



# Agenda Item Cover Sheet

Agenda Item N<sup>o</sup>: A-12

Meeting Date October 21, 2009

Consent Section

Regular Section

Public Hearing

**Subject:**

Set a Public Hearing to consider the enactment of an ordinance regulating property maintenance standards in Hillsborough County, known as the Hillsborough County Property Maintenance Code, and repeal County Ordinances 04-18 and 96-2.

Department Name: County Attorney's Office

Contact Person: Rachael L. Greenstein

Contact Phone: 813-272-5670

**Sign-Off Approvals:**

<b>Renée Francis Lee</b>	<u>10/14/2009</u>	<b>Susan Fernandez</b>	<u>10/08/2009</u>
<small>County Attorney</small>	<small>Date</small>	<small>Managing County Attorney</small>	<small>Date</small>
<b>Eric Johnson</b>	<u>10/14/2009</u>	<b>Rachael Greenstein</b>	<u>10/08/2009</u>
<small>Management and Budget – Approved as to Financial Impact Accuracy</small>	<small>Date</small>	<small>Assistant County Attorney</small>	<small>Date</small>

**Staff's Recommended Board Motion:**

Authorize the County Attorney's Office to advertise and set a public hearing for November 4, 2009 at 2:00 p.m. to consider the enactment of an ordinance regulating property maintenance standards in Hillsborough County, known as the Hillsborough County Property Maintenance Code, and repeal County Ordinances 04-18 and 96-2.

This agenda item will not require any additional funding beyond that currently allocated, and can therefore be adequately handled within the Code Enforcement Department currently approved budget.

**Financial Impact Statement:**

This agenda item will not require any additional funding beyond that currently allocated, and can therefore be adequately handled within the Code Enforcement Department currently approved budget.

**Background:**

At the Board of County Commissioners' Regular Meeting on January 16, 2008, the Board directed the County Attorney's Office to prepare amendments to County Ordinances 04-18 and 96-2, known as the Hillsborough County Minimum Code, in an effort to provide clarifications of provisions in these Ordinances and to address community concerns about strengthening the regulations to better serve the public's health, safety and welfare. This ordinance revision was delayed due to the Code Enforcement

Department's need to determine how this ordinance would interface with the Property Registration Ordinance. The Property Registration Ordinance was adopted by the Board of County Commissioners on September 2, 2009 and the Code Enforcement Department is ready to proceed with the proposed revisions to the property maintenance standards. At the Board of County Commissioner's Regular Meeting on August 5, 2009, the Board also asked staff to review and revise the Hillsborough County Minimum Code to provide for temporary lodging units. This proposed ordinance consolidates the provisions in County Ordinances 04-18 and 96-2, strengthens the maintenance provisions for residential and non-residential properties in unincorporated Hillsborough County and provides certain exemptions for temporary lodging units.

List Attachments:  
Proposed Ordinance

## ORDINANCE NO. 09-\_\_\_\_\_

AN ORDINANCE ESTABLISHING WITHIN THE UNINCORPORATED AREAS OF HILLSBOROUGH COUNTY A PROPERTY MAINTENANCE CODE FOR HILLSBOROUGH COUNTY, FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE CODE ENFORCEMENT OFFICIAL AS THE INVESTIGATING AND ENFORCEMENT AUTHORITY; PROVIDING FOR INSPECTION AND NOTICE OF VIOLATIONS; PROVIDING FOR THE APPLICATION OF HILLSBOROUGH COUNTY CODE ENFORCEMENT BOARD; PROVIDING FOR MINIMUM HOUSING STANDARDS; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR REPEAL OF HILLSBOROUGH COUNTY ORDINANCE NO. 04-18, AS AMENDED AND HILLSBOROUGH COUNTY ORDINANCE NO. 96-2, AS AMENDED; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE OF THIS ORDINANCE.

**WHEREAS**, pursuant to Section 125.01, Florida Statutes, the Hillsborough County Board of County Commissioners has the power to adopt ordinances necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law; and

**WHEREAS**, within the jurisdiction of Hillsborough County, Florida, there are or may be buildings, structures, dwellings, dwelling units and accessory structures which are unfit for human habitation and use due to inadequate maintenance, obsolescence or abandonment and which contain defects which increase the hazards of fire, accident, or other calamities, and which by reason of the lack of maintenance, inadequate ventilation, light and sanitary facilities, or other conditions render such buildings, structures, dwellings, dwelling units and accessory structures unsafe, unsanitary and dangerous or detrimental to the health, safety, and general welfare of the community; and

**WHEREAS**, experience and accepted national housing surveys have clearly demonstrated that such conditions result in a large measure from improper maintenance, inadequate sanitary facilities, overcrowded conditions in residential occupancies, buildings and premises, and from general neighborhood neglect; and

**WHEREAS**, it is common knowledge that these conditions can be relieved, or in a measure prevented, and often eliminated through planned and properly enforced standards, resulting thereby in the upgrading of living conditions and an overall enhancement of the general health, safety, and welfare of all residents and property owners of the community; and

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**WHEREAS**, Hillsborough County enacted Ordinance #96-2 and Ordinance #04-18 to provide for minimum standards for properties within the unincorporated area of Hillsborough County, which allowed Hillsborough County to conform with and utilize the procedures set forth in the Hillsborough County Code Enforcement Board Ordinance #05-5, as amended, where applicable, and Chapter 162, Florida Statutes, as amended, where applicable; and

**WHEREAS**, Hillsborough County now desires to update its property standards and to repeal Hillsborough County Ordinance #96-2 and Ordinance #04-18.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Hillsborough County, Florida:

**SECTION 1**  
**GENERAL**

1.1 TITLE.

This ordinance shall be known and may be cited as the "Hillsborough County Property Maintenance Code" (hereinafter referred to as the "Code").

1.2 RECITALS

The Board of County Commissioners of Hillsborough County hereby adopts and incorporates into this Ordinance the above recitals to this Code, as if fully restated herein.

1.3 PURPOSE.

This Code shall be construed to secure the public safety, health and general welfare of the citizens of Hillsborough County, Florida.

1.4 SCOPE.

The provisions of this Code shall apply to every building, dwelling, structure, accessory structure, lot, plot or tract of land in the unincorporated areas of Hillsborough County, Florida, irrespective of the primary use of such building, dwelling, structure, accessory structure, lot, plot or tract of land and irrespective of when such building, dwelling, structure or accessory structure may have been constructed, altered or repaired.

1.5 CULPABILITY.

The owner and/or operator of such building, dwelling, structure, accessory structure, lot, plot or tract of land as the case may be, shall be responsible for compliance with the provisions of this Code. The Owner and/or Operator of a Mobile Home Park shall be responsible for the units within that Park to ensure compliance with the provisions of this Code. Additionally, any owner, tenant, or occupant of any building, dwelling, structure, accessory structure, lot, plot or tract of land, or part thereof, and any architect, builder, contractor, agent, or other person, firm, or corporation, either individually or through its agents, employees, or independent contractor, who violates the provisions of this Code, or who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Code, shall be held responsible for the

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1 violation and be subject to the penalties and remedies provided herein or as otherwise provided  
 2 by statute or ordinance.

#### 3 4 1.6 INTENT.

5 This Code establishes minimum standards for the maintenance of said buildings, dwellings,  
 6 structures, accessory structures and properties and does not replace or modify standards  
 7 otherwise established for the construction, replacement or repair of buildings, dwellings,  
 8 structures and accessory structures except as are contrary to the provisions of this Code.  
 9 Notwithstanding the above, the provisions of the Florida Building Code, as amended, and the  
 10 Hillsborough County Construction Code Ordinance #05-12, as amended shall prevail over the  
 11 provisions of this Ordinance.

#### 12 13 1.7 CALCULATING NUMBER OF OFFENSES

14 Each calendar day that any violation continues after receipt of a written notice of such violation  
 15 shall constitute a separate violation and a separate offense for purposes of the penalties and  
 16 remedies specified herein.

## 17 18 **SECTION 2** 19 **DEFINITIONS**

### 20 21 2.1 SCOPE.

22 Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have  
 23 the meanings shown in this Section.

### 24 25 2.2 MEANING OF CERTAIN WORDS

26 Whenever the words "structure," "building," "dwelling," "dwelling unit," "rooming house,"  
 27 "premises," are used in this Code, they shall be construed as though they are followed by the  
 28 words "or any parts thereof."

### 29 30 2.3 TERMS NOT DEFINED.

31 Where terms are not defined through the methods authorized by this Section, such terms shall  
 32 have ordinarily accepted meanings such as the context implies

### 33 34 2.4 GENERAL DEFINITIONS:

35  
36 2.4.1 ACCESSORY STRUCTURE shall mean a garage or other building on a lot or  
 37 parcel subordinate to and not forming an integral part of the main or principal  
 38 building, but pertaining to the use of the main building.

39  
40 2.4.2 ALTER OR ALTERATION shall mean any change or modification in  
 41 construction or occupancy of any building, structure, dwelling, accessory  
 42 structure, or dwelling unit.

43  
44 2.4.3 ASSESSED VALUE shall mean the most recent assessment performed and  
 45 recorded in the Ad Valorem Tax Rolls by the Property Appraiser of Hillsborough  
 46 County, Florida.

- 1  
2 2.4.4 ATTIC shall mean any story situated wholly or partly in the roof, so designated,  
3 arranged or built to be used for storage.  
4  
5 2.4.5 BASEMENT shall mean a portion of a building located partly underground, but  
6 having more than one-half of its clear floor to ceiling height below the average  
7 grade of the adjoining ground.  
8  
9 2.4.6 BUILDING shall mean any structure having a roof and at least three walls,  
10 designed or intended for the support, shelter, enclosure or protection of persons,  
11 animals or property.  
12  
13 2.4.7 BUILDING CODE shall mean the Florida Building Code, as amended.  
14  
15 2.4.8 CODE ENFORCEMENT BOARD shall mean the local government Code  
16 Enforcement Board created pursuant to Chapter 162, Florida Statutes, as amended  
17 and the applicable Hillsborough County Code Enforcement Board Ordinance #05-  
18 5, as amended.  
19  
20 2.4.9 CODE ENFORCEMENT OFFICIAL shall mean the Director of the Hillsborough  
21 County Code Enforcement Department, or other designee appointed by the  
22 County Administrator to administer and enforce this Code.  
23  
24 2.4.10 CODE INSPECTOR shall mean any authorized agent, representative, or County  
25 employee designated by the Code Enforcement Official to ensure compliance and  
26 enforcement of any provisions of this Code.  
27  
28 2.4.11 CONDEMNATION shall mean a declaration by the Code Enforcement Official  
29 that a property or structure is unfit for use or habitation or dangerous to persons or  
30 other property pursuant to Chapter 61-2246, Laws of Florida, as amended by  
31 Chapter 81-388, Laws of Florida.  
32  
33 2.4.12 DEBRIS shall mean material which is stored externally, exposed to the elements,  
34 and is not otherwise enclosed by a roof and shall include, but not be limited to, the  
35 following: discarded household items; inoperative or discarded machinery,  
36 automobiles or appliances; refuse, rubbish, trash or junk; and used, scrap or  
37 discarded lumber, pipe, steel, plumbing fixtures, insulation, and other building  
38 material.  
39  
40 2.4.13 DETERIORATION shall mean a lowering in quality in the condition or  
41 appearance of a building or parts thereof, characterized by holes, breaks, rot,  
42 crumbling, cracking, peeling, rusting, or any other evidence of physical decay or  
43 neglect, or excessive use or lack of maintenance.  
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2.4.14 DILAPIDATED shall mean substantial deterioration of a building or parts thereof, such that said building, or portion thereof, is no longer adequate for the purpose or use for which it was originally intended.

2.4.15 DWELLING shall mean any building, structure, accessory structure, trailer, mobile home, manufactured home, modular home or rooming house which is wholly or partly used or intended to be used for living, sleeping, cooking and eating by human occupants, whether or not such structure, accessory structure, building, trailer, mobile home, manufactured home, modular home or rooming house is occupied or vacant.

2.4.16 DWELLING UNIT shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating, whether or not such unit is occupied or vacant.

2.4.17 FIRE PREVENTION CODE shall mean the Hillsborough County Fire Prevention Code Ordinance #87-40, as amended, enacted by the Hillsborough County Board of County Commissioners.

2.4.18 GARBAGE shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, including waste food containers of any type.

2.4.19 GRAY WATER shall mean water discharged from lavatories, bathtubs, showers, clothes washers and laundry sinks.

2.4.20 HABITABLE ROOM shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding lavatories, water closet compartments, laundries, pantries, foyers or communicating corridors, closets, storage space or utility rooms.

2.4.21 HOBBY VEHICLE shall mean any vehicle, other than commercial, domestic and recreational vehicles as defined by this Code, which is designed for, or modified for, personal hobbies such as track racing, mud bogging, off-road driving or other similar activities and which cannot be licensed for street operation.

2.4.22 HOMELESS ENCAMPMENT shall mean a camp hosted by a nonprofit organization which provides temporary transitional shelter and support services to homeless persons utilizing temporary lodging units or recreational vehicles. A Homeless Encampment shall have a maximum length of stay for each resident of 90 consecutive days and shall provide structures for centralized eating, bathing, laundry and recreation.

- 1 2.4.23 INFESTATION shall mean the presence of insects, rodents or pests within or  
2 around a dwelling, which are detrimental to the public health, safety, and general  
3 welfare of the residents or occupants thereof.  
4
- 5 2.4.24 INOPERABLE VEHICLE shall mean a vehicle or trailer, excluding a hobby  
6 vehicle, which is incapable of being lawfully operated on the streets of the State,  
7 or is in a state of disrepair. A vehicle or trailer shall be deemed inoperative if one  
8 or more parts which are required for the operation of the vehicle are missing,  
9 dismantled, inoperative or not attached to the vehicle as designed. A vehicle or  
10 trailer without a license plate, with a license plate that is not registered to that  
11 vehicle, without a registration sticker affixed to the license plate, or that has a  
12 registration sticker affixed to the license plate which has been expired for a period  
13 of at least ninety days, shall be deemed to be incapable of being lawfully operated  
14 on the streets of the State.  
15
- 16 2.4.25 NUISANCE CONDITIONS shall mean (a) any nuisance as defined by law, or (b)  
17 any attractive nuisance which may be detrimental to the health or safety of  
18 children whether in a building, on the premises of a building, or upon an  
19 unoccupied lot. This includes, but is not limited to: (a) abandoned: wells, shafts,  
20 basements, excavations, unclean swimming pools or spas, iceboxes, refrigerators,  
21 or motor vehicles; (b) structurally unsound fences or structures; (c) unsecured  
22 commercial structures, dwellings, or dwelling units (d) lumber, trash or debris,  
23 which may prove a hazard for inquisitive minors; (e) unsanitary conditions or  
24 anything offensive to the senses or dangerous to health including, but not limited  
25 to, the emission of odors, sewage, human waste, liquids, gases, dust, smoke,  
26 vibration, noise or whatever may render air, food, or drink detrimental to the  
27 health of human beings; (f) physical conditions including, but not limited to, old,  
28 dilapidated, abandoned: scrap or metal, paper, building materials and equipment,  
29 bottles, glass, appliances, furniture, rags, rubber, motor vehicles, and parts  
30 thereof; (g) physical conditions posing fire hazards; and (h) physical conditions  
31 posing a hazard including, but not limited to, dead or damaged trees.  
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- 33 2.4.26 OCCUPANT shall mean any person living, sleeping, cooking, or eating in, or  
34 having actual possession of any building, dwelling, structure or accessory  
35 structure.  
36
- 37 2.4.27 OPENABLE AREA shall mean any part of a window or door which is available  
38 for unobstructed ventilation and which opens directly to the outdoors.  
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- 40 2.4.28 OPERATOR shall mean any person who has charge, care, or control of a  
41 building, structure or accessory structure, or a part thereof, whether with or  
42 without the knowledge or consent of the owner and/or occupant.  
43
- 44 2.4.29 OWNER shall mean a holder or holders of any legal or equitable estate in the  
45 premises, whether alone or jointly with others, or whether in possession or not  
46 and, shall include all individuals, associations, partnerships, corporations, or those

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1 whose names appear on the Tax Rolls of Hillsborough County; or others who  
 2 have interest in the premises and who are in possession or control thereof, as  
 3 agents of the owner, as executor, executrix, administrator, trustee, or guardian of  
 4 the estate of the owner. Any such person thus representing the owner or owners  
 5 shall be bound to comply with the provisions of this section and of the rules and  
 6 regulations adopted pursuant hereto, to the same extent as if such person were the  
 7 owner; and upon failure to comply therewith shall be subject to the same penalties  
 8 hereinafter set out.

9  
 10 2.4.30 PERSON shall mean any individual, firm, corporation, association, partnership or  
 11 entity.

12  
 13 2.4.31 PREMISES shall mean a lot, plot, or tract of land including the building,  
 14 dwellings, structures or accessory structures thereon.

15  
 16 2.4.32 ROOMING HOUSE shall mean any dwelling containing one or more dwelling  
 17 units in which space is let by the owner or operator to one or more persons who  
 18 are not the wife, husband, sister, brother, father, mother, son or daughter of the  
 19 owner or operator.

20  
 21 2.4.33 RUBBISH shall mean combustible and non-combustible waste material other  
 22 than garbage.

23  
 24 2.4.34 SKYLIGHT shall mean an opening through the roof and ceiling to admit light to a  
 25 room, including the window portion therein. The assembly mayor may not have  
 26 an operable section to provide ventilation.

27  
 28 2.4.35 STAIRWAY shall mean one or more flights of stairs and the necessary landings  
 29 and platforms which form a continuous and uninterrupted passage from one story  
 30 to another, within a building or structure or attached to the exterior of a building  
 31 or structure.

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 33 2.4.36 STORY shall mean that portion of a building included between the upper surface  
 34 of any floor and the upper surface of the floor next above, except that the topmost  
 35 story shall be that portion of a building included between the upper surface of the  
 36 topmost floor and the ceiling or roof above. If the finished ceiling level directly  
 37 above a basement or cellar is more than 6 feet above grade, such basement or  
 38 cellar shall be considered a story.

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 40 2.4.37 STRUCTURE shall mean anything constructed or erected which requires location  
 41 on the ground or attachment to something having a fixed location on the ground,  
 42 including but not limited to principal or accessory buildings, signs, fences, walls,  
 43 ridges, monuments, flagpoles, antennas, transmission poles, towers, and cables.

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 45 2.4.38 SWIMMING POOL means any structure, located in a residential area, that is  
 46 intended for swimming or recreational bathing and contains or may contain water

over 24 inches deep, including, but not limited to, in-ground, aboveground, and on-ground swimming pools; hot tubs; and non-portable spas.

2.4.39 TARPULIN shall mean a sheet of strong, flexible, water resistant or waterproof material, often cloth such as canvas, woven polyethylene or polyester coated with plastics such as latex or PVC, and including reinforced grommets at the corners and along the sides to form attachment points for rope.

2.4.40 TEMPORARY LODGING UNITS shall mean camp tents, cabins, or small individual sleeping buildings (casitas) that are used within a Homeless Encampment.

2.4.41 UNSAFE STRUCTURE shall mean a structure that is found to be dangerous to the life, health, property or safety of the public, or the occupants of the structure, by not providing minimum safeguards, by having exposed electrical wiring, having an unsafe or unsanitary plumbing system, by being structurally unsound or unsafe, having faulty construction, or having an unstable foundation that could result in partial or complete collapse.

2.4.42 VEHICLE shall mean every device, whether motorized or non-motorized, upon, or by which any person or property is or may be transported or drawn, excepting devices used exclusively upon stationary rails or tracks.

2.4.43 VENTILATION shall mean the process of supplying and removing air by natural or mechanical means to or from any structure, building, or dwelling.

2.4.44 WEATHERPROOF shall mean able to withstand exposure to weather without damage or loss of function.

2.4.45 WEATHERTIGHT shall mean able to exclude wind and rain under normal conditions.

2.4.46 YARD shall mean an open, unoccupied space on the same lot with a building, structure, or dwelling.

2.4.47 YARD WASTE shall mean vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.

2.4.48 YOUNG CHILD shall mean any person under the age of six (6) years.

**SECTION 3  
CODE ENFORCEMENT OFFICIAL**

**3.1 GENERAL.**

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1 The Code Enforcement Official shall have jurisdiction and control over the administration and  
2 enforcement of the provisions of this Code. The Code Enforcement Official may appoint a duly  
3 authorized representative or representatives to carry out the provisions of this Code. The Code  
4 Enforcement Official is hereby designated as the investigating and enforcing authority pursuant  
5 to the provisions of this Code. The Code Enforcement Official is hereby authorized and directed  
6 to receive all complaints of a violation of this Code, to gather all relevant information concerning  
7 said complaints, to conduct field investigations and inspections of real property and to enter upon  
8 real property in the conduct of its official business pursuant to this Code.  
9

### 10 3.2 NOTICES AND ORDERS.

11 The Code Enforcement Official shall also be responsible for providing all notices and orders to  
12 affected property owners required by this Code and to take such other action as is reasonably  
13 necessary to accomplish the purpose of this Code.  
14

### 15 3.3 RULE MAKING AUTHORITY.

16 The Code Enforcement Official shall adopt rules of procedure and regulations for the  
17 administration and enforcement of this Code.  
18

### 19 3.4 CUMULATIVE ACTION.

20 Any action to be taken by the Code Enforcement Official pursuant to this Code, in regard to the  
21 enforcement of any section hereof, shall be considered cumulative and in addition to penalties  
22 and to other remedies provided elsewhere by ordinance or law.  
23

## 24 **SECTION 4**

## 25 **INSPECTIONS**

26

### 27 4.1 GENERAL.

28 All structures, dwelling units, buildings and premises subject to this Code shall be subject to  
29 inspection by the Code Enforcement Official or authorized representatives.  
30

### 31 4.2 IDENTIFICATION.

32 The Code Enforcement Official, or authorized representatives, shall be provided with official  
33 identification which shall be presented at the time of inspection.  
34

### 35 4.3 COORDINATION OF INSPECTIONS.

36 The representative shall explain to the owner, occupant or operator the purposes of the inspection  
37 before entering any structure, building or dwelling unit subject to this Code. Where practicable,  
38 the Code Enforcement Official shall notify the owner, operator or occupants of dwelling units or  
39 building to be inspected, prior to said inspection. Inspection of the interior of structures shall take  
40 place during regular business hours of Hillsborough County, or at a time mutually agreed upon  
41 by the Code Enforcement Official, or authorized representatives, and the owner, operator or  
42 occupants, unless the Code Enforcement Official has probable cause to believe a violation of the  
43 Code exists of such nature as to constitute an immediate threat to the health, safety, or welfare of  
44 persons in and/or about the dwelling unit, building, area, structure or accessory structure which  
45 would require inspection without delay.  
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1 4.4 RIGHT OF ENTRY.

2 The Code Enforcement Official shall have the right to entry upon real property while in the  
3 discharge of his duties in enforcing the provisions of this Code. Before entering into any  
4 structure, building, dwelling, dwelling unit or accessory structure subject to this Code, the Code  
5 Enforcement Official, or authorized representatives, shall attempt to secure the written consent of  
6 the owner, operator or occupant of said premises. Should the Code Enforcement Official, or  
7 authorized representative, have probable cause to believe a violation of this Code exists in or  
8 about the structure, building, dwelling, dwelling unit or accessory structure and the right of entry  
9 is refused by the owner, operator, occupant or any other person, or permission cannot be  
10 obtained, the Code Enforcement Official, or authorized representative, may forthwith seek a  
11 warrant authorizing the entry and inspection of the structure, building, dwelling, dwelling unit or  
12 accessory structure.

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18 **SECTION 5**  
19 **LIABILITY**  
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21 5.1 INDEMNIFICATION.

22 Pursuant to Section 768.28, Florida Statutes, as amended, no officer, employee, or agent of the  
23 Code Enforcement Department shall be held personally liable in tort or named as a party  
24 defendant in any action for any injury or damage suffered as a result of any act, event, or  
25 omission of action in the scope of her or his employment or function, unless such officer,  
26 employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting  
27 wanton and willful disregard of human rights, safety, or property. The exclusive remedy for  
28 injury or damage suffered as a result of an act, event, or omission of an officer, employee, or  
29 agent of Hillsborough County shall be by action against Hillsborough County, unless such act or  
30 omission was committed in bad faith or with malicious purpose or in a manner exhibiting wanton  
31 and willful disregard of human rights, safety, or property. Hillsborough County shall not be  
32 liable in tort for the acts or omissions of an officer, employee, or agent committed while acting  
33 outside the course and scope of her or his employment or committed in bad faith or with  
34 malicious purpose or in a manner exhibiting wanton and willful disregard of human rights,  
35 safety, or property.

36  
37 **SECTION 6**  
38 **NOTICE OF VIOLATIONS**  
39

40 6.1 NOTICE TO RESPONSIBLE PARTIES.

41 A. Upon receipt of a complaint, and upon completion of a field investigation, of violations  
42 of this Code, the Code Enforcement Official, or authorized representative, shall give  
43 written notice of any alleged violation of the provisions of this Code to the owner or  
44 responsible person of any dwelling unit, premises, building, structure, accessory  
45 structure, lot, plot or tract of land subject to the provisions of this Code. Such notice

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1 shall be provided in the manner prescribed in Section 6 of this Code and in accordance  
2 with Chapter 162, Florida Statutes, as amended.

- 3 B. If the code inspector has reason to believe a violation or the condition causing the  
4 violation presents a serious threat to the public health, safety, and welfare or if the  
5 violation is irreparable or irreversible in nature, the code inspector shall make a  
6 reasonable effort to notify the violator and may immediately notify the Code  
7 Enforcement Board/Special Magistrate and request a hearing. If a repeat violation is  
8 found, the code inspector shall notify the violator but is not required to give the violator  
9 a reasonable time to correct the violation. The code inspector, upon notifying the  
10 violator of a repeat violation, shall notify the Code Enforcement Board/Special  
11 Magistrate and request a hearing.

## 12 6.2 FORM.

13 Notice as prescribed in Section 6.1 shall be in accordance with the following:

- 14 A. Include the date on which the violation was observed.  
15 B. Include the address of the property in violation.  
16 C. Indicate and describe the section or sections of this Code violated.  
17 D. Include the necessary corrective action.  
18 E. Provide for a reasonable period of time to comply.  
19 F. Describe the penalty for non compliance.  
20

## 21 6.3 METHOD OF SERVICE.

22 The written notice required by Section 6.1 shall be deemed to have been served upon the owner  
23 and/or operator if provided by:

- 24 A. Hand delivery by the sheriff or other law enforcement officer, code inspector, or other  
25 person designated by the local governing body; or  
26 B. Leaving the notice at the violator's usual place of residence with any person residing  
27 therein who is above 15 years of age and informing such person of the contents of the  
28 notice; or  
29 C. Mailing a copy of such notice by certified mail, return receipt requested, provided that  
30 such notice is sent under this paragraph to the owner of the property in question at the  
31 address listed in the tax collector's office for tax notices, and at any other address  
32 provided to the local government by such owner; however, if said notice is returned as  
33 unclaimed or refused, notice may be provided by posting as described in Section 6.4  
34 and by first class mail directed to the addresses furnished to the local government with  
35 a properly executed proof of mailing or affidavit confirming the first class mailing.  
36

## 37 6.4 ALTERNATE SERVICE.

38 In addition to providing notice as set forth in Section 6.3, notice may also be served by  
39 publication or posting, as follows:

- 40 A. Notice may be published once during each week for 4 consecutive weeks (four  
41 publications being sufficient) in a newspaper of general circulation in Hillsborough  
42 County. The newspaper shall meet such requirements as are prescribed under Chapter  
43 50, Florida Statutes, as amended. Proof of publication shall be made as provided in  
44 Chapter 50, Florida Statutes, as amended; or,  
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- 1 B. Notice may be posted at least 10 days prior to the hearing, or prior to the expiration of  
 2 any deadline contained in the notice, in at least two locations, one of which shall be the  
 3 property upon which the violation is alleged to exist and the other of which shall be at  
 4 the front door of the courthouse or the main county governmental center in said county.  
 5 Proof of posting shall be by affidavit of the person posting the notice, which affidavit  
 6 shall include a copy of the notice posted and the date and places of its posting; or,  
 7 C. Notice by publication or posting may run concurrently with, or may follow, an attempt  
 8 or attempts to provide notice by hand delivery or by mail as required under Section 6.3.  
 9

10 **SECTION 7**  
 11 **ENFORCEMENT**

12  
 13 7.1 GENERAL.

14 Where applicable to the purpose and scope of this Code, the provisions of the Hillsborough  
 15 County Code Enforcement Board Ordinance #05-5, as amended and the procedures contained  
 16 therein are hereby adopted and incorporated into and made a part hereof by reference.  
 17  
 18  
 19

20 7.2 CODE ENFORCEMENT BOARD/SPECIAL MAGISTRATE.

21 Violations of any provisions of this Code shall be subject, but not limited to, the penalties and  
 22 remedies of the Hillsborough County Code Enforcement Board/Special Magistrate as outlined in  
 23 Hillsborough County Ordinance #05-5 as amended.  
 24

25 7.3 OTHER REMEDIES.

26 The Code Enforcement Official may institute any other remedies or appropriate action to  
 27 restrain, correct, or abate violations of this Code which shall include, but not be limited to,  
 28 enforcement procedures as prescribed by Chapter 162, Florida Statutes, as amended, Chapter 61-  
 29 2246, Laws of Florida as amended by Chapter 81-388 Laws of Florida, or Section 125.69,  
 30 Florida Statutes, as amended.  
 31

32 **SECTION 8**  
 33 **CONDEMNATION**

34  
 35 8.1 GENERAL.

36 Condemnation and demolition of buildings, structures, dwellings, dwelling units and accessory  
 37 structures shall be conducted by the designated Code Enforcement Official pursuant to this Code  
 38 and as prescribed by Chapter 61-2246, Laws of Florida as amended by Chapter 81-388, Laws of  
 39 Florida. For the purposes of Chapter 61-2246, Laws of Florida, as amended by Chapter 81-388,  
 40 Laws of Florida, the Code Enforcement Official of Hillsborough County shall be designated as  
 41 the Director of the Housing Assistance Department.  
 42

43 8.2 RULE MAKING AUTHORITY.

44 The Code Enforcement Official shall adopt rules of procedure and regulations for the  
 45 administration and enforcement of the condemnation and demolition provisions of this Code and

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1 other provisions of law prescribed by Chapter 61-2246, Laws of Florida as amended by Chapter  
2 81-388, Laws of Florida,.

### 4 8.3 PLACARDING.

5 When the Code Enforcement Official orders a building or structure to be vacated or condemned,  
6 the Code Enforcement Official, or his authorized agents or representatives, shall placard the  
7 premises and order the premises be evacuated or closed to occupancy when the premises are  
8 unsafe and constitute a nuisance. The failure of any person to comply with such order within the  
9 time designated by said Code Enforcement Official, will subject anyone occupying any such  
10 premises while still condemned or placarded to the penalties of Chapter 61-2246, Laws of  
11 Florida as amended by Chapter 81-388, Laws of Florida.

### 13 8.4 COSTS.

14 All costs incurred by the County for securing or demolishing a building or structure will be  
15 assessed against the property in accordance with Chapter 61-2246, Laws of Florida as amended  
16 by Chapter 81-388, Laws of Florida.

## 21 SECTION 9 22 APPLICABILITY

### 24 9.1 PREVALENCE OF STATE LAWS AND LOCAL ORDINANCES.

25 The standards established by this Code do not replace or modify standards established by any  
26 other applicable laws or ordinances for the construction, replacement, or repair of structures.

### 28 9.2 PREVAILING STANDARD.

29 In any case where the provisions of this Code impose a higher standard than those set forth in  
30 any other Hillsborough County ordinance or under the laws of the State of Florida, then the  
31 standard set forth herein shall prevail. If the provisions of this Code impose a lower standard  
32 than those set forth in any other Hillsborough County ordinance or pursuant to the laws of the  
33 State of Florida, then the higher standard set forth in such ordinance or law shall prevail.

### 35 9.3 APPLICATION OF OTHER CODES.

36 Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in  
37 accordance with the procedures and provisions of the Florida Building Code and The  
38 Hillsborough County Construction Code, Ordinance 05-12, as amended. Nothing in this Code  
39 shall be construed to cancel, modify or set aside any provision of the Land Development Code of  
40 Hillsborough County, the Florida Building Code, the Hillsborough County Construction Code,  
41 Ordinance 05-12, as amended or any other Hillsborough County ordinance or code.

### 43 9.4 FIRE PROTECTION.

44 The requirements of this Code are not intended to provide the basis for removal or abrogation of  
45 fire protection and safety systems and devices in existing structures.

**SECTION 10**  
**STRUCTURAL STANDARDS FOR NON RESIDENTIAL STRUCTURES**

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10.1 GENERAL. No person shall occupy, let, or sub-let to another for occupancy, any building, structure, or accessory structure, which does not comply with the requirements hereinafter set forth, nor shall any vacant, building or structure be permitted to exist which does not comply with the applicable following requirements

10.2 GENERAL MAINTENANCE. Equipment, systems, devices and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order.

10.3 LIGHT AND VENTILATION IN LAVATORIES. Every lavatory shall comply with the minimum light and ventilation requirements for habitable rooms in Sections 11.4.1 and 11.4.2 of this Code, except that no window or skylight shall be required in adequately ventilated lavatories equipped with an accepted mechanically ventilating air system.

10.4 LIGHT IN COMMON HALLS AND STAIRWAYS. Every common hall, elevated walkway, and stairway, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet of floor area of the common hall, elevated walkway, and/or stairway or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet.

10.5 MECHANICAL AND ELECTRICAL

10.5.1 GENERAL. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner, and, where applicable, shall be connected to the source of electric power. Electrical equipment, wiring and/or appliances which are present that are not required by this Code may be repaired or removed at the discretion of the property owner.

10.5.2 GFCI PROTECTION. Any receptacle outlet located in the lavatory, kitchen (where such receptacle serves the countertop), at wet bar sinks (where the receptacles are installed to serve the countertop surfaces and are located within six (6) feet of the outside edge of the wet bar sink), on the exterior of the structure, or within twenty (20) feet of the inside wall of an indoor swimming pool, fountain or hot tub, shall have ground fault circuit interrupter protection.

10.5.3 ELECTRICAL WIRING. Any exposed electrical cable within eight (8) feet of the ground must be encased or protected. All splices in electrical wiring shall be completely contained within an approved enclosure.

10.5.4 WATER TEMPERATURE RANGE. Water heating equipment, where present, shall provide water at a minimum temperature of not less than 120 degrees Fahrenheit and maximum temperature of not more than 130 degrees Fahrenheit.

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1 10.5.5 PRESSURE RELIEF VALVE. The outlet of a pressure relief valve, temperature  
2 relief valve or combination thereof, shall not be directly connected to the drainage system.  
3 The discharge from the relief valve shall be piped full size separately to the floor, to the  
4 outside of the building or to an indirect waste receptor located inside the building. In areas  
5 subject to freezing, the relief valve shall discharge through an air gap into an indirect waste  
6 receptor located within a heated space, or by other approved means. The discharge shall be  
7 installed in a manner that does not cause personal injury or property damage and that is  
8 readily observable by the building occupants. The discharge from a relief valve shall not be  
9 trapped. The diameter of the discharge piping shall not be less than the diameter of the relief  
10 valve outlet. The discharge pipe shall be installed so as to drain by gravity flow and shall  
11 terminate atmospherically not more than 6 inches (152 mm) above the floor. The outlet end  
12 of the discharge pipe shall not have a valve installed.  
13

14 10.5.6 HEATING EQUIPMENT INSTALLATION. Any heating equipment shall be  
15 permanently installed and connected to electrical circuits as prescribed in the Florida  
16 Building Code unless such equipment is approved for portable use by a nationally recognized  
17 testing agency.  
18

19 10.5.7 FUEL FIRED HEATERS. All un-vented, fuel-fired heaters shall not be used in  
20 any location unless equipped with an approved Oxygen Depletion Shutoff System (ODS) or  
21 unless labeled for un-vented operation. The system shall shut of the gas supply to the main  
22 and pilot burners when the oxygen in the surrounding atmosphere is depleted to the percent  
23 concentration specified by the manufacturer. Heaters that have been affixed a label, seal, or  
24 other identifying mark of a nationally recognized testing laboratory or inspection agency  
25 designating such heater for un-vented operation shall not be required to be vented. An  
26 appliance which has been converted from a vented to an un-vented heater shall not be used  
27 under any conditions.  
28

29 10.5.8 COOKING EQUIPMENT. Cooking equipment when present shall be installed in  
30 accordance with the Florida Building Code, and shall be operable and maintained in safe,  
31 working condition.  
32

## 33 10.6 PLUMBING

34  
35 10.6.1 GENERAL. Every plumbing fixture and water and waste-pipe connection shall be  
36 properly installed in accordance with the Florida Building Code and maintained in good  
37 working condition, free from defects, leaks, and obstructions.  
38

39 10.6.2 SUPPLY. All water shall be supplied through an approved pipe distribution  
40 system connected to a potable water supply.  
41

42 10.6.3 SANITATION. The plumbing fixtures of every dwelling or dwelling unit,  
43 building or structure shall be maintained in a clean and sanitary condition as prescribed by  
44 the Florida Building Code.  
45

1 10.6.4 CONNECTION TO DRAINAGE SYSTEMS: All plumbing fixtures, drains,  
 2 appurtenances and appliances used to receive or discharge liquid wastes or sewage shall be  
 3 connected properly to the drainage system of the building or premises, in accordance with the  
 4 requirements of the Florida Building Code.

5  
 6 Exception: Bathtubs, showers, lavatories, clothes washers and laundry sinks shall not  
 7 be required to discharge to the sanitary drainage system, where such fixtures  
 8 discharge to an approved gray water system which has been permitted and approved  
 9 by the Hillsborough County Health Department.

10  
 11 10.7 EXTERIOR STRUCTURE

12  
 13 10.7.1 FOUNDATION. The building foundation walls, or other structural elements of  
 14 every building, structure, or accessory structure shall be maintained in a safe manner, free  
 15 from open cracks and breaks, shall be kept in such condition so as to prevent the entry of  
 16 rodents and other pests, and shall be capable of supporting the load which normal use may  
 17 place thereon.

18  
 19 10.7.2 EXTERIOR WALLS. The exterior walls of every building, structure, or  
 20 accessory structure shall be substantially weathertight and weatherproof, free from holes,  
 21 breaks, and loose or rotting materials and shall be maintained in sound condition and good  
 22 repair.

23  
 24 10.7.3 PROTECTIVE TREATMENT - All exterior surfaces of every building, structure,  
 25 or accessory structure including but not limited to, doors, door and window frames, cornices,  
 26 porches, trim, balconies, and decks, other than decay resistant woods or materials designed to  
 27 be weatherproof, shall be protected from the elements by painting or other protective  
 28 covering according to manufacturer's specifications. Peeling, flaking and chipped paint shall  
 29 be eliminated and surfaces repainted. All siding and masonry joints as well as those between  
 30 the building envelope and the perimeter of windows, doors, and skylights shall be maintained  
 31 weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be  
 32 coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be  
 33 stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization  
 34 by oxidation are exempt from this requirement. No lead-based paint shall be used on any  
 35 surface of any structure.

36  
 37 10.7.4 ROOFS. The roofs and all parts thereof of every building, structure, or accessory  
 38 structure shall be maintained in a safe manner, free from defect, and shall have no defects  
 39 which might admit rain or allow dampness in the walls or interior portion of the building,  
 40 structure, or accessory structure. Roof drains, gutters and downspouts shall be maintained in  
 41 good repair and free from obstructions.

42  
 43 10.7.5 DECORATIVE FEATURES. All cornices, corbels, terra cotta trim, wall facings  
 44 and similar decorative features of every building, structure, or accessory structure shall be  
 45 maintained in good repair with proper anchorage and in a safe condition.  
 46

1 10.7.6 OVERHANG EXTENSIONS. All overhang extensions of every building,  
 2 structure, or accessory structure including, but not limited to, canopies, marquees, signs,  
 3 metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair  
 4 and be properly anchored so as to be kept in a sound condition.  
 5

6 10.7.7 STAIRS, PORCHES, AND APPURTENANCES - Every inside and outside  
 7 stairway, stair, porch, deck, balcony and any appurtenance thereto of every building,  
 8 structure, or accessory structure shall be maintained in safe condition and capable of  
 9 supporting a load that normal use may place thereon.  
 10

11 10.7.8 CHIMNEYS AND TOWERS. All chimneys, cooling towers, smoke stacks, and  
 12 similar appurtenances of every building, structure, or accessory structure shall be maintained  
 13 structurally safe and sound, and in good repair.  
 14

15 10.7.9 WINDOWS AND EXTERIOR DOORS - Every window, skylight, exterior door,  
 16 and basement door of every building, structure, or accessory structure shall be properly fitted  
 17 within its frame, provided with the proper hardware, and shall be weathertight and  
 18 weatherproof, and maintained in good repair.  
 19

20  
 21 10.8 INTERIOR STRUCTURE

22  
 23 10.8.1 GENERAL. The interior of every building, structure, or accessory structure and  
 24 equipment therein shall be maintained in good repair, structurally sound and in a sanitary  
 25 condition.  
 26

27 10.8.2 INFESTATION. All buildings, structures, and accessory structures shall be free  
 28 from insect and rodent infestation. All structures in which insects or rodents are found shall  
 29 be promptly exterminated by approved processes that will not be injurious to human health.  
 30 After extermination, proper precautions shall be taken to prevent re-infestation.  
 31

32 10.8.3 STRUCTURAL MEMBERS. All structural members of every building, structure,  
 33 or accessory structure shall be maintained structurally sound, and be capable of supporting  
 34 the imposed loads.  
 35

36 10.8.4 INTERIOR SURFACES. All interior surfaces of every building, structure, or  
 37 accessory structure including windows and doors, shall be maintained in good, clean and  
 38 sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or  
 39 covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall  
 40 be corrected. The interiors of all buildings, structures, and accessory structures shall be kept  
 41 free of any visible or otherwise demonstrable growth of mold or mildew.  
 42

43 10.8.5 CEILINGS – Ceilings shall be structurally sound, in good repair, free from  
 44 defects.  
 45

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1 10.8.6 ATTIC ACCESS - Access to the attic of every building, structure, or accessory  
2 structure shall be provided by means of a conveniently located access panel. The minimum  
3 access opening shall not be less than 22 inches by 36 inches.  
4

5 10.8.7 WIND SASH - Window sashes of every building, structure, or accessory structure  
6 shall be properly fitted and weathertight within the window frame.  
7

8 10.8.8 DOORS. Every interior door of every building, structure, or accessory structure  
9 shall fit reasonably well within its frame, be maintained in good condition, be equipped with  
10 proper hardware, and shall be capable of being opened and closed by being properly and  
11 securely attached to jambs, headers or tracks as intended by the manufacturer of the  
12 attachment hardware. Every closet door shall be such that children can open the door from  
13 within the closet. Every lavatory door shall be provided a lock which shall be designed to  
14 permit the opening of the locked door from the outside in an emergency.  
15

## 16 10.9 PROTECTIVE RAILINGS

17

18 10.9.1 GENERAL. Every handrail and guard, on the exterior or interior of any building,  
19 structure, or accessory structure shall be firmly fastened and capable of supporting normally  
20 imposed loads and shall be constructed of rigid materials and maintained in sound and sturdy  
21 condition.  
22

23 10.9.2 HANDRAILS. Every exterior flight of stairs having four or more risers shall have  
24 a handrail on both sides of the stairs. Every interior flight of stairs having more than four  
25 risers shall have a handrail on at least one side of the stairs. Handrails shall not be less than  
26 30 inches high or more than 38 inches high measured vertically to the top of the rail from the  
27 leading edge of the tread. Handrails shall be continuously graspable along their entire length.  
28 Open handrails shall have balusters or ornamental patterns such that a 4-inch-diameter sphere  
29 cannot pass through any opening. No protrusions or projections which might engage loose  
30 clothing shall be permitted.  
31

32 10.9.3 GUARDS. Every open portion of a landing, balcony, porch, deck, ramp or other  
33 walking surface which is more than 30 inches above the floor or grade below shall have  
34 guards. Guards shall not be less than 38 inches high above the floor of the landing, balcony,  
35 porch, deck, or ramp or other walking surface. Open guards and handrails shall have  
36 balusters or ornamental patterns such that a 4-inch-diameter sphere cannot pass through any  
37 opening. No protrusions or projections which might engage loose clothing shall be permitted.  
38

39 Exception:

40 Guards shall not be required where exempted by the Florida Building Code.  
41

## 42 SECTION 11

### 43 STRUCTURAL STANDARDS FOR DWELLINGS

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1 11.1 GENERAL. No person shall occupy, let, or sub-let to another for occupancy, any  
2 building, dwelling, dwelling unit, structure, or accessory structure, designed or intended to be  
3 used for the purpose of living, sleeping or cooking or eating therein which does not comply with  
4 the requirements hereinafter set forth, nor shall any vacant dwelling, dwelling unit, building,  
5 structure or accessory structure be permitted to exist which does not comply with the applicable  
6 following requirements.

7  
8 11.2 GENERAL MAINTENANCE. Equipment, systems, devices and safeguards required by  
9 this Code or a previous regulation or code under which the structure or premises was  
10 constructed, altered or repaired shall be maintained in good working order.

### 11 11.3 REQUIRED FACILITIES

12  
13  
14 11.3.1 GENERAL. All facilities shall be properly installed and maintained in good  
15 working order. Those facilities which are present in the dwelling that are not required by the  
16 Code shall be repaired or removed at the discretion of the property owner.

17  
18 11.3.2 SANITARY FACILITIES REQUIRED. Every dwelling or dwelling unit shall  
19 contain, all in good working condition and properly connected to an approved water and  
20 sewer system as approved by the Hillsborough County Health Department, not less than:

- 21  
22 a. one (1) kitchen sink with counter work space; and  
23 b. one (1) lavatory, including one (1) tub or shower and one (1) toilet.

24  
25 11.3.3 POTABLE WATER. Every dwelling, or dwelling unit, shall have connected to  
26 the kitchen sink, lavatory, and tub or shower, an adequate supply of potable water in  
27 sufficient volume and at pressures adequate to enable the fixtures to function properly and  
28 safely.

29  
30 11.3.4 WATER HEATING FACILITIES. Every dwelling or dwelling unit shall have  
31 water heating facilities which are properly installed and maintained in a safe and good  
32 working condition and capable of providing an adequate amount of water to be drawn at  
33 every required kitchen sink, lavatory basin, bathtub or shower.

34  
35 11.3.5 ELECTRICAL FACILITIES. Every dwelling or dwelling unit shall be provided  
36 with anv electrical system which shall be connected to a source of power in accordance with  
37 the Florida Building Code.

38  
39 11.3.6 HEATING FACILITIES. Every dwelling or dwelling unit shall be equipped with  
40 permanent heating equipment which shall be capable of safely and adequately heating all  
41 habitable rooms

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43 11.3.7 COOKING EQUIPMENT. Every dwelling or dwelling unit shall contain a stove  
44 or range and refrigerator, all of adequate size.

### 45 46 11.4 LIGHT AND VENTILATION

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11.4.1 LIGHT IN HABITABLE ROOMS. Every habitable room of a dwelling or dwelling unit shall have at least one window or skylight facing directly outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten (10) percent of the floor area of such room. Whenever walls or portions of other structures face a window of any such room and such light-obstructing structures are located less than five (5) feet 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 and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room.

EXCEPTION: This requirement shall not include kitchens or dining areas

11.4.2 VENTILATION IN HABITABLE ROOMS. Each window or skylight required for minimum light shall be easily opened, and the total of the openable window area in each habitable room shall equal at least forty-five (45) percent of the minimum total window or skylight area, as required above, or shall have other approved, equivalent ventilation. Year-round mechanically ventilating air systems may be substituted for windows, as required herein, in rooms other than rooms used for sleeping purposes. Window-type air conditioning units are not included in this exception.

EXCEPTION: This requirement shall not include kitchens or dining areas

11.4.3 LIGHT AND VENTILATION IN LAVATORIES. Every lavatory shall comply with the minimum light and ventilation requirements for habitable rooms, except that no window or skylight shall be required in adequately ventilated lavatories equipped with an accepted mechanically ventilating air system.

11.4.4 LIGHT IN COMMON HALLS AND STAIRWAYS. Every common hall, elevated walkway, and stairway in residential occupancies containing five or more dwelling units, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet of floor area of the common hall, elevated walkway, and/or stairway or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet.

11.4.5 EXTERIOR LIGHT FIXTURES. Every dwelling, or dwelling unit, containing less than five units shall be supplied with a conveniently located light switch that controls an adequate light system, located at the primary entrance to the dwelling, which can be turned on when needed if continuous lighting is not provided. The condition of the fixture shall be in accordance with the manufacturer's specifications and shall include a fixture globe, or cover, when required.

11.5 MECHANICAL AND ELECTRICAL

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1 11.5.1 GENERAL. All electrical equipment, wiring and appliances shall be properly  
2 installed and maintained in a safe and approved manner, and, where applicable, shall be  
3 connected to the source of electric power. That electrical equipment, wiring and/or  
4 appliances which are present in the dwelling that are not required by the Code may be  
5 repaired or removed at the discretion of the property owner.  
6

7 11.5.2 RECEPTACLES. Every habitable space in a dwelling shall contain at least two  
8 (2) separate and remote receptacle outlets. Every laundry area shall contain at least one (1)  
9 grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every  
10 lavatory shall contain at least one (1) receptacle. Switches and electrical receptacles in  
11 lavatories shall be at least three (3) feet from tub or shower.  
12

13 11.5.3 GFCI PROTECTION. Any receptacle outlet located in the lavatory, kitchen  
14 (where such receptacle serves the countertop), at wet bar sinks (where the receptacles are  
15 installed to serve the countertop surfaces and are located within six (6) feet of the outside  
16 edge of the wet bar sink), on the exterior of the structure or dwelling, or within twenty (20)  
17 feet of the inside wall of an indoor swimming pool, fountain or hot tub, shall have ground  
18 fault circuit interrupter protection.  
19

20 11.5.4 ELECTRICAL SERVICE. Every dwelling or dwelling unit shall be provided with  
21 an electrical system served by a three-wire, 120/240 volt, single phase electrical service  
22 having a rating of not less than 100 amperes. The minimum capacity of the electrical service  
23 supply and main disconnect switch shall be sufficient to adequately carry the total load  
24 required for the building, structure, accessory structure, dwelling, or dwelling unit in  
25 accordance with the Florida Building Code.  
26

27 11.5.5 ELECTRICAL WIRING. Any exposed electrical cable within eight (8) feet of the  
28 ground must be encased or protected. All splices in electrical wiring shall be completely  
29 contained within an approved enclosure.  
30

31 11.5.6 WATER TEMPERATURE RANGE. Equipment shall provide water at a  
32 minimum temperature of not less than 120 degrees Fahrenheit and maximum temperature of  
33 not more than 130 degrees Fahrenheit.  
34

35 11.5.7 PRESSURE RELIEF VALVE. The outlet of a pressure relief valve, temperature  
36 relief valve or combination thereof, shall not be directly connected to the drainage system.  
37 The discharge from the relief valve shall be piped full size separately to the floor, to the  
38 outside of the building or to an indirect waste receptor located inside the building. In areas  
39 subject to freezing, the relief valve shall discharge through an air gap into an indirect waste  
40 receptor located within a heated space, or by other approved means. The discharge shall be  
41 installed in a manner that does not cause personal injury or property damage and that is  
42 readily observable by the building occupants. The discharge from a relief valve shall not be  
43 trapped. The diameter of the discharge piping shall not be less than the diameter of the relief  
44 valve outlet. The discharge pipe shall be installed so as to drain by gravity flow and shall  
45 terminate atmospherically not more than 6 inches (152 mm) above the floor. The outlet end  
46 of the discharge pipe shall not have a valve installed.

1  
2 11.5.8 HEATING EQUIPMENT. Any heating equipment shall be capable of safely and  
3 adequately heating all habitable rooms to a temperature of 68 degrees Fahrenheit at a  
4 distance of three (3) feet above the floor under ordinary minimum winter conditions.  
5

6 11.5.9 HEATING EQUIPMENT INSTALLATION. Any electrical heating equipment  
7 shall be permanently installed and connected to electrical circuits as prescribed in the Florida  
8 Building Code, supplemental heating equipment shall also be permanently installed and  
9 connected to electrical circuits as prescribed in the Florida Building Code unless such  
10 equipment is approved for portable use by a nationally recognized testing agency.  
11

12 11.5.10 FUEL FIRED HEATERS. All un-vented, fuel-fired heaters shall not be used in  
13 any location unless equipped with an approved Oxygen Depletion Shutoff System (ODS) or  
14 unless labeled for un-vented operation. The system shall shut of the gas supply to the main  
15 and pilot burners when the oxygen in the surrounding atmosphere is depleted to the percent  
16 concentration specified by the manufacturer. Heaters that have been affixed a label, seal, or  
17 other identifying mark of a nationally recognized testing laboratory or inspection agency  
18 designating such heater for un-vented operation shall not be required to be vented. An  
19 appliance which has been converted from a vented to an un-vented heater shall not be used  
20 under any conditions.  
21

22 11.5.11 COOKING EQUIPMENT. All cooking equipment shall be installed in  
23 accordance with the Florida Building Code, and shall be operable and maintained in safe,  
24 working condition.  
25

## 26 11.6 PLUMBING

27  
28 11.6.1 GENERAL. Every plumbing fixture and water and waste-pipe connection shall be  
29 properly installed in accordance with the Florida Building Code and maintained in good  
30 working condition, free from defects, leaks, and obstructions. Every required plumbing  
31 fixture shall be located within the dwelling unit, and be accessible to the occupants of same.  
32 Plumbing fixtures which are present in the dwelling that are not required by the Code may be  
33 repaired or removed at the discretion of the property owner.  
34

35 11.6.2 SUPPLY. All water shall be supplied through an approved pipe distribution  
36 system connected to a potable water supply.  
37

38 11.6.3 SANITATION. The plumbing fixtures of every dwelling or dwelling unit, shall  
39 be maintained in a clean and sanitary condition as prescribed by the Florida Building Code.  
40

41 11.6.4 CONNECTION TO DRAINAGE SYSTEMS: All plumbing fixtures, drain,  
42 appurtenances and appliances used to receive or discharge liquid wastes or sewage shall be  
43 connected properly to the drainage system of the building or premises, in accordance with the  
44 requirements of the Florida Building Code.  
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1 Exception: Bathtubs, showers, lavatories, clothes washers and laundry sinks shall not  
2 be required to discharge to the sanitary drainage system, where such fixtures  
3 discharge to an approved gray water system which has been permitted and approved  
4 by the Hillsborough County Health Department.  
5

## 6 11.7 EXTERIOR STRUCTURE 7

8 11.7.1 FOUNDATION. The building foundation walls, or other structural elements of  
9 every dwelling or dwelling unit, shall be maintained in a safe manner, free from open cracks  
10 and breaks, shall be kept in such condition so as to prevent the entry of rodents and other  
11 pests, and shall be capable of supporting the load which normal use may place thereon.  
12

13 11.7.2 EXTERIOR WALLS. The exterior walls of every dwelling or dwelling unit, shall  
14 be substantially weathertight and weatherproof, free from holes, breaks, and loose or rotting  
15 materials; and shall be maintained in sound condition and good repair so as to prevent  
16 infestation.  
17

18 11.7.3 PROTECTIVE TREATMENT - All exterior surfaces of every dwelling or  
19 dwelling unit, including but not limited to, doors, door and window frames, cornices,  
20 porches, trim, balconies, and decks, other than decay resistant woods or materials designed to  
21 be weatherproof, shall be protected from the elements by painting or other protective  
22 covering according to manufacturer's specifications. Peeling, flaking and chipped paint shall  
23 be eliminated and surfaces repainted. All siding and masonry joints as well as those between  
24 the building envelope and the perimeter of windows, doors, and skylights shall be maintained  
25 weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be  
26 coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be  
27 stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization  
28 by oxidation are exempt from this requirement. No lead-based paint shall be used on any  
29 surface of any structure.  
30

31 11.7.4 ROOFS. The roofs and all parts thereof of every dwelling or dwelling unit, shall  
32 be maintained in a safe manner, free from defect, and shall have no defects which might  
33 admit rain or allow dampness in the walls or interior portion of the building, structure,  
34 dwelling or dwelling unit,. Roof drains, gutters and downspouts shall be maintained in good  
35 repair and free from obstructions.  
36

37 11.7.5 DECORATIVE FEATURES. All cornices, corbels, terra cotta trim, wall facings  
38 and similar decorative features of every dwelling or dwelling unit, shall be maintained in  
39 good repair with proper anchorage and in a safe condition.  
40

41 11.7.6 OVERHANG EXTENSIONS. All overhang extensions of every dwelling or  
42 dwelling unit, including, but not limited to, canopies, marquees, signs, metal awnings, fire  
43 escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly  
44 anchored so as to be kept in a sound condition.  
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1 11.7.7 STAIRS, PORCHES, AND APPURTENANCES - Every inside and outside  
2 stairway, stair, porch, deck, balcony and any appurtenance thereto of every dwelling or  
3 dwelling unit, shall be maintained in safe condition and capable of supporting a load that  
4 normal use may place thereon.  
5

6 11.7.8 CHIMNEYS AND TOWERS. All chimneys, cooling towers, smoke stacks, and  
7 similar appurtenances of every dwelling or dwelling unit, shall be maintained structurally  
8 safe and sound, and in good repair.  
9

10 11.7.9 WINDOWS AND EXTERIOR DOORS - Every window, skylight, exterior door,  
11 and basement door of every dwelling or dwelling unit, shall be properly fitted within its  
12 frame, provided with the proper hardware, and shall be weathertight and weatherproof, and  
13 maintained in good repair. Every window required for light and ventilation for a habitable  
14 room shall be capable of being opened easily and shall be capable of remaining in an open  
15 position without the use of a special tool or apparatus which is separate from the windows  
16 components. Window panes or approved substitute shall be maintained without cracks or  
17 holes.  
18

19 11.7.10 SCREENS. Every window of every dwelling or dwelling unit, opening directly  
20 from the dwelling unit or dwelling to outdoor space shall have screens if they are necessary  
21 to meet the minimum requirements for ventilation. All screens, whether required or not, shall  
22 be maintained in good condition, free from rips or tears, and shall be properly fitted within  
23 the frame.  
24

25 Exception: Dwellings or dwelling units which contain central heating furnaces and  
26 central air-conditioning systems for mechanically ventilating the building year-round  
27 are not required to have screens on windows.  
28

29 11.7.11 BUILDING SECURITY. Doors, windows or hatchways for dwellings or dwelling  
30 units shall be provided with devices designed to reasonably prevent unauthorized entry. The  
31 use of hasp and staple style devices on exterior windows and doors, which are required for  
32 means of escape, shall be prohibited on occupied dwellings.  
33

## 34 11.8 INTERIOR STRUCTURE 35

36 11.8.1 GENERAL. The interior of every dwelling or dwelling unit and equipment  
37 therein shall be maintained in good repair, structurally sound and in a sanitary condition.  
38

39 11.8.2 INFESTATION. All dwellings or dwelling units shall be free from insect and  
40 rodent infestation. All dwellings in which insects or rodents are found shall be promptly  
41 exterminated by approved processes that will not be injurious to human health. After  
42 extermination, proper precautions shall be taken to prevent re-infestation.  
43

44 11.8.3 STRUCTURAL MEMBERS. All structural members of every dwelling or  
45 dwelling unit, shall be maintained structurally sound, and be capable of supporting the  
46 imposed loads.

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1  
2 11.8.4 INTERIOR SURFACES. All interior surfaces of every dwelling or dwelling unit,  
3 including windows and doors, shall be maintained in good, clean and sanitary condition.  
4 Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or  
5 loose plaster, decayed wood and other defective surface conditions shall be corrected. The  
6 interiors of all buildings and facilities shall be kept free of any visible or otherwise  
7 demonstrable growth of mold or mildew.

8  
9 11.8.5 INTERIOR FLOORS AND WALLS - Every dwelling or dwelling unit shall have  
10 a permanent floor of approved material prescribed by the Florida Building Code. Every floor  
11 and interior wall of every dwelling or dwelling unit, shall be capable of supporting the load  
12 which normal use may cause to be placed thereon. Within dwellings or dwelling units no  
13 finished flooring material which requires "face nailing" shall be used. Floors in kitchens and  
14 lavatories shall be covered with a water resistant, durable floor covering, such as, but not  
15 limited to, asphalt, vinyl-plastics, rubber tile, ceramic tile, terrazzo, hard wood, laminate, or  
16 linoleum.

17  
18 11.8.6 CEILINGS – Ceilings shall be structurally sound, in good repair, free from  
19 defects.

20  
21 11.8.7 ATTIC ACCESS - Access to the attic of every dwelling or dwelling unit, shall be  
22 provided by means of a conveniently located access panel. The minimum access opening  
23 shall not be less than 22 inches by 36 inches.

24  
25 11.8.8 WIND SASH - Window sashes of every dwelling or dwelling unit, shall be  
26 properly fitted and weathertight within the window frame.

27  
28 11.8.9 DOORS. Every interior door of every dwelling or dwelling unit, shall fit  
29 reasonably well within its frame, be maintained in good condition, be equipped with proper  
30 hardware, and shall be capable of being opened and closed by being properly and securely  
31 attached to jambs, headers or tracks as intended by the manufacturer of the attachment  
32 hardware. Every closet door shall be such that children can open the door from within the  
33 closet. Every lavatory door shall be provided a lock which shall be designed to permit the  
34 opening of the locked door from the outside in an emergency.

35  
36 11.8.10 KITCHEN - Every kitchen of every dwelling or dwelling unit, shall have storage  
37 space or cabinet space for the safe and sanitary storage of food and associated goods, utensils  
38 and equipment. Such space shall be adequate for the occupancy of the dwelling or dwelling  
39 unit and shall be in good condition.

40  
41 11.8.11 SANITARY CONDITIONS – The interiors of every dwelling or dwelling unit  
42 shall be kept free from any nuisance condition as defined in this Code.

43  
44 11.9 MEANS OF ESCAPE  
45

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1 11.9.1 GENERAL. In dwellings or dwelling units of two rooms or more, every sleeping  
2 room and every habitable area shall have not less than one primary means of escape and one  
3 secondary means of escape.  
4

5 Exception: A secondary means of escape shall not be required where one of the  
6 following conditions is met.  
7

8 1) The bedroom or living area has a door, stairway, or ramp leading directly  
9 to the outside of the building at or to grade level.  
10

11 2) The unit is protected throughout by an automatic sprinkler system  
12 approved by the Hillsborough County Fire Marshall.  
13

14 11.9.2 MEANS OF ESCAPE. The primary means of ingress/egress, in one and two  
15 family dwellings, shall be through a door or door/stairway providing a means of unobstructed  
16 travel to the outside of the building at street or ground level. The secondary means of escape  
17 shall be one of the means provided in Sections 11.9.2.1 through 11.9.2.3. No bedroom or  
18 living room area shall be accessible by only a ladder or folding stairs or through a trap door.  
19

20 11.9.2.1 A door, stairway, passage, or hall providing a way of unobstructed travel  
21 to the outside of the dwelling at street or ground level that is independent of and remote  
22 from the primary means of escape.  
23

24 11.9.2.2 A passage through an adjacent non-lockable space, independent of and  
25 remote from the primary means of escape, to any approved means of escape.  
26

27 11.9.2.3 An outside window or door operable from the inside without the use of  
28 tools, keys or special effort and shall provide a clear opening of not less than 5.7 square  
29 feet. The width shall not be less than 20 inches, and the height shall not be less than 24  
30 inches. The bottom of the opening shall not be more than 44 inches above the floor. The  
31 window or door shall be within 240 inches of grade, or shall open onto an exterior  
32 balcony.  
33

34 11.9.3 PATH OF TRAVEL. No required path of travel to the outside from any room  
35 shall be through another room or apartment not under the immediate control of the occupant  
36 of the first room or his family, nor through a lavatory or other space subject to locking. No  
37 door in the path of travel of a means of escape shall be less than 28 inches in width or less  
38 than 78 inches in height. No stove or heater shall be so located as to block escape in case of  
39 fire arising from malfunctioning of the stove or heater. The use of double cylinder dead bolt  
40 locks which require a key on both sides shall not be permitted on exterior doors required for  
41 egress, when such door is the only means of egress to the exterior of the dwelling within that  
42 same room.  
43

44 11.9.4 BURGLAR BARS - It shall be required that burglar bars that cover any primary  
45 or secondary means of egress of a dwelling, dwelling unit, or habitable room shall be

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1 equipped with quick release mechanisms or that the burglar bars be openable without the use  
2 of a key or other tool.

#### 4 11.10 FIRE SAFETY

6 11.10.1 SMOKE DETECTORS. Operational smoke detectors shall be required outside the  
7 sleeping areas of all dwellings or dwelling units, and shall be installed in accordance with the  
8 National Fire Protection Association's National Fire Alarm Code as amended.

10 11.10.2 FIRE EXTINGUISHERS. Fire extinguishers shall be required to be provided for  
11 all dwelling units that contain two or more units. The required fire extinguishers shall be  
12 installed in accordance with the standards of the Hillsborough County Fire Marshall as  
13 contained in Hillsborough County Ordinance 87-40, as amended.

#### 15 11.11 PROTECTIVE RAILINGS

17 11.11.1 GENERAL. Every handrail and guard, on the exterior or interior of any dwelling,  
18 or dwelling unit, shall be firmly fastened and capable of supporting normally imposed loads  
19 and shall be constructed of rigid materials and maintained in sound and sturdy condition.

21 11.11.2 HANDRAILS. Every exterior flight of stairs having four or more risers shall have  
22 a handrail on both sides of the stairs. Every interior flight of stairs having more than four  
23 risers shall have a handrail on at least one side of the stairs. Handrails shall not be less than  
24 30 inches high or more than 38 inches high measured vertically to the top of the rail from the  
25 leading edge of the tread. Handrails shall be continuously graspable along their entire length.  
26 Open handrails shall have balusters or ornamental patterns such that a 4-inch-diameter sphere  
27 cannot pass through any opening. No protrusions or projections which might engage loose  
28 clothing shall be permitted.

30 11.11.3 GUARDS. Every open portion of a landing, balcony, porch, deck, ramp or other  
31 walking surface which is more than 30 inches above the floor or grade below shall have  
32 guards. Guards shall not be less than 38 inches high above the floor of the landing, balcony,  
33 porch, deck, or ramp or other walking surface. Open guards and handrails shall have  
34 balusters or ornamental patterns such that a 4-inch-diameter sphere cannot pass through any  
35 opening. No protrusions or projections which might engage loose clothing shall be permitted.

37 Exception:

38 Guards shall not be required where exempted by the Florida Building Code.

#### 40 11.12 REQUIRED SPACE AND OCCUPANCY LIMITATIONS

42 11.12.1 REQUIRED SPACE, DWELLINGS - Every dwelling unit or dwelling shall  
43 contain at least one hundred fifty (150) square feet of habitable floor space for the first  
44 occupant and at least one hundred (100) additional square feet of habitable floor area per  
45 additional occupant.

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1 11.12.2 SLEEPING AREAS. In every room occupied for sleeping purposes in any  
2 dwelling or dwelling unit, there shall be at least seventy (70) square feet for the first two  
3 occupants and at least fifty (50) square feet of floor area per additional occupant.  
4

5 11.12.3 LAVATORY AREA. In lavatories required by this Code, the water closet, tub or  
6 shower, shall be located in a room which affords privacy to the user, having a minimum floor  
7 space of thirty (30) square feet.  
8

9 11.12.4 MINIMUM ROOM WIDTHS. A habitable room, other than a kitchen, shall not  
10 be less than seven (7) feet in any plan dimension. Kitchens shall have a clear passageway of  
11 not less than three (3) feet between counter fronts and appliances or counter fronts and walls.  
12

13 11.12.5 MINIMUM CEILING HEIGHTS. Habitable spaces, hallways, corridors, laundry  
14 areas, lavatories, toilet rooms and habitable basement areas shall have a clear ceiling height  
15 of not less than seven (7) feet  
16

17 Exceptions:

18 In one- and two-family dwellings, beams or girders spaced not less than 4 feet on  
19 center and projecting not more than 6 inches below the required ceiling height.  
20

21 Basement rooms in one- and two-family dwellings occupied exclusively for laundry,  
22 study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches  
23 with not less than 6 feet 4 inches of clear height under beams, girders, ducts and  
24 similar obstructions.  
25

26 Rooms occupied exclusively for sleeping, study or similar purposes and having a  
27 sloped ceiling over all or part of the room, with a clear ceiling height of at least seven  
28 (7) feet over not less than one-third of the required minimum floor area. In calculating  
29 the floor area of such rooms, only those portions of the floor area with a clear ceiling  
30 height of five (5) feet or more shall be included.  
31

32 11.12.6 OCCUPANCY OF BASEMENTS - No basement shall be used as a habitable  
33 room or dwelling unit unless:  
34

35 11.12.6.1 Walls and floors are impervious to leakage of underground and surface  
36 water and are insulated against dampness, and,  
37

38 11.12.6.2 Total window area in each room shall be equal to at least the minimum  
39 window area size as required in this Section. Said window area shall be located entirely  
40 above ground except where there is another device which affords adequate ventilation.  
41

## 42 11.13 MOBILE HOMES

43  
44 11.13.1 GENERAL. In addition to the requirements of Sections 10 and 11 of this Code It  
45 shall be required that all mobile/manufactured homes be equipped with tie downs, piers,  
46 bases, anchors and specified associated equipment and devices, installed in accordance with

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1 the provisions the rules of the Florida Department of Highway Safety and Motor Vehicles in  
2 Chapter 15C of the Florida Administrative Code.

#### 3 4 11.14 TEMPORARY LODGING UNITS

5  
6 11.14.1 EXEMPTION FROM STRUCTURAL STANDARDS FOR DWELLINGS.  
7 Temporary lodging units within a Homeless Encampment shall be exempt from the requirements  
8 of Section 11 of this Code.

### 9 10 **SECTION 12** 11 **PROPERTY STANDARDS**

12  
13 12.1 ACCUMULATIONS. All exterior property areas and premises shall be maintained in a  
14 clean, safe and sanitary condition. It shall be unlawful for any owner, occupant, tenant, lessee, or  
15 other person responsible for the condition of property to permit or maintain, or for any person to  
16 cause, an accumulation of rubbish, waste, trash, or debris, yard waste, exposed salvageable  
17 material, or other manmade materials upon any lot, tract, or parcel of land where the effect of  
18 such accumulation is to cause or create:

19  
20 12.1.1 A visual nuisance or other unsightly condition visible from adjoining public or  
21 private

22 property;

23 12.1.2 An actual or potential haven or breeding place for snakes, rats, rodents, or other  
24 vermin of like or similar character;

25 12.1.3 An actual or potential breeding place for mosquitoes;

26 12.1.4 A fire hazard to adjacent properties;

27 12.1.5 A hazard to traffic at road intersections or rights-of-way within the county; or

28 12.1.6 A nuisance as defined by law or other unsanitary condition.

29  
30 12.2 OVERGROWTH. It shall be unlawful for any owner, lessee or occupant of any premises,  
31 lot, plot or tract of land to allow, permit or maintain at any time upon any such premises, lot, plot  
32 or tract of land, any weeds, grass or underbrush of a height exceeding ten (10) inches within two  
33 hundred (200) feet of any building, structure, recreational area or street right of way.

34  
35 Exceptions:

36 Agricultural properties where the vegetative growth supports the agricultural use on the  
37 property.

38  
39 Lands protected by local, State or Federal Law.

40  
41 12.3 NUISANCE CONDITIONS. All exterior property areas and premises shall be free from  
42 any nuisance condition as defined by this Code. Nothing shall be placed, constructed, or  
43 maintained on any premises that shall in any way constitute a nuisance or fire hazard. No  
44 unsightly or unsanitary accumulation which actually harbors or is likely to harbor rodents,  
45 insects, reptiles or any poison or germ carriers shall be permitted to exist.

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1 12.4 FENCES. All fences, whether required or not, shall be maintained in sound structural  
2 condition, and free from defect which may cause injury.

3  
4 12.5 VEHICLES. All inoperable vehicles, as defined by this Code, including inoperable  
5 domestic vehicles, recreational vehicles, water vehicles, commercial vehicles, and non-motorized  
6 vehicles, which are stored outside of a completely enclosed building, shall be prohibited. Hobby  
7 vehicles, when stored outside of a building, shall be maintained in a usable condition.

8  
9 Exceptions:

10 On properties where zoning regulation allows for the storage of inoperable, junk or derelict  
11 vehicles, this Section of this Code shall not apply.

12  
13 **SECTION 13**  
14 **SWIMMING POOLS**

15  
16 13.1 GENERAL. Swimming pool fencing and barrier requirements shall apply to all  
17 swimming pools without regard to when such pools were constructed or erected. The  
18 requirements contained in this Code are intended for and shall be enforced upon each individual  
19 premise.

20  
21 13.2 ENCLOSURES.

22  
23 13.2.1 PRIVATE POOLS. Private swimming pools, hot tubs and spas, shall be enclosed  
24 with approved chain metal fencing or an approved barrier having the following  
25 characteristics:

26  
27 13.2.1.1 The barrier must be placed around the perimeter of the pool and must be  
28 separate from any fence, wall, or other enclosure surrounding the yard unless the  
29 fence, wall, or other enclosure meets the barrier requirements of this section and all  
30 doors and windows providing direct access from the dwelling to the pool shall be  
31 equipped with exit alarms as described in Section 13.2.4 of this Code.

32 13.2.1.2 Where a wall of a dwelling serves as part of the barrier, all doors and  
33 windows providing direct access from the home to the pool shall be equipped with an  
34 exit alarm as described in Section 13.2.4 of this Code.

35 13.2.1.3 The barrier must be a minimum of 48 inches in height above the finished  
36 ground level measured on the side of the barrier away from the pool.

37  
38 13.2.1.4 The maximum vertical clearance between grade and the bottom of the  
39 barrier shall be 4 inches measured on the side of the barrier which faces away from  
40 the swimming pool. Where the top of the pool structure is above grade the barrier  
41 may be at ground level or mounted on top of the pool structure. Where the barrier is  
42 mounted on top of the pool structure, the maximum vertical clearance between the top  
43 of the pool structure and the bottom of the barrier shall be 4 inches.

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1 13.2.1.5 The barrier may not have any gaps, openings, indentations, protrusions, or  
2 structural components that could allow a young child to crawl under, squeeze  
3 through, or climb over the barrier. Openings in the barrier shall not allow passage of a  
4 4-inch diameter sphere.

5  
6 13.2.1.6 Maximum mesh size for chain link fences shall be a 2.25 inch square  
7 unless the fence is provided with slats fastened at the top or the bottom which reduce  
8 the openings to not more than 1.75 inches.

9  
10 13.2.1.7 Where the barrier is composed of diagonal members, such as a lattice  
11 fence, the maximum opening formed by the diagonal members shall not be more than  
12 1.75 inches.

13  
14 13.2.1.8 For a barrier made up of horizontal and vertical members, the spacing of  
15 the vertical members shall not exceed 4 inches, and horizontal members shall be  
16 installed on the pool side of the fence.

17  
18 13.2.1.9 The barrier must be placed sufficiently away from the water's edge to  
19 prevent a young child or medically frail elderly person who may have managed to  
20 penetrate the barrier from immediately falling into the water.

21  
22 13.2.1.10 A barrier may not be located in a way that allows any permanent structure,  
23 equipment, or similar object to be used for climbing the barrier.

24  
25 13.2.1.11 Access gates, when provided, shall comply with the requirements of  
26 13.2.1.2 through 13.2.1.10 and shall be equipped with a self-closing and self-latching  
27 locking device. Where the self-latching device is less than 54 inches above the bottom  
28 of the gate, the release mechanism shall be located on the pool side of the gate at least  
29 3 inches below the top of the gate and the gate and barrier shall have no opening  
30 greater than 0.5 inch within 18 inches of the release mechanism, or shall be a top pull  
31 style safety latch. Self-closing and self-latching gates shall be maintained such that  
32 the gate will positively close and latch when released from an open position of 6  
33 inches from the gatepost.

34  
35 13.2.1.12 For waterfront lots, fencing shall not be required on the portion of the lot  
36 which borders the water body as long as the barrier is constructed so that the pool is  
37 inaccessible by land.

38  
39 13.2.1.13 Where an aboveground pool structure is used as a barrier or where the  
40 barrier is mounted on top of the pool structure, and the means of access is a ladder or  
41 steps, the ladder or steps either shall be capable of being secured, locked or removed  
42 to pre-vent access, or the ladder or steps shall be surrounded by a barrier which meets  
43 the requirements of 13.2.1.1 through 13.2.1.10. When the ladder or steps are secured,  
44 locked or removed, any opening created shall not allow the passage of a 4 inch  
45 diameter sphere

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1 13.2.2 PUBLIC POOLS. Public swimming pools shall be required to have such a barrier,  
2 as described in Section 13.2.1 of this Code, except that the barrier shall not be less than six  
3 (6) feet in height.  
4

5 13.2.3 BARRIER PROTRUSIONS OR INDENTATIONS. Solid barriers which do not  
6 have openings, such as a masonry or stone wall, shall not contain indentations or protrusions  
7 except for normal construction tolerances and tooled masonry joints.  
8

9 13.3 EXIT ALARMS. Exit alarms shall comply with Underwriters Laboratories Standard  
10 2017 that has a minimum sound pressure rating of 85 dBA at 10 feet and is either hard-wired or  
11 of the plug-in type. The exit alarm shall produce a continuous audible warning when the door  
12 and its screen are opened. The alarm shall sound immediately after the door is opened and be  
13 capable of being heard throughout the house during normal household activities. The alarm shall  
14 be equipped with a manual means to temporarily deactivate the alarm for a single opening. Such  
15 deactivation shall last no more than 15 seconds. The deactivation switch shall be located at least  
16 54 inches above the threshold of the door. Exit alarms shall not be required on screened or  
17 protected windows having a bottom sill height of 48 inches or more measured from the interior  
18 finished floor at the pool access level, windows facing the pool on the floor above the first story,  
19 screened or protected pass-through kitchen windows 42 inches or higher with a counter beneath,  
20 or doors providing direct access from the home to the pool which are equipped with a self-  
21 closing, self-latching device with positive mechanical latching/locking installed a minimum of  
22 54 inches above the threshold.  
23

24 13.4 DRAIN COVERS. All swimming pools shall be equipped with securely attached suction  
25 drain covers or grating.  
26

27 13.5 SANITATION. Every swimming pool shall be maintained and operated in a clean, safe  
28 and sanitary manner at all times.  
29  
30

## 31 SECTION 14 32 ADMINISTRATION 33

34 14.1 ENFORCEMENT. The provisions of this Code shall be enforced as follows:  
35

36 14.1.1 By Hillsborough County through the prosecution of violations in the name of the  
37 State pursuant to the authority granted by Section 125.69, Florida Statutes, as amended;  
38 or  
39

40 14.1.2 By the Hillsborough County Code Enforcement Board/Special Magistrate  
41 pursuant to the authority granted by Chapter 162, Florida Statutes, as amended and  
42 Hillsborough County Ordinance #05-5, as amended.  
43

44 14.2 REPAIRS. If the Hillsborough County Code Enforcement Board/Special Magistrate  
45 determines that a violation of this Code presents a serious threat to the public health, safety, and  
46 welfare or if a violation of this Code is irreparable or irreversible in nature, the Code

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1 Enforcement Official is authorized to make all reasonable repairs which are required to bring the  
2 property into compliance and to charge the violator with the reasonable cost of the repairs. The  
3 Code Enforcement Official is not required to make all reasonable repairs which are required to  
4 bring the property into compliance. The Code Enforcement Official will give priority to repairs  
5 necessary to address violations that pose a serious threat to the public health, safety and welfare.  
6

7 14.3 SEVERABILITY. If any section, phrase, sentence, or portion of this Ordinance is for any  
8 reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section,  
9 phrase, sentence, or portion shall be deemed to be a separate, distinct, and independent provision  
10 and such holding shall not affect the validity of the remaining portions hereof.  
11

12 14.4 REPEAL OF HILLSBOROUGH COUNTY ORDINANCE #04-18 and #96-2.  
13 Hillsborough County Ordinance #04-18 and Hillsborough County Ordinance #96-2 relating to  
14 the Hillsborough County Minimum Code are repealed in their entirety.  
15

16 14.5 EFFECTIVE DATE. This Ordinance shall take effect upon receipt of official  
17 acknowledgment from the Florida Department of State that a copy of said ordinance has been  
18 duly filed with said office.  
19

20 **STATE OF FLORIDA**  
21 **COUNTY OF HILLSBOROUGH**  
22

23 I, PAT FRANK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County  
24 Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing  
25 is a true and corrected copy of an ordinance adopted by the Board of County Commissioners at  
26 its meeting of \_\_\_\_\_, 2009, as the same appears of record in Minute Book  
27 \_\_\_\_\_, of the Public Records of Hillsborough County Florida.  
28

29 WITNESS my hand and official seal this \_\_\_\_ day of \_\_\_\_\_ 2009.

30 PAT FRANK, CLERK OF CIRCUIT COURT  
31

32  
33 By: \_\_\_\_\_  
34 Deputy Clerk  
35

36 Approved As To Form and Legal Sufficiency  
37

38 By: \_\_\_\_\_  
39 Rachael L. Greenstein  
40 Assistant County Attorney  
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