

ORDINANCE NO. 16-XXX

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 5 - BUILDINGS AND BUILDING REGULATIONS, ARTICLE III (BUILDING NUMBERING), SEC. 5-66 BY AMENDING PENALTIES FOR THIS ARTICLE; AMENDING SEC. 5-73 TO CLARIFY REQUIREMENTS FOR ASSIGNMENT, PROCUREMENT AND INSTALLATION OF HOUSE NUMBERS; REPEALING ARTICLE XII (HOUSING CODE), SEC. 5-350 TO 5-352; AMENDING ARTICLE XIII (PROPERTY MAINTENANCE), SEC. 5-361 TO INCORPORATE IN THE HOUSING CODE; AMENDING, SEC. 5-364 REPEALING DEFINITIONS AND PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AMENDING SEC. 5-365 REPEALING BUILDING SURVEYS AND PROVIDING FOR LOCAL AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AMENDING SEC. 5-366 CLARIFYING DUTIES OF EMPLOYEES; AMENDING SEC. 5-367 BY REPEALING DUTY OF THE OWNER AND OCCUPANT AND PROVIDING FOR REQUIREMENTS OF VACANT BUILDINGS; AMENDING SEC. 5-368 BY REPEALING MAINTENANCE OF BUILDINGS AND STRUCTURES AND PROVIDING FOR REQUIREMENTS FOR OCCUPANCY OF UNITS; AMENDING SEC. 5-369 BY REPEALING REQUIREMENTS OF VACANT BUILDINGS; AMENDING SEC. 5-371 REPEALING EXTERIOR AREAS AND PROVIDING FOR ENFORCEMENT OF THIS ARTICLE; AMENDING SEC. 5-372 REPEALING REQUIREMENTS FOR REPLACEMENT OF STORE FRONTS AND PROVIDING PROVISIONS FOR VIOLATIONS RELATED TO ACTS OR OMISSIONS BY TENANTS; AMENDING SEC. 5-373 REPEALING OCCUPANCY OF VACANT UNITS; AMENDING SEC. 5-374 REPEALING ENFORCEMENT OF THIS ARTICLE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Pierce, Florida has determined that the process for assigning address numbers and the enforcement of address numbers should be revised in accordance with the provisions of this Ordinance; and,

WHEREAS, the adoption of The Standard Housing Code, 1997 edition adopted as the minimum housing code for the city is obsolete; and,

WHEREAS, the City of Fort Pierce, Florida has determined that the International Property Maintenance Code, as published by the International Code Council, with local amendments shall be adopted for use as the Fort Pierce Property Maintenance Ordinance and the Fort Pierce Housing Code in accordance with the provisions of this Ordinance; and,

WHEREAS, pursuant to the authority granted by Article XIII and Article XIII.5 of Chapter 2 of the Code of Ordinances of the City of Fort Pierce, Florida provides procedures for means of enforcing the codes and ordinances of the City of Fort Pierce, Florida; and,

WHEREAS, the City of Fort Pierce, Florida has determined that a process for enforcement of violations related to act or omission of a tenant shall be implemented in accordance with the provisions of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. Chapter 5, Article III, Section 5-66 is hereby amended so that the same shall read hereafter as follows:

Sec. 5-66. - Penalty.

~~Any person who violates any of the provisions of this article shall be punished by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment not to exceed ninety (90) days or by both such fine and imprisonment.~~

This article shall be enforceable in the same manner as any other ordinances or laws of the city as provided elsewhere in the Code of Ordinances, or as otherwise provided by law.

SECTION 2. Chapter 5, Article III, Section 5-73 is hereby amended so that the same shall read hereafter as follows:

Sec. 5-73. - Survey; ~~purchase~~ Procurement of numbers by owner; installation.

(a) There shall be assigned by the planning director or his or her designee ~~of planning and development~~ to each house and other residential or commercial building located on any street in the city its respective number under the uniform system provided for in this article, whereupon the owner, occupant or agent thereof shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned.

(b) Such number or numbers shall be installed within ten (10) days after the assignment and/or notice thereof. Assignment and/or notice shall be ~~in the form of a registered sent via regular U.S. mail and/or certified letter mail~~ with a return receipt sent to the owner of record in the current county tax rolls. An authorized employee shall execute an affidavit of mailing which shall constitute evidence of mailing via regular U.S. mail for purposes of providing proof of notice for purposes of this section. Upon failure of delivery by U.S. mail to owners residing in the county, notification may be made by police delivery.

(c) ~~The cost of the number or numbers shall be procured and paid for by the property owner, and numbers may be procured from the building and code enforcement department at the unit price for the same, such price to be the cost of such units to the city, or from any other source. Replacement numbers shall be procured and paid for by the owner. The number or numbers used shall meet the requirements set forth in Chapter 3 of the International Property Maintenance Code as adopted by the City and incorporated by reference herein. be not less than three (3) inches in height and shall be made of a durable and clearly visible material.~~ If the proper number or numbers are is not placed on the building as required within the ten (10) days specified herein, from the date of assignment or notice, the building and code enforcement department shall ~~take legal action~~ enforce compliance through the applicable code enforcement provisions for the violation as provided in section 5-66.

(d) The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street line. Whenever any building is situated more than fifty (50) feet from the street line, then

the numbers shall be placed near the walk, driveway or common entrance to such building and upon a post, mailbox or other appropriate place so as to be easily discernible from the sidewalk.

SECTION 3. Chapter 5, Article XII, Section 5-350 is hereby amended so that the same shall read hereafter as follows:

~~Sec. 5-350. Purpose.~~

~~It is the purpose of this housing code to provide the basic minimum housing standards deemed essential for safety and healthful living. The code provides the minimum requirements necessary to maintain any residential occupancy in a safe and sanitary condition. In addition, the housing code aids the city in working to remove blighting conditions that deteriorating structures and living conditions can bring to a neighborhood.~~

Sec. 5-350. Reserved.

SECTION 4. Chapter 5, Article XII, Section 5-351 is hereby amended so that the same shall read hereafter as follows:

~~Sec. 5-351. Adopted.~~

~~The Standard Housing Code, 1997 edition, as published by the Southern Building Code Congress International, Inc., is hereby adopted as the minimum housing code for the city. One copy of this Standard Housing code is on file with the city clerk.~~

Sec. 5-351. Reserved.

SECTION 5. Chapter 5, Article XII, Section 5-352 is hereby amended so that the same shall read hereafter as follows:

~~Sec. 5-352. Amendments to housing code.~~

~~The following amendments, corrections and additions to the adopted Standard Housing Code are hereby made and adopted. Said amendments, corrections and additions are set forth herein with reference to and referenced by the section number and title of said code as follows:~~

~~406.1. Appointment. The board of adjustment and appeals, as established in section 5-1.110 of the City of Fort Pierce Code of Ordinances, shall also serve as the housing board of adjustments and appeals.~~

Sec. 5-352. Reserved.

SECTION 6. Chapter 5, Article XIII, Section 5-361 is hereby amended so that the same shall read hereafter as follows:

~~Sec. 5-361. – Title.~~

From and after the effective date hereof, this article shall be known as the "Fort Pierce Property Maintenance Ordinance and the Fort Pierce Housing Code."

SECTION 7. Chapter 5, Article XIII, Section 5-364 is hereby amended so that the same shall read hereafter as follows:

~~Sec. 5-364. Definitions.~~

As used in this article, the following words and terms shall have the definitions ascribed to them in this section:

~~Accessory use means a structure, the use of which is incidental to that of the main building, and which is attached thereto or located on the same premises.~~

~~Building means a structure which encloses space; a structure which gives protection or shelter for any occupancy or use. The term "building" shall be construed as if followed by the phrase "or part thereof."~~

~~Clean and/or sanitary means a condition of reasonable cleanliness and sanitization which is fit for human habitation or occupancy under contemporary community standards, unless otherwise specified in this article.~~

~~Code enforcement agency means the department of building and code enforcement of the city.~~

~~Director means the city manager or his authorized designee.~~

~~Dwelling means any building or structure or part thereof used and occupied for human habitation or intended to be so used.~~

~~Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit within the facilities which are based or intended to be used for living, sleeping, cooking or eating.~~

~~Exterior property areas means any open space on the premises.~~

~~Occupant means any person living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or building.~~

~~Open space areas means that portion of a premises not occupied by a building, structure, or pavement; an area of the premises normally referred to as the yard or landscaping area.~~

~~Operator means any person who has charge, care or control of a multiple residence, in which dwelling units are let or offered for occupancy.~~

~~Owner means any person, firm, corporation or legal entity who alone or jointly or severally with others:~~

~~(1) — Shall have legal or beneficial title to any building or premises; and/or~~

~~(2) — Shall have charge, care or control of any building or premises, as owner or agent of the owner, or as a fiduciary of the estate of the owner or any officer appointed by the court. Any such person thus representing the actual owner, shall be bound to comply with the terms of this article and any notice of rules and regulations issued pursuant thereto, to the same extent as if he were the owner.~~

~~Person shall include the owner, occupant, mortgagee, or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of a building or premises.~~

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

~~Rubbish means all combustible and noncombustible waste, junk, and debris.~~

~~Structure means the combination of any materials, whether fixed or portable, forming a construction, including buildings. The word "structure" shall be construed as though followed by the words "or part or parts thereof."~~

Sec. 5-364. - Adoption.

Provisions of the International Property Maintenance Code (IPMC) as published by the International Code Council as set forth in Section 5-365 of the Ft Pierce Code of Ordinances herein below are adopted and stand incorporated by reference herein and stand as the property maintenance ordinance, and housing code for the City of Fort Pierce, Florida. Amendments to the applicable provisions of the International Property Maintenance Code are hereby adopted for use herein without the need for subsequent ratification.

SECTION 8. Chapter 5, Article XIII, Section 5-365 is hereby amended so that the same shall read hereafter as follows:

~~Sec. 5-365.— Building survey.~~

~~The code enforcement agency shall be authorized to make surveys in any areas of the city to determine the general condition of all buildings, structures, and premises, to determine the general condition thereof, whether used for human habitation, and to determine the lack of facilities, unsafe and unsanitary conditions, extent of overcrowding and other relevant factors. This survey shall assist in the determination of the allocation of enforcement personnel and resources.~~

Sec. 5-365. – Definitions, Scope and Application.

(1) Terms within these code provisions shall be defined in accordance with Chapter 2 of the International Property Maintenance Code (IPMC) except as provided otherwise within the Code of Ordinances of the City of Fort Pierce, Florida or by State or Federal Law.

(2) Chapter 1, Part 1 of the IPMC entitled SCOPE AND APPLICATION is hereby adopted and specifically incorporated herein by reference.

(3) Administration and enforcement of the provisions of the City of Fort Pierce Property Maintenance Ordinance and Housing Code shall be in accordance with applicable provisions established in Chapters 2 and 5 of the Code of Ordinances of the City of Fort Pierce, Florida.

(4) The provisions of Chapter 3, Section 301 is hereby adopted and specifically incorporated herein by reference.

(5) The provisions of Chapter 3, Section 302 are adopted with the following exceptions:

(a) Section 302.4 "Weeds", is specifically excluded. All landscape overgrowth shall be abated in accordance with the provisions of Chapter 16 of the Code of Ordinances of the City of Fort Pierce, Florida.

(b) Section 302.8 "Motor Vehicles", is specifically excluded. Non-operative vehicle nuisances shall be abated in accordance with the provisions for the same within Chapter 16 of the Code of Ordinances of the City of Fort Pierce, Florida.

(6) Chapter 4, Section 404.7 "Food Preparation", is hereby adopted and specifically incorporated herein by reference. All other provisions of Chapter 4 are specifically

excluded. Regulations regarding light, ventilation, and occupancy limitations shall be governed by Chapter 8.5 of the Code of Ordinances of the City of Fort Pierce, Florida.

(7) All sections of the IPMC which are not specifically excluded are incorporated herein by reference and shall be subject to enforcement year round.

SECTION 9. Chapter 5, Article XIII, Section 5-366 is hereby amended so that the same shall read hereafter as follows:

~~Sec. 5-366. - Inspections.~~

Any duly authorized ~~inspector~~ employee from the building or 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~~ Duly authorized employees shall be authorized to enter any building or premises as provided by law at any reasonable time, or at such other times as may be necessary in an emergency, for the purpose of performing the duties of such office under this article, in accordance with the procedures herein prescribed. Except in emergencies endangering the public health, 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~~ Employees shall further be authorized to obtain a search or inspection warrant to the fullest extent allowed by Section 933.20, et seq., Florida Statutes.

SECTION 10. Chapter 5, Article XIII, Section 5-367 is hereby amended so that the same shall read hereafter as follows:

~~Sec. 5-367. - Duty of owner and occupant.~~

~~Every occupant and owner of a dwelling or dwelling unit, building, structure, or premises shall keep in clean and sanitary condition that part of the dwelling, building or premises thereof, which he occupies, controls, or owns.~~

~~Sec. 5-367. - Vacant Buildings.~~

The owner of a vacated building, whether a dwelling unit, business premises, or accessory structure, shall take such steps and perform such acts as may be required from time to time to insure that the building and its adjoining yards remain safe, secure, clean and sanitary, and do not present a hazard to adjoining properties or to the public. All openings, including doors and windows, which are covered or closed for access shall be provided with painted exterior-grade plywood closures, matched in color to the building, unless the same are provided with awnings, storm panels, or other similar commercially available products designed for this intended use and installed in a workmanlike manner.

SECTION 11. Chapter 5, Article XIII, Section 5-368 is hereby amended so that the same shall read hereafter as follows:

~~Sec. 5-368. - Maintenance of buildings and structures.~~

~~Every building, structure, dwelling, dwelling unit, and accessory structure, including garages, carports, storage buildings, and fences shall comply with the following requirements:~~

~~(1) — Every foundation, exterior and interior wall, roof, floor, ceiling, window and exterior door shall be structurally sound and maintained in good repair.~~

~~(2) — Every building shall be kept in a reasonably clean and sanitary condition reasonably free from rodents, insects and vermin.~~

~~(3) — The roof of every building and accessory structure shall be adequately drained of rainwater. All roofs, in addition to exterior walls, and areas around doors, windows, chimneys and other parts of a building shall be so maintained as to keep water from entering the building. Exterior walls, roofs and other parts of the building shall be free from loose and unsecured objects and material. Such objects or materials shall be removed, repaired or replaced.~~

~~(4) — All the exterior surfaces subject to deterioration, and all exterior exposed surfaces not inherently resistant to deterioration, shall be properly maintained, repaired, coated, treated, or sealed to protect them from deterioration, weathering, and from the elements by paint or other approved protective coating, applied in a workmanlike fashion. Exterior surfaces which have been damaged or show evidence of dry rot or other deterioration, including cracked, chipped, and peeling paint or other coating, shall be repaired or replaced and finished in a workmanlike manner.~~

~~(5) — Every plumbing fixture, water pipe, waste pipe and drain shall be maintained in good sanitary working condition, free from defects, leaks and obstruction.~~

~~(6) — All fences, whether wood, metal, chainlink, or other approved material shall be maintained in reasonably good repair. Any fence in a state of disrepair shall be replaced or repaired.~~

~~(7) — Steps, walks, driveways and similar paved areas of any premises shall be maintained in a reasonably clean and sanitary condition, free of any holes, substantial cracking, or other hazard. Such areas shall also be swept clean of dirt and debris on a regular basis and otherwise maintained in a clean and sanitary condition.~~

Sec. 5-368. – Occupancy of Units.

No person shall occupy as owner-occupant or permit to be occupied by another any dwelling or dwelling unit unless the unit is in good repair, clean, sanitary, in habitable condition as these terms are ordinarily defined, and in full compliance with all provisions of this article.

SECTION 12. Chapter 5, Article XIII, Section 5-369 is hereby amended so that the same shall read hereafter as follows:

~~Sec. 5-369. — Vacant Buildings.~~

~~The owner of a vacated building, whether a dwelling unit, business premises, or accessory structure, shall take such steps and perform such acts as may be required of him from time to time to insure that the building and its adjoining yards remain safe, secure, clean and sanitary, and do not present a hazard to adjoining property or to the public. All openings, including doors and windows, which are covered or closed for access shall be provided with painted exterior grade plywood closures, matched in color to the building, unless the same are provided with awnings, storm panels, or other similar commercially available products designed for this intended use and installed in a workmanlike manner.~~

Sec. 5-369. – Reserved.

SECTION 13. Chapter 5, Article XIII, Section 5-371 is hereby amended so that the same shall read hereafter as follows:

~~Sec. 5-371. - Exterior areas.~~

~~Exterior areas of all parcels, including yards, courts, steps, walks, driveways, parking areas and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Materials or objects which would detract from the open space character of an uncovered and unenclosed area, including, but not limited to the unsightly or disorganized storage of metal, lumber, paper, or plastic objects of any kind or nature which cause an unsightly condition or cause a substantial depreciation in property values in the immediate neighborhood shall not be permitted unless in accordance with section 11-10(a)(2) of the Code of Ordinances. The exterior of every structure shall be so maintained and kept in good repair, so as not, in the case of excessive scaling of paint or excessive mildew, to tend to cause a substantial depreciation in property values in the immediate vicinity. The exterior surfaces shall be kept free from materials, objects and conditions which will have an adverse effect on adjacent premises.~~

Sec. 5-371. - Enforcement.

This article shall be enforceable in the same manner as any other ordinances or laws of the city as provided elsewhere in the Code of Ordinances, or as otherwise provided by law.

SECTION 14. Chapter 5, Article XIII, Section 5-372 is hereby amended so that the same shall read hereafter as follows:

~~Sec. 5-372. - Replacement of store fronts.~~

~~It shall be unlawful for any person owning, renting or occupying a business premises in the city to fail to repair, replace or rebuild the plate glass window or other store front of such business premises which has been broken, damaged, destroyed or remove within a period of ten (10) days, after such breakage, damage, destruction or removal occurs. Business establishments may have installed thereon securely fastened painted plywood boarding to temporarily cover up the broken, damaged, destroyed or removed plate glass window or store front for a period of time not to exceed ten (10) days, provided that the repair or replacement of such glass and store front is timely made in compliance with this section.~~

Sec. 5-372. - Violations related to act or omission of tenant.

If a notice of violation arises due to acts or omissions of a tenant, and the tenant fails to make the necessary correction, the property owner or agent shall remedy the condition by whatever means necessary. No adverse action shall be taken against a property owner for failure to remedy a condition related to a tenant during the pendency of a bona fide eviction proceeding against the tenant which is diligently pursued by the property owner.

SECTION 15. Chapter 5, Article XIII, Section 5-373 is hereby amended so that the same shall read hereafter as follows:

~~Sec. 5-373. - Occupancy of vacant units.~~

~~No person shall occupy as owner-occupant or permit to be occupied by another any vacant dwelling or dwelling unit unless or unit it is in good repair, clean, sanitary, in habitable condition, and in full compliance with all provisions of this article.~~

Sec. 5-373. – Reserved.

SECTION 16. Chapter 5, Article XIII, Section 5-374 is hereby amended so that the same shall read hereafter as follows:

~~Sec. 5-374. – Enforcement.~~

~~This article shall be enforceable in the same manner as any other ordinances or laws of the city as provided elsewhere in the Code of Ordinances, or as otherwise provided by law.~~

Sec. 5-374. – Reserved.

SECTION 17. All ordinances or parts thereof in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 18. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 19. This Ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM
AND CORRECTNESS:

James M. Messer
City Attorney

STATE OF FLORIDA
COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 16-____ was duly advertised by title only in the St. Lucie News Tribune on _____, 2016; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on _____, 2016; and was duly introduced, read by title only, and passed on second and final reading on _____, 2016, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal
of the City of Fort Pierce, Florida, this the ____ day of _____, 2016.

Linda Hudson
Mayor Commissioner

Linda W. Cox
City Clerk

(CITY SEAL)