

ORDINANCE 06-_____

AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING THE PINELLAS COUNTY CODE RELATING TO MINIMUM HOUSING STANDARDS; AMENDING SECTION 22-264 RELATING TO SERVICE OF WRITTEN NOTICE; AMENDING SECTION 22-278 RELATING TO UNSAFE BUILDINGS; AMENDING SECTION 22-280 RELATING TO CONDEMNED DWELLINGS; AMENDING SECTION 22-299 RELATING TO EXTERIOR AND INTERIOR OF STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AMENDMENTS THAT MAY ARISE AT PUBLIC HEARING.

WHEREAS, the Board of County Commissioners felt the citizens of Pinellas County should have direct input into the regulation of their communities and therefore, appointed a task force to discuss community standards and make suggestions for changes to the code based upon current issues facing their communities; and

WHEREAS, each Commissioner appointed two individuals, residing within their district and from various backgrounds, to the task force, for a total membership of 14 citizens; and

WHEREAS, the task force met a total of eleven times over a period of seven months and discussed various code enforcement issues; and

WHEREAS, the Board of County Commissioners, after receiving significant public input, has decided to modify its current restrictions to eliminate blighting influences that contribute to deterioration in both neighborhood standards and property values.

NOW, THEREFORE, Be It Ordained by the Board of County Commissioners of Pinellas County, Florida:

SECTION 1. Section 22-264 of the Pinellas County Code is hereby amended to read as follows:

Sec. 22-264. Service of written notice.

For the purposes of this article, a written notice shall be considered served when it is sent by certified mail, return receipt requested, to the property owner as shown on the current tax rolls of the county. For the purposes of any notice required by s. 125.69, Fla. Stat., such notice may be provided by regular mail.

SECTION 2. Section 22-278 of the Pinellas County Code is hereby amended to read as follows:

Sec. 22-278. Unsafe buildings.

All dwellings, apartment houses, roominghouses, buildings or structures and their premises used as such which are unsafe, insanitary, unfit for human habitation, or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to their existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are unsafe buildings. All such unsafe buildings and nuisances are hereby declared to be in violation of this article and shall be secured, repaired and rehabilitated or demolished in accordance with the following procedure.

- (1) Whenever the housing official determines that there are reasonable grounds to believe that there has been a violation of any provision of this article, or of any rule or regulation adopted pursuant thereto, the housing official shall give notice of such alleged violation to the person or persons responsible therefor. Such notice shall:
 - a. Be put in writing.
 - b. Include a statement of the reasons why it is being issued.
 - c. Allow ~~45~~ 15 days to correct major violations and ~~60~~ 30 days to correct minor violations with a maximum time limit of ~~120~~ 60-days for either, subject to approval of the housing official.
 - d. Where extreme hazards are known to exist within a building or structure on the premises which may involve the potential loss of life or severe property damage, the housing official may take or require immediate corrective action. The terminology "to correct" includes, but is not limited to, action taken to alter, upgrade, secure, repair, remodel or demolish any unsafe building.

- e. Such notice shall further state that if such corrections are not voluntarily completed within the stated time, as set forth in the notice, the housing official shall institute legal proceedings charging the owner with a violation of this article.
 - f. Such notice shall contain the provisions of this article providing for hearing and appeal.
- (2) ~~Service of notice shall be as follows: Any Written notice required under this section shall be considered properly served when it is sent by certified mail, return receipt requested, to the property owner as shown on the current tax rolls of the county. so long as it complies with the requirements of section 22-264.~~
 - (3) In the event that the owner does not, after due notice has been given and all rights of appeal have been exhausted, comply with the notice to correct violations of such premises, the housing official shall cause such premises to be repaired, secured or demolished. Where an unsafe building is to be secured, repaired or demolished without the owner's consent, the housing official shall obtain approval of the board of county commissioners prior to securing, repairing or demolishing such building.
 - (4) The housing official shall implement the provisions of subsection (3) of this section through any available public agency or by contracting with an independent licensed contractor, submitting the lowest and best qualified bid for the performance of the necessary work in connection with the correction of violations. Any work implemented by the housing official in connection with the correction of violations identified under this section, including demolitions, and performed by the housing official or his agent, may be performed without the necessity of first obtaining a permit(s) from the Pinellas County Building Department.
 - (5) Costs incurred under subsection (4) of this section shall be charged to the owner and shall constitute a lien upon the property and shall be collected in the manner provided by law.

SECTION 3. Section 22-280(a)(2) of the Pinellas County Code is hereby amended to read as follows:

Sec. 22-280. Condemned dwellings.

- (2) *Form and service of notice.* Whenever the housing official has

declared a dwelling or multifamily dwelling as unfit for human habitation, as defined in this article, the housing official shall give notice to the owner in accordance with section ~~22-278.~~ 264.

SECTION 4. Section 22-299 of the Pinellas County Code is hereby amended to read as follows:

Sec. 22-299. Exterior and interior of structures.

No person shall occupy as owner-occupant, or let or sublet to another for occupancy, any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, nor shall any vacant dwelling be permitted to exist, which does not comply with the following requirements:

- (1) *Foundation.* The building foundation walls, piers or other structural elements shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon.
- (2) *Exterior walls.* The exterior walls shall be weathertight, watertight and shall be made impervious to the adverse effects of weather with a protective coating if not constructed of a material ~~which~~ that is weathertight, watertight and impervious to the adverse effects of weather in its natural state, and be maintained in sound condition and good repair. Further, such walls shall be maintained so that their appearance shall reflect a level of maintenance in keeping with the standards of the neighborhood, or such higher standards as may be adopted as part of a plan of minimum property standards of the county, and such that the appearance of the buildings shall not constitute a blighting factor for adjoining property owners, nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property value. In furtherance of this goal, no exterior wall, door, window or casement that is secured by plywood, boards, or other protective covering, whether of a permanent or temporary nature, may remain so secured for longer than a period of ninety (90) days, unless such protective covering is a professionally manufactured product made solely for purposes of storm protection.
- (3) *Roofs.*
 - a. Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the

building.

- b. All portions, additions or sections of a roof, including, but not limited to, fascia, eaves, soffit, sheathing, rafter tails, barge rafter, vent screening, gutters, downspouts, roof jacks, lead or metal flashing, shall be structurally sound and shall be complete with all trim strips, moldings, brackets, braces and supports in accordance with standard building practices. No portion, addition or section of a roof shall display signs of deterioration, abuse, or improper installation that causes damage to the roof, admits rain or causes dampness.
- (4) *Means of egress.* Every dwelling shall have safe, unobstructed means of egress with minimum ceiling height of seven feet leading to a safe and open space at ground level. Stairways shall have a minimum head room of six feet eight inches.
- (5) *Stairs, porches and appurtenances.* Every inside and outside stair, porch, and any appurtenances thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.
- (6) *Protective railings.* Protective railings shall be required on any unenclosed structure over 30 inches from the ground level or on any steps containing four risers or more.
- (7) *Windows and doors.* Every window, exterior door and casement, or cellar door and hatchway, shall be substantially weathertight, watertight and rodentproof, and shall be kept in sound working condition and good repair. No such window, exterior door or casement that is secured by plywood, boards, or other protective covering, whether of a permanent or temporary nature, may remain so secured for longer than a period of ninety (90) days, unless such protective covering is a professionally manufactured product made solely for purposes of storm protection.
- (8) *Windows to be glazed.* Window panes or an approved substitute shall be maintained without cracks or holes.
- (9) *Window sash.* Window sash shall be properly fitted and weathertight within the window frame.
- (10) *Windows to be openable.* Every window required for light and ventilation for habitable rooms shall be capable of being easily opened and secured in position by window hardware. No such

window that is secured by plywood, boards, or other protective covering, whether of a permanent or temporary nature, may remain so secured for longer than a period of ninety (90) days, unless such protective covering is a professionally manufactured product made solely for purposes of storm protection.

- (11) *Hardware.* Every exterior door shall be provided with proper hardware and maintained in good condition.
- (12) *Door frames.* Every exterior door shall fit reasonably well within its frame so as to substantially exclude rain and wind from entering the dwelling building.
- (13) *Screens.* Every window with opening to outdoor space shall have screens.
- (14) *Protective treatment.* All exterior surfaces not constructed of a material which is weathertight, watertight and impervious to the elements in its natural state shall be protected from the elements by painting or other protective covering or treatment.
- (15) *Accessory structures.* Garages, storage buildings and other accessory structures shall be maintained and kept in good repair and sound structural condition. Utility sheds shall be constructed and maintained on a flooring made of non-biodegradable material.
- (16) *Interior floor, walls and ceilings.*
 - a. Every floor, interior wall and ceiling shall be substantially rodent-proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
 - b. Every toilet, bathroom, kitchen and laundry room floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (17) *Structural supports.* Every structural element of the dwelling shall be maintained structurally sound and show no evidence of deterioration which would render it incapable of carrying loads which normal use may cause to be placed thereon.
- (18) *Protective railings for interior stairs.* Interior stairs and stairwells more than four risers high shall have handrails located in accordance with the requirements of the building code. Handrails or

protective railings shall be capable of bearing normally imposed loads and be maintained in good condition.

SECTION 5. Severability

If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

SECTION 6. Effective Date

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners. This Ordinance shall become effective when the acknowledgment is received from the Secretary of State that the Ordinance has been duly filed.

SECTION 7. Inclusion Clause

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.