D) The notice of requested demolition shall describe the condition(s)
14 found by the enforcement officer, upon consultation with the City Attorney's
15 Office, to constitute such a public nuisance pursuant to this Section as to make
16 demolition necessary.

17 (E) At the Code Enforcement Board hearing the enforcement official,
18 together with an assistance city attorney if the case warrants, shall present
19 evidence showing the dangerousness of the condition(s) to the public and the
20 property owner's inability or unwillingness to cure such dangers, and the history
21 according to the above-detailed factors showing that the property is unsecurable
22 or has not been made safe. The Board may render its order requiring the owner
23 or City to demolish, or cause to be demolished, the structure(s) which have been

1 proven to be unsafe. The order may also require vacating of the property if such
2 action is necessary and has not already been accomplished. If the Board
3 determines that an order requiring repairs by the property owner through City
4 work is appropriate, the Board shall specify what repairs are necessary in order
5 to make the property safe, and by what date said repairs are to be accomplished.

6 (F) The enforcement officer shall take such action as has been
7 authorized by the Code Enforcement Board to demolish the structure(s) or render
8 the premises safe. The premises shall be kept posted with the notice to vacate
9 and persons violating the Notice to Vacate may be referred for prosecution
10 pursuant to Section 1.08 of the Orlando City Code. The costs and expenses of
11 City repair work or demolition shall be a lien upon the property, which lien may be
12 enforced by suit at law or chancery.

13 (G) Liens for such City contracted work shall be recorded in the official
14 records as special assessment liens.

15 Sec. 14.21. Procedure for Emergency City Action.

16 In cases involving imminent danger due to extreme life-safety hazards that
17 require emergency action on the part of the City to render the premises safe from
18 such public safety hazards, the Building Official, the code official, or his or her
19 designee, or the fire official in accordance with Chapter 24 of the Orlando City
20 Code, shall have the authority to perform the necessary repairs, removals,
21 securing, or demolitions to abate the safety hazards. Abatement may also
22 include, but is not limited to, disconnecting any and all utilities to a building or
23 structure, or temporarily closing a building or premises to prohibit use or

1 occupancy. The property owner shall be given notice as immediately as possible
2 regarding such action or work, and the fixing of a lien for any associated costs;
3 however, this notice shall not be cause for holding up City action or work to abate
4 any extreme and imminent public safety hazard. If an occupied building or
5 structure requires emergency action due to extreme life-safety hazards,
6 procedures set forth in Article I, Chapter 5 of the Orlando City Code regarding
7 notice and vacating of such building or structure shall be followed. Whether or
8 not the notice is sent prior to, during, or after City action or work, the notice shall
9 state that the property owner(s), or occupants as the case may be, shall have an
10 opportunity to contest the determination to do the emergency work and the
11 charges therefor, upon appeal of such determination within thirty (30) days to the
12 Code Enforcement Board. When the City work includes demolition of structures,
13 the notice shall also be given to the mortgage holder and other lienholders of
14 record.

15 ARTICLE VI. LOT CLEANING

16 Sec. 14.22. Accumulation of Weeds, Rubbish and Other Matter Upon
17 Land Prohibited as Public Nuisances.

18 The existence of excessive accumulation or untended growth of weeds,
19 undergrowth or other dead or living plant life; or stagnant water, rubbish,
20 garbage, refuse, debris, trash, including but not limited to household furnishings,
21 and all other objectionable, unsightly or unsanitary matter upon any lot, tract or
22 parcel of land within this City be it uncovered or under open shelter, to the extent
23 and in the manner that such lot, tract or parcel of land is or may reasonably

1 become infested or inhabited by rodents, vermin or wild animals, or may furnish a
2 breeding place or mosquitoes, or threatens or endangers the public health, safety
3 or welfare, or may reasonably cause disease, or adversely affects and impairs
4 the economic welfare of adjacent property, is hereby prohibited and declared to
5 be a public nuisance and unlawful unless neatly arranged for removal in
6 accordance with directions of the Code Enforcement Division.

7 Sec. 14.23. Duty of Property Owners Generally.

8 It shall be the duty of the owner of each lot, tract or parcel of land within
9 the City to reasonably regulate and effectively control excessive growths and
10 accumulations, as enumerated in Section 14.22 on the property and on the
11 portion of the adjoining public right-of-way between the property and the street. It
12 shall also be the duty of the owner to drain, regrade or fill any lot, tract or parcel,
13 including swimming pools thereon, which shall be unwholesome or unsanitary,
14 have stagnant water thereon, or be in such other condition as to be susceptible
15 to producing disease.

16 Sec. 14.24. Notice to Remove and Appeal Process.

17 (A) If the code official, or his or her designee, finds and determines that
18 a public nuisance as described and declared in Sections 14.22 and 14.23 herein
19 exists, he or she shall so notify the record owner of the offending property and
20 demand that such owner cause the condition to be remedied. The notice shall
21 be given by both physical posting on the property in the name of the property
22 owner and by certified mail or personal delivery to the owner or owners as their
23 names and addresses are shown upon the records of the Orange County

1 Property Appraiser or Tax Assessor. Notice shall be deemed complete and
2 sufficient when so physically posted and personally delivered or mailed.

3 (B) The notice required by subsection (A) shall contain the following:

4 1. Name(s) and address(es) of the owner(s) of the property
5 according to the public records of Orange County, Florida.

6 2. Location of the property on which the violation exists.

7 3. A statement by the enforcement officer that the property has
8 been inspected pursuant to this Chapter and that a violation of Sections 14.22
9 and 14.23 has been determined to exist on the property, which violation
10 constitutes a public nuisance.

11 4. A description of the condition that causes the property to be
12 in violation.

13 5. A requirement that the record owner of the property remedy
14 the violation within fifteen (15) days from the date of the notice, failing which the
15 City will remedy the condition and assess against the record owner the costs
16 thereof plus an administrative charge.

17 6. A statement that, if the costs and administrative charge are
18 not paid within thirty (30) days of invoice date, a lien will be placed on the
19 property, which is enforceable by foreclosure on the property.

20 7. A schedule of the charges, which may be assessed against
21 the record owner if the City has to remedy the violation.

22 8. An estimate of the total cost, based on the schedule of
23 charges, if the violation is remedied by the City. Such estimate is not to be

1 interpreted or construed as the final cost which may be assessed, but only as a
2 good-faith approximation of such cost. The final assessable cost may be greater
3 or lesser than the estimate.

4 9. A statement that the record owner of the property may,
5 within (15) days from the date of the notice, submit a written appeal from the
6 determination of a public nuisance, which must contain all reasons, evidence and
7 argument that the cited condition does not constitute a violation.

8 (C) Within fifteen (15) days from the date of the notice, the owner of the
9 property may appeal the determination of nuisance by submitting a written
10 appeal to show that the condition does not constitute a public nuisance. Such
11 appeal shall be addressed to the Recording Secretary for the Code Enforcement
12 Board and shall state the name of the property owner, the location of the cited
13 property, and the specific grounds upon which the owner relies in order to show
14 that the cited condition does not constitute a public nuisance.

15 Sec. 14.25. Removal By City.

16 (A) If after fifteen (15) days from the date of the notice no written
17 appeal has been filed and the condition described in the notice has not been
18 remedied, the code official, or his or her designee, shall cause the condition to be
19 remedied by the City at the expense of the property owner. If a written appeal
20 has been filed and the finding of public nuisance is upheld, the code official, or
21 said designee, may cause the condition to be remedied by the City at the
22 expense of the property owner unless the Code Enforcement Board directs
23 otherwise.

1 (B) If a written appeal has been filed and the finding of public nuisance
2 is reversed, the City will not assess any costs or administrative penalties against
3 the property, although such administrative penalties would otherwise be
4 authorized by Section 14.27 herein.

5 (C) In cases involving major nuisance conditions requiring immediate,
6 direct action to abate hazards imminently dangerous to the health, welfare or
7 safety of the public, the City may, upon authorization by the code official or his or
8 her designee, cause the conditions to be immediately remedied by City-
9 authorized lot cleaning. Notice of said lot cleaning shall be given within five (5)
10 days after the lot cleaning and according to the procedures detailed in Section
11 14.24 above, except that the notice shall explain that the property contained
12 hazards requiring immediate remedy, that the lot has already been cleaned, and
13 that the property owner has fifteen (15) days from the date of the notice to apply
14 to the Code Enforcement Board to show why costs of cleaning should not be
15 assessed against his or her property. Said emergency lot cleaning shall be at
16 the expense of the property owner; however, the property owner may make a
17 written request for a hearing before the Board as provided above within fifteen
18 (15) days from the date of notice that his or her lot had to be cleaned and that a
19 charge is being assessed therefore.

20 Sec. 14.26. Collection of Costs and Records; Secured Property.

21 After causing the condition to be remedied, the code official shall certify to
22 the Director of Finance the expense incurred in remedying the condition
23 whereupon such expense, plus a charge to cover City administrative expenses,

1 plus any administrative penalty as provided in Section 14.27, shall become
2 payable within thirty (30) days after which a special assessment lien and charge
3 will be made upon the property, which shall be payable with interest at the rate of
4 eight percent (8%) per annum from the date of such certification until paid.

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

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

15 Sec. 14.27. Administrative Charge; Administrative Penalty.

16 (A) In addition to the actual cost of remedying the violation cited under
17 Sections 14.22 and 14.23, the City may also assess a charge to cover
18 administrative expenses incurred in securing and monitoring the services of a
19 private contractor to remedy the violation. Said administrative charge shall be
20 reviewed and approved by City Council at least on an annual basis.

21 (B) If a second violation of Sections 14.22 and 14.23 is cited against
22 the same property and property owner within twelve (12) months from the date of
23 the first citation, an administrative penalty of one hundred dollars (\$100.00) shall

1 additionally be assessed five (5) days after the second citation. If the condition is
2 abated by the owner during that five (5) day period, the penalty will not be
3 assessed. If a third violation of Sections 14.22 and 14.23 is cited against the
4 same property and property owner within twelve (12) months from the date of the
5 first citation, an administrative penalty of two hundred dollars (\$200.00) shall
6 additionally be assessed five (5) days after the third citation. If the condition is
7 abated by the owner during that five (5) day period, the penalty will not be
8 assessed. Subsequent violations cited against the same property and property
9 owner shall be referred to the City Attorney's Office for appropriate legal action,
10 including, but not limited to, injunctive relief, in addition to enforcement as
11 provided in this Chapter.

12 Sec. 14.28. Definitions.

13 In addition to the definitions provided in Article II of this Code, the
14 following additional definitions shall apply for the purposes of Article VI:

15 (1) *Hazardous Trees.* Trees containing limbs larger than 3" in
16 diameter which are broken and hanging or broken and lodged/wedged in such a
17 fashion that they present an immediate threat to adjoining properties. A hazard
18 exists when, collectively, a substantial number of smaller limbs threaten adjoining
19 properties as described above. A hazard also exists when trees exhibit structural
20 defects of any part of the tree including but not limited to cracks, hollows, rotting
21 wood, lack of foliage, uprooting, presence of fungi, insects or disease.

22 (2) *Trash/Debris.* Items which are not usable in their present
23 condition as intended by the manufacturer by reason of being broken, discarded,

1 unmaintained or abandoned. Items include, but are not limited to, mechanical
2 equipment, automobiles, trailers, trucks, or any parts thereof, household
3 furnishings, and toys.

4 (3) Weeds. Plants that by reason of abandonment, lack of care
5 or lack of maintenance, choke out growth of other plant material in the area.
6 Dead, dying or unattended plant life, named or unnamed, which is abandoned or
7 overgrown shall, for the purpose of this Code, be defined as a weed.

8 **Section Three:** Article I, Chapter 5, Code of the City of Orlando, Florida
9 is hereby amended as follows:

10 ****

11 Sec. 5.03. Jurisdiction.

12 The Code Enforcement Board shall have the jurisdiction to hear and
13 decide alleged violations of, and pursuant to section 5.12 citations may be issued
14 for alleged violations of, the following codes and ordinances of the City of
15 Orlando.

16 ****

17 (i) ~~Minimum Standards~~ Property Maintenance Code – ~~Chapter 30A~~
18 Chapter 14 of the Code of the City of Orlando.

19 ****

20 Sec. 5.04. Enforcement Procedure.

21 ****

22 *Notice to Vacate.* Whenever the Building Official, ~~Code Enforcement~~
23 ~~Division Manager~~, code official, Fire Marshall, or their Designee, of the Code

1 Enforcement Board, shall declare a building unfit for human occupation and
2 constituting a nuisance, they shall give notice to the owner and occupant(s) of
3 such declaration and placard the building as unfit for human occupancy. Such
4 notice shall:

5 (1) Contain all elements required ~~generally by Article I, Chapter 30A of~~
6 ~~the Minimum Standards Codes~~ by Article V, Chapter 14 of the Property
7 Maintenance Code;

8 ****

9 Sec. 5.06. Powers of the Code Enforcement Board.

10 The Code Enforcement Board shall have the power to:

11 ****

12 (5) Issue orders having the force and effect of law, commanding
13 whatever steps are necessary to bring a violation into compliance, including but
14 not limited to the securing, repairing, condemning, vacating and or demolition of
15 structures containing the conditions hazardous to the public health, safety and
16 welfare, pursuant to the provisions of this Chapter and Article ~~IV~~ V, ~~Chapter 30A~~
17 Chapter 14 of this the Property Maintenance Code.

18 ****

19 (8) Hear appeals of any person affected by a notice issued in
20 connection with enforcement of article ~~IV~~ V, Chapter ~~30A~~ 14 of ~~this~~ the Property
21 Maintenance Code, providing that said person shall have filed a Notice of Appeal
22 with the Code Enforcement Board Recording Secretary within thirty (30) days of
23 the administrative determination or act sought to be challenged, and providing

1 that said Notice of Appeal shall explain the basis of the challenge to the
 2 administrative determination or act.

3 **Section Four:** Article II, Chapter 5, Code of the City of Orlando, Florida is
 4 hereby amended as follows:

5 ****

6 (2) Violations of City codes and ordinances which constitute civil
 7 infractions for which citations may be issued are as follows:

8 TABLE INSET:

9 ****

| Code/Ordinance Chapter or Section | Description | Class |
|---|---|-------|
| CH. 30A, MINIMUM STANDARDS CH. 14, PROPERTY MAINTENANCE CODE | | |
| Article II <u>III</u> (Sec. 30A.20 <u>14.08</u> through & including Sec. 30A.34 <u>14.12</u>) | Housing minimum standards code <u>General</u> <u>requirements</u> | II |
| Article III <u>IV</u> (Sec. 30A.32 14.13 through & including Sec. 30A.34 <u>14.15</u>) | Commercial, business and industrial minimum standards <u>Exterior and interior of structures</u> | II |
| Article IV <u>V</u> (Sec. 30A.38 <u>14.16</u> through & including Sec. 30A.45 <u>14.21</u>) | Buildings, structures and premises constituting p <u>Public</u> nuisances or hazards to public health, safety and welfare - authority to require repair, remove, secure or demolish | IV |
| Article V <u>VI</u> (Sec. 30A.46 <u>14.22</u> through & including Sec. 30A.52 <u>14.28</u>) | Lot cleaning code | |
| **** | | |

10
 11 **Section Five:** Chapter 13, Code of the City of Orlando, Florida is hereby
 12 amended as follows:

13 Sec. 13.2. Local Administrative Amendments.

14 ****

1 *Section 104 amended.* Subsection 104.1 of the *Building* volume of the
2 building code is hereby amended to read as follows:

3 *104.1 General.* The building official is hereby designated as an
4 enforcement officer pursuant to ~~section 30A.01~~ Chapter 14, Orlando City Code,
5 and as a code inspector for purposes of section 5.04(1), Orlando City Code.

6 **Section Six:** Chapter 64, Code of the City of Orlando, Florida is hereby
7 amended as follows:

8 Sec. 64.103. General Requirements for All Signs.

9 ****

10 *Maintenance.* All signs, together with their parts, supports, braces, guys
11 and anchors shall be maintained, treated and/or painted in accordance with the
12 requirements of ~~Section 30A.36(18)(B)~~ Chapter 14 of the City Code. Unless
13 made of galvanized or non-corroding material, all signs shall be thoroughly
14 painted at least once every two years.

15 **Section Seven:** Chapter 65, Code of the City of Orlando, Florida is
16 hereby amended as follows:

17 Sec. 65.479. Maintenance and Repair Required.

18 Neither the owner of, nor the person in charge of a structure within an HP
19 Overlay district or a designated Historic Landmark, shall permit such structures
20 or Landmarks to fall into a state of disrepair which may result in the deterioration
21 of any exterior appurtenance or architectural feature which contributes to the
22 structural integrity so as to produce or tend to produce, in the judgment of the
23 Historic Preservation Board, according to accepted Historic Preservation

1 principles a detrimental effect upon the historic character of the district as a
2 whole or the life and historic character or structural viability of the Historic
3 Landmark or structure in question, including but not limited to:

4 ****

5 The mechanism used for monitoring and enforcement of maintenance and
6 repair shall be the same as set forth in the City of Orlando Housing Property
7 Maintenance Code, Chapter ~~30A~~ 14.

8 **Section Eight: Severability.** If any provision of this ordinance or its
9 application to any person or circumstance is held invalid, the invalidity does not
10 affect other provisions or applications of this ordinance which can be given effect
11 without the invalid provision or application, and to this end the provisions of this
12 ordinance are severable.

13 **Section Nine: Codification.** The City Clerk and the City Attorney shall
14 cause the Code of the City of Orlando, Florida, to be amended as provided by
15 this ordinance and may renumber, re-letter, and rearrange the codified parts of
16 this ordinance if necessary to facilitate the finding of the law.

17 **Section Ten. Scrivener's Error.** The City Attorney may correct
18 scrivener's errors found in this ordinance by filing a corrected copy of this
19 ordinance with the City Clerk.

20 **Section Eleven: Effective date.** This ordinance shall take effect
21 immediately upon adoption, except for Sections One, Two, Three, Four, Five,
22 Six, and Seven, which shall take effect January 1, 2019.

1 **DONE, THE FIRST READING**, by the City Council of the City of Orlando,
2 Florida, at a regular meeting, this ____ day of _____, 2018.

3 **DONE, THE PUBLIC NOTICE**, in a newspaper of general circulation in
4 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this
5 ____ day of _____, 2018.

6 **DONE, THE SECOND READING AND HEARING, AND ENACTED ON**
7 **FINAL PASSAGE**, by an affirmative vote of a majority of a quorum present of the
8 City Council of the City of Orlando, Florida, at a regular meeting, this _____
9 day of _____, 2018.

10

11 BY THE MAYOR OF THE CITY OF ORLANDO,
12 FLORIDA:

13 _____
14 Mayor/Mayor Pro Tem

15
16
17 ATTEST, BY THE CLERK OF THE
18 CITY COUNCIL OF THE CITY OF ORLANDO,
19 FLORIDA:

20
21 _____
22 City Clerk

23 _____
24 Print Name

25
26 APPROVED AS TO FORM AND LEGALITY
27 FOR THE USE AND RELIANCE OF THE
28 CITY OF ORLANDO, FLORIDA:

29
30 _____
31 Assistant City Attorney

32
33 _____
34 Print Name

35
36

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