



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 6/1/10

**SUBJECT:** Adoption of 2009 International Property Maintenance Code with local amendments.

**DEPARTMENT:** COMMUNITY DEVELOPMENT

**RECOMMENDED MOTION:**

To approve Ordinance No. 2010- 16 of 2009 International Property Maintenance Code with local amendments.

**SUMMARY**

The previous property maintenance code known as the Southern Building Code Congress (SBCCI) Housing Code was adopted by reference through the Building Code. When the City was required to adopt the Florida State Building Code the reference to the SBCCI code was removed. The International Property Maintenance Code (IPMC) is the current national standard reference for property maintenance. The IPMC will regulate maintenance of all property in the City and not just housing. Local amendment have been drafted in order to preserve essential elements of the Code of Ordinance, provide uniformity with State mandated codes, and allow for effective enforcement procedures.

**ATTACHMENTS:**  Ordinance     Resolution     Budget Resolution

Other     Support Documents/Contracts Available for Review in Manager's Office

<b>DEPARTMENT HEAD</b>	Wayne Clark Community Development Director	Date 5/25/10
<b>FINANCE DEPARTMENT</b>	Approved as to Budget Requirements	Date
<b>CITY ATTORNEY</b>	Approved as to Form and Legality	Date 5.25.10
<b>CITY MANAGER</b>	Approved Agenda Item For:	6/1/10

**COUNCIL ACTION:**  Approved as Recommended     Disapproved

Tabled Indefinitely     Continued to Date Certain

Approved with Modification:

Second Reading 6/22/10

ORDINANCE NO. 2010-16

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REPEALING SECTIONS 14-26 THROUGH 14-28, INCLUSIVE, OF THE CITY OF PORT ORANGE CODE OF ORDINANCES; RELATING TO THE UNSAFE BUILDING ABATEMENT CODE; ESTABLISHING THE CITY OF PORT ORANGE CODE OF ORDINANCES, CHAPTER 14, ARTICLE II, BY ADOPTING THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, INCLUDING AMENDMENTS; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES FOR PURPOSES OF PUBLIC SAFETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under its home rule powers, the City of Port Orange may regulate and govern property maintenance to ensure the well-being of it's citizens; and

WHEREAS, the City of Port Orange has determined that it is in the best interest of the health, safety, and welfare of the citizens and businesses within the City and the patrons of such businesses, to adopt the 2009 International Property Maintenance Code as published by the International Code Council, with amendments and deletions thereto, for the maintenance and control of buildings and structures; and

WHEREAS, for purposes of this Ordinance, text within underlined (underlined) type shall constitute additions to the original text and text with strike-through (~~strike-through~~) type shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The City Council of the City of Port Orange hereby repeals Section 14-26 through 14-28, inclusive, of the Code of Ordinances relating to the Unsafe Building Abatement Code.

Section 2. The City Council of the City of Port Orange hereby adopts Chapter 14, Article II, Section 14-26 of the Code of Ordinances, City of Port Orange, Florida to read as follows:

**ARTICLE II. PROPERTY MAINTENANCE CODE**

**Sec. 14-26. Adoption, amendments and deletions to the International Property Maintenance Code.**

With the exception of the amendments and deletions referenced in Sec. 14-27 of this ordinance, the City hereby adopts and incorporates into the Code of Ordinances the 2009 edition of the International Property Maintenance Code (IPMC), as amended from time to time, published by the International Code Council, attached as Appendix "A" to this ordinance. With these changes, this ordinance shall be hereafter known as the Property Maintenance Code (PMC), referred to also as "this code". Copies of the IPMC, together with this ordinance incorporating the amendments and deletions thereto, shall be on file in the Office of the City Clerk of the City of Port Orange.

Section 3. The City Council hereby adopts Chapter 14, Article II, Sec. 14-27 of the Code of Ordinances, City of Port Orange, Florida as follows:

**Sec. 14-27. Amendments to the International Property Maintenance Code (IPMC).**

(a) The following sections and subsections of the 2009 edition of the IPMC are hereby amended to read as follows:

(1) 101.1 Title is amended to read as follows:  
These regulations shall be known as the *International Property Maintenance Code of [NAME OF JURISDICTION]*, hereinafter referred to as "this code".  
These regulations shall be known as the *Property Maintenance Code (PMC)*, also referred to as "this code."

(2) 102.3 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

~~*International Building Code, International Fuel Gas Code, International Mechanical Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.*~~

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the current edition of the Florida Building Code, Florida Fuel Gas Code, Florida Plumbing Code, Florida Mechanical Code, Florida Residential Code, Florida Existing Building Code, and the National Electrical Code NFPA 70. Nothing in this Code shall be construed to cancel, modify, or set aside any provision of the City of Port Orange Land Development Code. All references in the IPMC to the International Model Codes are hereby deleted and replaced with the equivalent currently adopted edition of the Florida Codes, as follows:

- a. "International Building Code" is hereby deleted and replaced with "Florida Building Code";
- b. "International Plumbing Code" is hereby deleted and replaced with "Florida Plumbing Code";
- c. "International Mechanical Code" is hereby deleted and replaced with "Florida Mechanical Code";
- d. "International Fuel Gas Code" is hereby deleted and replaced with "Florida Fuel Gas Code";
- e. "International Residential Code" is hereby deleted and replaced with "Florida Residential Code";
- f. "International Existing Building Code" is hereby deleted and replaced with "Florida Existing Building Code";
- g. "International Electrical Code" is hereby deleted and replaced with "National Electric Code NFPA 70";
- h. "International Fire Code" is hereby deleted and replaced with "Florida Fire Prevention Code"; and
- i. "International Zoning Code" is hereby deleted and replaced with "City of Port Orange Land Development Code".

(3) 103.1 *General* is amended to read as follows:

~~The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.~~

The City Manager or his or her designee is hereby charged with the primary responsibility of enforcing this code.

(4) 103.2 *Appointment* is amended to read as follows:

~~The code official shall be appointed by the appointing authority of the jurisdiction.~~

The Code Official shall be the City Manager or his or her designee.

(5) 103.5 *Fees* is hereby deleted.

(6) 106.2 *Notice of Violation* is hereby deleted.

(7) 106.3 Prosecution of Violation is hereby deleted.

(8) SECTION 107 NOTICES AND ORDERS is hereby deleted in its entirety.

(9) SECTION 110 DEMOLITION is hereby deleted in its entirety.

(10) SECTION 111 MEANS OF APPEAL is hereby deleted in its entirety.

(11) 201.4 Terms not defined is amended to read as follows:

~~Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.—~~

Words not defined herein or in the referenced Florida Codes shall have meanings defined in the City's Land Development Code or Code of Ordinances. Words not defined in those documents shall have the meaning stated in Webster's Ninth New Collegiate Dictionary, as revised.

(12) 302.4 Weeds is amended to read as follows:

~~All premises and exterior property shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.~~

~~Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of removal shall be paid by the owner or agent responsible for the property.~~

All premises and exterior property shall be maintained free from weeds or plant growth in accordance with the provisions of Sec. 42-26 of the Code of Ordinances, and the owner thereof shall be subject to the imposition of costs and liens under Section 42-27 of the Code of Ordinances for violations of this section.

(13) 304.14 Insect Screens is amended to read as follows:

~~During the period from [DATE] to [DATE], every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door~~

~~used for insect control shall have a self-closing device in good working condition.~~

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

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

(14) 309.5 *Occupant* is hereby deleted.

(15) 404.2 *Minimum room widths* is amended to read as follows:

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

A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. For purposes of this Code, "habitable room" does not include space occupied by built-in equipment, including but not limited to wardrobes, cabinets, closets, utility spaces, storage areas, appliances, and other similar areas. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(16) 404.4.1 *Room area* is amended to read as follows:

~~Every living room shall contain at least 120 square feet (11.2 m<sup>2</sup>) and every bedroom shall contain at least 70 square feet (6.5 m<sup>2</sup>).~~

Every living room shall contain at least 120 square feet, and every bedroom shall contain at least 70 square feet of habitable floor area. Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of habitable floor area for each occupant. For purposes of this subsection, "occupant" is defined as a person 18 years or older. Also, for purposes of this code, "habitable floor area" does not include space occupied by built in equipment, including but not limited to built-in wardrobes, cabinets, closets, storage, or appliances, and other similar built-in areas. At the time of the enactment of this Ordinance, dwelling units with bedrooms less than 70 square feet may be occupied by no more than one occupant per substandard sized bedroom.

(17) 404.4.5 *Other Requirements* is hereby deleted.

(18) 602.3 *Heat Supply* is amended to read as follows:

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

~~Exceptions:~~

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

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

Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15<sup>th</sup> to March 15<sup>th</sup> sufficient to maintain a temperature of not less than 68° Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

(19) 602.4 Occupiable Work Spaces is amended to read as follows:

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

~~Exceptions:~~

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

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

Indoor occupiable work spaces shall be supplied with heat during the period from October 15<sup>th</sup> to March 15<sup>th</sup> sufficient to maintain a temperature of not less than 68° Fahrenheit during the period the spaces are occupied.

Section 4. The City Council hereby adopts Chapter 14, Article II, Sec. 14-28 of the Code of Ordinances, City of Port Orange, Florida to read as follows:

#### **Sec. 14-28. Violations and Penalties.**

(a) A person violating any of the terms, conditions, regulations, limitations or provisions of this code shall be punished in accordance with section 1-8 of the Code of Ordinances of the City of Port Orange, Florida. Each day that any violation of the terms, conditions, regulations, limitations or provisions of this code continues to exist shall constitute a misdemeanor and shall be a separate and distinct offense. Any continuing violations of the terms,

conditions, regulations, limitations or provisions of this code may be enjoined and restrained by an injunctive order of the circuit court in appropriate proceedings instituted for such purposes, or by any other proceeding provided by law.

(b) Violations of this code may be referred to the municipal code enforcement board.

(c) In addition to any other remedies, whether civil or criminal, the city shall, at its discretion, have the right to seek the aid of the courts of the state with respect to the enforcement hereof and the violation of this code or any lawful order of the city council, code enforcement officer board, special master, building official or any other duly authorized city officer or city board.

Section 5. The City Council hereby adopts Chapter 14, Article II, Sec. 14-29 of the Code of Ordinances, City of Port Orange, Florida to read as follows:

#### **Sec. 14-29. Appeals**

An aggrieved party, including the city, may appeal a final administrative order to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the city council or the code enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

Section 6. The City Clerk is hereby directed to not publish the attached copy of Appendix "A", "International Property Maintenance Code © (2009); it is copyrighted material. One (1) copy of the attached Appendix "A", "International Property Maintenance Code © (2009)" shall be kept on file in the City Clerk's office for viewing and limited copying. No more than five (5) pages of the attached "International Property Maintenance Code © (2009)" may be reproduced per occurrence or per individual without first attaining the express written permission of the International Code Council.

Section 7. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 8. If any provisions of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall 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 declared severable.

Section 9. This Ordinance shall become effective immediately upon adoption by the City Council.



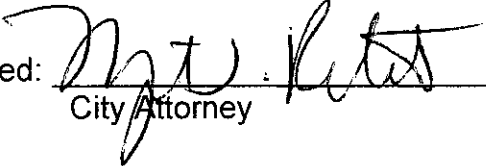
\_\_\_\_\_  
MAYOR ALLEN GREEN

ATTEST:

\_\_\_\_\_  
Kenneth W. Parker, City Manager

Passed on first reading on the      day of

Passed and adopted on second and final reading on the      day of

Reviewed and Approved:   
City Attorney

**APPENDIX "A"**

**[This document not published, copyrighted  
material, available for review in the  
Office of Deputy City Clerk]**