

## **Sec. 10-56. - Application of article.**

**(a)**

*Scope.* The provisions of this article shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

**(b)**

*Intent.* This article shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

**(c)**

*Transfer of ownership.* It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of or encumber such dwelling unit or structure without compliance with the provisions of [section 26-29](#)

(Code 1995, § 18-302; Ord. No. 2156-08, § 1(18-302), 4-14-2008)

## **Sec. 10-57. - Historic buildings.**

A historic building shall be maintained in compliance with this article unless the required maintenance will alter the historical character of the building. The determination of the city development director regarding compliance with the article to a historic building may be appealed to the city magistrate within 30 days of the written rendering of such determination by filing the written notice of same with the city clerk. No historic building shall be occupied which is not a safe building as required by this chapter.

(Code 1995, § 18-303; Ord. No. 2156-08, § 1(18-303), 4-14-2008)

## **Sec. 10-58. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned* means having been given up and deserted (see also "abandoned property" as described in [section 20-49](#), pertaining to definitions).

*Approved* means approved by the code official.

*Basement* means that portion of a building which is partly or completely below grade.

*Bathroom* means a room containing plumbing fixtures including a bathtub or shower.

*Bedroom* means any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

*Building* means any structure built for support, shelter, or enclosure for any occupancy or storage.

*Code official* means the official who is charged with the administration and enforcement of this article, or any duly authorized representative.

*Condemn* means to adjudge unfit for occupancy.

*Dwelling unit* means a single unit or rental unit within a building or portion of a building providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Easement* means that portion of real property reserved or granted for present or future use by any person or entity other than the fee simple title owners of the property. The easement shall be permitted for purpose and use under, on or above said real property, as otherwise specified in the granting or reserving instrument.

*Exterior property* means the outdoor open space on a premises.

*Extermination* means the control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

*Garbage* means animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

*Guard* means a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimize the possibility of a fall from the walking surface to a lower level; includes railings walls or fences.

*Habitable space* means any area in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls,, storage or utility spaces, and similar areas are not considered habitable spaces.

*Housekeeping unit* means a room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

*Imminent danger* means a condition which could cause serious human or animal injury or death, at any time.

*Infestation* means the presence of insects, rats, vermin or other pests within or around any structure or premises.

*Inoperable motor vehicle* means a vehicle which cannot be driven upon the public streets because the vehicle is unregistered or has no license tag, is wrecked, abandoned, or incapable of moving under its own power.

*Labeled devices* means equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

*Let for occupancy or to let* means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rental unit, rooming unit, building, premise or structure by a person who is or is

not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

*Motor vehicle* means a vehicle or conveyance which is self-propelled or designed to be pulled or towed by a self-propelled vehicle and designed to travel along the ground, and includes, but is not limited to, automobiles, buses, mopeds, motorcycles, trucks, tractors, go-carts, golf carts, campers, motorhomes, recreational vehicles, trailers, all-terrain vehicles, airplanes and watercraft.

*Nuisance* means any of the following conditions:

(1)

Any "public nuisance" known at common law or in equity jurisprudence.

(2)

Any "attractive nuisance" which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot including but not limited to an abandoned well shaft, swimming pools, dismantled or wrecked vehicles or parts thereof, basements, excavations, abandoned refrigerators, a structurally unsound fence or other structure, and lumber, trash, debris or vegetation.

(3)

Whatever is dangerous to human life or is detrimental to health as determined by the proper environmental authority.

(4)

The overcrowding of a room or building with occupants.

(5)

Insufficient ventilation or illumination in a room or building.

(6)

Inadequate or unsanitary sewage or plumbing facilities in a building.

(7)

An unclean premises as determined by the proper code authority.

(8)

Any substance that renders air, food or drink unwholesome or detrimental to the health of human beings as determined by the proper code authority.

(9)

Any place or premises used on more than two occasions within the past 12 months as the site of the unlawful sale or delivery of controlled substances.

(10)

Any condition that causes appreciable harm or material detriment to the property values of surrounding properties.

(11)

Any condition likely to harbor rats, vermin or other animals the existence of which may cause a hazard to human health.

(12)

Unsecured openings including but not limited to broken windows and doors in a structure which invites entry by unauthorized persons.

*Occupancy* means the purpose for which a building or portion thereof is utilized or occupied.

*Occupant* means any individual living or sleeping in a building, or having possession of a space within a building.

*Openable area* means that part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*Operator* means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

*Owner* means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

*Parts.* Whenever the words "dwelling unit," "rental unit," "dwelling," "premises," "building," "rental unit," "roominghouse," "rooming unit" "housekeeping unit" or "story" are stated in this article, they shall be construed as though they were followed by the words "or any part thereof."

*Person* means an individual, corporation, partnership or any other group acting as a unit.

*Portable storage containers* means a box-like metal container transported by truck to a desired location for drop off. The container is moved to the ground and back by hydraulic metal framework or similar device. Commonly accepted names of these storage containers is PODS, an acronym for "portable on-demand storage." The maximum allowable size for this type container in R-1 and R-2 residential districts is 130 square feet with an average length not to exceed 16 feet.

*Premises* means a lot, plot or parcel of land, easement or public way, including any structures thereon.

*Public way* means any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

*Rental unit* means a single dwelling unit within a building or portion of a building providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation which is for rent, lease or hire.

*Rooming unit* means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

*Roominghouse* means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

*Rubbish* means combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

*Sleeping unit* means a room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both such rooms and spaces that are also part of a dwelling unit are not sleeping units.

*Soil stabilization* means the prevention of soil erosion or dust control, due to building demolition, lot restoration or other earth disturbance, and by planting of sod or other methods approved by the development director not more than seven days after such completion.

*Strict liability offense* means an offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

*Structure* means that which is built or constructed or a portion thereof.

*Tenant* means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

*Toilet room* means a room containing a water closet or urinal but not a bathtub or shower.

*Ventilation* means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

*Vessel* is synonymous with "boat" as referenced in section 1(b), article VII of the state constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

*Workmanlike* means executed in a skilled manner (e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work).

*Yard* means an open space located in front, side or rear on the same lot with a structure as determined by the city land development code.

*(Code 1995, § 18-304; Ord. No. 2156-08, § 1(18-304), 4-14-2008)*

#### **Sec. 10-59. - Occupancy of certain buildings, dwelling units and roominghouses.**

(a)

It shall be unlawful for any person to occupy or permit to be occupied any building or portion of a building, dwelling unit or roominghouse which is not free of all sanitary nuisances defined in F.S. ch. 386.

(b)

It shall be unlawful for any person to occupy or permit to be occupied any building or portion of a building, dwelling unit or roominghouse which is not free of all nuisances defined in [section 10-58](#)

*(Code 1995, § 18-305; Ord. No. 2156-08, § 1(18-305), 4-14-2008)*

#### **Sec. 10-60. - Buildings; prohibited occupancy.**

It shall be unlawful for any person to occupy or permit to be occupied any building or portion of a building which is not maintained in accordance with the provisions of this article.

*(Code 1995, § 18-306; Ord. No. 2156-08, § 1(18-306), 4-14-2008)*

#### **Sec. 10-61. - Maintenance of structures, equipment and exterior property.**

(a)

*Scope.* The provisions of this section shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

(b)

*Responsibility.* The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this article. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this

section. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(c)

*Vacant structures and land.* All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein, including soil stabilization so as not to cause a blighting problem or adversely affect the public health or safety.

(d)

*Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(e)

*Grading and drainage.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon. All rain gutter down spout and roof discharge water must be directed in a manner not to cause water accumulation, or create flooding conditions to abutting properties. This requirement shall not apply to required retention areas.

(f)

*Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(g)

*Rodent harborage.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. (See also [section 10-64\(a\)](#), pertaining to extermination of infestations.)

(h)

*Exhaust vents.* Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(i)

*Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(j)

*Motor vehicles.* Except as provided for in other regulations, no operative, inoperative, licensed or unlicensed covered or uncovered motor vehicle, vessel, airplane, travel trailer, motorhome, recreational vehicle or all-terrain vehicle (ATV) shall be parked, kept or stored in the front, side or rear yard on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Notwithstanding this provision the following exceptions shall be permitted:

(1)

A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(2)

Covered vehicles. Registered covered vehicles may be parked on premises driveway providing the cover used is of an earth tone color and was manufactured to fit that particular vehicle. No other method of covering will be permissible.

(3)

Recreational vehicles may be parked or stored on residential properties, providing such storage complies with all of following:

a.

Vehicle must have current valid registration.

b.

Must be parked or stored behind all building lines and screened from view, and as referenced in figure [10-61](#)

c.

Parked on approved semi-pervious surface.

d.

Parking or storing limited to one side of building only.

e.

Vehicle must not be higher than premise building.

f.

No water or sewer hookups are permissible.

g.

No habitation is permitted.

h.

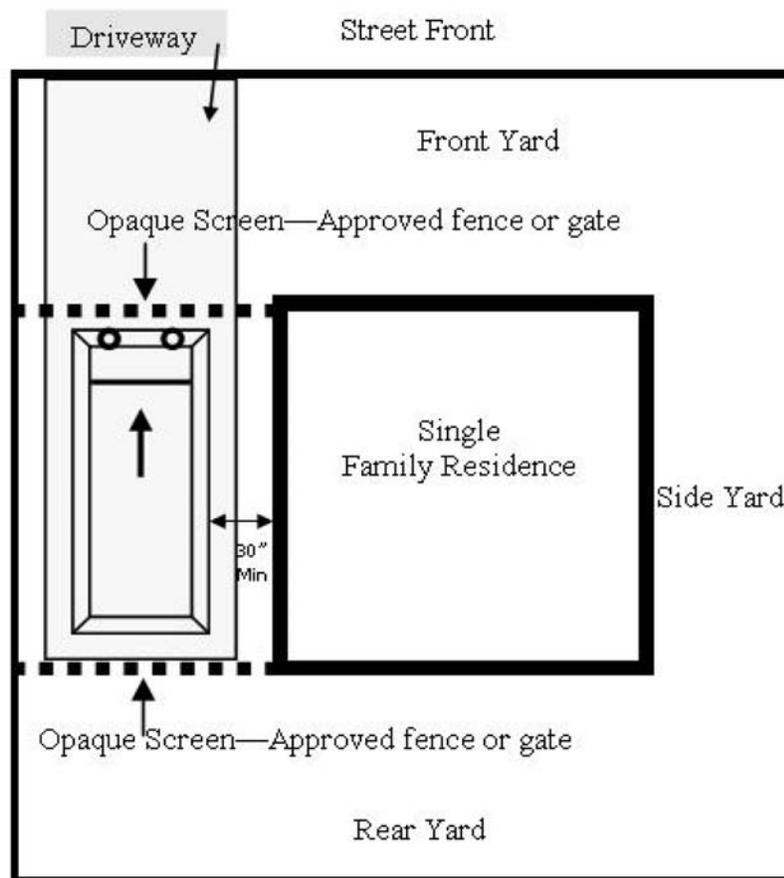
Must have 30 inches minimal clearance around vehicle providing for fire, police and emergency medical service accessibility.

i.

Electrical power supply must be in compliance with [section 10-67\(d\)\(4\)a](#), pertaining to electrical facilities.

FIGURE [10-61](#)

# RVs, Campers & Trailers



## Applies to open, closed or covered

- ~ Travel trailers, pop-ups, RV's,
- ~ Boats and trailers
- ~ Personal watercraft
- ~ No commercial boats, vehicles

## Acceptable Conditions:

- ~ Behind all building lines
- ~ Screened from view
- ~ Parked on semi-pervious/impermeable surface
- ~ Not higher than building
- ~ One side only of single family residence
- ~ No water/sewer hook-ups
- ~ No habitation
- ~ Valid tag and registration
- ~ Able to walk around outside 3 feet
- ~ can't block fire lanes
- ~ No electric power, except for refrigeration

(4)

Storage and parking of commercial trucks and trailers are not permitted in residential areas as referenced in [section 40-47](#)

(k)

*Defacement of property.* No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

(l)

*Temporary storage containers, pertaining to residential use.*

(1)

All portable on-demand storage containers must be of an approved type such as pods, etc. Special "emergency disaster pods" are not permitted for storage and are only to be used in prescribed areas that are designated by federal, state, or local emergency management authorities.

(2)

Truck beds or truck bodies are considered not to be approved storage containers and therefore not permitted for use in either commercial or residential zoning districts.

(3)

A permit is required and will expire within six months of issue. An extension may be granted on a case by case basis, not to exceed 12 consecutive months and is limited to only one container per residence, placed on the premises driveway; only.

(m)

Exterior structure.

(1)

*Generally.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(2)

*Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(3)

*Structural members.* All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(4)

*Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(5)

*Exterior walls.* All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration and must be free from loose materials subject to becoming projectiles under high wind conditions.

(6)

*Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Roofs must be and free from loose materials subject to becoming projectiles under high wind conditions.

(7)

*Temporary coverings.* Temporary or emergency roof covering, tarps and the like must be removed within 12 months from the event causing damage; it being the intent of this section that damaged roofs be repaired or replaced within the same time period.

(8)

*Decorative features.* All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper

anchorage and in a safe condition and free from loose materials subject to becoming projectiles under high wind conditions.

(9)

*Overhang extensions.* All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(10)

*Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(11)

*Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(12)

*Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(13)

*Window, skylight and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight.

a.

*Glazing.* All glazing materials shall be maintained free from cracks and holes.

b.

*Openable windows.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(14)

*Insect screens.*

a.

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

b.

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

(15)

*Doors.* All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with NFPA-1.

(16)

*Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit let shall be equipped with devices that secure the units from unauthorized entry.

(17)

*Guards for basement windows.* Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(18)

*Doors.* Doors providing access to any dwelling unit, rooming unit or housekeeping unit shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than one inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

(19)

*Windows.* Operable windows located in whole or in part within six feet (1,828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

(Code 1995, § 18-307; Ord. No. 2156-08, § 1(18-307), 4-14-2008)

## **Sec. 10-62. - Interior structure.**

(a)

*Generally.* The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a roominghouse, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(b)

*Structural members.* All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

(c)

*Interior surfaces.* All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

(d)

*Stairs and walking surfaces.* Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(e)

*Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(f)

*Interior doors.* Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

(Code 1995, § 18-307; Ord. No. 2156-08, § 1(18-307), 4-14-2008)

### **Sec. 10-63. - Rubbish and garbage.**

**(a)**

*Accumulation of rubbish or garbage.* All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

**(b)**

*Disposal of solid waste.* Every occupant of a structure shall dispose of all solid waste in a clean and sanitary manner as prescribed in [chapter 34](#), article II, pertaining to collection and disposal.

[Code 1995, § 18-307; Ord. No. 2156-08, § 1(18-307), 4-14-2008]

### **Sec. 10-64. - Extermination.**

**(a)**

*Infestation.* All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

**(b)**

*Owner.* The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

**(c)**

*Single occupant.* The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

**(d)**

*Multiple occupancy.* The owner of a structure containing two or more dwelling units, a multiple occupancy, a roominghouse or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

**(e)**

*Occupant.* The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure, except where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

[Code 1995, § 18-307; Ord. No. 2156-08, § 1(18-307), 4-14-2008]

### **Sec. 10-65. - Light, ventilation and occupancy limits.**

**(a)**

*Generally.*

**(1)**

*Scope.* The provisions of this section shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

**(2)**

*Responsibility.* The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this section.

**(3)**

*Alternative devices.* In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Florida Building Code or Florida Existing Building Code shall be permitted.

(b)

*Light.*

(1)

*Habitable spaces.*

a.

Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

b.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 square meters). The exterior glazing area shall be based on the total floor area being served.

(2)

*Common halls and stairways.* Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 square meters) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one footcandle (11 lux) at floors, landings and treads.

(3)

*Other spaces.* All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(c)

*Ventilation.*

(1)

*Habitable spaces.*

a.

Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in.

b.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 square meters). The

ventilation openings to the outdoors shall be based on a total floor area being ventilated.

(2)

*Bathrooms and toilet rooms.* Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

(3)

*Cooking facilities.*

a.

Cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

b.

Exceptions: Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

(4)

*Process ventilation.* Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space. Paint booths and other industrial processes have additional requirements as provided by law.

(5)

*Clothes dryer exhaust.* Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted to the exterior in accordance with the manufacturer's instructions and installed with noncombustable materials compliant to the Florida Fire Prevention, Building and Existing Building Codes.

(d)

*Occupancy limitations.*

(1)

*Privacy.* Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(2)

*Minimum room widths.* A habitable room, other than a kitchen, shall not be less than seven feet (2,134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (914 mm) between counter-fronts and appliances or counter-fronts and walls.

(3)

a.

*Minimum ceiling heights.* Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet (2,134 mm).

b.

Exceptions. In one- and two-family dwellings, beams or girders spaced not less than four feet (1,219 mm) on center and projecting not more than six inches (152 mm) below the required ceiling height.

(4)

Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet eight inches (2,033 mm) with not less than six feet four inches (1,932 mm) of clear height under beams, girders, ducts and similar obstructions.

(5)

Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet (2,134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet (1,524 mm) or more shall be included.

(6)

Bedroom and living room requirements. Every bedroom and living room shall comply with all applicable code requirements.

(7)

Room area. Every living room shall contain at least 120 square feet (11.2 square meters) and every bedroom shall contain at least 70 square feet (6.5 square meters).

(8)

Access from bedrooms.

a.

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

b.

Exception: Units that contain fewer than two bedrooms.

(9)

Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

(10)

Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

(11)

Other requirements. Bedrooms shall comply with the applicable provisions of this article including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this section; the plumbing facilities and water-heating facilities requirements; and electrical receptacle requirements of [section 10-67](#); and the smoke detector and emergency escape requirements of [section 10-68](#), pertaining to fire safety requirements.

(12)

Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

(13)

Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

a.

A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 square meters). A unit occupied by

three occupants shall have a clear floor area of not less than 320 square feet (29.7 square meters).

b.

The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this article shall be provided.

c.

The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

d.

The maximum number of occupants shall be three.

e.

Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(Code 1995, § 18-309; Ord. No. 2156-08, § 1(18-309), 4-14-2008)

### **Sec. 10-66. - Plumbing facilities and fixture requirements.**

(a)

*Generally.*

(1)

*Scope.* The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided and comply with the Florida Plumbing Code and Florida Existing Building Code.

(2)

*Responsibility.* The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this section.

(b)

*Required facilities.*

(1)

*Dwelling units.* Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(2)

*Roominghouses.* At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

(3)

*Hotels.* Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

(4)

*Employees' facilities.* A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

(5)

*Drinking facilities.* Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

(c)

*Toilet rooms.*

(1)

*Privacy.* Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

(2)

*Location.* Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

(3)

*Location of employee toilet facilities.*

a.

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

b.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

(4)

*Floor surface.* In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

(d)

*Plumbing systems and fixtures.*

(1)

*Generally.* All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(2)

*Fixture clearances.* Plumbing fixtures shall have adequate clearances for usage and cleaning.

(3)

*Plumbing system hazards.* Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage improper installation,

deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(e)

*Water system.*

(1)

*Generally.* Every building and dwelling unit sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a metered public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot and cold running water in accordance with the Florida Plumbing Code and this Code of Ordinances.

(2)

*Contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(3)

*Supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(4)

*Water heating facilities.* Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees Fahrenheit (43 degrees Celsius). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(5)

*System installation compliance.* All installations must comply with city utilities and building code requirements.

(f)

*Sanitary drainage system.*

(1)

*Generally.* All plumbing fixtures shall be properly connected to a public sewer system when available or to an approved private sewage disposal system.

(2)

*Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

(g)

*Storm drainage.*

(1)

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance, or as otherwise prohibited by law.

(2)

All drainage systems must be approved by the city public works department.

(Code 1995, § 18-310; Ord. No. 2156-08, § 1(18-310), 4-14-2008)

**Sec. 10-67. - Mechanical and electrical requirements.**

(a)

*Generally.*

(1)

*Scope.* The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

(2)

*Responsibility.* The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this section.

(b)

*Heating facilities.*

(1)

*Facilities required.* Heating facilities shall be provided in structures as required by this section as applicable.

(2)

*Residential occupancies.* Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in the Florida Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

(3)

*Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

(4)

*Occupiable work spaces.*

a.

Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) in spaces that are occupied.

b.

Exceptions:

1.

Recreational vehicles parked on residential property can be provided with temporary electrical power to run refrigeration and air conditioning for environmental purposes only. No habitation is permitted.

2.

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

3.

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

(5)

*Room temperature measurement.* The required room temperatures shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.

(c)

*Mechanical equipment.*

(1)

*Mechanical appliances.* All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed according to manufacturers specifications and maintained in a safe working condition, and shall be capable of performing the intended function.

(2)

*Removal of combustion products.*

a.

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

b.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

(3)

*Clearances.* All required clearances to combustible materials shall be maintained.

(4)

*Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.

(5)

*Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

(6)

*Energy conservation devices.* Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(d)

*Electrical facilities.*

(1)

*Facilities required.* Every occupied building and dwelling shall have an electrical system connected to an electric meter in compliance with requirements of the electric service provider.

(2)

*Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 100 amperes.

(3)

*Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate

service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(4)

*Recreational vehicles parked temporarily or stored on residential property.*

a.

May be provided with temporary electrical power for operation of air conditioning and refrigeration, for environmental purposes only.

b.

No habitation is permitted.

c.

Vehicle parking, must comply with [section 10-61\(i\)\(2\)c.](#)

(e)

*Electrical equipment.*

(1)

*Installation.* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(2)

*Receptacles.* Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle with ground fault circuit interrupter protection (GFCI). Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection (GFCI).

(3)

*Luminaires.* Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

(f)

*Elevators, escalators and dumbwaiters.*

(1)

*Generally.* Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection at the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, appendix N, except where otherwise specified by the authority having jurisdiction.

(2)

*Elevators.*

a.

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

b.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

(g)

*Duct systems.* Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

**Sec. 10-68. - Fire safety requirements.**

(a)

*Generally.*

(1)

*Scope.* The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

(2)

*Responsibility.* The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

(b)

*Means of egress.*

(1)

*Generally.* A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Florida Fire Prevention, NFPA-1, and 101 Life Safety Codes and NFPA Standards.

(2)

*Aisles.* The required width of aisles in accordance with the Florida Fire Prevention Code shall be unobstructed.

(3)

*Locked doors.* All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Florida Building Code.

(4)

*Emergency escape openings.* Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

(c)

*Fire-resistance ratings.*

(1)

*Fire-resistance-rated assemblies.* The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

(2)

*Opening protectives.* Required opening protectives shall be maintained in an operative condition. All fire and smoke-stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

(d)

*Fire protection systems.*

(1)

*Generally.* All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Florida Fire Prevention Code.

(2)

*Smoke alarms.* Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

a.

On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

b.

In each room used for sleeping purposes.

c.

In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

d.

Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the Florida Fire Prevention, NFPA-1 and 101 Life Safety Codes, and NFPA Standards.

(3)

*Power source.*

a.

In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

b.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes in a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

(4)

*Interconnection.*

a.

Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

**b.**

Exceptions.

**1.**

Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.

**2.**

Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

*(Code 1995, § 18-312; Ord. No. 2156-08, § 1(18-312), 4-14-2008)*

**Secs. 10-69—10-81. - Reserved**