

ORDINANCE NO. 2018-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DELETING CHAPTER 30A OF THE CODE OF THE CITY OF ORLANDO, ENTITLED “MINIMUM STANDARDS CODE,” CREATING CHAPTER 14 OF THE CODE OF THE CITY OF ORLANDO ENTITLED “PROPERTY MAINTENANCE CODE” TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE WITH GENERAL AND TECHNICAL AMENDMENTS, CONFORMING CROSS REFERENCES THROUGHOUT THE CODE OF THE CITY OF ORLANDO, AND PROVIDING FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS AND AN EFFECTIVE DATE.

Whereas, the City Council finds that the adoption of this ordinance is necessary to enhance the City's enforcement of certain codes and ordinances; and

Whereas, the City Council further finds that said ordinance would provide an equitable, expeditious, and effective method of code enforcement with regard to maintenance requirements for residential, commercial and industrial properties; and

Whereas, the City Council further finds that the adoption of this ordinance will further promote, protect and improve the public health, welfare and safety of the citizens of the City of Orlando.

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 hereby
4 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 and
18 maintain the viable housing stock to basic standards essential for occupancy and
19 use; to minimize the degree to which the economic welfare of adjacent property is
20 adversely affected or impaired; to positively influence those factors which
21 contribute to neighborhood blight; and to provide for the repair, demolition or
22 vacation of residential, commercial, business or industrial premises. This Code is
23 hereby declared to be remedial and essential for the public interest and it is

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

3 Sec. 14.02. International Property Maintenance Code.

4 With the amendments referenced below, the City of Orlando hereby adopts
 5 the 2018 edition of the International Property Maintenance Code (IPMC) published
 6 by the International Code Council and incorporates the same by reference as if
 7 fully set forth herein. The IPMC is adopted as the City of Orlando Property
 8 Maintenance Code and shall be the governing law relative to all buildings,
 9 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 codes"
 13 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 reference
 18 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:

(1) Section 101.1 entitled "Title" is amended to read as follows:
These regulations shall be known as the City of Orlando Property Maintenance Code, hereafter referred to as "this Code."

(2) Section 102.3 entitled "Application of Other Codes" is amended to read as follows: 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 codes as adopted by the City of Orlando and the State of Florida. If there is inconsistency between this Code and the Florida building codes, the Florida building codes shall prevail.

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

(4) Section 103.1 entitled "General" is amended to read as follows: The provisions of this Chapter shall be administered by the code official for the City of Orlando or such other person or persons designated by said official 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 or her direction and supervision.

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

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

(7) Section 103.4.1 entitled "Legal Defense" is hereby deleted in its entirety.

- 1 (8) Section 103.5 entitled "Fees" is hereby deleted in its entirety.
- 2 (9) Section 104.2 entitled "Inspections" is hereby deleted in its
- 3 entirety.
- 4 (10) Section 104.3 entitled "Right of Entry" is hereby deleted in its
- 5 entirety.
- 6 (11) Section 106.2 entitled "Notice of Violation" is hereby deleted
- 7 in its entirety.
- 8 (12) Section 106.3 entitled "Prosecution of Violation" is hereby
- 9 deleted in its entirety.
- 10 (13) Section 106.4 entitled "Violation Penalties" is amended to
- 11 read as follows: Any person who shall violate a provision of this Code, or fail to
- 12 comply therewith, or with any of the requirements thereof, shall be prosecuted
- 13 within the limits provided by state or local laws.
- 14 (14) Section 107 entitled "Notices and Orders" is hereby deleted in
- 15 its entirety.
- 16 (15) Section 108.2 entitled "Closing of Vacant Structures" is
- 17 hereby deleted in its entirety.
- 18 (16) Section 108.3 entitled "Notice" is hereby deleted in its entirety.
- 19 (17) Section 108.4 entitled "Placarding" is hereby deleted in its
- 20 entirety.
- 21 (18) Section 108.4.1 entitled "Placard Removal" is hereby deleted
- 22 in its entirety.

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

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

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

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

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

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

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

(26) Section 202 entitled "General Definitions," the following terms shall be deleted in their entirety: Cost of Such Demolition or Emergency Repairs; Deterioration; Dwelling Unit; Exterior Property; Garbage; Habitable Space; Historic Building; Housekeeping Unit; Infestation; Operator; Owner; Person; Pest Elimination; Rooming House; Rooming Unit; Strict Liability Offense; Structure; Ultimate Deformation; and Yard.

(27) Section 202 entitled "General Definitions" the definition for the term "Rubbish" is amended to read as follows: Combustible or noncombustible waste materials, except garbage; the term shall include, but not be limited to, 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.

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

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

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

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

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

(33) Section 302.8 entitled "Motor Vehicles" is amended to read as follows: Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be kept at any time 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.

(34) Section 302.9 entitled "Defacement of Property" is amended to read as follows: A person shall not 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 using like or similar color(s) to the original surface prior to defacement.

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

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

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

The following language is hereby included: Existing skirting shall be maintained free from broken or missing sections, pieces or cross members. Skirting shall be securely attached and sized from the ground to the lower outside perimeter of the structure. Replacement or new skirting shall be constructed of

materials intended for exterior use and properly sized and mounted to prevent free access to the crawl space of the structure. Crawl space access grille or door and ventilation grilles shall be sized according to local code requirements.

(38) Section 304.6 entitled "Exterior Walls" is amended to read as follows: 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. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

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

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

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

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

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

(44) Section 305.3 entitled "Interior Surfaces" is amended to read as follows: Interior surfaces, including windows, doors, walls and ceilings shall be maintained in good, clean and sanitary condition and rodent-proof. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked

1 or loose plaster, decayed wood and other defective surface conditions shall be
2 corrected.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 tested in accordance with the NFPA. The remainder of this subsection is hereby
2 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 Detection"
14 shall include the following language: Any dwelling unit that contains fuel-burning
15 appliances, fuel-burning fireplaces, and/or fuel-burning forced air furnaces shall be
16 provided with carbon monoxide detection that is installed in accordance with NFPA
17 720.

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

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

installation or repair of equipment or facilities prior to the effective date of this Code.

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 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 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 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 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.

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 stringent
 7 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 relieve
 15 any owner or operator from complying with other applicable City ordinances or any
 16 official of the City of Orlando from enforcing any such ordinances.

17 Sec. 14.05. Right of Entry/Inspections.

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

extreme hazards are known to exist which may involve the potential loss of life or severe property damage, in which case the above limitations shall not apply.

Sec. 14.06. Procedure When Violation is Discovered.

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

Sec. 14.07. Hearings.

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

ARTICLE II. DEFINITIONS

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

Abandoned Motor Vehicle. A vehicle that cannot be driven upon the public streets for reasons including, but not limited to, being unlicensed, wrecked,

1 abandoned, in a state of disrepair, or incapable of being moved under its own
2 power.

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

5 *Board.* Code Enforcement Board.

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

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

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

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

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

21 *Enforcement Officer.* The enforcement of this Code shall be the
22 responsibility of the code official for the City of Orlando, or such other person or
23 persons designated by the code official or the City Council of the City of Orlando.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

 (2) Any attractive nuisance, which may prove detrimental to the health or safety of children and others whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to: abandoned wells, shafts, basements, excavations, unused iceboxes, refrigerators, abandoned motor vehicles and any structurally unsound fences or structures; lumber, trash,

fences, debris, or vegetation such as poison ivy, oak or sumac, which may prove a hazard for inquisitive persons. Abandoned buildings are attractive nuisances when they are unsecured or unsecurable and when, by reason of abandonment or neglect, they contain unsound walls or flooring, unsafe wiring, fire hazards, or other unsafe conditions as further defined herein. Unsafe conditions may include such neglect of security that opportunities for criminal activity persist to the danger and detriment of the neighborhood.

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

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

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

(6) Fire hazards.

(7) Trees containing limbs larger than 3" in diameter that are broken and hanging or broken and lodged/wedged in such a fashion that they present an immediate threat to adjoining properties. A tree becomes a hazard when, collectively, a substantial number of smaller limbs threaten adjoining properties as described above. A hazard also exists when a tree exhibits structural

defects of any part of the tree including but not limited to cracks, hollows, rotting wood, lack of foliage, uprooting, presence of fungi, insects or disease.

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

Owner. The holder of the title in fee simple; any person, group of persons, company, association, partnership, 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 in whose name tax bills on the property are submitted. It shall also mean any person who, alone or jointly or severally with others:

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

 (2) shall have charge, care or control of any dwelling or dwelling unit, as owner, executor, executrix, or administrator of the estate of the owner if ordered by a court to take possession, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, or assignee of rents, lessee, or other person, firm or corporation in control of a building; or their duly authorized agents. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner. It is his or her responsibility to notify the actual owner of the reported violations of these regulations pertaining to the property that apply to the owner.

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

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

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

Public Nuisance. See Nuisance.

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

Repair. The replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the

structural safety of the building, or that would affect or change required exit facilities, a vital element of an elevator, plumbing, gas piping, wiring or hearing installations, or that would be in violation of a provision of law or ordinance. The term "Repair" or "Repairs" shall not apply to any change of construction.

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

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

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

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

Sewage. Waste from a flush toilet, bathtub, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture or equipment or machine.

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

1 Story. That portion of a building included between the upper surface of any
2 floor and the upper surface of the floor next above, except that the topmost story
3 shall be that portion of a building included between the upper surface of the
4 topmost floor and the ceiling or roof above.

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

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

10 Washrooms. Enclosed space containing one or more sinks, tubs, showers,
11 or basins and which shall include toilets, urinals, or fixtures serving similar
12 purposes.

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

15 Weathering. Deterioration, decay or damage caused by exposure to the
16 elements.

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

20 ARTICLE III. GENERAL REQUIREMENTS

21 Sec. 14.08. Occupant Responsibility.

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

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

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

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

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

Sec. 14.10. Basic Equipment and Facilities.

No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, nor shall any vacant dwelling building be permitted to exist which does not comply with the following requirements, which are supplemental to the IPMC:

(A) *Sanitary Facilities.* Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working

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

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

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

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

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

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

11 (2) Freestanding or permanently installed cook stove. Portable
12 electric cooking equipment shall not fulfill this requirement. Portable cooking
13 equipment employing flame shall be prohibited.

14 (3) Mechanical refrigeration equipment for the storage of
15 perishable foodstuffs.

16 Exception: Nothing herein shall preclude a written agreement between an
17 owner and tenant that the tenant will furnish mechanical refrigeration equipment
18 and/or a cookstove as required in this section. It shall be an affirmative defense
19 available to an owner charged with a violation of this section if such an agreement
20 exists.

21 (F) Fire Protection. A person shall not occupy as owner-occupant or let
22 to another for occupancy, any building or structure, which does not comply with

1 the applicable provisions of the fire prevention code of the applicable governing
2 body.

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

8 Sec. 14.11. Ventilation.

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

14 (B) Year-round mechanically ventilating conditioned air systems may be
15 substituted for windows, as required herein, in rooms other than rooms used for
16 sleeping purposes. Air-conditioning units made for window installation are not
17 included in this exception.

18 Sec. 14.12. Sanitation.

19 (A) *Care of Premises.* It shall be unlawful for the owner or occupant of
20 a residential building, structure, or property to utilize the premises of such
21 residential property for the open storage of any abandoned motor vehicle, icebox,
22 refrigerator, stove, glass, building material, building rubbish or similar items. It
23 shall be the duty and responsibility of every such owner and occupant to keep the

premises of such residential property clean and to remove from the premises all such abandoned items as listed above including, but not limited to, weeds, dead trees, trash, garbage, and other similar items upon notice pursuant to this Code.

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

ARTICLE IV. EXTERIOR AND INTERIOR OF STRUCTURES

Sec. 14.13. Exterior of Buildings and Structures.

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

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

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

(D) *Windows to be Glazed.* Every window sash shall be fully supplied with glass windowpanes or an approved substitute that are without open cracks and holes.

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

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

4 (G) Exterior Doors.

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

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

12 (N) Exterior Door Frames.

13 (1) Exterior door frames shall be properly maintained and shall
14 be affixed with weatherstripping and thresholds as required to be substantially
15 weathertight, watertight, and rodent and insect restrictive when the door is in a
16 closed position.

17 (2) Exterior doorjamb, stops, headers, and moldings shall be
18 securely attached to the structure, maintained in good condition without splitting or
19 deterioration that would minimize the strength and security of the door in a closed
20 position.

21 (O) Screens. All structures that do not have a central air-conditioning
22 system shall have screens on all exterior openable windows and doors used or
23 required for ventilation. Screens on windows and doors shall be stretched, fitted,

1 and maintained without open rips or tears. Screens on porches, balconies or other
 2 appurtenances shall be maintained in good repair. Screen enclosures, such as
 3 those of swimming pools shall be maintained in good repair or, where not required
 4 for security, with their supporting members removed forthwith.

5 Sec. 14.14. Interior of Buildings and Structures.

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

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

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

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

19 Sec. 14.15. Rooming Houses.

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

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

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

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

9 (E) *Required Living Space.* Every rooming house shall contain at least
10 one hundred fifty (150) square feet of floor space for the first occupant thereof and
11 at least one hundred (100) additional square feet of floor area per additional
12 occupant. The floor area shall be calculated based on the total area of all habitable
13 rooms.

14 (F) *Minimum Floor Area for Sleeping Purposes.* Every room occupied
15 for sleeping purposes by one (1) person shall contain at least seventy (70) square
16 feet of floor space and every room occupied for sleeping purposes by more than
17 one person shall contain at least (50) square feet of floor space for each occupant
18 thereof.

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

22 (H) *Sanitary Conditions.* The owner and operator of every rooming
23 house shall be responsible for the sanitary maintenance of all walls, floors, and

ceilings, and for the maintenance of a sanitary condition in every other part of the
rooming house; and each shall be further responsible for the sanitary maintenance
of the entire premises where the entire structure or building is leased or occupied
by the operator.

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

Sec. 14.16. Public Nuisances.

Public nuisances are defined in the Definitions section of Article II herein.
When nuisance conditions or hazards degenerate or cumulatively impact on
structures, dwellings, or other buildings regulated by this Code, to the extent that
repair, removal, securing, vacating or demolition is necessary for the public health,
safety and welfare, then the code official, or his or her 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 remedial and
essential for the public interest and it is intended that such powers be liberally
construed to effectuate the purposes stated herein.

Sec. 14.17. Procedure for Major Violations Generally.

Procedures for handling major violations is set forth in Chapter 5 of the
Orlando City Code, except that depending upon the degree of danger to the
occupants or public, the enforcement officer may cause the Notice of Violation to
warn the property owner(s) that failure to cure said major violations may result in

1 further City or Code Enforcement Board action to effect necessary repairs,
2 removals, securing, vacating or demolition of structure(s).

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

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

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

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

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

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

22 Due to a variety of reasons, including but not limited to abandonment,
23 neglect, inadequate property management, or obsolescence, the condition(s)

1 constituting a danger or nuisance to the public cannot be made safe. Factors
2 evidencing a determination that a property cannot be made safe may include, but
3 not be limited to: a history of unsecured or unsecurable dangerous conditions; a
4 history demonstrating the property owner's failure to exercise reasonable control
5 over the property to keep it secure or safe; a history showing that the property has
6 become an attractive nuisance to children or transients; a history showing a
7 proliferation of criminal activity due to dilapidated conditions and lack of
8 management and control over the premises; a history showing that
9 notwithstanding the reasonable efforts of enforcement personnel and/or the Code
10 Enforcement Board, the property remains in a condition which is imminently
11 dangerous to the public health, safety and welfare. In such cases, the enforcement
12 official shall:

13 (A) Proceed with Notice to Vacate in accordance with Article I, Chapter
14 5, if such has not already been accomplished.

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

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

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

5 (E) At the Code Enforcement Board hearing the enforcement official,
 6 together with an assistant city attorney if the case warrants, shall present evidence
 7 showing the dangerousness of the condition(s) to the public and the property
 8 owner's inability or unwillingness to cure such dangers, and the history according
 9 to the above-detailed factors showing that the property is unsecurable or has not
 10 been made safe. The Board may render its order requiring the owner or City to
 11 demolish, or cause to be demolished, the structure(s) which have been proven to
 12 be unsafe. The order may also require vacating of the property if such action is
 13 necessary and has not already been accomplished. If the Board determines that
 14 an order requiring repairs by the property owner through City work is appropriate,
 15 the Board shall specify what repairs are necessary in order to make the property
 16 safe, and by what date said repairs are to be accomplished.

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

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

Sec. 14.21. Procedure for Emergency City Action.

In cases involving imminent danger due to extreme life-safety hazards that require emergency action on the part of the City to render the premises safe from such public safety hazards, the Building Official, the code official, or his or her designee, or the fire official in accordance with Chapter 24 of the Orlando City Code, shall have the authority to perform the necessary repairs, removals, securing, or demolitions to abate the safety hazards. Abatement may also include, but is not limited to, disconnecting any and all utilities to a building or structure, or temporarily closing a building or premises to prohibit use or occupancy. The property owner shall be given notice as immediately as possible regarding such action or work, and the fixing of a lien for any associated costs; however, this notice shall not be cause for holding up City action or 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 of the Orlando City Code regarding notice and vacating of such building or structure shall be followed. Whether or not the notice is sent prior to, during, or after City action or 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

1 the City work includes demolition of structures, the notice shall also be given to the
2 mortgage holder and other lienholders of record.

3 ARTICLE VI. LOT CLEANING

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

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

18 Sec. 14.23. Duty of Property Owners Generally.

19 It shall be the duty of the owner of each lot, tract or parcel of land within the
20 City to reasonably regulate and effectively control excessive growths and
21 accumulations, as enumerated in Section 14.22 on the property and on the portion
22 of the adjoining public right-of-way between the property and the street. It shall
23 also be the duty of the owner to drain, regrade or fill any lot, tract or parcel,

1 including swimming pools thereon, which shall be unwholesome or unsanitary,
 2 have stagnant water thereon, or be in such other condition as to be susceptible to
 3 producing disease.

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

5 (A) If the code official, or his or her designee, finds and determines that
 6 a public nuisance as described and declared in Sections 14.22 and 14.23 herein
 7 exists, he or she shall so notify the record owner of the offending property and
 8 demand that such owner cause the condition to be remedied. The notice shall be
 9 given by both physical posting on the property in the name of the property owner
 10 and by certified mail or personal delivery to the owner or owners as their names
 11 and addresses are shown upon the records of the Orange County Property
 12 Appraiser or Tax Assessor. Notice shall be deemed complete and sufficient when
 13 so physically posted and personally delivered or mailed.

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

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

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

18 3. A statement by the enforcement officer that the property has
 19 been inspected pursuant to this Chapter and that a violation of Sections 14.22 and
 20 14.23 has been determined to exist on the property, which violation constitutes a
 21 public nuisance.

22 4. A description of the condition that causes the property to be
 23 in violation.

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

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

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

10 8. An estimate of the total cost, based on the schedule of
 11 charges, if the violation is remedied by the City. Such estimate is not to be
 12 interpreted or construed as the final cost that may be assessed, but only as a good-
 13 faith approximation of such cost. The final assessable cost may be greater or
 14 lesser than the estimate.

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

19 (C) Within fifteen (15) days from the date of the notice, the owner of the
 20 property may appeal the determination of nuisance by submitting a written appeal
 21 to show that the condition does not constitute a public nuisance. Such appeal shall
 22 be addressed to the Recording Secretary for the Code Enforcement Board and
 23 shall state the name of the property owner, the location of the cited property, and

1 the specific grounds upon which the owner relies in order to show that the cited
2 condition does not constitute a public nuisance.

3 Sec. 14.25. Removal By City.

4 (A) If after fifteen (15) days from the date of the notice, no written appeal
5 has been filed and the condition described in the notice has not been remedied,
6 the code official, or his or her designee, shall cause the condition to be remedied
7 by the City at the expense of the property owner. If a written appeal has been filed
8 and the finding of public nuisance is upheld, the code official, or said designee,
9 may cause the condition to be remedied by the City at the expense of the property
10 owner unless the Code Enforcement Board directs otherwise.

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

15 (C) In cases involving major nuisance conditions requiring immediate,
16 direct action to abate hazards imminently dangerous to the health, welfare or
17 safety of the public, the City may, upon authorization by the code official or his or
18 her designee, cause the conditions to be immediately remedied by City-authorized
19 lot cleaning. Notice of said lot cleaning shall be given within five (5) days after the
20 lot cleaning and according to the procedures detailed in Section 14.24 above,
21 except that the notice shall explain that the property contained hazards requiring
22 immediate remedy, that the lot has already been cleaned, and that the property
23 owner has fifteen (15) days from the date of the notice to apply to the Code

1 Enforcement Board to show why costs of cleaning should not be assessed against
2 his or her property. Said emergency lot cleaning shall be at the expense of the
3 property owner; however, the property owner may make a written request for a
4 hearing before the Board as provided above within fifteen (15) days from the date
5 of notice that his or her lot had to be cleaned and that a charge is being assessed
6 therefore.

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

8 After causing the condition to be remedied, the code official shall certify to
9 the Director of Finance the expense incurred in remedying the condition
10 whereupon such expense, plus a charge to cover City administrative expenses,
11 plus any administrative penalty as provided in Section 14.27, shall become
12 payable within thirty (30) days after which a special assessment lien and charge
13 will be made upon the property, which shall be payable with interest at the rate of
14 eight percent (8%) per annum from the date of such certification until paid.

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

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

Sec. 14.27. Administrative Charge; Administrative Penalty.

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

(B) If a second violation of Sections 14.22 and 14.23 is cited against the same property and property owner within twelve (12) months from the date of the first citation, an administrative penalty of one hundred dollars (\$100.00) shall additionally be assessed five (5) days after the second citation. If the condition is abated by the owner during that five (5) day period, the penalty will not be assessed. If a third violation of Sections 14.22 and 14.23 is cited against the same property and property owner within twelve (12) months from the date of the first citation, an administrative penalty of two hundred dollars (\$200.00) shall additionally be assessed five (5) days after the third citation. If the condition is abated by the owner during that five (5) day period, the penalty will not be assessed. Subsequent violations cited against the same property and property owner shall be referred to the City Attorney's Office for appropriate legal action, including, but not limited to, injunctive relief, in addition to enforcement as provided in this Chapter.

Sec. 14.28. Definitions.

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

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

_____ (2) *Trash/Debris.* Items which are not usable in their present condition as intended by the manufacturer by reason of being broken, discarded, unmaintained or abandoned. Items include, but are not limited to, mechanical equipment, automobiles, trailers, trucks, or any parts thereof, household furnishings, and toys.

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

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

Sec. 5.03. Jurisdiction.

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

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

Sec. 5.04. Enforcement Procedure.

Notice to Vacate. Whenever the Building Official, ~~Code Enforcement Division Manager~~, code official, Fire Marshall, or their Designee, of the Code Enforcement Board, shall declare a building unfit for human occupation and constituting a nuisance, they shall give notice to the owner and occupant(s) of such declaration and placard the building as unfit for human occupancy. Such notice shall:

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

Sec. 5.06. Powers of the Code Enforcement Board.

The Code Enforcement Board shall have the power to:

(5) Issue orders having the force and effect of law, commanding whatever steps are necessary to bring a violation into compliance, including but not limited to the securing, repairing, condemning, vacating and or demolition of structures containing the conditions hazardous to the public health, safety and

welfare, pursuant to the provisions of this Chapter and Article ~~IV~~ V, Chapter ~~30A~~
Chapter 14 of ~~this~~ the Property Maintenance Code.

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

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

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

TABLE INSET:

Code/Ordinance Chapter or Section	Description	Class
CH. 30A, MINIMUM STANDARDS CH. 14, <u>PROPERTY MAINTENANCE CODE</u>		
Article II III (Sec. 30A.20 14.08 through & including Sec. 30A.34 <u>14.12</u>)	Housing minimum standards code <u>General requirements</u>	II
Article III IV (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 Public 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	

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

Sec. 13.2. Local Administrative Amendments.

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

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

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

Sec. 64.103. General Requirements for All Signs.

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

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

Sec. 65.479. Maintenance and Repair Required.

Neither the owner of, nor the person in charge of a structure within an HP Overlay district or a designated Historic Landmark, shall permit such structures or Landmarks to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature which contributes to the structural integrity so as to produce or tend to produce, in the judgment of the Historic Preservation Board, according to accepted Historic Preservation principles a detrimental effect upon the historic character of the district as a whole or the life and historic character or structural viability of the Historic Landmark or structure in question, including but not limited to:

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

Section Eight: 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 Nine: Codification. The City Clerk and the City Attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by 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 Ten. 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 Eleven: Effective date. This ordinance shall take effect immediately upon adoption, except for Sections One, Two, Three, Four, Five, Six, and Seven, which shall take effect January 1, 2019.

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

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 _____, 2018.

DONE, THE SECOND READING AND HEARING, 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 _____, 2018.

BY THE MAYOR OF THE CITY OF ORLANDO,
FLORIDA:

Mayor/Mayor Pro Tem

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

City Clerk

Print Name

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

Assistant City Attorney

Print Name

** [Remainder of page intentionally left blank] **