

Sec. 13-16. Findings of fact and declaration of necessity.

The city commission finds the following:

(1) Existence of conditions. Premises exist within the city containing blighted dwellings or other structures intended for human habitation, and such dwellings or other structures are blighted because of faulty design or construction or failure to keep them in a proper state of repair or lack of proper sanitary facilities or lack of adequate heat, light or ventilation, or improper management or any combination of these factors as a result of which such buildings or structures have become deteriorated, dilapidated, neglected, overcrowded with occupants or unsanitary as to be unfit for human habitation, thereby imperiling the health, safety or welfare of the occupants thereof or the inhabitants of the surrounding area.

(2) Results if conditions uncorrected. Such blighted premises, dwellings and other blighted buildings or other structures contribute to the development of, or increase in, disease, infant mortality, crime and juvenile delinquency; conditions existing on such blighted premises cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas; and conditions existing on such blighted premises necessitate excessive and disproportionate expenditure of public funds for public health, public safety, crime prevention, fire protection and other public services.

(3) Necessity to protect public health, safety and welfare. The enactment of this chapter is necessary to protect the public health, safety and welfare of the people of the city by establishing minimum standards governing the facilities, utilities, occupancy, repair and maintenance of buildings and grounds used for human habitation. This chapter is declared to be remedial and essential to the public interest and welfare, and to this extent it is intended that this housing code be liberally construed to effectuate the purposes stated herein.

(Code 1960, § 15A-1; Ord. No. 3091, § 1(15A-1), 1-7-85)

~~Sec. 13-16.1. Residential smoke detectors.~~

~~It is the responsibility of the owner of each new and existing occupied residential occupancy, as defined by NFPA Standard #101 to install smoke detectors in each living unit. These smoke detectors must be either the ionization or photoelectric type capable of sensing visible or invisible particles of combustion and providing approved signal alarm. Failure to install and maintain smoke detectors as and where required will subject the property owner or tenant to the penalties of this chapter.~~

~~(a) Location requirements.~~

~~(1) Smoke detectors must be installed outside of each separate sleeping area in the immediate proximity of the bedrooms and must be on each additional level of the family living unit including basements and excluding crawl spaces and unfinished attics.~~

~~(2) For family units split levels which are defined as adjacent levels with less than one full story separation between levels, a smoke detector is required outside each separate sleeping area in the immediate vicinity of the bedrooms, and on every other floor level without an intervening door.~~

~~(b) Alternatives: Where smoke detectors are installed as part of an approved fire protection system, the requirements for single station smoke detectors may be set aside. An approved system is defined as a combination of devices that meet the requirements of this chapter and is installed in accordance with National Fire Protection Association Standard 72-E and 74.~~

~~(c) Equipment. All devices, combinations of devices, and equipment required by this section are to be installed in conformance with the building code and listed by the American National Standards Institute/Underwriter Laboratories 217.~~

~~(d) Installation.~~

~~(1) In new residential dwellings, single station smoke detectors must be wired directly, i.e., to the building's power supply. When multiple single station detectors are installed, the detectors must be interconnected and be of a type that operates both by battery and on an alternative current (AC) primary source of electrical power, to insure the signal level is sufficient to awaken the sleeping occupants.~~

~~(2) In existing dwellings of three (3) or less living units built before January 1, 1982, which were required to have smoke detectors installed by April 23, 1989, smoke detectors may be battery operated. Additional smoke detectors required to meet section 10-11.1(a) will be installed within eighteen (18) months of passage of the ordinance from which this section derives.~~

~~(3) In existing dwellings of three (3) or less units built after January 1, 1982, but before April 23, 1984, smoke detectors must be directly wired to the building's power supply. Battery operated smoke detectors will be permitted on levels that do not have electrically powered smoke detectors. The existing electrically powered smoke detectors must be maintained and may not be converted to battery operated smoke detectors. Additional smoke detectors will be installed within one hundred eighty (180) days of the adoption of the ordinance from which this section derives.~~

~~(4) Smoke detectors for the deaf and/or hearing impaired:~~

~~a. Where a living unit is occupied by a deaf and/or hearing impaired person, a smoke detector must provide an approved signal. A written request from the occupant must be given to the owner for this feature.~~

~~b. The owner or proprietor of a living unit may require a refundable deposit for a smoke detector or an alarm system device for the deaf and/or hearing impaired not to exceed fifty (50) percent of the cost of the smoke detector.~~

~~(e) Maintenance.~~

~~(1) In one, two, and three family dwellings, the occupants are responsible for operation and maintenance of the detector(s).~~

~~(2) In apartments, multifamily buildings, including dormitories, hotels and motels containing four (4) or more units, the owner is responsible for repair or replacement of the faulty or missing detector(s) only after notification by occupants or the city manager or designee. Occupants, when different from the owner, must provide written notification by certified mail or notify the owner in person of a mechanical failure. The owner must provide a written receipt acknowledging the notification.~~

~~(3) It is unlawful for an occupant or owner to remove or render a smoke detector(s) inoperative.~~

~~(4) Change in occupancy. After January 1, 1991, at every change of occupancy of a dwelling unit connected with a sale, lease, or sublease of the unit, it is the duty of the grantor, i.e., the seller, lessor, or sublessor, before occupancy, to provide all smoke detectors as required by this section. These detectors must be in proper working condition and in the proper location. Failure to comply with this subsection is punishable as set forth in this chapter. This subsection is not to be construed to nullify or render void any contract, lease, or sublease.~~

~~(f) Permits. No smoke detector or alternative system is to be directly connected to the electrical system of the structure unless an electrical permit is first obtained from the building official.~~

~~(g) Supplemental standards. This section is intended to be used with and supplemented by the application provision of the National Fire Protection Association Standards 72-E and 74. If there is any conflict between this chapter and these supplemental standards, this chapter prevails.~~

~~(Ord. No. 3601, § 1, 3-5-90)~~

~~Cross references: Smoke detectors in mobile homes, § 13-94.~~

Sec. 13-17. Buildings affected.

Every portion of a building or premises, used or intended to be used as a dwelling, shall comply with the provisions of this article, irrespective of when the building shall have been constructed, altered or repaired, except where specifically exempt as stated in this article, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises, ~~for the construction or repair of the building or for the installation or repair of equipment or facilities prior to September 20, 1982. Because modern codes and inspection of new construction tend to regulate building construction so as to produce buildings that meet the standards in this article, structures that are 15 or less years old shall be presumed to be in compliance with this article insofar as routine area inspections are concerned, except inspections shall be made where specific complaints alleging violations are received or a violation is obvious from simply viewing the premises. The age and condition of structures shall be determined by a streetside survey and a review of city records prior to beginning inspections in an area.~~

(Code 1960, § 15A-2; Ord. No. 3091, § 1(15A-2), 1-7-85)

Sec. 13-18. Conflicts resolved; conditional provisions for higher standard to prevail.

In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or other code provision of this city, ~~existing on September 20, 1982,~~ the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail, ~~if the defect cited is hazardous to the health, safety and welfare of the occupants of this or adjoining properties and the defect must be replaced to comply. If repairs will correct the defect cited, the repairs may be made using the same methods and materials used in the original construction.~~

(a) All work performed in compliance with this chapter shall be performed in a neat and workman like manner.

(Code 1960, § 15A-3)

Sec. 13-19. Definitions.

For the purpose of this article, the following terms, words, phrases and their derivations shall have the meanings given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Whenever the words "dwelling," "dwelling unit," "rooming house,"

"rooming unit" and "premises" are used in this chapter, they shall be construed as though they were followed by words "or any part thereof."

Accessory building shall mean a separate building or structure, the use of which is incidental to that of the principal building on the same lot.

Abandoned vehicle shall mean any vehicle, which appears to be incapable of safe operation under its own power upon public street. It is rebuttably presumed that a vehicle is abandoned if it does not have a current motor vehicle registration tag properly attached.

Agent shall mean a representative of an owner who performs any services for the owner with respect to the real estate of the owner.

Approved shall mean any system, structure or equipment that is designed and/or plans sealed by an engineer or architect, or that meets the requirements of the standard building trade codes adopted by the city.

Basement shall mean a portion of any dwelling located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

Building shall mean any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. The term "building" shall be construed as if followed by the words "or part thereof."

Cellar shall mean a portion of a building located partly or wholly underground, having one-half or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Common area/public areas as used in this Code, means an unoccupied open space inside or adjoining a building and on the same property, that is permanently maintained accessible to the fire department and all occupants and free of all encumbrances that might interfere with its use by the fire department.

Decay-resistant woods shall mean those woods that are known to be resistant to moisture and insect damage because of their natural properties, such as cypress, redwood and preservative-treated lumber.

Dwelling shall mean any building which is wholly or partly used or intended to be used for living, eating or sleeping by human occupants, whether or not the building is occupied or vacant; provided, that temporary housing, as defined in this section, shall not be regarded as a dwelling.

Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be

used for living, sleeping, cooking and eating, whether or not the unit is occupied or vacant.

Extermination shall mean 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.~~

Foundation systems shall mean those structural members of a building consisting of piers, sills, girders, joists, concrete slabs or any other members designed and used to support a building, upon, in or under the ground.

~~Garbage shall mean every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use in cooking and dealing in or storage of meats, fish, fowl, fruit or vegetables; any matter of any nature whatsoever, which is subject to decay and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects; and any bottles, cans or other containers, utilized in normal household use, which due to their facility to retain water, may serve as breeding places for mosquitoes or other insects.~~

Habitable room shall mean a room or enclosed floor space, used or intended to be used for living, sleeping or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, kitchens, foyers or communicating corridors, closets, and storage spaces.

Hazard (hazardous) shall mean any condition, substance or material which has or creates a reasonably serious potential for harm to a building, its occupants or the general public.

Infestation shall mean the presence within or around a dwelling, of any insects, rodents or other pests.

Letter of commencement shall mean a letter provided by the City of Gainesville Housing Division ~~Neighborhood Housing Services of Gainesville or the rehabilitation services division of the city~~ to the code enforcement officer responsible for the inspection of a given dwelling. The letter states when action on the case begins so the code enforcement officer has reason to halt enforcement.

Letter of completion shall mean a letter provided by City of Gainesville Housing Division ~~Neighborhood Housing Services of Gainesville or the rehabilitation services division of the city~~ to the code enforcement officer responsible for the inspection of a given dwelling. The letter states when action is completed on the house and reinspection for completion of work or to carry out the remaining code enforcement action is required.

Major, multiple-minors, minor violations.

(1) Major violation shall mean a defect existing on a premises that is immediately dangerous to the health or safety of the occupants or passersby, or persons in contiguous areas.

(2) Multiple-minors. Five or more minor violations on a single dwelling unit and/or premises constitute a multiple-minor violation. The multiple-minor will then be acted upon as a major violation until abatement; except the time given for correcting the violations on the notice of violation shall be not less than 30 days nor more than 120 days. Abatement of a multiple-minor violation includes reducing the number of minor violations to four or less.

(3) Minor violation shall mean a defect on a premises that is not an immediate hazard but if allowed to remain unrepaired will potentially cause a hazard or further property deterioration. ~~A maximum of four minor violations per dwelling unit is allowed. (See Letter of commencement above for further definition.)~~

All defects of the same kind shall be included as one violation (e.g., two broken windows constitute only one violation).

Occupant shall mean an individual living in a dwelling unit for more than 30 days or an individual living in a dwelling unit by any implied lease or express agreement.

Occupancy shall mean the use of a dwelling unit for residential purposes.

Openable area shall mean that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Order, written shall mean the status assumed by a notice of violation, order to vacate or order to demolish, upon its expiration date, at which time it has become a misdemeanor for the occupancy/owner to fail to correct the violation cited.

Outdoor storage shall mean the storage, keeping, maintaining or allowing the existence of merchandise, building materials, wood, junk, trash, debris or similar items outside of a completely enclosed building.

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

(1) Shall have legal title, to any dwelling or 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, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possessions, or assignee of rents, lessee, or other person, firm or corporation in control of a building, or their duly authorized agents.

Plumbing shall mean the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: 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 stormwater, and water-supply systems of any premises to their connection with any point of public or other acceptable means of disposal.

Premises shall mean a lot, plot or parcel of land, including the buildings or structures thereon.

~~Public areas. See "common areas."~~

Repair shall mean the replacement of existing work with the same or equivalent 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 existing facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating 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 the structural systems.

Rooming house shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner.

Rooming unit shall mean 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.

Rubbish shall mean combustible and noncombustible waste materials, except garbage.

Sleeping room shall mean a habitable room used continuously or occasionally for the purpose of sleeping. This room must meet more stringent requirements for purposes of safety.

Stairway shall mean 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.

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

Structure shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definitive manner. The term "structure" shall be construed as if followed by the words "or part thereof."

Supplied shall mean paid for, furnished or provided by or under control of the owner.

Temporary housing shall mean tents, campers, plastic or tar paper lean-to's and similar structures of a temporary nature not meeting ~~any~~ of the requirements of this Code.

Vehicle shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

(Code 1960, § 15A-4; Ord. No. 3091, § 1(15A-4), 1-7-85; Ord. No. 3483, §§ 1, 2, 11-7-88; Ord. No. 020375, § 1, 11-12-02)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 13-20. Occupancy of dwellings, rooming units, etc., containing major violations.

- (a) No owner shall let for occupancy by any person other than the owner of any premises, any dwelling, dwelling unit or rooming unit which contains major violations as defined in this division. For additional procedures, see section 13-41(c).
- (b) Any persons who shall fail to comply with subsection (a) above after a notice of violation of the provisions of this article becomes an order, shall be subject to penalty as provided in section 1-9 or Chapter 2. Each day of violation shall constitute a separate offense.

(Code 1960, §§ 15A-5, 15A-6)
Secs. 13-21--13-35. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT*

*Cross references: Administration, Ch. 2.

Sec. 13-36. Administrative liability.

- (a) The purpose of this section is to set the standard between the city and its employees. No officer, agent or employee of the city shall himself/herself become personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the proper discharge of duties under this article.
- (b) Any suit brought against an officer, agent or employee of the city as a result of any act required or permitted in the proper discharge of his/her duties under this article shall be defended by the city at no cost or expense to the employee until the final determination of the proceedings therein. The city shall pay any judgment against an employee who has correctly discharged his/her duties.

(Code 1960, § 15A-9; Ord. No. 3091, § 1(15A-9), 1-7-85)

Sec. 13-37. Designation of enforcing official; powers and duties.

The city manager shall be the enforcing official. The city manager may designate one (1) or more subordinates who shall be charged with the duty of administering the applicable standards of this article and securing compliance therewith, and carrying out all other duties as specified by this Code. In furtherance of this responsibility, the enforcing official shall:

- (1) Cooperate with housing-related boards in studies of housing conditions in the city;
- (2) Make such routine area inspections, investigate complaints of alleged violations of the provisions of this article and take such actions as specified in this article as may be necessary to effectuate the purposes and intent and gain compliance with this housing code;
- (3) Maintain a record of the disposition of all such inspections and complaint investigations and of the actions taken in regard to violations of this article.

(Code 1960, § 15A-7; Ord. No. 3091, § 1(15A-7), 1-7-85)

Sec. 13-39. Procedure in handling minor violations.