



## ITEM SUMMARY

**MEETING DATE:** February 6, 2023

**FROM:** Caryn Gardner-Young, Zoning Administrator

**SUBJECT:** **Ordinance 2022-37, ZTA-22-14**  
Property Maintenance Regulations

### BACKGROUND

The proposed code amendment is a city-initiated request to codify and update property maintenance regulations. A property maintenance code deals with the conditions of existing housing and non-residential property. It moves the maintenance of an existing building and the surrounding property from an option to a legal requirement for a responsible property owner. City staff initiated this code change proactively to provide property owners, tenants, and property managers with objective and specific maintenance standards for structures and hardscape. The desired result is to keep all properties in acceptable state of repair; thereby maintaining property values.

In 2019, the city adopted a property maintenance code through reference (Chapter 4, Article I, Section 4-4). However, the specific regulations were only listed in a separate document (2019 Greenacres Property Maintenance Code) which is not posted but available in the office of the city clerk. To ensure that there is transparency and the ability of the residents to easily review the property standards, this amendment requests that the specific regulations be added to the Code of Ordinances Chapter 7. In addition, the proposed property maintenance regulations were reviewed by the Building Division, Code Enforcement Division, Fire Department, and legal counsel which resulted in the regulations being updated.

### ANALYSIS

The proposed change establishes minimum requirements for the maintenance of existing buildings through code provisions that contain clear and specific maintenance and property improvement provisions. The code amendments establish regulations that protect the public health, safety, and welfare of the Greenacres citizens. By placing the specific language in the code, the city is being user friendly and transparent. In addition, the code provisions have been reviewed by multiple city staff and legal counsel to ensure that it is up to date and addresses any concerns which have occurred since its adoption in 2019.

### FINANCIAL INFORMATION

N/A.

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**LEGAL**

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Ordinance 2022-37 was prepared in accordance with all applicable state statutes and City Code Requirements and has been reviewed by the City Attorney.

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**STAFF RECOMMENDATION**

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*Approval of ZTA-22-14 through the adoption of Ordinance 2022-37.*

**ORDINANCE NO. 2022-37**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 4 "BUILDINGS AND BUILDING REGULATIONS," ARTICLE I "IN GENERAL," BY DELETING SECTION 4-4, "GREENACRES PROPERTY MAINTENANCE CODE," AND CREATING A NEW CHAPTER 7 ARTICLE VIII TO BE ENTITLED "GREENACRES PROPERTY MAINTENANCE CODE," AND AMENDING PROVISIONS OF THE GREENACRES PROPERTY MAINTENANCE CODE; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Greenacres, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, in 2019 consistent with its general police powers, the City Council of the City of Greenacres adopted the 2019 Greenacres Property Maintenance Code ("2019 PMC") setting forth objective maintenance standards for all properties within the City; and

**WHEREAS**, the City did not codify the entire 2019 PMC into the City's Code of Ordinances but rather adopted the 2019 PMC by reference and made the 2019 PMC available by request at the City Clerk's office; and

**WHEREAS**, since the 2019 PMC sets objective maintenance standards for all properties within the City, the 2019 PMC should be readily available within the City's Code of Ordinances and fully accessible online at all times; and,

**WHEREAS**, in addition to incorporating the entire 2019 PMC into the City's Code of Ordinances, the City is amending the 2019 PMC to update and clarify certain provisions; and

**WHEREAS**, the City Council deems approval of this Ordinance to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Greenacres and serves a valid public purpose.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**SECTION 1.** The foregoing recitals are hereby fully incorporated herein by reference as the legislative findings of the City Council of the City of Greenacres.

**SECTION 2.** The City of Greenacres Code of Ordinances is hereby amended at Chapter 4, "Buildings and Building Regulations," Article I, "In General," by deleting Section 4-4, "Greenacres Property Maintenance Code," as follows (additions are indicated by underscoring and deletions are indicated by strikeout):

**Sec. 4-4. - ~~Greenacres Property Maintenance Code Reserved.~~**

~~The city hereby adopts by reference the 2019 Greenacres Property Maintenance Code, attached hereto and by this reference made part hereof. A copy of the 2019 Greenacres Property Maintenance Code shall be kept on file in the office of the city clerk.~~

**SECTION 3.** The City of Greenacres Code of Ordinances is hereby amended at Chapter 7, "Health, Sanitation, ~~and Nuisances,~~ and Property Maintenance", by creating a new Article VIII to be entitled "Property Maintenance Code" as follows:

**ARTICLE VIII. – PROPERTY MAINTENANCE CODE**

**DIVISION 1 – GENERALLY.**

**Sec. 7-400 – Greenacres property maintenance code.**

The city hereby adopts the Greenacres Property Maintenance Code (hereinafter in this Article referred to as the "PMC"), which shall apply within the city to all existing structures, both residential and commercial, and to all existing premises, and shall constitute minimum requirements and standards for premises, properties, structures, equipment, and facilities for light, ventilation, space, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary

maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

#### **Sec. 7-401. – Intent.**

This PMC shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

#### **Sec. 7-402. – Severability.**

If a section, subsection, sentence, clause, or phrase of this PMC is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this PMC.

#### **Sec. 7-403. – Applicability.**

- (a) **General.** Where there is a conflict between a general requirement and a specific requirement in this PMC, the specific requirement shall govern. Where differences occur between provisions of this PMC and the referenced standards, the provisions of this PMC shall apply. Where, in a specific case, different sections of this PMC specify different requirements, the most restrictive shall govern.
- (b) **Maintenance.** Equipment, systems, devices and safeguards required by this PMC or a previous regulation or code, under which the structure or premises was constructed, altered or repaired, shall be maintained in good working order including all electrical, gas, mechanical, and plumbing systems and all parts thereof. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied building, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this PMC are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures, and premises.
- (c) **Application of Other Codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Florida Building Code and the Greenacres Amendments to the Florida Building Code, the Florida Fire Prevention Code, and any other codes or laws adopted by the city. Nothing in this PMC shall be construed to cancel, modify or set aside any provision of the aforementioned or the Greenacres Code.
- (d) **Existing Remedies.** The provisions in this PMC shall not be construed to abolish or impair existing remedies of the city relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

- (e) **Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this PMC shall be executed and installed in a workmanlike manner and installed in accordance with the Greenacres Code and all manufacturer’s installation instructions.
- (f) **Referenced Codes and Standards.** The codes and standards referenced in this PMC shall be those that are listed herein and considered part of the requirements of this PMC to the prescribed extent of each such reference. Where differences occur between provisions of this PMC and the referenced standards, the most stringent provision shall apply. However, the following exceptions apply:
  - 1. Where enforcement of a PMC provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.
  - 2. The provisions of this PMC shall not be deemed to nullify any provisions of local, state or federal law.

**Sec. 7-404. - Requirements Not Covered By Code.**

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this PMC, shall be determined by the building official.

**Sec. 7-405. – Responsibility and Enforcement**

- (a) **General.** The Development and Neighborhood Services Department, through the Building Division and the Code Compliance Division, shall have prime responsibility for the enforcement of this PMC.
- (b) **Violations.** All violations of this PMC shall be a violation of the Greenacres Code and may be enforced by and through the city’s code compliance process and/or through any other legal means of enforcement at the option of the city.

**DIVISION 2 – DEFINITIONS.**

**Sec. 7-406. - Generally.**

- (a) **Scope.** Unless otherwise expressly stated, the following terms shall, for the purpose of this PMC, have the meanings shown in this article.
- (b) **Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- (c) **Terms Defined in Other Codes.** Where terms are not defined in this PMC and are defined in the Florida Building Code, the Florida Fire Prevention Code, the National Electrical Code, city local amendments to those codes, or the Greenacres Code, such terms shall have the meanings ascribed to them as in those codes.
- (d) **Terms Not Defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings

such as the context implies.

- (e) **Parts.** Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “structure,” “property,” “rooming house,” “rooming unit,” “house keeping unit,” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

### **Sec. 7-407. - General definitions.**

The following definitions are applicable to this PMC:

**ANCHORED.** Secured in a manner that provides positive connection.

**APPROVED.** Approved by the building official or other authority having jurisdiction.

**BASEMENT.** That portion of a building which is partly or completely below grade.

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** Any room or space used or intended to be used for sleeping purposes.

**BUILDING OFFICIAL.** The official who is charged with the administration and enforcement of the Florida Building Code.

**DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above a said lot or lots.

**EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

**EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**EXTERMINATION.** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poisoning, spraying, fumigating, trapping or by any other approved pest elimination methods.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GUARD or GUARDRAIL.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not generally considered habitable spaces.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or premises, of insects, rats, vermin or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unregistered, unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED.** Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

**LET FOR OCCUPANCY OR LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living, sleeping or working in a building, or having possession of a space within a building.

**OPENABLE AREA.** That part of a window, skylight or door which is available for



unobstructed ventilation and which opens directly to the outdoors.

**OPERATOR.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**OWNER.** Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PUBLIC RIGHT OF WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**STRUCTURE.** That which is built or constructed or a portion thereof, whether fixed or portable, attached or detached, whether a main structure or an accessory structure, that includes but is not limited to all buildings, dwellings, garages, sheds, pools, fences, walls, screen rooms, screen enclosures, and other enclosures.

**TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**ULTIMATE DEFORMATION.** The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD.** An open space on the same lot with a structure.

### **DIVISION 3 - GENERAL MAINTENANCE REQUIREMENTS**

#### **Sec. 7-408. - GENERAL**

- (a) **Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.
- (b) **Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this PMC. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this PMC. Occupants of a dwelling unit, rooming house or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming house or housekeeping unit, or premises which they occupy and control.

#### **Sec. 7-409. - Vacant Structures and Land**

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

#### **Section 7-410. – Exterior Property Areas.**

- (a) **Safety and Sanitation.** All exterior property and premises shall be maintained in a clean, orderly, safe and sanitary condition. The following is prohibited:
  - 1.The outdoor storage, presence, accumulation, display, or otherwise keeping of any debris, appliances, tools, equipment, chemicals, automotive parts, furniture, building materials, household items, or other similar goods that are not designed for outside use, including without limitation, any abandoned, discarded, or tangible personal property in a state of disrepair; and,
  - 2.The outdoor storage, presence, accumulation, display, or otherwise keeping of any debris, appliances, tools, equipment, chemicals,

automotive parts, building material, or other material of any kind on the ground, leaning against any building or structure, or upon the roof or top of any building or structure.

**Sec. 7-411. - Grading and Drainage.**

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. The exception to this requirement is an approved retention area and/or reservoir.

**Sec. 7-412. - Walkways and Driveways.**

All walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, free of debris, stains, mold, discoloration, deterioration and shall be kept clear of all obstacles and maintained free from hazardous conditions.

**Sec. 7-413. – Landscaping and Uncontrolled Growth of Vegetation.**

All yards exposed to public view must be landscaped. Landscaping shall be maintained so as to present a healthy, neat and orderly appearance, and shall be mowed or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area. Landscaping shall be kept free of visible signs of insects and disease and appropriately irrigated and fertilized to enable landscaping to be in a healthy condition.

Play areas, flowerbeds, driveways, walks, and similar areas not intended to have vegetative cover should be clearly defined, maintained free of uncultivated growth, and shall be edged to prevent encroachment from adjacent vegetated areas.

All premises and exterior of properties shall be maintained free from weeds or similar noxious plant growth in excess of 6 inches in height. All such weeds and noxious plant growth and prohibited species (as defined in the Greenacres Code) shall be removed. Any dead trees, tree stumps, dead and decaying plant material, trash and garbage shall be removed from the premises. Shrubbery and other landscape materials shall be trimmed to prevent encroachment onto sidewalks and other public rights-of-way, including waterways.

**Sec. 7-414. - Stagnant Water.**

The exterior of all properties shall be maintained free of all collection of water in which mosquitos breed or are likely to breed. The exception to this requirement is approved retention areas, reservoirs, and other similar areas required for proper stormwater management or other purposes as approved by the City.

**Sec. 7-415. - Rodent and Pest Harborage.**

All structures and exterior property shall be kept free from rodent and other pest harborage and infestation. Where rodents or other pests are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent and pest harborage and prevent re-infestation.

**Sec. 7-416. - Exhaust Vents.**

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another owner or tenant.

**Sec. 7-417. - Accessory Structures**

All accessory structures, including but not limited to detached garages, storage buildings, sheds, fences, walls, driveways and driveway aprons, walkways, antennas, portable carports screen rooms, screen enclosures, and other enclosures shall be maintained structurally sound, in good repair, and have their exterior coatings and coverings maintained in a sound and uniform appearance free from rips, broken areas, algae, mildews, molds, dirt or other stains.

**Sec. 7-418. – Gates**

Gates which are required to be self-closing and self-latching in accordance with the Florida Building Code shall be maintained such that the gate will positively close and latch when released from a still position of six (6) inches from the gatepost.

**Sec. 7-419. - Motor Vehicles.**

Except as provided for in the Greenacres Code, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. The exception to this requirement is a vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes, and is not otherwise violating any other code or ordinance.

**Sec. 7- 420. – Open Storage.**

It shall be unlawful for the owner or occupant of a residential building or structure or property to utilize the premises for the open storage or any appliance or other item of personal property, building materials, rubbish or similar items.

**Sec. 7-421. - Defacement of property.**

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of

any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

**Sec. 7-422. – Swimming pools, spas, and hot tubs.**

- (a) **Swimming pools.** Swimming pools, spas, portable spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.
- (b) **Enclosures.** Swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall have barriers per the Florida Building Code. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

**Sec. 7-423. – Exterior Structure.**

- (a) **General.** The exterior of all premises and every structure thereon where exposed to public view shall be maintained in good repair, structurally sound and sanitary, so as not to show evidence of deterioration nor pose a threat to the public health, safety or welfare. All surfaces shall be maintained free of weathering discoloration; ripping, tearing or other holes or breaks; broken glass; crumbling stone, brick or stucco; or other conditions reflective of deterioration or inadequate maintenance.
- (b) **Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code or the Florida Building Code Existing Building as required for existing buildings:
  1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
  2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
  3. Structures or components thereof that have reached their limit state.
  4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.
  5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
  6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
  7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
  8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in

good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

**Exceptions:**

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the building official.

- (c) **Protective Treatment** . All exterior surfaces, including but not limited to, walls, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition and generally accepted uniform appearance. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, moldy, severely chalked, deteriorated, dirty, stained or chipped paint or other coating shall be eliminated and surfaces repainted or recoated. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designated for stabilization by oxidation are exempt from the requirement.
- (d) **Structural Members**. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (e) **Foundation Walls**. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition. All foundation walls shall also prevent the entry of rodents and other pests.
- (f) **Exterior Walls**. All exterior walls, on main structures and accessory structures,

shall be free from holes, breaks, mold, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

- (g) **Roofs and Drainage.** The roof and flashing shall be sound, tight, in good repair and condition. The roof and flashing shall not have defects that are a detriment to the roof's effectiveness or appearance. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water including A/C condensate shall not be discharged in a manner that creates a public nuisance.
- (h) **Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in safe condition.
- (i) **Overhang Extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (j) **Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- (k) **Chimneys and Towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (l) **Handrails and Guardrails.**
  - 1. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
  - 2. Every exterior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.  
**Exception:** Guards shall not be required where exempted by the Florida Building Code.
- (m) **Window, Skylight and Door Frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
- (n) **Glazing.** All glazing materials shall be maintained free from cracks and holes.

- (o) **Openable Windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- (p) **Shutters and Impact Protection.** Hurricane protective devices on all buildings must be removed no later than fourteen (14) days after the termination of the hurricane event (watch, warning, actual hurricane or tornado) unless another hurricane event is predicted to occur within the fourteen (14) day time period.
- (q) **Insect Screens.** Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging screened door shall have a self-closing device in good working condition. The exception to requirement for insect screens is where other approved and effective means, such as air curtains or insect repellent fans, are employed.
- (r) **Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with this PMC.
- (s) **Building Security.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.
- (t) **Access Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than 1-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.
- (u) **Windows.** Operable windows located in whole or in part within 6 feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with window sash locking devices.
- (v) **Skirting.** Existing skirting shall be maintained free from broken or missing sections, pieces or cross members. Skirting shall be securely attached and sized from the ground to the lower outside perimeter of the structure. Replacement or new skirting shall be constructed of materials intended for exterior use and properly sized and mounted to prevent free access to the crawl space of the structure. Crawl space access grille or door and ventilation grilles shall be sized according to building code requirements.
- (w) **Gates.** Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall



tightly secure the gates.

**Sec. 7-424. – Interior structure.**

- (a) **General.** The interior of a structure and the equipment therein shall be maintained in good repair, structurally sound, and in a sanitary condition.
- (b) **Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code or the Florida Building Code Existing Building as required for existing buildings:
  - 1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
  - 2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
  - 3. Structures or components thereof that have reached their limit state.
  - 4. Structural members are incapable of supporting nominal loads and load effects.
  - 5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
  - 6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

**Exceptions:**

- 1. Where substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted where approved by the building official.
- (c) **Structural Members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.
- (d) **Interior Surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, dirty, stained or abraded paint or other coatings shall be repaired, removed, or replaced. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.
- (e) **Stairs and Walking Surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(f) **Handrails and Guardrails**

1. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
2. Every interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

**Exception:** Guards shall not be required where exempted by the Florida Building Code.

- (g) **Interior Doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

**Sec. 7-425. – Component Serviceability.**

- (a) **General.** The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
- (b) **Unsafe conditions.** Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code or the Florida Building Code Existing Building as required for existing buildings:
1. Soils that have been subjected to any of the following conditions:
    - i. Collapse of footing or foundation system.
    - ii. Damage to footing, foundation, concrete or other structural element due to soil expansion.
    - iii. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
    - iv. Inadequate soil as determined by a geotechnical investigation.
    - v. Where the allowable bearing capacity of the soil is in doubt.
    - vi. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
  2. Concrete that has been subjected to any of the following conditions:
    - i. Deterioration.
    - ii. Ultimate deformation.
    - iii. Fractures.
    - iv. Fissures.
    - v. Spalling.
    - vi. Exposed reinforcement.
    - vii. Detached, dislodged or failing connections.
  3. Aluminum that has been subjected to any of the following conditions:
    - i. Deterioration.
    - ii. Corrosion.
    - iii. Elastic deformation.
    - iv. Ultimate deformation.
    - v. Stress or strain cracks.
    - vi. Joint fatigue.

- vii. Detached, dislodged or failing connections.
- 4. Masonry that has been subjected to any of the following conditions:
  - i. Deterioration.
  - ii. Ultimate deformation.
  - iii. Fractures in masonry or mortar joints.
  - iv. Fissures in masonry or mortar joints.
  - v. Spalling.
  - vi. Exposed reinforcement.
  - vii. Detached, dislodged or failing connections.
- 5. Steel that has been subjected to any of the following conditions:
  - i. Deterioration.
  - ii. Elastic deformation.
  - iii. Ultimate deformation.
  - iv. Metal fatigue.
  - v. Detached, dislodged or failing connections.
- 6. Wood that has been subjected to any of the following conditions:
  - i. Ultimate deformation.
  - ii. Deterioration.
  - iii. Damage from insects, rodents and other vermin.
  - iv. Fire damage beyond charring.
  - v. Significant splits and checks.
  - vi. Horizontal shear cracks.
  - vii. Vertical shear cracks.
  - viii. Inadequate support.
  - ix. Detached, dislodged or failing connections.
  - x. Excessive cutting and notching.

**Exceptions:**

- 1. Where substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted where approved by the building official.

**Sec. 7-426. – Rubbish and garbage.**

- (a) **Disposal of Rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
- (b) **Refrigerators.** Refrigerators and similar appliances and equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors. Refrigerators and other household appliances not in operation shall not be stored on the exterior of a property or in an open carport or patio. All refrigerators and other household appliances shall be installed protected from the weather and per manufacturers specifications and recommendations.
- (c) **Disposal of Garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

**Sec. 7-427– Extermination.**

- (a) **Infestation.** All structures shall be kept free from insect, pest, and rodent infestation. All structures in which insects, pests, or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.
- (b) **Owner.** The owner of any structure shall be responsible for extermination within the structure.

### **Sec. 7-428. – Light, Ventilation, and occupancy limitations.**

- (a) **Responsibility.** The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.
- (b) **Alternative Devices.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Florida Building Code shall be permitted.
- (c) **Light in Habitable Spaces.** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.  
**Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.
- (d) **Light in Common Halls and Stairways.** Every common hall and stairway in residential occupancies, other than in one and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied, with a minimum of 1 footcandle (11 lux) at floors, landings and treads.
- (e) **Light in other spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.
- (f) **Ventilation in Habitable Spaces.** Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 4-402.1.

**Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors

shall be based on a total floor area being ventilated.

- (g) **Ventilation in bathrooms and toilet rooms.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.
- (h) **Cooking Facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.
- Exception:** Where specifically approved in writing by the building official.
- (i) **Process Ventilation.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.
- (j) **Clothes Dryer Exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions. **Exception:** Listed and *labeled* condensing (ductless) clothes dryers.
- (k) **Minimum Room Widths.** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension unless otherwise approved by the Florida Building Code and/or the building official. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.
- (l) **Minimum Ceiling Heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear height of not less than 7 feet (2134 mm).

**Exceptions:**

1. In one and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
  2. Basement rooms in one and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
  3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.
  4. As otherwise authorized by the Florida Building Code.
- (m) **Access from Bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.
- Exception:** Units that contain fewer than two bedrooms.
- (n) **Water Closet Accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

- (o) **Prohibited Occupancy.** Kitchens and non-habitable spaces shall not be used for sleeping purposes.
- (p) **Other Requirements.** Bedrooms shall comply with the applicable provisions of this PMC including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements; the electrical receptacle requirements; and the smoke detector and emergency escape requirements.
- (q) **Food Preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.
- (r) **Kitchen Facilities.** Every dwelling unit shall contain a kitchen equipped with the following minimum facilities:
  1. Food preparation surfaces impervious to water and free of defects which could trap food or liquid.
  2. Shelving, cabinets, or drawers for the storage of food and cooking and eating utensils, all of which shall be maintained in good repair.
  3. Freestanding or permanently installed cookstove. Portable electric cooking equipment shall not fulfill this requirement. Portable cooking equipment employing flame shall be prohibited.
  4. Mechanical refrigeration equipment for the storage of perishable foodstuffs.

**Sec. 7-429. – Plumbing facilities and fixture requirements.**

- (a) **Responsibility.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.
- (b) **Dwelling Units.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet, and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.
- (c) **Rooming Houses.** At least one water closet, lavatory, and bathtub or shower shall be supplied for each four rooming units.
- (d) **Hotels.** Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory, and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.
- (e) **Employees' Facilities.** A minimum of one water closet, one lavatory, and one drinking facility shall be available to employees.
- (f) **Drinking Facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.
- (g) **Public Facilities.** A minimum of one water closet and one lavatory shall be available to the public and such public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Florida Building Code Plumbing. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet

facilities at all times during occupancy of the premises.

- (h) **Toilet Rooms.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling. Toilet rooms and bathrooms serving hotel units, rooming units, dormitory units, or housekeeping units shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway. Toilet facilities for employees shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities. **Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease, or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.
- (i) **Floor Surface.** In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, non-absorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

#### **Sec. 7-430. – Plumbing systems and fixtures.**

- (a) **General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks, and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary, and functional condition.
- (b) **Fixture Clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.
- (c) **Plumbing System Hazards.** Where it is found that a plumbing system for a structure or premises constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the defects shall be promptly corrected to eliminate the hazard.

#### **Sec. 7-431. – Water system.**

- (a) **General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Florida Building Code, Plumbing.
- (b) **Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

- (c) **Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
- (d) **Water Heating Facilities.** Water heating facilities shall be properly installed, maintained, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, and laundry facility at a temperature or not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom, or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.
- (e) **Nonpotable water reuse systems.** Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with this PMC or the Florida Building Code.
- (f) **Abandonment of systems.** Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the owner ceases use of the system, the system shall be abandoned in accordance with this PMC or the Florida Building Code Plumbing.

#### **Sec. 7-432. – Sanitary drainage system.**

- (a) **General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- (b) **Maintenance.** Every plumbing stack, vent, waste, and sewer line shall function properly and be kept free from obstructions, leaks, and defects.
- (c) **Grease interceptors.** Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the building official.

#### **Sec. 7-433. – Storm Drainage.**

- (a) **General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance or is violation of the Greenacres Code.

#### **Sec. 7-434. – Mechanical and electrical requirements.**

- (a) **Responsibility.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements and the Florida



Building Code. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not provide mechanical or electrical facilities or equipment or such facilities or equipment that fail to comply with the requirements of this PMC or the Florida Building Code.

(b) **Heating Facilities.**

1. **Residential Occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the Florida Building Code, Plumbing. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
  2. **Heat Supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory, or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15th through March 15th to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. **Exception:** When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the Florida Building Code, Plumbing.
  3. **Occupiable Work Spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from November 15th through March 15th to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied. **Exceptions:** Processing, storage, and operation areas that require cooling or special temperature conditions; and, areas in which persons are primarily engaged in vigorous physical activities
  4. **Room Temperature Measurement.** The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.
- (c) **Mechanical Appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances, and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
- (d) **Removal of Combustion Products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. **Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.
- (e) **Electrical facilities.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this PMC. All electrical systems shall provide electricity in safe condition.
1. **Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.
  2. **Electrical System Hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason in inadequate service, improper fusing, insufficient receptacle and lighting outlets,

improper wiring or installation, deterioration or damage, or for similar reasons, the defects shall be promptly corrected to eliminate the hazard.

3. **Abatement of electrical hazards associated with water exposure.** Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the Florida Building Code. **Exception:** The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement: Enclosed switches, rated not more than 600 volts or less; busway, rated not more than 600 volts; panelboards, rated not more than 600 volts; switchboards, rated not more than 600 volts; fire pump controllers, rated not more than 600 volts; manual and magnetic motor controllers; motor control centers; alternating current high-voltage circuit breakers; low-voltage power circuit breakers; protective relays, meters and current transformers; low- and medium-voltage switchgear; liquid-filled transformers; cast-resin transformers; wire or cable that is suitable for wet locations and whose ends have not been exposed to water; wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water; luminaires that are listed as submersible; motors; and, electronic control, signaling and communication equipment.
4. **Abatement of electrical hazards associated with fire exposure.** Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the Florida Building Code. **Exception:** Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.
  - (f) **Electrical equipment.** All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner. All required electric shall be maintained in working order. All un-used or abandoned electric including wiring shall be removed from the building or structure.
  - (g) **Receptacles.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter if within six ft. from a sink. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.
  - (h) **Lighting Fixtures.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, and mechanical room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.
  - (i) **Wiring.** Flexible cords or extension cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

**Sec. 7-435. – Elevators, escalators, and dumbwaiters.**

- (a) **General.** Elevators, dumbwaiters, and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards and follow all local, state and federal laws, rules and regulations.
- (b) **Elevators.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. **Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing and servicing.

**Sec. 7-436. – Duct systems.** Duct systems shall be maintained free from obstructions and shall be capable of performing the required function.

**Sec. 7-437. – Means of egress.**

- (a) **General.** All required exits shall be maintained to provide a safe, continuous, and unobstructed path of travel from any point in a building or structure to the public way.
- (b) **Aisles.** The required width of aisles in accordance with all applicable law or code shall be unobstructed.
- (c) **Locked Doors.** All means of egress doors shall be readily openable from the side from which egress is to be made, without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by applicable law or code.
- (d) **Emergency Escape Openings.** Required emergency escape openings shall be maintained in accordance with the Florida Building Code and the following: required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools; bars, grills, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the Florida Building Code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening.

**Sec. 7-438.-Holiday Lights and Decorations.**

Holiday lights and decorations shall only be erected during the appropriate respective holiday season and shall comply with all building and electrical codes. Holiday lights and decorations may be erected no earlier than six (6) weeks prior to the subject holiday. All holiday lights and decorations must be removed within three (3) weeks following the holiday.

\* \* \*

**SECTION 4. Repeal of Conflicting Ordinances.** All ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

**SECTION 5. Severability.** If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be

unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this ordinance and it shall be construed to have been the legislative intent to pass the ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**SECTION 6. Codification.** It is the intention of the City Council that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Greenacres, Florida; that the section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “Ordinance” may be changed to “Article”, “Division”, or “Section” or another word.

**SECTION 7. Effective Date.**

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

PASSED AND ADOPTED on the second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Voted:

\_\_\_\_\_  
Joel Flores, Mayor

\_\_\_\_\_  
John Tharp, Deputy Mayor

Attest:

Voted:

\_\_\_\_\_  
Quintella Moorer, City Clerk

\_\_\_\_\_  
Peter Noble, Council Member, District II

Voted:

\_\_\_\_\_  
Judith Dugo, Council Member, District III

Voted:

\_\_\_\_\_  
Susy Diaz, Council Member, District IV

Voted:

\_\_\_\_\_  
Paula Bousquet, Council Member, District V

Approved as to Form and Legal Sufficiency:

\_\_\_\_\_  
Glen J. Torcivia, City Attorney