

BONITA SPRINGS CITY COUNCIL**GREEN SHEET:**

15-04-0126

AGENDA ITEM SUMMARY**REQUESTED MOTION:**

First Reading (no public comment) of the following Ordinance:

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; REPEALING IN ITS ENTIRETY BONITA SPRINGS ORDINANCE NO. 10-10, WHICH HAD ADOPTED THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE RELATING TO UNSAFE BUILDINGS AND MINIMUM HOUSING REGULATIONS; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE RELATING TO UNSAFE BUILDINGS AND MINIMUM HOUSING REGULATIONS; PROVIDING FOR TITLE AND CITATION; PROVIDING ADOPTION AND REPEALER CLAUSES; PROVIDING SPECIFIC REVISIONS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE

The Ordinance will be scheduled on May 6, 2015 for its second reading and public hearing.

MEETING DATE: April 15, 2015

AGENDA:		REQUIREMENT/PURPOSE: (Specify)		REQUESTOR OF INFORMATION:
<input type="checkbox"/>	PRESENTATIONS	<input type="checkbox"/>	STATUTE	Alexander Boswell-Ebersole Assistant City Attorney <i>ABE</i>
<input type="checkbox"/>	CONSENT	<input checked="" type="checkbox"/>	ORDINANCE	
<input checked="" type="checkbox"/>	PUBLIC HEARING	<input type="checkbox"/>	ADMIN. CODE	
<input type="checkbox"/>	APPEALS	<input type="checkbox"/>	OTHER	
<input type="checkbox"/>	MAYOR AND COUNCIL MEMBER'S REPORTS	<input type="checkbox"/>		
<input type="checkbox"/>	CITY ATTORNEY	<input type="checkbox"/>		
<input type="checkbox"/>	CITY MANAGER	<input type="checkbox"/>		

BACKGROUND:

The International Property Maintenance Code (IPMC) is a technical code to establish, in part, general requirements and regulations governing the conditions and maintenance of all property, buildings, and structures. The IPMC is intended to ensure sanitary and safe conditions. This ordinance will adopt and incorporate (with limited revisions) the 2015 Edition of the IPMC so as to apply within the territorial limits of the City of Bonita Springs. The 2015 Edition generally serves to update the earlier version of the IPMC, but does not contain significant substantive differences. On April 1, 2015, City Council authorized staff to advertise the ordinance and schedule for public hearings.

Attachment: Draft Ordinance

IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? **YES** **NO****IF YES, WHICH STRATEGIC OBJECTIVE?** Objective #1: Maintain & Enhance Quality of Life**STAFF RECOMMENDATIONS:**

Hold the Second Reading and Public Hearing on May 6, 2015.

REVIEWED BY:City Manager: City Attorney: City Clerk: 

Dept. Director: _____

COUNCIL ACTION: **APPROVED** **DENIED** **DEFERRED** **OTHER**

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 15-__

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; REPEALING IN ITS ENTIRETY BONITA SPRINGS ORDINANCE NO. 10-10, WHICH HAD ADOPTED THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE RELATING TO UNSAFE BUILDINGS AND MINIMUM HOUSING REGULATIONS; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE RELATING TO UNSAFE BUILDINGS AND MINIMUM HOUSING REGULATIONS; PROVIDING FOR TITLE AND CITATION; PROVIDING ADOPTION AND REPEALER CLAUSES; PROVIDING SPECIFIC REVISIONS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE

WHEREAS, the City Council is the governing body in and for the City of Bonita Springs, a municipal corporation of the State of Florida; and

WHEREAS, Chapter 166, Florida Statutes, authorizes City Council acting for the City of Bonita Springs, Florida, to adopt Ordinances and Resolutions necessary for the exercise of its powers and to prescribe fines and penalties for the violation of its Ordinances in accordance with law; and

WHEREAS, the City of Bonita Springs finds itself in a situation where property is not being maintained in such a way as to promote a community; and

WHEREAS, City Council has found that with the continuing increase in population and overall growth of Bonita Springs, the necessity of a property maintenance code becomes more important in that property which is not secure and attractive destroys community pride, makes the City a less desirable place in which to live, and costs Bonita Springs citizens in the decline of property values in certain portions of the community; and

WHEREAS, to that end, City Council had previously adopted City of Bonita Springs Ordinance No. 10-10, relating to unsafe buildings and minimum housing regulations, known as the "International Property Maintenance Code, 2009 Edition" ("IPMC, 2009 Ed."); and

WHEREAS, the said "International Property Maintenance Code, 2009 Edition" has been updated and replaced by the "International Property Maintenance Code, 2015 Edition" ("IPMC, 2015 Ed."), also relating to unsafe buildings and minimum housing regulations, in its entirety; and

DRAFT FOR DISCUSSION PURPOSES

DATE PREPARED: March 23, 2015

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WHEREAS, City Council has found that the adoption of the 2015 edition of the International Property Maintenance Code, as published by the International Code Council, is in the best interests of the residents of the City of Bonita Springs, and in the common interest of the people of the City, in that it will better assist in the elimination of nuisances.

NOW, THEREFORE, THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION ONE: TITLE AND CITATION

This Ordinance shall be known and cited as the "International Property Maintenance Code, as adopted by the City of Bonita Springs" and/or the "IPMC".

SECTION TWO: ADOPTION OF CODE

The City Council declares that the provisions and procedures set forth in the document ~~attached hereto, being marked as "Exhibit A" on file with the City Clerk's Office~~ and designated as the "International Property Maintenance Code", 2015 edition, as published by the International Code Council, and any and all amendments, revisions and supplements thereto, are hereby adopted by the City of Bonita Springs, and incorporated by reference herein, and shall be applicable to all property, buildings and structures located within the territorial limits of the City of Bonita Springs. Any provision which makes reference to this ordinance shall also be deemed, where applicable, to make a reference to the "International Property Maintenance Code".

SECTION THREE: REPEALER

The City Council hereby repeals, in its entirety, the provisions of City of Bonita Springs Ordinance No. 10-10, relating to unsafe buildings and minimum housing regulations.

SECTION FOUR: SPECIFIC REVISIONS

The following sections of the International Property Maintenance Code, ~~as set forth in the attached "Exhibit A"~~, are hereby revised as follows:

- 1) Section 101.1. Insert as the name of the applicable jurisdiction "the City of Bonita Springs".
- 2) Section 102.3. Insert at end of first sentence:

~~and any and all~~, as well as with the procedures and provisions of any and all applicable current Florida Building Code or Florida Fire Prevention Code provisions. In the event that any conflicts or

inconsistencies may be found to exist between any of the provisions of the International Property Maintenance Code, as adopted by this ordinance and the provisions of either the Florida Building Code, as set forth in Chapter 553, Part IV, Florida Statutes, or the Florida Fire Prevention Code, as set forth in Chapter 633, Florida Statutes, the provisions of the Florida Building Code and the Florida Fire Prevention Code, respectively, shall prevail.

- 3) The title of Section 103 is renamed "City of Bonita Springs Code Enforcement Department".
- 4) Section 103.1. Delete the words "department of property maintenance inspection is hereby created", and insert in its place and instead the words "City of Bonita Springs Code Enforcement Department has been heretofore created". Further, wherever the words "department of property maintenance inspection" or "code official" may appear, substitute the words "City of Bonita Springs Code Enforcement Department" and the words "Code Enforcement Director Supervisor", respectively.
- 5) Section 103.5. is deleted.
- 6) Section 106.3. Insert at the end of such section, the words:

The City of Bonita Springs Code Enforcement Department may, in addition, or alternatively, to pursuing any such criminal or civil penalties or seeking injunctive relief, bring violations for prosecution before the Code Enforcement Hearing Examiner, in accordance with all of the provisions of, and pursuant to, the enforcement procedures established under City of Bonita Springs ~~Ordinance No. 03-10~~ LDC §2-496 et seq.

- 7) Section 111. is deleted, and is replaced with Bonita Springs Ordinance ~~No. 03-10, Section 2-428~~ LDC §2-527, pertaining to appeals.
- 8) Section 112.4. Insert the amounts of "\$100.00" and "\$500.00", respectively.
- 9) Section 302.4. Insert as the applicable height in inches "sixteen (16)" inches".
- 10) Section 304.3 is deleted.
- 11) Section 304.14. Delete the words "During the period from [date] to [date]".

12) Section 506.3 is amended to read as follows:

506.3 Grease interceptors. Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an *approved* interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to and approved by Bonita Springs Utilities, Inc. Bonita Springs Code Enforcement does not handle grease interceptor complaints.

13) Section 602.3. Insert as the applicable dates "November 1st to March 31st".

14) Section 602.4. Insert as the applicable dates "November 1st to March 31st".

15) Appendix A. Appendix A "Boarding Standard" is hereby adopted and specifically referenced as part of this ordinance.

SECTION FIVE: CONFLICTS OF LAW

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements shall apply.

SECTION SIX: SEVERABILITY

If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reasons, such part, section, subsection, or other portion or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance, and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION SEVEN: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intention of the City Council for the City of Bonita Springs that the provisions of this ordinance shall become and be made a part of the Bonita Springs City Code, and that sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention, and, regardless

of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION EIGHT: EFFECTIVE DATE

The effective date of this ordinance shall be thirty (30) days from the adoption date.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this ___ day of ___, 2015.

AUTHENTICATION:

Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Nelson	___	Simmons	___
McIntosh	___	Gibson	___
Martin	___	Lonkart	___
Slachta	___		

Date filed with City Clerk: _____