



THE SUNRISE CITY

FORT PIERCE

BUILDING DEPARTMENT

Florida

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CITY OF FT. PIERCE
CITY MANAGER'S OFFICE

TO: Nicholas Mimms, City Manager

THROUGH: Paul Thomas, Interim Building Official

FROM : Shaun Coss, Building Department Investigator *SC*

RE: Property Maintenance Procedures

DATE: 12/19/2016

The International Property Maintenance Code (IPMC), if adopted by the City Commission, the Fort Pierce Property Maintenance Ordinance authorizes the "code official" to enforce the provisions of the code. The "code official" is the official who is charged with the administration and enforcement of the code or any duly authorized representative. There aren't any license requirements to enforce the IPMC; therefore it is enforceable by the Code Enforcement Department and the Building Department.

The 'appeals process' will not change with the adoption of this ordinance. Condemnation appeals will remain appealable to the Construction Board of Adjustments and Appeals. Violations of properties not condemned will remain appealable to the Code Enforcement Board and/or Special Magistrate.

ORDINANCE NO. 16-025

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 THE HOUSING CODE; AMENDING, SEC. 5-364 PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AMENDING SEC. 5-365 REPEALING BUILDING SURVEYS ADDING LANGUAGE TO CONFORM WITH AND ADOPT SPECIFIC PROVISIONS OF 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.

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; Procurement of numbers by owner; installation.

(a) There shall be assigned by the planning director or his or her designee 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 sent via regular U.S. mail and/or certified 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.

(c) The number or numbers shall be procured and paid for by the property 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. 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 code enforcement department shall 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. 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. 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. 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. - 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. – 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 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. 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. 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. – 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. – 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. – 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. - 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. – 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. – 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. – 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)