

**MEMORANDUM**  
**Office of the City Attorney**

Registrar No. 040025

Phone: 334-5011/Fax 334-2229  
Box 46

**TO:** Mayor and City Commission

**DATE:** August 8, 2005  
FIRST READING

**FROM:** City Attorney

**SUBJECT:** Ordinance No. 0-05-24

An ordinance of the City of Gainesville, Florida, relating to Article II, Chapter 13, of the Code of Ordinances, relating to the Housing Code; deleting and repealing its entirety sec. 13-16.1, regarding residential smoke detectors; amending sec. 13-17, deleting obsolete provisions; amending sec. 13-18, deleting obsolete provisions and adding provision for quality of work; amending sec. 13-19, updating specific definitions; amending sec. 13-40, allowing for less than 15 days for repair in some cases where there exists an immediate threat to the safety and well-being of the occupants; amending sec. 13-76, exempting requirement for screens if dwelling unit has central heat and air; amending sec. 13-94, clarifying provisions for smoke detectors for compatibility with the Florida Building Code; amending sec. 13-113, updating and expanding provisions relating to materials used in a sewer system; amending sec. 13-127, updating and expanding provisions relating to hazardous conditions with artificial lighting; amending sec. 13-128, updating and expanding provisions relating to lighting and receptacles; amending sec. 13-141, deleting obsolete provisions and adding a provision for quality of work; amending sec. 13-156, adding an exception clause; amending sec. 13-171, providing inadequate garbage storage is a major violation; creating a new Division 12, Article II, Chapter 13, Code of Ordinances, entitled Pools, Wading Pools and Hot Tubs; creating sec. 13-191, providing for alleviation of hazardous conditions relating to all pools and hot tubs; creating sec. 13-192, relating to electrical receptacles and connections; creating sec. 13-193, requiring maintenance of bonding connections; creating sec. 13-194, providing for maintenance of enclosures around pools and hot tubs; repealing language establishing Board of Adjustment as an appeals board for housing violations; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

At its meeting of February 14, 2005, the City Commission authorized the City Attorney to draft an ordinance updating the City's housing code. The Commission had referred the proposed housing code update to the Community Development Committee on June 14, 2004. There the matter was considered on August 5, 2004, November 15, 2004 and January 6, 2005.

The housing code is the basis for the City's periodic random inspection of single-family rental houses, and also of complaint-based inspections of single-family units and multi-family complexes.

Code Enforcement has also initiated a practice of periodic inspections of a sampling of multi-family units in various complexes.

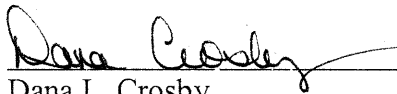
One of the major proposed changes is to allow fewer than 15 days for compliance when an owner is cited under Section 13-20 and 13-40 for leasing a unit that has major violations, and where the violation is of such magnitude that there exists an immediate threat to the safety and well-being of the tenants. Staff also proposes to update the chapter to require that all repair work be performed in a neat and workmanlike manner. Various other updates are proposed as well, including creating a new section in the Code for pool safety, deleting numerous obsolete provisions in the Code, and repealing language authorizing the Board of Adjustment to serve as an appeals board for housing violations (notice of violations are heard before the Code Enforcement Board).

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, August 22, 2005.

Fiscal Note: None

Prepared by:



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Assistant City Attorney II

Approved and  
Submitted by:



Marion J. Radson,  
City Attorney

MJR:DLC:sw

Ordinance No. \_\_\_\_\_  
0-05-24

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An ordinance of the City of Gainesville, Florida, relating to Article II, Chapter 13, of the Code of Ordinances, relating to the Housing Code; deleting and repealing its entirety sec. 13-16.1, regarding residential smoke detectors; amending sec. 13-17, deleting obsolete provisions; amending sec. 13-18, deleting obsolete provisions and adding provision for quality of work; amending sec. 13-19, updating specific definitions; amending sec. 13-40, allowing for less than 15 days for repair in some cases where there exists an immediate threat to the safety and well-being of the occupants; amending sec. 13-76, exempting requirement for screens if dwelling unit has central heat and air; amending sec. 13-94, clarifying provisions for smoke detectors for compatibility with the Florida Building Code; amending sec. 13-113, updating and expanding provisions relating to materials used in a sewer system; amending sec. 13-127, updating and expanding provisions relating to hazardous conditions with artificial lighting; amending sec. 13-128, updating and expanding provisions relating to lighting and receptacles; amending sec. 13-141, deleting obsolete provisions and adding a provision for quality of work; amending sec. 13-156, adding an exception clause; amending sec. 13-171, providing inadequate garbage storage is a major violation; creating a new Division 12, Article II, Chapter 13, Code of Ordinances, entitled Pools, Wading Pools and Hot Tubs; creating sec. 13-191, providing for alleviation of hazardous conditions relating to all pools and hot tubs; creating sec. 13-192, relating to electrical receptacles and connections; creating sec. 13-193, requiring maintenance of bonding connections; creating sec. 13-194, providing for maintenance of enclosures around pools and hot tubs; repealing language establishing Board of Adjustment as an appeals board for housing violations; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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**WHEREAS**, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

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**WHEREAS**, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be

1 and were, in fact, heard;

2 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**  
3 **OF THE CITY OF GAINESVILLE, FLORIDA:**

4 **Section 1.** Section 13-17, City of Gainesville Code of Ordinances, is amended to read as  
5 follows:

6 **Sec. 13-17.** *Buildings affected.*

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

20 **Section 2.** Section 13-18, City of Gainesville Code of Ordinances, is amended to read as  
21 follows:

22 **Sec. 13-18.** *Conflicts resolved; conditional provisions for higher standard to prevail;*  
23 *quality of work.*

1 In any case where a provision of this article is found to be in conflict with a provision of  
2 any zoning, building, fire, safety or health ordinance or other code provision of this city,  
3 ~~existing on September 20, 1982,~~ the provision which establishes the higher standards for  
4 the promotion and protection of the health and safety of the people shall prevail ~~if the~~  
5 ~~defect cited is hazardous to the health, safety and welfare of the occupants of this or~~  
6 ~~adjoining properties and the defect must be replaced to comply. If repairs will correct the~~  
7 ~~defect cited, the repairs may be made using the same methods and materials used in the~~  
8 ~~original construction.~~ All work or repairs performed as required in this chapter shall be  
9 performed in a neat and workman like manner.

10 **Section 3.** The following definitions, contained within section 13-19, City of Gainesville  
11 Code of Ordinances, are amended to read as follows:

12 **Sec. 13-19. Definitions.**

13 *Extermination* shall mean control and extermination of insects, rodents or other pests by  
14 ~~eliminating their harborage places; by removing or making inaccessible materials that~~  
15 ~~may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other~~  
16 ~~recognized and legal pest elimination methods~~ elimination thereof.

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

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

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

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

15 *Owner* shall mean the holder of the title in fee simple and any person, ~~group of persons,~~  
16 ~~company, association, or corporation~~ individual, association, firm, corporation,  
17 partnership, bodies politic and corporation and groups or combinations thereof in whose  
18 name tax bills on the property are submitted. It shall also mean any person who, alone  
19 ~~along~~ or jointly or severally with others:

- 20 (1) Shall have legal title, to any dwelling or dwelling unit, with or without  
21 accompanying actual possession thereof, or  
22 (2) Shall have charge, care or control of any dwelling or dwelling unit, as owner,  
23 executor, executrix, administrator, trustee, guardian or the estate of the owner,

1 mortgagee or vendee in possessions, or assignee of rents, lessee, or other person, firm  
2 or corporation in control of a building, or their duly authorized agents.

3 *Public areas.* See "common areas."

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

7 **Section 4.** Paragraph (2)(e) and subsection (7) of section 13-40, City of Gainesville Code  
8 of Ordinances, are amended to read as follows:

9 **Sec. 13-40.** *Procedures in handling major violations.*

10 Whenever the enforcing official determines that a major violation of this article or article  
11 III exists, he/she shall take action as follows:

12 (2) The notice shall include:

13 If repairs or alterations are necessary for compliance, a specification of time for  
14 performing such repairs, such time to be not less than fifteen (15) nor more than  
15 one hundred twenty (120) days, except as noted in the definition of "letter of  
16 commencement" in section 13-19, depending on the extent of the needed repairs,  
17 and the degree of danger to the occupants, if any, ~~and except when.~~ When the  
18 violation is of such a magnitude that there exists an immediate threat to the safety  
19 and well being of the occupants, the enforcing official may allow less than 15 days  
20 as a minimum time period for compliance. Such determination of imminence  
21 shall be confirmed by the City Manager or designee prior to the specification of  
22 time of performance of less than 15 days by the enforcing official.

1 (7) At any time after the issuance of a notice of major violation the code  
2 enforcement procedure may be temporarily halted (rehabilitation halt) while  
3 consideration is being given to the owner by the City ~~or the Neighborhood~~  
4 ~~Housing Services of Gainesville~~ Manager or designee for qualification for funds  
5 and/or actual rehabilitation of the unit in violation with the following  
6 qualifications:

7 **Section 5.** Subsection (f) of section 13-76, City of Gainesville Code of Ordinances, is  
8 amended to read as follows:

9 **Sec. 13-76. Exteriors.**

10 (f) Screens. ~~Every~~ Unless the dwelling unit is equipped with a functioning central  
11 heat and air-conditioning unit, every door opening from a dwelling unit to the outdoors  
12 shall have a screen door that opens outward, fits the opening properly and is equipped  
13 with a self-closing device, except where the door opens onto a screen porch or where the  
14 door is a standard exterior door with a screen opening, and except as modified below.  
15 Screens are required on every window designed to be opened or other opening, attic and  
16 gable vents, under floor crawl space (except of the exposed pier design) vents, and  
17 opening to the outdoors. Window screens shall be made of frames that fit properly in the  
18 openings and which may be removed. Dwelling buildings containing heating furnaces  
19 and/or air conditioning equipment for mechanically ventilating the building year around  
20 are not required to have screen doors. ~~If~~ Where required, if more than fifty (50) percent  
21 of the total number of window and/or door screens in a dwelling do not meet the above  
22 requirements, it shall constitute a major violation.

23



1 **Section 6.** Section 13-94, City of Gainesville Code of Ordinances, is amended to read as  
2 follows:

3 **Sec. 13-94. Smoke detectors**

4 ~~Every mobile home shall have at least one smoke detector in working condition. The~~  
5 ~~smoke detector shall be approved by Underwriters Laboratories, Inc. Failure to provide~~  
6 ~~the detector shall be a major violation.~~

7 ~~(1) Smoke detectors must be installed outside of each separate sleeping area in~~  
8 ~~the immediate proximity of the bedrooms.~~

9 (a) For purposes of protection of the public health, safety and welfare of the people of  
10 the city regarding fire safety in residential occupancies, single-station smoke detectors  
11 shall be installed in each dwelling unit. Smoke detectors shall be ionization or  
12 photoelectric type capable of sensing visible or invisible particles of combustion and  
13 providing an approved signal alarm. Failure to install and maintain smoke detectors in  
14 each dwelling unit shall be a major violation.

15 (b) Location requirements.

16 (1) Smoke detectors shall be installed outside of each separate sleeping area in  
17 the immediate proximity of the bedrooms and shall be installed on each additional  
18 level of the dwelling unit including basements and excluding crawl spaces and  
19 unfinished attics.

20 (2) For split-level dwelling units, which are defined as adjacent levels with  
21 less than one full story separation between levels, a smoke detector shall be  
22 installed outside each separate sleeping area in the immediate vicinity of the  
23 bedrooms, and on every other floor level without an intervening door.

1 (c) Exception: Where smoke detectors are installed as part of an approved fire  
2 protection system, the requirements for single station smoke detectors are waived. An  
3 approved fire protection system is defined as a combination of devices meeting the  
4 requirements of the current building code and installed in accordance with manufacturer's  
5 recommendations.

6 (d) Equipment. All devices, combinations of devices, and equipment required by this  
7 section are to be installed in conformance with the current building code and in  
8 compliance with manufacturer's recommendations.

9 (e) Smoke detectors for the deaf and/or hearing impaired. Where a deaf and/or  
10 hearing-impaired person occupies a living unit, a smoke detector shall provide a signal  
11 approved for persons with such disabilities.

12 (f) It is a major violation for an occupant or owner of a dwelling unit to remove a  
13 smoke detector(s) or render the smoke detector(s) inoperative.

14 **Section 7.** A new subsection (c) is created and added to section 13-113, City of  
15 Gainesville Code of Ordinances, to read as follows:

16 **Sec. 13-113. Sewerage.**

17 (c) All materials used in a sewer system shall be approved for this purpose and shall  
18 be installed in a manner consistent with any manufacturer's listing or labeling.

19 **Section 8.** Subsection (15) of section 13-127, City of Gainesville Code of Ordinances, is  
20 amended, and subsections (16) and (17) of section 13-127, City of Gainesville Code of  
21 Ordinances, are created and added to read as follows:

22 **Sec. 13-127. Hazardous conditions.**

1 (15) Pull-chain switch or brass shell socket in a Location, wet or Location, damp  
 2 ~~location that could become an electrocution hazard (as defined in Article 100,~~  
 3 National Electrical Code: NFPA 70, 2005 addition).

4 (16) Exterior light fixtures where the associated lamps are exposed to the  
 5 elements of nature.

6 (17) Electrical equipment or conductors that are installed in a manner inconsistent  
 7 with manufacturer's listing or labeling.

8 **Section 9.** Section 13-128, City of Gainesville Code of Ordinances, is amended to read  
 9 as follows:

10 **Sec. 13-128.** *Illumination for certain rooms; receptacles; outlets.*

11 (a) Entrances and exits.

12 1. Entrances and exits in single and duplex occupancies shall be illuminated  
 13 by exterior lights which are controlled by interior wall switches. Failure to provide  
 14 this illumination shall be a ~~minor violation except that unlighted entrances and~~  
 15 ~~exits with three (3) or more steps shall be major violations.~~

16 2. In multiple occupancy buildings ~~where~~ with two (2) or more common  
 17 entrances and/or exits, at least two (2) entrances and/or exits shall be illuminated  
 18 by exterior (exterior to the dwelling unit but not necessarily exterior to the  
 19 structure) lights and controlled by interior wall switches, located for convenient  
 20 and readily accessible use. Where adequate lighting of exterior doorways is  
 21 provided by the management during all hours of darkness no interior wall switch  
 22 is required. Failure to provide ~~this~~ the required exterior illumination shall be a  
 23 major violation.

1 (b) Interior stairways.

2 Where lighting outlets are installed in interior stairways, there shall be a wall switch at  
3 each floor level to control the lighting outlet where the difference between floor levels is  
4 six steps or more, except in hallways, stairways, and at outdoor entrances, remote, central,  
5 or automatic control of lighting shall be permitted.

6 ~~(b)~~(c) Habitable rooms. All habitable rooms including living rooms shall be provided  
7 with illumination. At least one (1) lighting outlet in each habitable room shall be  
8 controlled by a wall switch, located for convenient and readily accessible use. One of the  
9 receptacle outlets controlled by a wall switch in lieu of ceiling outlet is acceptable.  
10 Convenient duplex receptacle outlets shall be provided. Receptacle outlets shall be  
11 reasonably spaced around the room and at least two (2) receptacles shall be required per  
12 room. Failure to provide at least two (2) receptacles or one (1) receptacle and one (1)  
13 light fixture shall be a major violation. Failure to provide the other requirements of this  
14 subsection shall be a minor violation.

15 ~~(e)~~(d) Kitchens. Kitchens shall be provided with illumination. The lighting outlet shall  
16 be controlled by a wall switch located for convenient and readily accessible use. Failure  
17 to provide this illumination shall be a major violation. ~~A separate kitchen appliance~~  
18 ~~circuit shall be provided, supplying a minimum of two (2) convenient duplex receptacles.~~  
19 A minimum of two (2) 125-volt convenient duplex receptacles shall be provided on a  
20 minimum of one (1) 20-amp appliance circuit. Nothing in this requirement shall be  
21 construed to be more restrictive than the city electrical code. One (1) of these receptacles  
22 shall be readily accessible for convenient use of portable appliances. Failure to provide  
23 these circuits and receptacles shall be a ~~minor~~ major violation.

1 ~~(e)~~(e) 1. Bathrooms shall be illuminated and the light controlled by a wall switch.

2 Failure to provide this illumination shall be a major violation.

3 2. No electrical device or equipment shall be located within 36 inches of a

4 tub or shower area unless the device or equipment is protected by ground fault

5 interruption capabilities.

6 ~~(e)~~(f) Laundry areas. Laundry areas, where provided, shall be provided with

7 illumination. The laundry circuit shall be an individual circuit if the calculated load on the

8 existing system is too great. ~~An existing drop cord receptacle outlet on a separate circuit~~

9 ~~shall be acceptable, provided it is a grounding type receptacle outlet. The inspector shall~~

10 ~~determine the adequacy of existing systems. Such load shall be considered as too great~~

11 when the laundry appliance exceeds eighty percent of the branch circuit rating. A wall-

12 mounted grounding type duplex receptacle outlet shall be provided and located within six

13 (6) feet of the laundry equipment. Hazardous conditions shall be major violations.

14 ~~(f)~~(g) Service and/or feeder. Service to an existing dwelling unit shall be a minimum of

15 one hundred (100) amperes, three-wire capacity. Service equipment shall be dead front

16 having no live parts exposed where accidental contact could be made. Type "S" fuses

17 shall be installed when fused equipment is used. Overcurrent, faultcurrent and

18 groundfault devices shall be properly sized and installed in a manner consistent with any

19 manufacturer's recommendations or listing.

20 *Exception.* Existing service of lesser amperage, three-wire capacity, and feeder of thirty

21 (30) amperes or larger two- or three-wire capacity shall be acceptable if adequate for the

22 electrical load being served.

1 **Section 10.** Subsections (c), (f) and (g) of section 13-141, City of Gainesville Code of  
2 Ordinances, are amended and subsection (h) of section 13-141, City of Gainesville Code  
3 of Ordinances, is created and added to read as follows:

4 **Sec. 13-141.** *Supplied and required facilities.*

5 (c) Portable heating and cooking equipment employing open flame from gasoline or  
6 kerosene or other liquid fuel is prohibited in a dwelling unit. All other portable kerosene  
7 units shall likewise be prohibited unless they have ~~an Underwriters Laboratory~~ a label  
8 from a recognized testing laboratory attached. Failure to meet this requirement is a major  
9 violation.

10 (f) Heating and cooking equipment burning liquefied petroleum or gaseous fuels  
11 shall conform to the ~~Standard Gas Code, 1982 edition with 1983 and 1984 amendments,~~  
12 ~~as published by the Southern Building Code Congress International, Inc~~ applicable city  
13 code. Failure to comply with this subsection shall be a major violation.

14 (g) Heating or cooking equipment, burning oil or kerosene, shall conform to the  
15 regulations established in the ~~Standard Fire Prevention Code, and the requirements of the~~  
16 ~~Installation of Oil Burning Equipment, National Board of Fire Underwriters, Pamphlet~~  
17 ~~No. 31~~ applicable city code. Failure to comply with this subsection shall be a major  
18 violation.

19 (h) All appliance use for conformance with these provisions shall be installed in a  
20 manner consistent with manufacturer's installation instructions.

21 **Section 11.** Subsection (1) of section 13-156, City of Gainesville Code of Ordinances, is  
22 amended to read as follows:

23 **Sec. 13-156.** *Additional requirements.*

1 (1) All halls, corridors, stairways, lobbies, foyers and other common or public areas  
 2 used or intended to be used by more than one (1) family, or by one (1) family and some  
 3 other person shall have supplied electric light fixtures providing three (3) footcandles of  
 4 artificial or artificial and natural illumination over the entire usable floor area and  
 5 stairway area and shall be so illuminated at all times; except that in a two-family  
 6 dwelling, an adequate lighting system which may be turned on when needed for shared  
 7 areas by conveniently located light switches, available to the occupant of either unit, shall  
 8 be permitted Exception: remote, central, or automatic control of lighting shall be  
 9 permitted. Failure to comply with this subsection shall be a major violation.

10 **Section 12.** Subsection (d) of Section 13-171, City of Gainesville Code of Ordinances, is  
 11 amended to read as follows:

12 **Sec. 13-171.** *Insects, storage, trash, and yard maintenance.*

13 (d) Every dwelling unit shall have adequate garbage storage facilities which comply  
 14 with city ordinances. Failure to comply with this subsection shall be a ~~minor~~ major  
 15 violation.

16 **Section 13.** A new Division 12, Pools, Wading Pools and Hot Tubs, consisting of  
 17 Sections 13-191 through 13-194 inclusive, is hereby created and added to Article II,  
 18 Chapter 13, City of Gainesville Code of Ordinances, to read as follows:

19 DIVISION 12. POOLS, WADING POOLS AND HOT TUBS

20 **Sec. 13-191.** Hazardous conditions.

21 In addition to pool safety standards stated in law and rule, the following shall apply:

22 (a) It shall be unlawful for an owner or occupant to create, maintain, keep or allow  
 23 the existence of any hazardous condition, equipment, facility or fixture associated with a

1 swimming pool, wading pool or hot tub. Failure to comply with this section shall be a  
2 major violation.

3 (b) Overhead Conductor Clearances. The following shall not be placed under existing  
4 service drop conductors or any other open overhead wiring nor shall such wiring be  
5 installed above the following:

6 1. Pools and the area extending 10 feet horizontally from the inside walls of  
7 the pool,

8 2. Diving structure, or

9 3. Observation stands, towers, or platforms unless the installation provides a  
10 minimum of 22 feet of clearance from the water level or 14 feet of clearance in  
11 any direction from a diving platform or tower from an insulated supply or service  
12 drop cable rated 0-750 volts to ground.

13 Sec. 13-192. Receptacles, Lighting Fixtures, Lighting Outlets, Switching Devices, or  
14 other circulation and sanitation system.

15 (a) Receptacles.

16 1. A receptacle(s) that provides power for a water-pump motor(s) or other  
17 circulation and sanitation system for a permanently installed pool shall be  
18 permitted between 5 and 10 feet from the inside walls of the pool or fountain, and,  
19 where so located, shall be single and of the locking and grounding types and shall  
20 be protected by a ground-fault circuit interrupter(s). Other receptacles on the  
21 property shall be located at least 10 feet from the inside walls of a pool.

22 2. At least one 125-volt 15- or 20-ampere receptacle on a general-purpose  
23 branch circuit shall be located between 10 feet and 20 feet from the inside wall of



1 a permanently installed pool. This receptacle shall be located not more than 6 feet  
2 6 in. above the floor, platform, or grade level serving the pool.

3 3. All 125-volt receptacles located within 20 feet of the inside walls of a pool  
4 shall be protected by a ground-fault circuit interrupter.

5 In determining the above dimensions, distance is measured as the shortest path the supply  
6 cord of an appliance connected to the receptacle would follow without piercing a floor,  
7 wall, ceiling, doorway with hinged or sliding door, window opening, or other effective  
8 permanent barrier.

9 (b) Lighting Fixtures, Lighting Outlets, and Ceiling Suspended (Paddle) Fans

10 1. In outdoor pool areas, lighting fixtures, lighting outlets, and ceiling-  
11 suspended (paddle) fans shall not be installed over the pool or over the area  
12 extending 5 feet horizontally from the inside walls of the pool unless no part of  
13 the lighting fixture or ceiling-suspended (paddle) fan is less than 12 feet above the  
14 maximum water level.

15 2. Existing lighting fixtures and lighting outlets located less than 5 feet from  
16 the inside walls of a pool shall be at least 5 feet above the surface of the maximum  
17 water level, shall be rigidly attached to the existing structure, and shall be  
18 protected by a groundfault circuit interrupter.

19 **Sec. 13-193. Bonding**

20 All metallic parts required to be bonded by the city electrical code shall be maintained in  
21 an approved manner. Failure to maintain bonding connections shall be a major violation.

22 **Sec. 13-194. Maintenance**

1 All private swimming pool fences and enclosures shall be maintained in a manner  
 2 consistent with the standards set forth in Section 6-159(a) of the city code. All  
 3 equipment, wiring and devices shall be maintained in a functional manner.

4 **Section 14.** The title only of Division 3 of Chapter 13, City of Gainesville Code of  
 5 Ordinances, is amended to read as follows:

6 **DIVISION 3. BOARD OF ADJUSTMENT AS APPEALS BOARD\* EXTENSION**  
 7 **OF TIME**  
 8

9 **Section 15.** Sections 13-16.1, 13-56, 13-57, 13-59, 13-60, 13-61, 13-62 and 13-63, City  
 10 of Gainesville Code of Ordinances, are deleted in their entirety and are repealed.

11 **Section 16.** It is the intention of the City Commission that the provisions of Sections 1  
 12 through 15 of this ordinance shall become and be made a part of the Code of Ordinances  
 13 of the City of Gainesville, Florida, and that the Sections and Paragraphs of this ordinance  
 14 may be renumbered or relettered in order to accomplish such intentions.

15 **Section 17.** If any section, sentence, clause or phrase of this ordinance is held to be  
 16 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall  
 17 in no way affect the validity of the remaining portions of this ordinance.

18 **Section 18.** All ordinances, or parts of ordinances, in conflict herewith are to the extent  
 19 of such conflict hereby repealed

20 **Section 19.** This ordinance shall become effective immediately upon final adoption.

1 PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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PEGEEN HANRAHAN,  
MAYOR

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12 ATTEST: Approved as to form and legality

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\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

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19 This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

20 This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

repair in some cases where there exists an immediate threat to the safety and well-being of the occupants; amending sec. 13-76, exempting requirement for screens if dwelling unit has central heat and air; amending sec. 13-94, clarifying provisions for smoke detectors for compatibility with the Florida Building Code; amending sec. 13-113, updating and expanding provisions relating to materials used in a sewer system; amending sec. 13-127, updating and expanding provisions relating to hazardous conditions with artificial lighting; amending sec. 13-128, updating and expanding provisions relating to lighting and receptacles; amending sec. 13-141, deleting obsolete provisions and adding a provision for quality of work; amending sec. 13-156, adding an exception clause; amending sec. 13-171, providing inadequate garbage storage is a major violation; creating a new Division 12, Article II, Chapter 13, Code of Ordinances, entitled Pools, Wading Pools and Hot Tubs; creating sec. 13-191, providing for alleviation of hazardous conditions relating to all pools and hot tubs; creating sec. 13-192, relating to electrical receptacles and connections; creating sec. 13-193, requiring maintenance of bonding connections; creating sec. 13-194, providing for maintenance of enclosures around pools and hot tubs; repealing language establishing Board of Adjustment as an appeals board for housing violations; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Note: "All persons are advised that, if any person decides to appeal any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

July 29, 2005  
Publish Date  
Kurt M. Lannon  
Clerk of the Commission  
27748, 7/29/05  
#A000027473

0001 LEGALS

**ADVERTISEMENT  
NOTICE OF PROPOSED  
ENACTMENT OF  
ORDINANCE  
BY CITY COMMISSION,  
GAINESVILLE, FLORIDA**

Notice is hereby given that the proposed ordinance, whose title appears below will be considered for First Reading on the 8th day of August, 2005, at the City Commission meeting and if then adopted on First Reading will be considered for Second and Final Reading and adoption on the 22nd day of August, 2005, at the City Commission meeting. The meetings begin at 6:00p.m. and the ordinances will be read as soon thereafter as may be heard. The meetings are held in the City Commission Auditorium, on the First Floor of City Hall, 200 East University Avenue, Gainesville, Florida. A copy of said ordinance may be inspected by any member of the public at the office of the Clerk of the Commission on the First Floor of City Hall during regular business hours located at 200 East University Avenue, Gainesville, Florida, and at the Public Library, Main Branch, located at 401 East University Avenue. On the dates mentioned above all interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities, who require assistance to participate in the meetings, are requested to notify the Equal Opportunity Office at 334-5051 or call the TDD phone line at least 2 business days in advance.

**ORDINANCE TITLE  
ORDINANCE NO. 040025  
WORKING NO. 0-05-24**

An ordinance of the City of Gainesville, Florida, relating to Article II, Chapter 13, of the Code of Ordinances, relating to the Housing Code; deleting and repealing its entirety sec. 13-16.1, regarding residential smoke detectors; amending sec. 13-17, deleting obsolete provisions; amending sec. 13-18, deleting obsolete provisions and adding provision for quality of work; amending sec. 13-19, updating specific definitions; amending sec. 13-40, allowing for less than 15 days for