

ORDINANCE NO. K-26

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING SECTION 5-366; PROVIDING THAT NO DWELLING MAY BE FURNISHED WITH UTILITY SERVICE WITHOUT INSPECTION; PROHIBITING UTILITY AUTHORITY FROM FURNISHING UTILITY SERVICE TO DWELLING WITHOUT INSPECTION FOR COMPLIANCE WITH MINIMUM HOUSING STANDARDS; PROVIDING INSPECTION STANDARDS; PROVIDING MEANS FOR ENFORCING INSPECTION THROUGH OBTAINING OF WARRANT; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there are numerous dwellings within the City of Fort Pierce which contain one or more violations of the Standard Housing Code, 1994 edition, as published by the Southern Building Code Congress International, Inc., previously adopted for the City through Section 5-351; and

WHEREAS, such violations present a hazard of fire, impact adversely on the visual attractiveness of the City, present a risk of potential injury to occupants of the dwellings in violation, and otherwise threaten public health, safety and welfare; and

WHEREAS, withholding of approval for utility hook-ups is an effective strategy for obtaining compliance with minimum housing standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA as follows:

SECTION 1. Section 5-366 is hereby amended so that the same shall read hereinafter as follows:

Sec. 5-366. Inspections.

a. General. Any duly authorized inspector of the code enforcement agency shall be authorized to make inspections to determine the condition of dwellings, dwelling units, rooming houses, hotels, commercial buildings, and all other buildings and premises within the city in order to safeguard the health, safety, and welfare of the public. The inspector shall be authorized to enter any building or premises as provided by law at any reasonable time, or at such other time as provided under this article, in accordance with the procedures herein prescribed. Except in emergencies endangering the public health,

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safety and welfare, the inspector shall enter a building or premises only upon the prior consent of the person lawfully in occupancy thereof or the person having legal right or possession thereof, or in accordance with the provisions of this section or as otherwise authorized by law. The inspector shall further be authorized to obtain a search or inspection warrant to the fullest extent allowed by Section 933.20, et.seq., Florida Statutes, as such statute reads today, or is subsequently amended.

b. An inspection shall be required as a prior condition of activation of utility service by any utility authority to a dwelling, where such service involves an electrical, water or sewer hook-up. It shall be unlawful for any utility authority to activate utility service to any dwelling prior to receipt of notice from the City that the inspection is completed and the dwelling is found to be in compliance with minimum housing standards as incorporated by Section 5-351. The inspection shall be in addition to, and not in place of, any other inspection provided for by any other ordinance, building code or governmental agency, except that it shall not apply to, nor require inspection as to, temporary power services related to construction or site testing.

c. Inspection Standards. Inspections authorized by this section shall be conducted according to the following standards:

i. Inspections conducted for the purpose of facilitating a utility hook-up will be carried out as soon as immediately practicable. If request is made for such inspection in writing by the dwelling owner or possessor, the inspection shall take place in any event no later than five (5) business days of the date the written request is received;

ii. If the inspection reveals one or more violations of the minimum housing standards, the dwelling owner and, if different, its possessor, shall be given immediate written notice of the violation and shall be provided with information on measures necessary to bring the dwelling into compliance;

iii. Inspectors will not remove, alter, or deface any part of a dwelling during the course of inspection nor cause destructive testing to occur, except that electrical panels or other equipment access panels may be removed as necessary.

d. Emergency Access. If the City has reason to believe that the dwelling is in violation of minimum housing standards to the extent that such violation threatens life, safety or property, the City may demand immediate inspection access from the dwellings owner or possessor. Should permission for entry onto or into the premises be withheld the City may obtain a warrant as provided by law from a Court of competent jurisdiction.

e. Enforcement of Access. The provisions of this section may be enforced through proceedings before the Code Enforcement Board as provided by Chapter II, Article XIII, Chapter 933, Florida Statutes, or as otherwise provided for by law.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and shall be of no further force or effect whatsoever.

SECTION 3. This ordinance is and the same shall become effective 120 days after final passage.

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