

Legislative #

180958

ORDINANCE NO. _____

An ordinance of the City of Gainesville, Florida, related to the regulation of residential rental units and property maintenance standards for existing residential and non-residential properties; amending Chapter 14.5 titled “Miscellaneous Business Regulations” of the City Code of Ordinances; by repealing the existing Article I titled “Landlord Permits” and creating a new Article I titled “Residential Rental Unit Permits”; repealing the existing Chapter 13 titled “Housing and Commercial Building Codes” and creating a new Chapter 13 titled “International Property Maintenance Code of Gainesville, Florida”; amending Appendix A. titled “Schedule of Fees, Rates and Charges” by repealing the existing Landlord Permit fees and creating new Residential Rental Unit Permit fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, on November 8, 2018, the City Commission created the Rental Housing Subcommittee to study and make recommendations to the Commission on issues associated with rental housing within the City of Gainesville;

WHEREAS, the Rental Housing Subcommittee held public meetings from November 26, 2018 through May 28, 2019 and reported its recommendations to the City Commission at its General Policy Committee Meeting on July 25, 2019, at which meeting the City Commission directed the drafting of this ordinance;

WHEREAS, the City Commission believes that many residential rental units in the City are substandard and do not currently meet the minimum housing code, are not energy efficient and/or are lacking life safety equipment and that this ordinance is necessary to address these public health, safety and welfare concerns;

WHEREAS, the City Commission desires to replace the outdated and Gainesville-specific Housing and Commercial Building Codes with the International Property Maintenance Code with local revisions;

DRAFT

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 public hearings to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the public hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact heard.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Article I titled "Landlord Permits" of Chapter 14.5 of the Code of Ordinances is hereby repealed effective at 11:59pm on July 31, 2021. Except as amended herein, the remainder of Chapter 14.5 remains in full force and effect.

~~ARTICLE I. LANDLORD PERMITS~~

~~Sec. 14.5-1. Landlord permits.~~

~~(a) Definitions. Unless otherwise specified in this article, "days" shall mean calendar days and "notice" shall mean written notice that is made in the same manner as provided in F.S. § 162.12.~~

~~(b) Application/issuance of permit. The owner(s) of a dwelling unit, as defined in section 30-23, that is located within a district designated in section 30-57 shall obtain a landlord permit prior to allowing the occupancy of that dwelling unit by any person, whether or not for consideration. Landlord permits shall be valid from August 1, or the date of issuance, through July 31. The owner(s) of the dwelling unit or the owner's agent shall submit a written application for a permit on a form provided by the city. Upon receipt of a completed application, the city manager or designee shall issue a~~

landlord permit for the dwelling unit provided each of the following conditions are met:

- (1) ~~The application is accompanied by payment of the permit fee set forth in Appendix A;~~
- (2) ~~The owner(s) and the dwelling unit are in compliance with all provisions of this article; and~~
- (3) ~~The application for the landlord permit provides the correct street address for the dwelling unit.~~
- (c) ~~*Exemption.* This section does not apply if the dwelling unit is occupied by: a) the owner(s) as a permanent place of residence, as evidenced by an existing homestead exemption or a filed application for a homestead exemption, or b) no persons other than the following family members of the owner(s): spouse, domestic partner, child, stepchild, foster child, parent, stepparent, foster parent, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, or legal guardian, as evidenced by written documentation of such relationship.~~
- (d) ~~*Payment; late payment.* The applicable permit fee is specified in Appendix A. If payment is not received on or before the due date specified in Appendix A, the late fee specified in Appendix A shall be due and payable and the city manager or designee may refer the account to a collection agency. If the collection agency does not collect the amount due within 90 days of the referral, or if the city manager or designee decides not to refer the account to a collection agency, the applicant or permit holder shall be subject to notice of violation of this article and code enforcement proceedings,~~

~~or the case can be referred to the city attorney to pursue resolution in a court of competent jurisdiction.~~

~~(e) *Failure to apply for permit.* If the city manager or designee has reasonable cause to believe that a dwelling unit is occupied without a permit in violation of this article, the owner(s) of the property shall be sent an application advising that the owner(s) shall, within 30 days of the date application was sent, either: a) provide evidence that a permit is not required, or b) submit a permit application. Failure to either provide evidence that a permit is not required, or submit a permit application within 30 days of the date notice was given shall subject the owner(s) to a notice of violation of this article and code enforcement proceedings. Fines imposed by the code enforcement proceedings shall stop accruing, and be calculated as due and payable to the city, upon the date of occurrence of any of the following events:~~

~~(1) A landlord permit is obtained for the subject property;~~

~~(2) The subject property is no longer occupied in violation of this article;~~

~~(3) The subject property has been relinquished by the owner(s) by sale, foreclosure, or other action that dispossesses the owner(s) of title to the property; or~~

~~(4) The landlord permit year for which the owner(s) is in arrears ends.~~

~~(f) *Requirements of permit applicant.* The applicant for a landlord permit shall comply with the following requirements. Failure to comply with any of the following requirements shall be grounds for revocation of the permit, as described in section 14.5.3 or denial of a permit as described in section 14.5.4.~~

- ~~(1) — The applicant shall certify that he/she has provided each occupant of the subject dwelling unit with a copy of:~~
- ~~a. — F.S. ch. 83, pt. II, titled "Residential Tenancies";~~
 - ~~b. — Chapter 14.5, article I of this Code, titled "Landlord Permits"; and~~
 - ~~c. — A pamphlet prepared by the city containing guidelines for rentals in residential neighborhoods.~~
- ~~(2) — The applicant shall certify that, in the event the city provides notice of repeated violations of certain ordinances occurring at the dwelling unit, as provided in section 14.5-2, the applicant will pursue all lawful remedies available under F.S. § 83.56, regarding termination of the rental agreement due to the tenant's failure to comply with F.S. ch. 83, the provisions of the lease or this Code.~~
- ~~(3) — The applicant shall certify that he/she is the fee simple owner of the dwelling unit or the agent of the fee simple owner of the dwelling unit.~~
- ~~(4) — The applicant shall provide the name, address, and telephone number of a contact person who resides within Alachua County to receive communications from the city concerning the permit.~~
- ~~(5) — The applicant shall maintain a list of the names of occupants in each dwelling unit, and such lists shall be made available to the city in a reasonable amount of time upon request.~~
- ~~(g) — If owner(s) sells the property for which a valid permit has been issued, the new owner(s) shall submit a permit application and otherwise meet the requirements of this article, and has the option of either: a) paying the permit fee for transfers of a permit as set forth in Appendix A, which permit shall be transferred with any outstanding~~

~~points accumulated per section 14.5-2, or b) paying the permit fee for a new permit as set forth in Appendix A, which permit shall have no accumulated points.~~

Sec. 14.5-2. -- Points assessed on permit.

~~(a) — *Violations; warnings; points.* When a dwelling unit regulated by this article is the subject of repeated warnings of violation and/or adjudication of guilt, finding of guilt with adjudication withheld, waiver of right to contest the violation, or pleas of no contest (including, but not limited to, payment of fine) of the following city ordinances:~~

- ~~(1) — Noise ordinances (chapter 15 of the Code of Ordinances);~~
- ~~(2) — Animal control ordinances (chapter 5 of the Code of Ordinances);~~
- ~~(3) — Solid waste ordinances (article III of chapter 27 of the Code of Ordinances);~~
- ~~(4) — The provisions of section 30-57 concerning habitation by more than one family;~~
- ~~(5) — Yard parking ordinance (subsection 30-56(c)(4) of the Code of Ordinances);~~
- ~~(6) — Section 13-171 (related to insects, storage, trash and yard maintenance); or~~
- ~~(7) — Section 13-181 (related to hazardous conditions).~~

~~The landlord permit for the dwelling unit shall be subject to the accumulation of points as follows:~~

- ~~a. — For one or more written warnings given in any 24-hour period for violation of one or more of the ordinances listed above, one point will be assessed on the landlord permit for that unit. For each instance of adjudication of guilt, finding of guilt with adjudication withheld, waiver of right to contest the~~

~~violation, or plea of no contest (including, but not limited to, payment of fine) for violation of any of the ordinances listed above, two points will be assessed on the landlord permit for that unit. However, to the extent more than one person is adjudicated guilty, found guilty with adjudication withheld, waives the right to contest the violation or pleads no contest for the same violations that occur within a 24-hour period, only two points will be assessed on the landlord permit for that unit. For purposes of this section, written warnings shall mean those warnings issued pursuant to civil citation or code enforcement procedures, including stickers placed on vehicles advising of violation of the yard parking ordinance.~~

~~b. After each point is assessed on a landlord permit for a unit, the city manager or designee shall send a written warning to the owner(s) or agent. Each warning shall specify which ordinance or ordinances have been violated and shall state that further warnings or violations may lead to a revocation of the permit.~~

Sec. 14.5-3. -- Revocation of permit.

~~(a) — Accumulation of six or more points on a permit during any three consecutive annual (i.e., August 1 through July 31) permit periods or failure to comply with subsection 14.5-1(f), shall constitute a violation of this article subjecting the owner(s) to proceedings to revoke the permit as follows:~~

~~(1) — The city manager or designee shall have written notice served to the owner(s) or agent to show cause why the permit should not be revoked.~~

- ~~(2) — The owner(s) or agent shall have 15 days from the date of service to request a hearing to determine whether the permit should be revoked. The request shall be sent to the city manager by certified mail, return receipt requested. If such request is not timely made, the revocation shall take effect on the 21st day after the date of service to show cause.~~
- ~~(3) — Upon request for a hearing, a hearing shall be scheduled before the code enforcement board or special magistrate.~~
- ~~(4) — In conducting the hearing, the code enforcement board or special magistrate shall have the power to administer oaths, issue subpoenas, compel the production of books, paper, and other documents, and receive evidence. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross examination and submit rebuttal evidence, and to be represented by counsel or other qualified representative. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The lack of actual knowledge of, acquiescence to, participation in, or responsibility for, a public nuisance at common law or a noxious use of private property on the part of the owner(s) or agent shall not be a defense by such owner(s) or agent.~~
- ~~(5) — If the code enforcement board or special magistrate finds either: (a) the accumulation of the six points and the existence of a public nuisance at common law or noxious use of private property, or (b) the owner(s) failed to~~

~~comply with subsection 14.5-1(f), the code enforcement board or special magistrate shall enter an order revoking the permit.~~

~~(6) If the code enforcement board or special magistrate finds no failure to comply with subsection 14.5-1(f), no public nuisance at common law or noxious use of private property exists, or that the owner(s) has recovered possession of the dwelling unit from the tenant(s) that caused the violation(s), the code enforcement board or special magistrate shall enter an order to dismiss the revocation action and, if appropriate, to rescind points from the permit based upon the actions taken by the owner(s) to seek compliance with the city's ordinances.~~

~~(7) The code enforcement board or special magistrate's order shall consist of findings of fact, conclusions of law and relief.~~

~~(8) Notice of the final order shall be provided to the owner(s) within 15 days of the date of the final order.~~

~~(9) If the permit is revoked under these procedures, the owner(s) or agent shall have 15 days from the date of the final order to commence proceedings to recover possession of the rental unit under state law from the tenant(s) that caused the violation(s), if not already done. The owner(s) or agent shall diligently pursue the process of eviction to completion. The owner(s) or agent shall provide copies of all documents provided to the tenant(s) or filed with the court concerning the eviction process to the city manager or designee. If the owner(s) fails to comply with these provisions, or fails to abide with the final order of the city, the city may cite the owner(s) for violation of section 14.5-1~~

~~(renting without a landlord permit), or seek other available legal or equitable relief.~~

~~(10) In addition to the above described procedures, the city attorney is authorized to file for injunctive relief to abate the public nuisance at common law or noxious use of private property pursuant to law.~~

~~(11) The final order of the city is subject to certiorari review in a court of competent jurisdiction in Alachua County, Florida.~~

Sec. 14.5-4. -- Denial of permit.

~~(a) The city manager or designee may deny issuance of any permits applied for under this section if it is determined either that the owner or agent has made material misrepresentations about the condition of his/her property or status of ownership, or that the occupancy of the property is in violation of section 30-57 or that the owner or agent has refused to make or comply with the certifications required in subsection 14.5-1.(c) or that the owner has otherwise violated a provision of this article.~~

~~(b) If the city manager or designee determines there is reasonable cause to believe that there are grounds to deny a permit applied for the city manager or designee shall provide notice of the denial, including the grounds for the denial.~~

~~(c) Within 15 days of the date of the notice, the owner may request in writing to the city manager a hearing on the denial. The city manager or designee shall schedule the hearing to occur within 15 days after receiving the request for hearing and shall notify the owner at least five days in advance of the time and location for the hearing. The hearing may be postponed if mutually agreed upon by the city manager and the owner.~~

DRAFT

- ~~(d) — The hearing shall be conducted informally and adherence to the rules of evidence normally followed by the courts shall not be required. Any person may present testimony, documents or other evidence as deemed relevant by the city manager or designee. Any person may be represented by counsel.~~
- ~~(e) — The city manager or designee shall consider all evidence presented, and if the preponderance of the evidence supports the allegation of violation the permit shall be denied. If the preponderance of the evidence does not support the allegation of violation, the permit shall be issued. The decision of the city manager or designee may be appealed by a writ of certiorari to a court of competent jurisdiction in Alachua County, Florida.~~
- ~~(f) — The city manager or designee may waive the denial requirement as to any permit if it is determined that the owner has attempted in good faith to comply with this article. In determining asserted good faith as required for a waiver, the city manager or designee may consider, but not be limited to, the owner response to current violations and remedy of past violations.~~
- ~~(g) — If a permit is denied under this section, the owner whose permit was denied shall not be issued another permit on the same dwelling unit for a period of 6 months after the date of denial.~~

Sec. 14.5-5. — Inspections and complaints.

- ~~(a) — *Inspections.* By applying for a permit, the owner agrees to allow inspection of the unit for violations of this article, as well as violations of the housing code (article II of chapter 13 of the Code of Ordinances) at any reasonable time; however, this provision~~

~~shall not be interpreted as authorizing the city to conduct an inspection of an occupied rental unit without obtaining either the consent of an occupant or a warrant.~~

~~(b) — *Complaints.* Each complainants shall be requested to state his/her name and addresses and give a statement of the facts giving rise to the complainant's belief that the provisions of this article are being violated. Such information may be obtained orally or in writing. A complainant may be subpoenaed to appear in a revocation or denial proceeding to provide evidence or testimony.~~

~~**Secs. 14.5-6 — 14.5-14. — Reserved.**~~

Section 2. A new Article I titled “Residential Rental Unit Permits” within Chapter 14.5 of the Code of Ordinances is hereby created. Except as amended herein, the remainder of Chapter 14.5 remains in full force and effect.

Chapter 14.5 – MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE I. RESIDENTIAL RENTAL UNIT PERMITS

Sec. 14.5-1. - Purpose and intent.

The purpose and intent of this article is to eliminate substandard residential rental units by creating a permit and inspection program that requires all regulated residential rental units within the city to meet minimum property maintenance, life safety and energy efficiency standards.

Sec. 14.5-2. – Definitions.

Throughout this article, the following words and phrases shall have the meanings defined below unless the text of the article or section in which used clearly indicates otherwise. Any word or phrase used in this article that is not defined below shall have the common dictionary meaning most appropriate to the context in which such word or phrase is used.

DRAFT

Living standards means those life safety, property maintenance and energy efficiency standards set forth in Sec. 14.5-4.

Occupant means any person age 18 or older who resides in a regulated residential rental unit, excluding the owner of said unit and any one or more of the following natural persons who are living with and interrelated to the owner as: spouse, domestic partner, child, stepchild, foster child, parent, stepparent, foster parent, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, legal guardian, or domestic servant, as evidenced by written documentation of such relationship. And excluding any temporary gratuitous guest of the owner defined as a natural person who occasionally visits the owner for a short period of time, not to exceed 30 calendar days within a 90 day period.

Owner means a person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including, without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to a regulated residential rental unit.

Regulated residential rental unit (or regulated unit) means a room or rooms located in a condominium, co-op, timeshare, quadraplex, triplex, duplex or single-family dwelling that is rented, or advertised or held out to be rented, for periods of at least 30 consecutive days or 1 calendar month (whichever is less). This definition expressly excludes public lodging establishments regulated by the state pursuant to Part I of Chapter 509, Florida Statutes, and dormitories.

Rented means allowing any occupant to reside in a regulated unit, regardless of whether such occupancy is free, charitable or in exchange for monetary or other consideration.

Sec. 14.5-3. – Annual residential rental unit permits.

Commencing at 12:00am on October 1, 2021, each regulated unit shall have a current annual permit. Each owner shall make application for a permit at least 10 business days prior to allowing an occupant to reside in a regulated unit. Each annual permit issued by the city is valid from October 1 (or date of issuance) to September 30 of the following year. In the event of a change in ownership of a regulated unit, the permit may be transferred to the new owner, but same shall require a new application and payment of the permit transfer fee. Renewal permit applications shall be submitted on or before September 1 of each year. The owner shall submit a completed permit application (for the initial permit, each renewal thereafter and any transfer), on the form provided by the city, that includes all of the following requirements:

- (a) A confirmation by the owner that they have provided each occupant with a complete copy (hard copy or electronic copy) of the following documents prior to the occupant residing in the regulated unit: the completed self-inspection checklist (described in (d) below), the current version of the “Florida’s landlord/tenant law” brochure prepared by the Florida Department of Agriculture and Consumer Services and the current version of the “Tenant Bill of Rights and Responsibilities” prepared by the city. In addition, the owner shall maintain on file, and allow the city to inspect same upon request, a receipt signed by each occupant confirming they received the above documents prior to commencing residency in the regulated unit.
- (b) The name, mailing address, email address and telephone number of the owner to receive communications from the city concerning the permit and this article. In addition, if the owner is not physically located within Alachua County, the owner shall provide the name, mailing address, email address and telephone number of an agent physically

located within Alachua County whom the owner has authorized to receive communications from the city concerning the permit and this article.

- (c) Authorization for the city to inspect the regulated unit pursuant to Sec. 14.5-5.
- (d) A completed self-inspection checklist certifying that the regulated unit complies with the living standards.
- (e) Payment of the permit fee (or permit transfer fee, if applicable) set forth in Appendix A – schedule of fees, rates and charges.

Sec. 14.5-4. Living Standards.

Commencing at 12:00am on October 1, 2021, and continuously thereafter, each regulated unit shall meet the following living standards:

- (a) Life safety: Each regulated unit shall be equipped with an operable carbon monoxide alarm (if the regulated unit uses natural gas, propane or fuel oil) and a fire extinguisher (that is not expired and/or is labeled with a current certification) in the kitchen.
- (b) Property maintenance: Each regulated unit shall meet all requirements of the residential portion of Chapter 13 titled International Property Maintenance Code of Gainesville, Florida.
- (c) Energy efficiency: Each regulated unit shall meet the following energy efficiency standards:
 - a. Attic insulated to a minimum of R-30, except where there is insufficient space or the presence of attic flooring will not allow the installation of such insulation.
 - b. Attic access is weather stripped and insulated to a minimum of R-30.
 - c. All visible duct joints sealed using mastic or a combination of mastic and fiberglass mesh tape, pressure sensitive foil tape (UL181AP) or heat sensitive foil

tape (UL 181AH) and all ducts insulated to a minimum of R-6 with appropriate commercially available insulation material.

- d. Fireplace chimneys have working dampers, doors, or closures.
- e. Plumbing system is free of visible leaks.
- f. All showerheads must be 2.2 gal/min flow rate or less, as evidenced by imprinting on the showerhead or documentation maintained by the owner.
- g. All faucets must have aerators with a 2.2 gal/min flow rate or less, as evidenced by documentation maintained by the owner.
- h. All toilets must be 3 gal/flush or less, except where the wastewater line serving the unit prevents same.
- i. Water heater(s) have a visible and properly functioning Temperature/Pressure Relief Valve (TPRV).
- j. Water heater pipes insulated for the first 3' from the unit (excepting gas units) with appropriate commercially available insulation.
- k. All visible exterior water lines not in enclosed space must be insulated with appropriate commercially available insulation.
- l. HVAC system(s) have had maintenance performed by a currently licensed HVAC or Mechanical contractor at least once within the past 24 months, as evidenced by documentation maintained by the owner, and have a filter installed that is appropriately sized for the system(s).
- m. Programmable thermostat connected to HVAC system.

- n. Wall, window, or other single room or small space cooling units in good repair, property secured and air-sealed, and with a filter installed that is appropriately sized for the unit(s).

Sec. 14.5-5. Inspections.

- (a) From the effective date of this ordinance until 11:59pm on September 30, 2021, the city will educate and promote compliance with this article, but will not begin enforcement.
- (b) Commencing at 12:00am on October 1, 2021, the city will begin compliance inspections. The city will conduct compliance inspections on a 4-year rolling basis, with the goal that each regulated unit will be inspected at least once every four (4) years for compliance with this article. Inspections may also be conducted as a result of a complaint received by the city.
- (c) Written notice of an inspection will be provided via certified mail to the owner and posted at the regulated unit at least 7 calendar days prior to the city conducting the inspection. If the unit is not occupied, the owner shall give consent and shall be present at the time of the inspection. If the unit is occupied, an occupant shall give consent and shall be present at the time of the inspection. If the owner or occupant (as applicable) refuse to consent to the inspection, the city may obtain an inspection warrant pursuant to Section 933.20, et seq., Florida Statutes, prior to conducting the inspection, and/or the city may revoke the permit.

Sec. 14.5-6. Enforcement and Penalties

- (a) **Failure to meet living standards.** If upon inspection, the city manager or designee, has reasonable cause to believe that a regulated unit does not meet a living standard the owner shall be subject to the procedures set forth in ((cite to the relevant section in

Chapter 13)) of this code and/or if living standard violations are not corrected, the city may revoke the permit. In addition, a permit may not be issued or renewed for a unit with uncorrected living standard violations.

(b) **Failure to apply for permit.** If the city manager or designee has reasonable cause to believe that a regulated unit is occupied without a permit in violation of this article, the owner shall be sent a permit application and the owner shall, within 30 days of the date the permit application was sent, either: a) provide evidence that a permit is not required, or b) submit a complete permit application. Failure to either provide evidence that a permit is not required or submit a complete permit application within 30 days of the date the application was sent shall subject the owner(s) to a notice of violation of this article and/or the city may seek injunctive relief. Fines imposed by any enforcement proceedings shall stop accruing, and be calculated as due and payable to the city, upon the date of occurrence of any of the following events:

- a. A permit is obtained for the regulated unit;
- b. The regulated unit is no longer occupied in violation of this article;
- c. The regulated unit has been relinquished by the owner by sale, foreclosure, or other action that dispossesses the owner of title to the regulated unit; or
- d. The permit year for which the fines accrued ends.

Section 3. Chapter 13 titled “Housing and Commercial Building Codes” of the Code of Ordinances is hereby repealed effective at 11:59pm on September 31, 2020.

~~CHAPTER 13. HOUSING AND COMMERCIAL BUILDING CODES~~

~~ARTICLE I. -- IN GENERAL~~

DIVISION 1. -- GENERAL REQUIREMENTS FOR FENCES AND WALLS

Sec. 13-1. -- Definitions.

As used in this division:

Fence shall mean a barrier constructed of materials other than masonry, including without limitation, wood, metal, PVC or vinyl, erected for the purpose of protection, confinement, enclosure or privacy. The term "fence" does not include natural barriers, such as, but not limited to, trees, hedges or shrubs.

Material(s) of professional grade shall mean materials that are manufactured for use in a fence or wall.

Wall shall mean a barrier constructed, in whole or part, of masonry, including without limitation, stone, brick, block or concrete, for the purpose of protection, confinement, enclosure or privacy.

Sec. 13-2. -- Construction and maintenance.

(a) — *Construction.*

(1) — The construction of a wall requires a building permit and is subject to the applicable codes and review procedures of the building department.

(2) — All fences and walls shall be constructed of uniform, durable, weather-resistant materials of professional grade. Fences constructed of wood shall be treated to resist wood-destroying organisms. Fences constructed of metal, except galvanized metal, shall have a colored finish coat and be treated to resist rust and corrosion.

(3) — Fences and walls shall be constructed in a safe, sturdy, workmanship like manner. Horizontal and vertical support posts shall be placed facing the inside of the fenced area, except where the fence is designed such that both sides are finished with alternating vertical fence supports.

DRAFT

~~(4) — No fence or wall may be constructed in a location or manner that obstructs the vision triangle (as defined in section 30-341 of the city land development code).~~

~~(5) — The requirements of this section are minimum requirements and shall not be construed to supersede any fence or wall requirements in the City Code of Ordinances or in state law, such as height limitations or material requirements in the city land development code or specific requirements for fencing around swimming pools.~~

~~(b) — *Maintenance.*~~

~~(1) — All fences and walls shall be maintained upright and in good condition. For purposes of this section, upright shall mean no vertical structural member shall list or lean to such an extent that a normally vertical structural member shall be more than two inches out of plumb in ten feet or less of vertical distance. For purposes of this section, in good condition means without missing, broken, chipped or cracked elements.~~

~~(2) — Missing elements shall be repaired or replaced with material of professional grade of the same type and quality as the existing fence or wall.~~

~~Sec. 13-3. — Prohibited fences.~~

~~(a) — Fences that are constructed, in whole or in part, of razor wire or barbed wired or similar materials are prohibited in residential zoning districts (as classified in section 30-41 of the city land development code.)~~

~~(b) — Fences that are constructed of cloth, fabric or other similar materials, are prohibited; except that such materials of professional grade may be used as a privacy screening in conjunction with a permanent fence or wall.~~

~~(c) — Temporary fences are prohibited; except that temporary fences constructed of materials of professional grade used to protect construction and excavation sites or to protect plants during~~

grading and construction, are allowed for the duration of an active building permit for the fenced site.

Sec. 13-4. ~~Nonconformities.~~

~~Except for fences prohibited by section 13-3, fences on which construction has commenced and walls for which a valid active permit has been issued, on or before October 2, 2008 at 11:59 p.m. and do not conform to the construction requirements in section 13-2(a) shall be allowed to remain until destroyed or removed, in whole or in part; provided such non-conforming fence or wall otherwise complies with the maintenance requirements in section 13-2(b). Following destruction or removal, in whole or in part, of any non-conforming fence or wall, any replacement wall or fence shall comply with the requirements of this article.~~

Sec. 13-5. ~~Administration and enforcement.~~

~~The administration and enforcement of this article shall be in accordance with Division 2, Administration and Enforcement of Article II, Housing Code.~~

DIVISION 2. ~~GRAFFITI ABATEMENT PROGRAM~~

Sec. 13-6. ~~Title, purpose and findings.~~

(a) ~~*Title.* This division shall be known as the "The Gainesville Graffiti Abatement Program."~~

(b) ~~*Purpose.* The city commission of the City of Gainesville is enacting this program to help prevent the spread of graffiti vandalism and to establish a program for the abatement of graffiti from public and private property. The commission does not intend for this program to conflict with any existing anti-graffiti state laws.~~

(c) ~~*Finding.* The commission finds that the unauthorized application of graffiti is both a public nuisance and destructive of the rights and values of property owners. Accordingly, the city is taking action to encourage and facilitate the reporting and abatement of graffiti.~~

Sec. 13-7. -- Definitions.

~~For the purposes of this article, the following words shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Advance authorization*, for purposes of this article, shall mean authorization that is made in writing by the owner, and filed with the city manager or designee, before the writing, marking, etching, scratching, spraying, drawing, painting, or engraving occurs.~~

~~*Graffiti* means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance, and which is visible to the public or from public streets, sidewalks, or properties that are open to the public.~~

~~*Graffiti abatement or abatement of graffiti* means the effective elimination and removal of the graffiti.~~

~~*Graffiti implement* means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or human-made surface.~~

~~*Owner* means a property owner or the property owner's designated agent unless otherwise specified.~~

~~*Person* means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.~~

Sec. 13-8. -- Removal of graffiti.

~~Any person applying graffiti on public or private property shall have the duty to remove the graffiti within 24 hours after notice by the city or private owner of the property involved. Such~~

DRAFT

~~removal shall be done so as to eliminate and remove the graffiti in a manner prescribed by the city manager or designee. Any person applying graffiti shall be responsible for the elimination and removal of the graffiti. Failure of any person to remove graffiti or pay for the removal shall constitute an additional violation of this section, punishable as provided in section 1-9 of this Code. Where graffiti is applied by an unemancipated minor, the parents or legal guardian shall also be responsible for such removal or for the payment for the removal. If the person applying the graffiti fails to eliminate and remove the graffiti as prescribed herein, the city may eliminate and remove the graffiti and the city's costs and expenses shall be charged against that person.~~

Sec. 13-9. -- Reporting of graffiti.

~~(a) — The city manager or designee shall establish a program to encourage and facilitate the reporting of graffiti or suspected graffiti by property owners, city or county employees, or citizens.~~

~~(1) — This graffiti reporting program shall incorporate reporting by electronic means, such as E-mail, or a web based form on the internet, or both, in addition to written reports.~~

~~(2) — This graffiti reporting program will allow an option for anonymous reporting.~~

~~(b) — The city manager or designee shall establish a program to encourage and facilitate the reporting of information leading to the identity of the person applying the graffiti, which information shall be forwarded for any warranted follow up investigation by law enforcement.~~

~~(1) — This graffiti reporting program shall incorporate reporting by electronic means, such as E-mail, or a web based form on the internet, or both.~~

~~(2) — This graffiti reporting program will allow an option for anonymous reporting, but shall caution this may limit the ability to perform any follow-up investigation.~~

Sec. 13-10. -- Graffiti on city property.

DRAFT

~~After receipt of notification of the presence of graffiti, and verification thereof, on property of the City of Gainesville, the city manager or designee shall either:~~

- ~~(1) Act to abate the graffiti within 24 hours of notification; or~~
- ~~(2) Arrange for abatement of the graffiti to be performed by an authorized community based organization, or by a contractor to the city or by city employees, within ten days of notification, and further arrange for verification that said abatement has occurred.~~

~~Sec. 13-11. -- Graffiti on other government property.~~

~~After receipt of notification of the presence of graffiti, and verification of same, on property within the City of Gainesville and owned by Alachua County, the State of Florida, the United States of America, or any other governmental body or entity, the city manager or designee shall notify the responsible governmental entity, and either:~~

- ~~(1) Request abatement of the graffiti by that entity within five business days; or~~
- ~~(2) Offer to provide abatement services, and upon agreement by the entity, facilitate abatement of the graffiti by the authorized community based organization, and/or by a contractor to the city, within ten days of notification, and to further arrange for verification that said abatement has occurred.~~

~~Sec. 13-12. -- Graffiti on private property -- Notice to owner and reply by owner.~~

~~After receipt of notification of the presence of graffiti on private property and verification of the presence of said graffiti, the city manager or designee shall notify the owner that there is graffiti on the property, by providing written notice to the property owner.~~

- ~~(a) *Notice delivery.* Said notice shall be provided as follows:~~

DRAFT

~~(1) — The notification shall be provided by delivering or posting a written notice to the property on which, or at which, the graffiti is located. The notification shall be personally served on the owner or the owner's designated agent if present, or placed on the main entrance door.~~

~~(2) — In addition, if notice has not been effected by personal delivery to the owner or the owner's designated agent, notice shall be delivered by first class mail to the owner of the property at the address listed on the tax rolls of Alachua County, Florida.~~

~~(b) — *Notice and reply contents.* Said notice shall include a space or method to reply, where the owner may advise the city manager or designee that the owner:~~

~~(1) — Denies that there is graffiti on the property; or~~

~~(2) — Authorizes the city manager or designee to arrange for abatement of the graffiti, including permission to enter the property after notice and to either clean up or paint over the graffiti. Said consent shall include recognition that the city, any authorized community based programs, or any city contractors who remove or cover up the graffiti may utilize donated or surplus paint, and cannot guarantee color matching; or~~

~~(3) — Will abate the graffiti within 24 hours after the date of the notice.~~

~~(c) — *Failure to reply.* A failure to timely reply to the notice within ten calendar days of the date of the mailing of the notice shall be deemed to be consent for entry upon the property and abatement of the graffiti by:~~

~~(1) — An authorized and designated city employee; or~~

~~(2) — A community based program authorized by the city to provide such services; or~~

~~(3) — A contractor authorized and provided by the city to provide such services.~~

DRAFT

~~(d) — *False statements — Penalty.* The making of a false statement in the response to a notification of the presence of graffiti shall be a violation of this code, punishable as provided in section 1-9 of this Code.~~

~~Sec. 13-13. — Failure of owner to abate graffiti.~~

~~If the owner elects in their response pursuant to section 13-12(b)(3) to eliminate and remove the graffiti, but fails to do so within the time period as set forth, this shall be deemed to be consent for entry upon the property and abatement of the graffiti by:~~

- ~~(1) — An authorized and designated city employee; or~~
- ~~(2) — A community based program authorized by the city to provide such services; or~~
- ~~(3) — A contractor authorized and provided by the city to provide such services.~~

~~Secs. 13-14, 13-15. — Reserved.~~

1 **ARTICLE II. -- HOUSING CODE**

2 **DIVISION 1. -- GENERALLY**

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

4 The city commission finds the following:

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

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

22 (3) ~~Necessity to protect public health, safety and welfare.~~ The enactment of this chapter is
23 necessary to protect the public health, safety and welfare of the people of the city by

24 ~~establishing minimum standards governing the facilities, utilities, occupancy, repair and~~
25 ~~maintenance of buildings and grounds used for human habitation. This chapter is~~
26 ~~declared to be remedial and essential to the public interest and welfare, and to this~~
27 ~~extent it is intended that this housing code be liberally construed to effectuate the~~
28 ~~purposes stated herein.~~

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

30 Every portion of a building or premises, used or intended to be used as a dwelling, shall comply
31 with the provisions of this article, irrespective of when the building shall have been constructed,
32 altered or repaired, except where specifically exempt as stated in this article, and irrespective of
33 any permits or licenses which shall have been issued for the use or occupancy of the building or
34 premises.

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

37 ~~In any case where a provision of this article is found to be in conflict with a provision of any~~
38 ~~zoning, fire, safety or health ordinance or other code provision of this city, the provision which~~
39 ~~establishes the higher standards for the promotion and protection of the health and safety of the~~
40 ~~people shall prevail. All work or repairs performed as required in this chapter shall be performed~~
41 ~~in a neat and professional manner.~~

42 **Sec. 13-19. -- Definitions.**

43 ~~For the purpose of this article, the following terms, words, phrases and their derivations shall~~
44 ~~have the meanings given in this section. When not inconsistent with the context, words used in~~
45 ~~the present tense include the future, words in the plural number include the singular number, and~~
46 ~~words in the singular number include the plural number. The word "shall" is always mandatory~~

DRAFT

47 and not merely directory. Whenever the words "dwelling," "dwelling unit," "rooming house,"
48 "rooming unit" and "premises" are used in this chapter, they shall be construed as though they
49 were followed by words "or any part thereof."

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

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

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

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

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

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

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

DRAFT

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

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

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

77 ~~Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a~~
78 ~~single habitable unit with facilities which are used or intended to be used for living, sleeping,~~
79 ~~cooking and eating, whether or not the unit is occupied or vacant.~~

80 ~~Extermination shall mean control and extermination of insects, rodents or other pests by~~
81 ~~elimination thereof.~~

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

DRAFT

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

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

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

92 ~~*Letter of commencement* shall mean a letter provided by the city manager or designee to the code~~
93 ~~enforcement officer responsible for the inspection of a given dwelling. The letter states when~~
94 ~~action on the case begins so the code enforcement officer has reason to halt enforcement.~~

95 ~~*Letter of completion* shall mean a letter provided by the city manager or designee to the code~~
96 ~~enforcement officer responsible for the inspection of a given dwelling. The letter states when~~
97 ~~action is completed on the house and reinspection for completion of work or to carry out the~~
98 ~~remaining code enforcement action is required.~~

99 ~~*Major, multiple minors, minor violations.*~~

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

103 (2) ~~*Multiple minors.* Five or more minor violations on a single dwelling unit and/or~~
104 ~~premises constitute a multiple minor violation. The multiple minor will then be acted~~
105 ~~upon as a major violation until abatement; except the time given for correcting the~~

106 ~~violations on the notice of violation shall be not less than 30 days nor more than 120~~
107 ~~days. Abatement of a multiple minor violation includes reducing the number of minor~~
108 ~~violations to four or less.~~

109 ~~(3) — *Minor violation* shall mean a defect on the premises that is not an immediate hazard~~
110 ~~but if allowed to remain unrepaired will potentially cause a hazard or further property~~
111 ~~deterioration.~~

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

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

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

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

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

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

DRAFT

125 ~~Owner shall mean the holder of the title in fee simple and any person, individual, association,~~
126 ~~firm, corporation, partnership, bodies politic and corporation and groups or combinations thereof~~
127 ~~in show name tax bills on the property are submitted. It shall also mean any person who, alone or~~
128 ~~jointly or severally with others:~~

129 (1) ~~Shall have legal title, to any dwelling or dwelling unit, with or without accompanying~~
130 ~~actual possession thereof, or~~

131 (2) ~~Shall have charge, care or control of any dwelling or dwelling unit, as owner,~~
132 ~~executor, executrix, administrator, trustee, guardian of the estate of the owner,~~
133 ~~mortgagee or vendee in possessions, or assignee of rents, lessee, or other person, firm or~~
134 ~~corporation in control of a building, or their duly authorized agents.~~

135 ~~Plumbing shall mean the practice, materials and fixtures used in the installation, maintenance,~~
136 ~~extension and alteration of all piping, fixtures, appliances and appurtenances in connection with~~
137 ~~any of the following: Sanitary drainage or storm drainage facilities, the venting system and the~~
138 ~~public or private water supply systems, within or adjacent to any building, structure or~~
139 ~~conveyance; also the practice and materials used in the installation, maintenance, extension or~~
140 ~~alteration of stormwater, and water supply systems of any premises to their connection with any~~
141 ~~point of public or other acceptable means of disposal.~~

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

143 ~~Registered domestic partner means a person in a relationship as provided in Article VIII of~~
144 ~~Chapter 2 of this Code.~~

DRAFT

145 ~~*Repair* shall mean the replacement of existing work with the same or equivalent kind of material~~
146 ~~used in the existing work, not including additional work that would change the structural safety~~
147 ~~of the building, or that would affect or change required existing facilities, a vital element of an~~
148 ~~elevator, plumbing, gas piping, wiring or heating installations, or that would be in violation of a~~
149 ~~provision of law or ordinance. The term "repair" or "repairs" shall not apply to any change of the~~
150 ~~structural systems.~~

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

155 ~~*Rooming unit* shall mean any room or group of rooms forming a single habitable unit used or~~
156 ~~intended to be used for living and sleeping, but not for cooking or eating purposes.~~

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

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

160 ~~*Stairway* shall mean one or more flights of stairs and the necessary landings and platforms~~
161 ~~connecting them, to form a continuous and uninterrupted passage from one story to another in a~~
162 ~~building or structure.~~

DRAFT

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

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

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

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

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

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

177 ~~(a) -- No owner shall let for occupancy by any person other than the owner of any premises, any~~
178 ~~dwelling, dwelling unit or rooming unit which contains major violations as defined in this~~
179 ~~division. For additional procedures, see section 13-41(c).~~

180 ~~(b) -- Any persons who shall fail to comply with subsection (a) above after a notice of violation~~
181 ~~of the provisions of this article becomes an order, shall be subject to penalty as provided in~~
182 ~~section 1-9. Each day of violation shall constitute a separate offense.~~

183 **~~DIVISION 2. -- ADMINISTRATION AND ENFORCEMENT~~**

184 **~~Sec. 13-36. -- Administrative liability.~~**

185 ~~(a) — The purpose of this section is to set the standard between the city and its employees. No~~
186 ~~officer, agent or employee of the city shall himself/herself become personally liable for any~~
187 ~~damage that may accrue to persons or property as a result of any act required or permitted in~~
188 ~~the proper discharge of duties under this article.~~

189 ~~(b) — Any suit brought against an officer, agent or employee of the city as a result of any act~~
190 ~~required or permitted in the proper discharge of his/her duties under this article shall be~~
191 ~~defended by the city at no cost or expense to the employee until the final determination of~~
192 ~~the proceedings therein. The city shall pay any judgment against an employee who has~~
193 ~~correctly discharged his/her duties.~~

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

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

199 ~~(1) — Cooperate with housing-related boards in studies of housing conditions in the city;~~

200 ~~(2) — Make such routine area inspections, investigate complaints of alleged violations of the~~
201 ~~provisions of this article and take such actions as specified in this article as may be~~
202 ~~necessary to effectuate the purposes and intent and gain compliance with this housing~~
203 ~~code;~~

204 ~~(3) Maintain a record of the disposition of all such inspections and complaint~~
205 ~~investigations and of the actions taken in regard to violations of this article.~~

206 ~~**Sec. 13-38. Authorization and procedure for inspections.**~~

207 ~~The enforcing official is authorized to enter and make inspections of dwellings, dwelling units,~~
208 ~~rooming houses and rooming units at reasonable times during daylight hours, to determine their~~
209 ~~condition in order to safeguard the health, safety and welfare of the public, when the inspections~~
210 ~~are part of an area-wide, systematic inspection routine or are based on reasonable cause to~~
211 ~~believe a violation of this article exists. The enforcing official is also authorized to apply for~~
212 ~~search warrants when permission to search is refused by the owner or occupant. Written notice of~~
213 ~~the enforcing official's intention to inspect shall be issued and mailed to the owner or his/her~~
214 ~~agent, as well as the occupant of the premises, if the premises are not occupied by the owner, at~~
215 ~~least seven calendar days before the inspection except in an emergency, or for an inspection not~~
216 ~~requiring entry onto the premises, or for a reinspection after a notice of violation has been issued~~
217 ~~but not abated, or for an inspection made upon the owner's or occupant's request. Such notice~~
218 ~~shall state the date and time of the inspection and identify the person making same. If the~~
219 ~~inspection is authorized by search warrant, the notice shall so state.~~

220 ~~**Sec. 13-39. Procedure in handling minor violations.**~~

221 ~~Whenever the enforcing official determines that a minor violation (see section 13-19 for~~
222 ~~definition) of this article exists, he/she shall take action as follows:~~

223 ~~(1) Give written notice of the violation to the occupants and/or owners.~~

224 ~~(2) The notice shall include:~~

- 225 a. ~~A description of the location of the structure involved, either by street address or~~
226 ~~legal description;~~
- 227 b. ~~A statement indicating the nature of the violation and the reason or reasons why~~
228 ~~the notice of violation is issued;~~
- 229 e. ~~A specification of the section or sections of this article upon which the notice of~~
230 ~~violation is based;~~
- 231 d. ~~If repairs or alterations will bring the structure into compliance with this article, a~~
232 ~~statement of the nature and extent of such repairs or alterations necessary to comply~~
233 ~~with this article; and~~
- 234 e. ~~A statement that the violation, if it is uncorrected and becomes a major violation,~~
235 ~~could result in the city performing the required repairs and obtaining a lien on the~~
236 ~~property.~~
- 237 (3) ~~The written notice of violation referred to in subsections (1) and (2) above shall in all~~
238 ~~cases be served upon the owner, as well as upon the occupant of the premises, if the~~
239 ~~premises are not occupied by the owner. Such service shall be deemed complete if~~
240 ~~personally delivered or upon sending same by regular mail to the last known address of~~
241 ~~the owner as shown on the tax rolls of the city.~~

242 **Sec. 13-40. ~~Procedures in handling major violations.~~**

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

245 (1) ~~Give written notice of the violation as described in subsection (3) below.~~

246 (2) ~~The notice shall include:~~

- 247 a. ~~A description of the location of the structure involved, either by street address or~~
248 ~~legal description;~~
- 249 b. ~~A statement indicating the nature of the violation and the reason or reasons why~~
250 ~~the notice of violation is issued;~~
- 251 e. ~~A specification of the section or sections of this chapter upon which the notice of~~
252 ~~violation is based;~~
- 253 d. ~~If repairs or alterations will bring the structure into compliance with this article, a~~
254 ~~statement of the nature and extent of such repairs or alterations necessary to comply~~
255 ~~with this article;~~
- 256 e. ~~If repairs or alterations are necessary for compliance, a specification of time for~~
257 ~~performing such repairs, such time to be not less than 15 nor more than 120 days,~~
258 ~~except as noted in the definition of "letter of commencement" in section 13-19,~~
259 ~~depending on the extent of the needed repairs, and the degree of danger to the~~
260 ~~occupants, if any. When the violation is of such a magnitude that there exists an~~
261 ~~immediate threat to the safety and well being of the occupants, the enforcing~~
262 ~~official may allow less than 15 days as a minimum time period for compliance.~~
263 ~~Such determination of imminence shall be confirmed by the city manager or~~
264 ~~designee prior to the specification of time of performance of less than 15 days by~~
265 ~~the enforcing official;~~
- 266 f. ~~If the violation is of such character that repairs or alterations cannot reasonably~~
267 ~~bring the structure into compliance, a statement to this effect and an order for~~
268 ~~vacating of the premises indicating fully the reasons therefor;~~

269 g. ~~The name or names of persons upon whom the notice of violation is served as~~
270 ~~required by subsection (3) and this subsection;~~

271 h. ~~A statement advising that upon the owner's failure to comply with the notice, the~~
272 ~~city may perform or cause to be performed the repairs, alterations, demolition or~~
273 ~~vacation of the premises involved and that the expense of such performance by the~~
274 ~~city shall be, and the same shall constitute, a lien against the property involved;~~

275 i. ~~A statement advising of procedures available for review of the action of the~~
276 ~~enforcing official as set out in division 3 of this article.~~

277 ~~(3) The written notice of violation referred to in subsections (1) and (2) above shall in all~~
278 ~~cases be served upon the owner or his/her agent, as well as upon the occupant of the~~
279 ~~premises, if the premises are not occupied by the owner. Such service shall be deemed~~
280 ~~complete if personally delivered or upon sending same by certified mail, return receipt~~
281 ~~requested, to the last known address of the owner as shown on the tax rolls of the city,~~
282 ~~and by posting a copy of the notice in a conspicuous place on the premises.~~

283 ~~(4) The enforcing official shall endorse on the copies of the written notice, the date, time~~
284 ~~and manner of service of the notice or notices as is hereby required.~~

285 ~~(5) A written notice of a major violation becomes an order when no petition for review of~~
286 ~~the decision of the enforcing official has been taken or when the petition for review has~~
287 ~~been taken and the decision of the enforcing official has not been reversed.~~

288 ~~(6) When a notice of a major violation becomes an order and the order is not complied~~
289 ~~with, the enforcing official may take any of the actions authorized by this article to~~
290 ~~execute or seek compliance with the order.~~

291 ~~(7) At any time after the issuance of a notice of major violation the code enforcement~~
292 ~~procedure may be temporarily halted (rehabilitation halt) while consideration is being~~
293 ~~given to the owner by the city manager or designee for qualification for funds and/or~~
294 ~~actual rehabilitation of the unit in violation with the following qualifications:~~

295 ~~a. A letter of commencement will be given to the enforcing official which will~~
296 ~~temporarily halt enforcement action;~~

297 ~~b. A letter of release from liability will be signed by the person in control of the~~
298 ~~property and submitted to the enforcing official with the letter of commencement;~~

299 ~~c. A letter of completion will be given to the enforcing official upon completion of~~
300 ~~services (whether or not assistance was given);~~

301 ~~d. Upon receipt of the letter of completion, code enforcement action will commence~~
302 ~~from the point it was halted;~~

303 ~~e. After a period of six months code enforcement activity will continue without~~
304 ~~further notice unless a second letter of commencement and liability is issued to the~~
305 ~~enforcing official. At no time will the rehabilitation halt extend past 12 months.~~

306 **~~Sec. 13-41. Execution of orders.~~**

307 ~~Notices which become orders may be executed in the following manner:~~

308 ~~(1) Notices to repair or to demolish. The enforcing official may cause the required repairs~~
309 ~~or demolition to be done, bill the owner for the full cost thereof and request that the city~~
310 ~~commission place a lien on the property for the work accomplished.~~

311 ~~(2) Notices to vacate. The enforcing official may request that the city attorney apply to the~~
312 ~~appropriate court for an order requiring the vacation of the premises.~~

313 ~~(3) — Letting of premises in violation. The enforcing official may request that the city~~
314 ~~attorney apply to the appropriate court for an order enjoining the letting of premises in~~
315 ~~major violation of this article to any person other than the owner thereof for occupancy.~~
316 ~~The enforcing official may also request that the state attorney prosecute any person who~~
317 ~~lets such premises, for occupancy, to any person other than the owner.~~

318 **Sec. 13-42. — Assessing liens.**

319 ~~(a) — Billing and notice. Promptly after completion of any repairs, alterations or vacation~~
320 ~~accomplished by the city under authority of this article, the enforcing official shall cause the~~
321 ~~owner to be billed for the cost of the work, including labor, materials, administrative costs,~~
322 ~~court costs, legal expenses and title searches. The bill shall be served upon the owner by~~
323 ~~delivery to him/her personally or by certified mail, return receipt requested, at his/her last~~
324 ~~known address as shown on the city tax rolls. If the bill is not paid within 30 days following~~
325 ~~such service, the owner shall be notified of the enforcing official's intention to apply for a~~
326 ~~special assessment against the property. The notice shall:~~

327 ~~(1) — Describe the premises involved, either by legal description or street address;~~

328 ~~(2) — Describe the nature of the work done thereon and state the amount for which a special~~
329 ~~assessment is sought;~~

330 ~~(3) — Specify the date on which the city commission will hold a public hearing for the~~
331 ~~purpose of making a special assessment against the property for the cost of the work~~
332 ~~done thereon, and advise the owner of his/her right to be heard on any matter pertaining~~
333 ~~to the proposed special assessment; and~~

334 ~~(4) Be served on the owner not less than ten days prior to the date set for the hearing, in~~
335 ~~the same manner as set forth above in this section.~~

336 ~~(b) *Hearing.* At the hearing, the enforcing official shall report to the city commission on the~~
337 ~~nature of the work accomplished, the cost of the work, and the service of the required notice.~~
338 ~~All interested parties shall be given an opportunity to be heard at the hearing with respect to~~
339 ~~the validity and amount of the proposed special assessment.~~

340 ~~(c) *Levy by city commission:*~~

341 ~~(1) After the hearing, the city commission may levy a special assessment against the~~
342 ~~property improved, for the cost of work done on the property, in such amount as the~~
343 ~~commission may find to be proper and reasonable. The assessments shall be made by~~
344 ~~the adoption of a resolution containing findings that:~~

345 ~~a. The procedures of this article have been followed;~~

346 ~~b. The work done was in conformity with the requirements of this article; and~~

347 ~~c. The amount of assessment is just and reasonable and based on the actual cost of the~~
348 ~~work.~~

349 ~~(2) The resolution shall contain a legal description of the property, the names of the~~
350 ~~owners of the property, and such other information as may be deemed appropriate. The~~
351 ~~assessment shall become effective immediately upon the adoption of the resolution and~~
352 ~~shall bear interest thereafter at the rate established by the method set forth below.~~

353 ~~(3) Each year, immediately before the beginning of the next fiscal year, the city manager~~
354 ~~shall have the appropriate financial periodicals researched and shall determine the~~
355 ~~current rate of interest being paid by cities with credit ratings comparable to the city on~~

356 debts of duration equal to the duration of liens. The city manager shall report this rate to
357 the city commission, which shall consider the city manager's report and shall then set
358 the rate of interest to be charged on the city's liens which are made during the next fiscal
359 year. There shall be no effect on liens made prior to the beginning of the fiscal year, and
360 once established for an individual lien, the interest rate shall not be changed. Upon the
361 adoption of the resolution, the city shall have a lien placed against the property on
362 which the repaired building is located, as described in the resolution, which lien shall be
363 of equal dignity with other municipal liens. The owner may pay the amount of the lien,
364 including interest, in 36 equal, consecutive, monthly installments, commencing on the
365 first day of the month following the adoption of the resolution.

366 (d) ~~Notice of adoption of resolution.~~ A copy of the resolution shall be served on the owner by
367 certified mail, return receipt requested, within ten days of the date of its adoption; a copy
368 shall be published once each week for two consecutive weeks in a newspaper of general
369 circulation within the city and a copy shall be recorded in the public records of the county.
370 Along with a copy of the resolution, the property owner shall be served a notice informing
371 the owner that payments on the lien may be made in installments, the amount of each
372 installment, the address to which the payments shall be sent, and of the consequence that the
373 property may be sold to satisfy the lien if payments are not made.

374 (e) ~~Enforcement of liens.~~ Liens shall be in default whenever one monthly installment payment
375 is missed unless all delinquent payments have been brought up to date with no outstanding
376 delinquencies. Whenever liens are in default, they shall be referred to the city attorney for
377 enforcement and collection.

378 **DIVISION 3. -- EXTENSION OF TIME**

379 **Sec. 13-58. Authority to grant extension of time; procedure.**

380 ~~(a) The city manager or designee has the authority, upon good cause shown therefor in~~
381 ~~writing, to grant an extension of time within which an owner or occupant may be required to~~
382 ~~comply with a notice of violation which has been issued by the enforcing official, provided~~
383 ~~the written request for the extension of time is filed prior to the expiration of time originally~~
384 ~~stated in the written notice of violation.~~

385 ~~(b) The authority of the city manager or designee in considering requests for extension of time~~
386 ~~as given in this section shall be in each instance limited to either granting or denying the~~
387 ~~request for the extension, and shall not be considered as an appeal from the terms of the~~
388 ~~notice of violation, and the city manager or designee shall not have authority to modify or~~
389 ~~vary the terms of the notice of violation except as to the time of performance.~~

390 ~~(c) In granting or denying the request for extension of time, the city manager or designee shall~~
391 ~~consider such factors as are appropriate, including the good faith effort to comply, the~~
392 ~~availability of materials and workmen necessary, and such other factors as may be deemed~~
393 ~~appropriate and consistent with the intent of the housing code.~~

394 ~~(d) All requests for extension of time shall be decided within ten working days after the filing~~
395 ~~of the request.~~

396 ~~(e) In granting or denying the request, the city manager or designee shall state its reasons~~
397 ~~therefor and state the length of time, if it is extended, during which the acts required to be~~
398 ~~done shall be completed, which time, in no instance, may be greater than 90 days after the~~
399 ~~time period stated in the original notice of violation.~~

400 **DIVISION 4. STRUCTURAL REQUIREMENTS**

401 **Sec. 13-76.-- Exteriors.**

402 (a) — *Foundation systems:*

403 (1) — ~~The building foundation systems shall be maintained to provide a safe, firm base for~~
404 ~~the support of the structure. Foundation members shall not lean or be damaged,~~
405 ~~decayed, deteriorated or insect infested to the extent that causes unsafe sagging, leaning~~
406 ~~or buckling of other structural members. Unsafe foundation members constitute a major~~
407 ~~violation.~~

408 (2) — ~~Foundation systems that show significant deterioration that has not yet created sag,~~
409 ~~lean or buckling in the foundation or the structure above, but if left untended would do~~
410 ~~so shall be cleaned, treated and reinforced to prevent future deterioration. Failure to~~
411 ~~meet this requirement shall be a minor violation.~~

412 (b) — *Walls:*

413 (1) — ~~Every exterior wall shall be free of holes, cracks, breaks, loose or rotting and~~
414 ~~deteriorated coverings which might admit rain, dampness, cold, rodents or insects to the~~
415 ~~interior of the wall or occupied portions of the dwelling. Such conditions shall be~~
416 ~~considered a minor violation unless the defect is of such a nature as to create a hazard.~~

417 (2) — ~~No wall or other vertical structural member shall list, lean or buckle to such an extent~~
418 ~~that a normally vertical structural member shall be more than two inches out of plumb~~
419 ~~in ten feet or less of vertical distance and the structure appears in danger of collapsing.~~
420 ~~Violations of these requirements shall be a major violation. Structural members that~~
421 ~~were originally designed not to be vertical (e.g., rafters or diagonal braces) that sag, lean~~

422 ~~or buckle from their original position to such an extent or to appear in danger of~~
423 ~~collapse shall constitute a major violation.~~

424 ~~(c) — *Roofs.*~~

425 ~~(1) — Roofs shall not leak with such volume as to cause damage to any of the components of~~
426 ~~the structure. All critical joints in the roof which are likely to admit water shall be~~
427 ~~protected by sheet metal or other suitable flashing material. Roofs shall be securely~~
428 ~~fastened to walls and other support in a manner required by the building code. Failure of~~
429 ~~a roof system to meet these requirements shall be a major violation.~~

430 ~~(2) — Minor deterioration of roofing coverings and/or parts of structural systems, that does~~
431 ~~not at the time of inspection constitute a major violation, will be considered a minor~~
432 ~~violation.~~

433 ~~(d) — *Stairs, porches and appurtenances.* Stairs, porches and appurtenances shall contain no~~
434 ~~loose, deteriorated or damaged material that would constitute a hazard. Protective railings~~
435 ~~shall be required on any stair, porch, appurtenance and unenclosed structure over 36 inches~~
436 ~~from ground level or, on any steps containing four risers or more. Any railing required to be~~
437 ~~installed under this provision shall comply with the requirements of the building code of the~~
438 ~~city. Major or minor violations will be determined by the inspector, based on severity and/or~~
439 ~~hazard.~~

440 ~~(e) — *Accessory buildings.* Accessory buildings and other structures built on the same premises~~
441 ~~with a dwelling but not attached to it and not used as living quarters shall be kept in sound~~
442 ~~condition and good repair in accord with the applicable portions of the codes of the city.~~

443 ~~Violations of the above will be considered major violations if in such condition as to injure~~
444 ~~or be a health hazard to occupants or neighbors.~~

445 ~~(f) *Screens.* Unless the dwelling unit is equipped with a functioning central heat and air-~~
446 ~~conditioning unit, every door opening from a dwelling unit to the outdoors shall have a~~
447 ~~screen door that opens outward, fits the opening properly and is equipped with a self-closing~~
448 ~~device, except where the door opens onto a screen porch or where the door is a standard~~
449 ~~exterior door with a screen opening, and except as modified below. Screens are required on~~
450 ~~every window designed to be opened or other opening, attic and gable vents, under floor~~
451 ~~crawl space (except of the exposed pier design) vents, and opening to the outdoors. Window~~
452 ~~screens shall be made of frames that fit properly in the openings and which may be removed.~~
453 ~~Dwelling buildings containing heating furnaces and/or air conditioning equipment for~~
454 ~~mechanically ventilating the building year around are not required to have screen doors.~~
455 ~~Where required, if more than 50 percent of the total number of window and/or door screens~~
456 ~~in a dwelling do not meet the above requirements, it shall constitute a major violation.~~

457 ~~(g) *Exterior doors, basement doors, etc.* Exterior doors, basement or cellar doors and~~
458 ~~hatchways shall be substantially weathertight, rodentproof and insectproof and kept in sound~~
459 ~~working condition and good repair. Each opening accessible from the outside shall be~~
460 ~~capable of being fastened closed with a latch or equivalent device when in the closed~~
461 ~~position. Failure to comply with these provisions will result in either a major or a minor~~
462 ~~violation.~~

463 ~~(h) *Means of egress.* Every dwelling unit shall have one safe unobstructed means of egress~~
464 ~~with a minimum ceiling height of seven feet and a minimum width of two feet seven inches~~
465 ~~leading from the living area to safe and open space at ground level. Stairs and doors to fill~~

466 ~~this requirement shall have a minimum headroom of six feet seven inches and a minimum~~
467 ~~width of two feet seven inches. The minimum width of a hallway or exit access shall be not~~
468 ~~less than three feet, nor shall the ceiling height be less than seven feet in height. Failure to~~
469 ~~provide the egress requirements shall be a major violation.~~

470 ~~(i) *Protective treatment.* Protective treatment shall be applied to all exterior surfaces other than~~
471 ~~surfaces that are naturally decay resistant woods. When protective treatments such as paint~~
472 ~~peels or becomes nonprotective over more than ten percent of the surface, failure to provide~~
473 ~~protection shall be considered a minor violation. When the protective coating peels or~~
474 ~~becomes nonprotective over more than 20 percent of the surface and there is evidence of~~
475 ~~deterioration in the surface, failure to provide such protection shall be considered a major~~
476 ~~violation. See section 13-93 for additional requirements.~~

477 ~~(j) *Facilities, fixtures, equipment.* All supplied facilities, fixtures and equipment shall function~~
478 ~~properly and be free of hazards to the occupants or the dwelling. Hazardous facilities,~~
479 ~~fixtures or equipment shall be a major violation. Inoperable but nonhazardous and~~
480 ~~nonessential facilities, fixtures or equipment (dishwashers, microwave, etc.) shall not be a~~
481 ~~violation.~~

482 **DIVISION 5. -- GENERAL REQUIREMENTS FOR INTERIORS; HABITABLE**
483 **ROOMS; VENTILATION AND LIGHTING**

484 **Sec. 13-91. -- Habitable rooms.**

485 ~~(a) -- Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first~~
486 ~~occupant and at least 100 square feet of additional habitable floor area for each additional~~
487 ~~occupant. Violation of this provisions shall be considered a major violation.~~

DRAFT

488 ~~(b) — Every habitable room shall have a minimum of 70 square feet of floor area, except that~~
489 ~~every room occupied for sleeping shall contain at least 50 square feet of floor area for each~~
490 ~~occupant thereof. Violation of this provision shall be considered a major violation.~~

491 ~~(c) — Minimum height of a habitable room shall be not less than seven feet in height from the~~
492 ~~floor to the ceiling throughout one half the area of the room. Violation of this provision shall~~
493 ~~be considered a major violation.~~

494 ~~(d) — Minimum width of a habitable room shall not be less than seven feet. Violation of this~~
495 ~~provision shall be considered a major violation.~~

496 **Sec. 13-92. — Ventilation, lighting and egress.**

497 ~~(a) — *Windows.* Each window accessible from the outside shall be capable of being held fastened~~
498 ~~in the closed position. Window sash shall be properly fitted and watertight within the~~
499 ~~window frame and fully supplied with glass window panes or an approved substitute which~~
500 ~~is without open cracks or holes that are generally in excess of one square inch. Failure to~~
501 ~~comply with this provision will result in either a major or a minor violation.~~

502 ~~(b) — *Glazed areas.* All habitable rooms shall be provided with aggregate glazing area of not less~~
503 ~~than eight percent of the floor area of such rooms. Forty five percent of the required area of~~
504 ~~glazing shall be openable and capable of being held in the open position with appropriate~~
505 ~~hardware or props. Exceptions to this subsection are as follows:~~

506 ~~(1) — The glazed areas need not be openable where an approved mechanical ventilation~~
507 ~~system is provided which is capable of producing a change of air every 30 minutes and~~
508 ~~the opening is not required in subsection (c) below.~~

509 ~~(2) The glazed areas may be omitted in rooms where an approved mechanical ventilation~~
510 ~~system is provided which is capable of producing a change of air every 30 minutes,~~
511 ~~artificial light is provided capable of producing an average illumination of six~~
512 ~~footcandles over the area of the room at a height of 30 inches above the floor level, and~~
513 ~~the opening is not required in subsection (c) below. Failure to comply with the above~~
514 ~~requirements shall be a major violation.~~

515 ~~(c) Egress. Every sleeping room in one and two family dwellings shall have at least one~~
516 ~~operable window or exterior door approved for emergency egress or rescue to the dwelling's~~
517 ~~exterior. All egress or rescue windows from sleeping rooms must have a minimum net clear~~
518 ~~opening of 20 inches by 24 inches. Net clear opening for windows shall mean the maximum~~
519 ~~opening available after removal of window glass and any frame parts which may be forcibly~~
520 ~~removed. The required exit door shall be not less than two feet eight inches in width and six~~
521 ~~feet eight inches in height. The minimum width of a hallway or exit access shall be not less~~
522 ~~than three feet. Failure to comply with the egress requirements is a major violation.~~

523 ~~**Sec. 13-93. Lead-based paint hazard.**~~

524 ~~Lead based paint shall be presumed to exist in dwelling units that were built prior to 1950 unless~~
525 ~~conclusive evidence to the contrary exists. All surfaces that have not already been so treated and~~
526 ~~that are chipping, peeling or cracking shall be washed, sanded, scraped or wirebrushed, so as to~~
527 ~~remove all hazards resulting from pre 1950 painting, before repainting with at least two coats of~~
528 ~~a nonleaded paint. Failure to provide proper paint treatment at some point in time subsequent to~~
529 ~~1950 shall be considered a major violation.~~

530 ~~**Sec. 13-94. Smoke detectors.**~~

531 ~~(a) For purposes of protection of the public health, safety and welfare of the people of the city~~
532 ~~regarding fire safety in residential occupancies, single station smoke detectors shall be~~
533 ~~installed in each dwelling unit. Smoke detectors shall be ionization or photoelectric type~~
534 ~~capable of sensing visible or invisible particles of combustion and providing an approved~~
535 ~~signal alarm. Failure to install and maintain smoke detectors in each dwelling unit shall be a~~
536 ~~major violation.~~

537 ~~(b) Location requirements.~~

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

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

545 ~~(c) Exception. Where smoke detectors are installed as part of an approved fire protection~~
546 ~~system, the requirements for single station smoke detectors are waived. An approved fire~~
547 ~~protection system is defined as a combination of devices meeting the requirements of the~~
548 ~~current building code and installed in accordance with manufacturer's recommendations.~~

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

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

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

557 **Sec. 13-95. — Interior walls, floors and ceilings.**

558 ~~Each interior wall, floor and ceiling shall be substantially rodentproof and free from structural~~
559 ~~hazards and nonhazardous defects including open cracks (excluding hairline cracks), providing~~
560 ~~accessways for insects, loose or missing parts, and peeling paint over ten percent or more of~~
561 ~~surface area. Structural or hazardous defects shall be major violations. Nonhazardous defects are~~
562 ~~minor the violations.~~

563 **Sec. 13-96. — Bathrooms.**

564 ~~(a) — Every dwelling shall have a bathroom. Failure to provide a bathroom shall be a major~~
565 ~~violation.~~

566 ~~(b) — Bathrooms and water closets shall comply with light and ventilation requirements for~~
567 ~~habitable rooms, except that no window or skylight shall be required in adequately~~
568 ~~ventilated bathrooms equipped with an approved ventilation system. Failure to provide~~
569 ~~ventilation shall be a major violation.~~

570 ~~(c) — Every water closet, flush urinal, bathroom lavatory basin, and bathtub or shower shall be~~
571 ~~located within the dwelling unit and, shall have adequate space, accessibility and privacy for~~
572 ~~use. The required plumbing facilities shall be accessible from the interior of the dwelling. A~~
573 ~~bathroom shall not be the sole access to a habitable room, hall, basement or to the exterior.~~

DRAFT

574 ~~Failure to provide the above shall be a major violation. See section 13-112 for related~~
575 ~~provisions.~~

576 ~~(d) The floor and wall of every bathroom, flush water closet room and shower room shall be~~
577 ~~so constructed or surfaced (with surface material such as tile or sheet vinyl for floors, and~~
578 ~~such as water resistant paint or water resistant wallpaper or tile for walls) as to be water-~~
579 ~~resistant and capable of being kept in a clean and sanitary condition at all times. Floors and~~
580 ~~walls that have decayed to a hazardous state shall be major violations. Floors that have tile,~~
581 ~~sheet vinyl or other cover missing over more than two percent of the floor area or similar~~
582 ~~defects shall be minor violations.~~

583 ~~(e) Every bathroom sink, basin and bathtub or shower function properly and shall be~~
584 ~~connected to the hot and cold water supply lines. Failure to provide connections shall be a~~
585 ~~major violation. Nonhazardous conditions shall be minor violations.~~

586 **Sec. 13-97. Kitchens.**

587 ~~(a) Every dwelling unit shall have a kitchen area with fixtures connected to hot and cold water.~~
588 ~~Failure to provide a kitchen with hot and cold water shall be a major violation.~~

589 ~~(b) Every kitchen shall have adequate space provided and proper utility connections supplied~~
590 ~~for a refrigeration unit of at least five cubic feet capacity as well as a cooking unit containing~~
591 ~~at least three burners. If the dwelling is occupied, the refrigeration unit and cooking unit~~
592 ~~shall be installed and functioning properly. Failure to provide for a refrigerator and cooking~~
593 ~~unit shall be a major violation. If the dwelling is occupied, failure to provide a refrigerator~~
594 ~~and cooking unit is a major violation.~~

DRAFT

595 ~~(c) — Countertops shall be so constructed and surfaced that the area surrounding the sink is~~
596 ~~water resistant and may be kept in a clean and sanitary condition. A countertop or its~~
597 ~~supporting structure which is decayed to the extent that it is a hazard shall be a major~~
598 ~~violation. All nonhazardous conditions shall be a minor violation.~~

599 ~~(d) — Kitchens shall comply with light and ventilation requirements for habitable rooms, except~~
600 ~~that no window or skylight shall be required in adequately ventilated kitchens equipped with~~
601 ~~an approved ventilation system. Failure to provide ventilation shall be a major violation.~~

602 **Sec. 13-98. — Common areas; nonhabitable areas.**

603 ~~(a) — Access to all habitable parts of a dwelling unit shall be provided without passing through~~
604 ~~any other dwelling unit. Access to all habitable parts of a dwelling unit shall be possible~~
605 ~~without leaving the unit. Entry to a habitable room through a garage or carport is acceptable.~~
606 ~~Failure to comply with this requirement shall be a major violation.~~

607 ~~(b) — All attics shall be vented and screened, except when designed to be closed and insulated.~~
608 ~~Failure to provide attic vents and screens shall be a minor violation.~~

609 ~~(c) — Attached garages shall not be used for the storage of flammable liquids, except for fuel in~~
610 ~~the tanks of vehicles parked in the garages or properly stored in containers and not near a~~
611 ~~ready source of ignition. Violation of this provision shall be a major violation.~~

612 ~~(d) — Every stairway shall be constructed so as to be safe to use, capable of support a normal use~~
613 ~~load, and shall be unobstructed. Failure to meet the provisions of this subsection shall be a~~
614 ~~major violation.~~

615 **DIVISION 6. — PLUMBING**

616 **Sec. 13-111. — Water supply.**

DRAFT

617 ~~Every plumbing fixture in every dwelling, dwelling unit and room house shall be connected to an~~
618 ~~adequate and sanitary running water supply drawn from a source approved by the state board of~~
619 ~~health. All plumbing fixtures and piping shall meet the plumbing code requirements that were in~~
620 ~~effect at the time of installation of the fixtures and piping. All current plumbing renovations and~~
621 ~~repairs shall meet current code requirements. Failure to provide a proper water supply shall be~~
622 ~~considered a major violation.~~

623 ~~**Sec. 13-112. -- Fixtures.**~~

624 ~~Each dwelling or dwelling unit shall contain not less than one kitchen sink, one bathroom~~
625 ~~lavatory basin, one bathtub or shower bath and one flush water closet. Every kitchen sink,~~
626 ~~bathroom lavatory basin, and bathtub or shower shall function properly and be properly~~
627 ~~connected with hot water and cold water supply lines. Failure to provide the fixtures as required~~
628 ~~by this section shall be a major violation. Nonhazardous conditions shall be minor violations.~~

629 ~~**Sec. 13-113. -- Sewerage.**~~

630 ~~(a) — *Connections.* All plumbing fixtures, facilities and equipment shall function properly and be~~
631 ~~properly connected to the city sanitary sewer system or to some other disposal system~~
632 ~~approved by the state board of health. Failure to provide proper sewerage connections shall~~
633 ~~be a major violation.~~

634 ~~(b) — *Facilities prohibited.* Water closets outside the dwelling and privies are hereby declared to~~
635 ~~be a public nuisance and shall be eliminated. This subsection shall not apply to facilities~~
636 ~~properly connected to sewer systems in buildings legally constructed for special purposes,~~
637 ~~such as pool dressing rooms, or to legally permitted temporary privies used for construction~~
638 ~~sites, public events or the like. Failure to remove privies and outside water closets shall be~~
639 ~~considered a major violation.~~

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

642 ~~**DIVISION 7. -- MINIMUM REQUIREMENTS FOR ARTIFICIAL LIGHTING**~~

643 ~~**Sec. 13-126. -- Replacement of electrical construction.**~~

644 ~~When a section of this division has been violated to the degree that replacement is required, it~~
645 ~~shall be replaced so as to meet the electrical code of the city. Any specific portion of the~~
646 ~~electrical construction in an existing dwelling that functions properly and is not hazardous or can~~
647 ~~be repaired without being replaced will not be required to conform to the current electrical codes.~~

648 ~~**Sec. 13-127. -- Hazardous conditions.**~~

649 ~~An electrical installation shall not be permitted which has any one or a combination of the~~
650 ~~following hazardous conditions. Some of the conditions may be hazards or indicators of hazards.~~
651 ~~The following listing is not all-inclusive; when necessary the inspector will investigate further,~~
652 ~~and when necessary, seek more qualified advice. The existence of any of the following~~
653 ~~conditions, when present to the extent that a fire or electrocution hazard exists, shall constitute a~~
654 ~~major violation.~~

655 ~~(1) Electrical equipment with wiring or other conductors exhibiting hazardous features~~
656 ~~such as missing insulation, broken or disconnected line wiring, wiring not appropriately~~
657 ~~fastened in place, wiring that is corroded, burnt, cracked, split or exhibits of~~
658 ~~overheating, physical damage or misuse;~~

659 ~~(2) Live electrical equipment that contains dirt or debris in sensitive areas;~~

660 ~~(3) Wiring that is frayed;~~

- 661 ~~(4) Labeled electrical equipment or wiring that is not installed in accordance with any~~
662 ~~labeling or other instructions;~~
- 663 ~~(5) Circuit breaker, fuse, switch, receptacle, other device, fixed utilization equipment or~~
664 ~~wiring that is not compatible with the phase, voltage, amperage or type characteristics~~
665 ~~of the electricity in use;~~
- 666 ~~(6) Circuit breaker, switch or other operable device that has visible evidence of arcing,~~
667 ~~overheating or other malfunction;~~
- 668 ~~(7) Receptacle contact devices that are not firmly in contact with the contact devices of a~~
669 ~~standard type flexible cord attachment plug, when the plug is inserted in the receptacle;~~
- 670 ~~(8) Neutral that is not grounded at the main service entrance equipment location by a~~
671 ~~properly connected grounding electrode conductor where called for by the current~~
672 ~~electrical code;~~
- 673 ~~(9) Polarity that is reversed in wiring connections to receptacle outlets;~~
- 674 ~~(10) Fixed utilization equipment, such as a lighting fixture, lampholder or appliance, that~~
675 ~~malfunctions;~~
- 676 ~~(11) Faulty insulation on wiring, equipment or appliance;~~
- 677 ~~(12) Service, feeder or branch circuit conductors that have evidence of malfunction,~~
678 ~~impaired operation or that cannot otherwise be determined to be acceptable when the~~
679 ~~installation is energized;~~
- 680 ~~(13) Flexible cord that is used as a permanent wiring method contrary to the current~~
681 ~~electrical code;~~

682 ~~(14) — Branch circuits, feeder, switchboard, panel board or distribution board service rating~~
683 ~~that is inadequate for the load calculated in accordance with the current code;~~

684 ~~(15) — Pull chain switch or brass shell socket in a location, wet or location, damp (as~~
685 ~~defined in Article 100, National Electrical Code: NFPA 70, 2005 addition).~~

686 ~~(16) — Exterior light fixtures where the associated lamps are exposed to the elements of~~
687 ~~nature.~~

688 ~~(17) — Electrical equipment or conductors that are installed in a manner inconsistent with~~
689 ~~manufacturer's listing or labeling.~~

690 **~~Sec. 13-128. — Illumination for certain rooms; receptacles; outlets.~~**

691 ~~(a) — *Entrances and exits.*~~

692 ~~(1) — Entrances and exits in single and duplex occupancies shall be illuminated by exterior~~
693 ~~lights which are controlled by interior wall switches. Failure to provide this illumination~~
694 ~~shall be a major violation.~~

695 ~~(2) — In multiple occupancy buildings with two or more common entrances and/or exits, at~~
696 ~~least two entrances and/or exits shall be illuminated by exterior (exterior to the dwelling~~
697 ~~unit but not necessarily exterior to the structure) lights and controlled by interior wall~~
698 ~~switches, located for convenient and readily accessible use. Where adequate lighting of~~
699 ~~exterior doorways is provided by the management during all hours of darkness no~~
700 ~~interior wall switch is required. Failure to provide the required exterior illumination~~
701 ~~shall be a major violation.~~

702 ~~(b) — *Interior stairways.* Where lighting outlets are installed in interior stairways, there shall be a~~
703 ~~wall switch at each floor level to control the lighting outlet where the difference between~~

704 floor levels is six steps or more, except in hallways, stairways, and at outdoor entrances,
705 remote, central, or automatic control of lighting shall be permitted.

706 ~~(c) — Habitable rooms. All habitable rooms including living rooms shall be provided with~~
707 ~~illumination. At least one lighting outlet in each habitable room shall be controlled by a wall~~
708 ~~switch, located for convenient and readily accessible use. One of the receptacle outlets~~
709 ~~controlled by a wall switch in lieu of ceiling outlet is acceptable. Convenient duplex~~
710 ~~receptacle outlets shall be provided. Receptacle outlets shall be reasonably spaced around~~
711 ~~the room and at least two receptacles shall be required per room. Failure to provide at least~~
712 ~~two receptacles or one receptacle and one light fixture shall be a major violation. Failure to~~
713 ~~provide the other requirements of this subsection shall be a minor violation.~~

714 ~~(d) — Kitchens. Kitchens shall be provided with illumination. The lighting outlet shall be~~
715 ~~controlled by a wall switch located for convenient and readily accessible use. Failure to~~
716 ~~provide this illumination shall be a major violation. A minimum of two 125-volt convenient~~
717 ~~duplex receptacles shall be provided on a minimum of one 20-amp appliance circuit.~~
718 ~~Nothing in this requirement shall be construed to be more restrictive than the city electrical~~
719 ~~code. One of these receptacles shall be readily accessible for convenient use of portable~~
720 ~~appliances. Failure to provide these circuits and receptacles shall be a major violation.~~

721 ~~(e) — (1) — Bathrooms shall be illuminated and the light controlled by a wall switch. Failure to~~
722 ~~provide this illumination shall be a major violation.~~

723 ~~(2) — No electrical device or equipment shall be located within 36 inches of a tub or shower~~
724 ~~area unless the device or equipment is protected by ground fault interruption~~
725 ~~capabilities.~~

726 (f) ~~Laundry areas.~~ Laundry areas, where provided, shall be provided with illumination. The
727 laundry circuit shall be an individual circuit if the calculated load on the existing system is
728 too great. Such load shall be considered as too great when the laundry appliance exceeds 80
729 percent of the branch circuit rating. A wall-mounted grounding type duplex receptacle outlet
730 shall be provided and located within six feet of the laundry equipment. Hazardous
731 conditions shall be major violations.

732 (g) ~~Service and/or feeder.~~ Service to an existing dwelling unit shall be a minimum of 100
733 amperes, three wire capacity. Service equipment shall be dead front having no live parts
734 exposed where accidental contact could be made. Type "S" fuses shall be installed when
735 fused equipment is used. Overcurrent, faultcurrent and groundfault devices shall be properly
736 sized and installed in a manner consistent with any manufacturer's recommendations or
737 listing.

738 ~~Exception.~~ Existing service of lesser amperage, three wire capacity, and feeder of 30 amperes or
739 larger two or three wire capacity shall be acceptable if adequate for the electrical load being
740 served.

741 ~~**DIVISION 8. - HEATING AND COOKING INSTALLATION REQUIREMENTS**~~

742 ~~**Sec. 13-141. - Supplied and required facilities.**~~

743 (a) ~~Every dwelling unit shall have, as a supplied facility, a domestic water heater and heating~~
744 ~~equipment which can safely and adequately heat all habitable rooms, bathrooms and water~~
745 ~~closet compartments to at least 65 degrees Fahrenheit and provide hot water of at least 110~~
746 ~~degrees Fahrenheit. Failure to supply facilities, spaces, equipment and/or connections as~~
747 ~~required is a major violation.~~

748 ~~(b) — Every piece of cooking, heating and water heating equipment in a dwelling unit shall be so~~
749 ~~constructed, installed, maintained and operated so that it will function safely and effectively,~~
750 ~~free from fire, health and accident hazards in conformance with the subsections below.~~
751 ~~Failure to meet this requirement is a major violation.~~

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

756 ~~(d) — Where they exist, chimneys, flues and smoke and vent pipes shall be provided and~~
757 ~~adequately supported, reasonably clean, in a good state of repair, and free from cracks or~~
758 ~~openings which would permit leakage of gases within the dwelling unit. Failure to comply~~
759 ~~with this subsection shall be a major violation.~~

760 ~~(e) — Where heat producing equipment is installed on or adjacent to combustible materials, the~~
761 ~~location, insulation, clearance and the control of the equipment shall be such that the~~
762 ~~temperature on the surface of the combustible materials does not exceed a safe limit. Failure~~
763 ~~to comply with this subsection shall be a major violation.~~

764 ~~(f) — Heating and cooking equipment burning liquefied petroleum or gaseous fuels shall conform~~
765 ~~to the applicable City Code. Failure to comply with this subsection shall be a major~~
766 ~~violation.~~

767 ~~(g) — Heating or cooking equipment, burning oil or kerosene, shall conform to the regulations~~
768 ~~established in the applicable City Code. Failure to comply with this subsection shall be a~~
769 ~~major violation.~~

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

772 **~~DIVISION 9. MULTIFAMILY AND ROOMING UNIT REQUIREMENTS~~**

773 **~~Sec. 13-156. Additional requirements.~~**

774 ~~Multifamily and rooming units shall comply with all other requirements of this article. In~~
775 ~~addition, the following requirements shall also be met:~~

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

785 ~~(2) Common hallways and stairways in two family dwellings, multifamily dwellings, or~~
786 ~~rooming houses shall be adequately ventilated. Failure to comply with this violation~~
787 ~~shall be a minor violation.~~

788 ~~(3) In rooming houses there shall be at least one flush water closet, one bathroom lavatory~~
789 ~~basin, and one bathtub or shower bath for each five persons or fraction thereof, except~~
790 ~~that in a rooming house, where rooming units are let only to males, flush urinals may be~~

791 ~~substituted for not more than one half the required number of flush water closets.~~
792 ~~Failure to provide the required number of fixtures shall be a major violation.~~

793 **~~DIVISION 10. -- CARE OF PREMISES~~**

794 **~~Sec. 13-171. -- Insects, outdoor storage, trash, and yard maintenance.~~**

795 ~~(a) All premises shall be maintained so as to discourage the harboring and breeding of insects,~~
796 ~~rodents and vermin. Failure to comply with this provision shall be a major violation. Insofar~~
797 ~~as the natural drainage will permit, yards and premises appurtenant to a dwelling unit shall~~
798 ~~be sloped or graded to provide for disposal of surface water and to prevent the accumulation~~
799 ~~of surface water in the yard or next to the building. Failure to comply with this provision~~
800 ~~shall be a minor violation.~~

801 ~~(b) It shall be unlawful for the owner or occupant of a residential building structure or property~~
802 ~~to utilize the premises of the residential property for the open outdoor storage of any blight-~~
803 ~~inducing materials such as abandoned motor vehicle or part thereof including tires, icebox,~~
804 ~~refrigerator, stove, or other appliances, planks, timbers, glass, or other building material,~~
805 ~~building rubbish, packing material, barrels, bottles, cans, boxes or similar items. Failure to~~
806 ~~comply with this subsection shall be a major violation.~~

807 ~~(c) No owner, tenant or occupant of a dwelling shall permit or allow furniture, mattresses, or~~
808 ~~other materials which are upholstered with water permeable fabric to remain outside of a~~
809 ~~completely enclosed building or structure other than between the hours of 7:00 a.m. and~~
810 ~~6:00 p.m. This subsection does not apply to furniture, mattresses or other such materials~~
811 ~~which are unused and placed at or near the curb as refuse for collection and disposal, or as~~
812 ~~items offered for sale at a yard or garage sale. Failure to comply with this subsection shall be~~
813 ~~a major violation.~~

DRAFT

814 ~~(d) Any other provision of this Code notwithstanding, the placement of any pools, furniture or~~
815 ~~furnishings, such as any chair, sofa, bed, table or other similar furnishings, on the roof of~~
816 ~~any building or structure at any time is strictly prohibited and shall be a major violation.~~

817 ~~This subsection does not apply to any building or structure that has been designed and~~
818 ~~approved for rooftop occupancy by the City of Gainesville Building Inspection Department.~~

819 ~~(e) It shall be the duty and responsibility of every owner and occupant to keep the premises of~~
820 ~~residential property clean, and to remove from the premises, upon notice from the code~~
821 ~~officer, the following:~~

822 ~~(1) All trash and garbage;~~

823 ~~(2) Dead or hazardous trees that are standing or have fallen to the ground and that pose a~~
824 ~~hazard to neighboring properties, or which create a hazard to the safety or welfare of~~
825 ~~any occupant of the property (except the owner), or the inhabitants of the surrounding~~
826 ~~area, or any public property; and~~

827 ~~(3) Dead tree limbs and vegetative debris that pose a hazard to neighboring properties, or~~
828 ~~which create a hazard to the safety or welfare of any occupant of the property (except~~
829 ~~the owner), or the inhabitants of the surrounding area, or any public property.~~

830 ~~Failure to comply with this subsection shall be a major violation.~~

831 ~~(f) Every dwelling unit shall have adequate garbage storage facilities which comply with city~~
832 ~~ordinances. Failure to comply with this subsection shall be a major violation.~~

833 ~~(g) Yards shall be maintained to prohibit vegetation over 12 inches high that is or may~~
834 ~~reasonably become infested by pests or may create a fire or safety hazard. This shall not be~~
835 ~~construed to prohibit the following:~~

DRAFT

- 836 ~~(1) Vegetation planted and maintained for landscape purposes or for erosion control;~~
- 837 ~~(2) Vegetation located on a lot over five acres in area that is in a natural state, or~~
838 ~~vegetation that has not been mowed within the past five years;~~
- 839 ~~(3) Vegetation located more than 200 feet from the boundary line of an improved~~
840 ~~property, street or public right of way;~~
- 841 ~~(4) Controlled, managed and maintained low-maintenance natural landscaping; or~~
- 842 ~~(5) The understory of hammocks that are protected through development regulations,~~
843 ~~conditions or agreements, and vegetation within wetlands, stormwater retention lake~~
844 ~~littoral zones, or within 150 feet of a regulated creek.~~

845 ~~This subsection shall not apply to lands designated agriculture or conservation on the future~~
846 ~~land use map. Failure to comply with this subsection (e) is a major violation.~~

847 ~~**DIVISION 11. HAZARDOUS CONDITIONS**~~

Sec. 13-181. -- Generally.

It shall be unlawful for the owner or occupant to create, maintain, keep or allow the existence of any hazardous condition, equipment, facility, fixture, premises or building. Failure to comply with this section shall be a major violation.

DIVISION 12. -- POOLS, WADING POOLS AND HOT TUBS

Sec. 13-191. -- Hazardous conditions.

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

(1) ~~It shall be unlawful for an owner or occupant to create, maintain, keep or allow the existence of any hazardous condition, equipment, facility or fixture associated with a swimming pool, wading pool or hot tub. Failure to comply with this section shall be a major violation.~~

(2) ~~Overhead conductor clearances. The following shall not be placed under existing service drop conductors or any other open overhead wiring nor shall such wiring be installed above the following:~~

a. ~~Pools and the area extending ten feet horizontally from the inside walls of the pool,~~

b. ~~Diving structure, or~~

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

Sec. 13-192. -- Receptacles, lighting fixtures, lighting outlets, switching devices, or other circulation and sanitation system.

DRAFT

(a) ~~Receptacles.~~

- ~~(1) A receptacle(s) that provides power for a water pump motor(s) or other circulation and sanitation system for a permanently installed pool shall be permitted between five and ten feet from the inside walls of the pool or fountain, and, where so located, shall be single and of the locking and grounding types and shall be protected by a ground fault circuit interrupter(s). Other receptacles on the property shall be located at least ten feet from the inside walls of a pool.~~
- ~~(2) At least one 125-volt 15- or 20-ampere receptacle on a general-purpose branch circuit shall be located between ten feet and 20 feet from the inside wall of a permanently installed pool. This receptacle shall be located not more than six feet six inches above the floor, platform, or grade level serving the pool.~~
- ~~(3) All 125-volt receptacles located within 20 feet of the inside walls of a pool shall be protected by a ground fault circuit interrupter.~~

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

(b) ~~Lighting fixtures, lighting outlets, and ceiling-suspended (paddle) fans.~~

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

DRAFT

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

~~Sec. 13-193. Bonding.~~

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

~~Sec. 13-194. Maintenance.~~

~~All private swimming pool fences and enclosures shall be maintained in a manner consistent with the standards set forth in section 6-159(a) of the City Code. All equipment, wiring and devices shall be maintained in a functional manner.~~

~~ARTICLE III. COMMERCIAL BUILDING CODE~~

~~Sec. 13-201. Findings of fact and declaration of necessity.~~

~~The city commission finds the following:~~

~~(1) *Existence of conditions.* There exists within the city blighted buildings or other structures used or intended to be used for commercial, business, institutional, industrial or multifamily dwelling purposes that because of structural or maintenance problems are abandoned, unsafe, and endanger the general health, welfare and safety of the general public and those who use or visit the structures.~~

~~(2) *Results if conditions uncorrected.* Such blighted buildings and structures contribute to the development of, or increase in crime, increase costs to public revenue and impair the efficient and economical exercise of governmental functions in such areas; and necessitate excessive and disproportionate expenditure of public funds for public safety, crime prevention, fire protection and other public services.~~

DRAFT

~~(3) — *Necessity to protect public health, safety and welfare.* The adoption of this article is necessary to protect the public health, safety and welfare of the people of the city by establishing minimum standards governing the facilities, repair and maintenance of buildings and grounds used for or intended to be used for commercial, business, institutional, industrial or multi-family dwelling purposes. This article is intended to be remedial and essential to the public interest and welfare and to this extent it is intended that this commercial building code be liberally construed to effectuate the purposes stated herein.~~

Sec. 13-202. — Buildings affected.

~~Every portion of a building or premises, used or intended to be used for commercial, business, institutional, industrial or multi-family dwelling purposes, 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 that have been issued for the use 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 the adoption of this article.~~

Sec. 13-203. — Conflicts resolved.

~~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, the provision that establishes the higher standard 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 people using the building or adjoining properties and the defect must be replaced to~~

DRAFT

comply. If repairs will correct the defect cited, the repairs may be made using the same methods and materials used in the original construction.

Sec. 13-204. -- Standards for exterior property areas.

(a) — *Sanitation.* All exterior property and premise shall be maintained in a clean, safe and sanitary condition. Each occupant of the property shall keep that part of the exterior property that the occupant occupies or controls in a clean and sanitary condition.

(b) — *Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten inches. Weeds shall mean all grasses, annual plants and vegetation, other than trees or shrubs; however, the term shall not include cultivated flowers and gardens.

(c) — *Accessory structures.* All accessory structures, including detached garages, shall be maintained so that they are structurally sound and in good repair.

(d) — *Motor vehicles.* Except as permitted by the land development code in a particular zoning district, no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled unless such work is performed inside a structure or similarly enclosed area designed for, and approved by the city for, such purpose.

(e) — *Hazardous conditions.* It shall be unlawful for the owner or occupant to create, maintain, keep or allow the existence of any hazardous condition, equipment, facility, fixture, premises or building.

Sec. 13-205. -- Exterior structures.

DRAFT

(a) — *General.* The exterior of all buildings and structures shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(b) — *Exterior painting.* All wood and metal surfaces, including but not limited to window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

(c) — *Street numbers.* Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right of way.

Sec. 13-206. — Exterior walls.

Building walls shall be maintained in a secure and safe manner as follows:

(1) — All defective structural and decorative elements of the building facade shall be removed, replaced or repaired.

(2) — All exterior walls shall have all loose material removed. Patching and resurfacing shall match the existing or adjacent surfaces as to material, color, bond and joinings.

(3) — All cornices, trim, and window frames that are damaged, sagging or otherwise deteriorated shall be removed, repaired or replaced so that they are structurally sound and secure.

(4) — All exposed materials shall be painted, stained or otherwise treated to protect them from the elements.

Sec. 13-207. — Door and window openings.

DRAFT

~~(a) — All window and door openings shall be safe and secure. Sashes with rotten wood, broken joints, or deteriorated mullions or muntins shall be removed, repaired or replaced.~~

~~(b) — All exterior doors and windows shall be maintained in an unbroken and secure condition. No door or window shall be removed and enclosed, covered or boarded up unless treated as an integral part of the building facade, compatible with the design, material and finish of the adjoining walls of which the opening is a part. This subsection shall not apply to the temporary short term covering or boarding up of windows or doors while undergoing replacement or repair. However, all damaged or broken doors and windows shall be restored, repaired or replaced within 60 days following breakage or damage.~~

Sec. 13-208. — Roofs.

~~Roofs shall be maintained in a secure, safe and watertight condition. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.~~

Sec. 13-209. — Accessory and appurtenant structures.

~~Signs, awnings, canopies, freestanding walls, and fences shall be maintained in good repair and condition. Deteriorated signs and torn or unsecured awnings or canopies shall be removed, repaired or replaced.~~

Sec. 13-210. — Compliance period.

~~(a) — Any other provision of this Code notwithstanding, corrective action ordered by the city manager or designee shall be commenced within 30 days and shall be completed within 90 days from the date of written notice of noncompliance.~~

DRAFT

~~(b) — The city manager or designee may stay enforcement for a further period of time, not to exceed six months from the initial notice, if the property owner demonstrates with tangible evidence that he/she is taking affirmative steps to abate the violations and requires additional time to fully comply.~~

~~Sec. 13-211. — Reserved.~~

~~**Sec. 13-212. — Historic preservation review.**~~

~~The owner of a building that is subject to the provisions of section 30-112 (historic preservation ordinance) shall comply with the provisions of that section when making repairs or modifications required by this article.~~

DRAFT

1 **Sec. 13-213. -- Right of entry.**

2 The enforcing official is authorized to enter and make inspections of any building, structure or
3 premises that is subject to the provisions of this article at reasonable times during daylight hours,
4 to determine the condition of the building in order to safeguard the health, safety and welfare of
5 the public. If an owner, operator or other occupant of a building, structure or premises refuses to
6 permit the enforcing official to enter and make inspections, the official is authorized to petition
7 the court for an administrative warrant to allow entry and inspection.

8 **Section 4.** A new Chapter 13 titled “International Property Maintenance Code of Gainesville,
9 Florida” of the Code of Ordinances is hereby created. ((Refer to the working draft document
10 created by the Department of Sustainable Development that, when finalized, will be incorporated
11 here))

12 **Section 5.** Appendix A. Schedule of Fees, Rates and Charges, is amended by deleting the
13 existing “Landlord Permit” fees which are under the Land Development Code category. Except
14 as amended herein, the remainder of Appendix A remains in full force and effect.

15 **APPENDIX A. SCHEDULE OF FEES, RATES AND CHARGES.**

16 LAND DEVELOPMENT CODE:

17 (4) *Zoning*:

18 a. ~~Landlord permit:~~

19 1. ~~Initial applications:~~

20 a. ~~Application and payment received within first half of permit year (on or before January 31)~~
21 ~~and by due date specified on application/notice 154.25~~

22 b. ~~Application and payment received within second half of permit year (between February 1 and~~
23 ~~July 31) and by due date specified on application/notice 77.25~~

DRAFT

24 ~~2. Renewals: Application and payment received on or before August 31 154.25~~

25 ~~3. Transfers of permit to new owner(s) 26.25~~

26 ~~4. Multiple dwelling units: Where two or more dwelling units requiring a landlord permit are~~
27 ~~located on a single parcel of property and are owned by the same owner(s), one unit shall be~~
28 ~~subject to the full permit fee and each additional unit shall receive a 50% discount.~~

29 ~~5. Late fee: A late fee of 25% of the permit fee shall be assessed when an application and full~~
30 ~~payment is not received by the due dates specified herein.~~

31 **Section 6.** Appendix A. Schedule of Fees, Rates and Charges, is amended by creating a new
32 category of permit fees titled “Regulated Residential Rental Unit Permit.” Except as amended
33 herein, the remainder of Appendix A remains in full force and effect.

34 **APPENDIX A. SCHEDULE OF FEES, RATES AND CHARGES.**

35 REGULATED RESIDENTIAL RENTAL UNIT PERMITS (Sec. 14.5-3):

36 Permit fee - per regulated residential rental unit. If the unit is occupied only during the last half
37 of the permit year (between April 1 – September 30), one-half of the permit fee is due: [REDACTED]

38 Change in ownership – permit transfer fee (must be accompanied by a new application): [REDACTED]

39 **Section 7.** It is the intention of the City Commission that the provisions of Sections 1
40 through 6 of this Ordinance shall become and be made a part of the Code of Ordinances of the
41 City of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be
42 renumbered or relettered in order to accomplish such intentions.

43 **Section 8.** If any word, phrase, clause, paragraph, section or provision of this ordinance
44 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
45 finding shall not affect the other provisions or application of the ordinance which can be given
46 effect without the invalid or unconstitutional provisions or application, and to this end the
47 provisions of this ordinance are declared severable.

48 **Section 9.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
49 such conflict hereby repealed.

50 **Section 10.** This ordinance shall become effective immediately upon adoption.

51 **PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.**

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

LAUREN POE
MAYOR

ATTEST:

Approved as to form and legality

OMICHELE D. GAINEY
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2020.

This ordinance passed on second reading this ____ day of _____, 2020.