

ORDINANCE NO. 2015- 03

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SECTION 102-71 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES BY ADOPTING THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, WITH CERTAIN AMENDMENTS, THERETO TO CONFORM TO FLORIDA LAW AND THE CITY'S EXISTING CODE OF ORDINANCES; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPANCY AND USE; PROVIDING THAT THE PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE SHALL BE SUPPLEMENTAL TO ALL OTHER CODES AND ORDINANCES OF THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Edgewood has adopted the 2012 International Property Maintenance Code published by the International Code Council; and

WHEREAS, the City of Edgewood actively participates in the enforcement of regulations relevant to safe, sanitary, and habitable property maintenance and structures; and

WHEREAS, under its home rule powers, the City of Edgewood may regulate and govern property maintenance to ensure the well-being of its citizens; and

WHEREAS, the City of Edgewood has determined that it is in the best interest of the health, safety, and welfare of the citizens, businesses within the City, and patrons of such businesses, to adopt the 2015 International Property Maintenance Code as published by the International Code Council for the maintenance and control of buildings and structures, with amendments thereto to comply with Chapter 162, Florida Statutes, the Florida Building Code, and the City's Code of Ordinances; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Edgewood, Florida, as follows:

SECTION 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. Section 102-71 of the City of Edgewood Code of Ordinances is hereby repealed in its entirety and replaced with the following:

Sec. 102-71. International Property Maintenance Code Adopted by Reference

(a) The City hereby adopts the 2015 edition of the International Property Maintenance Code published by the International Code Council, and incorporates the same by reference as if fully set forth herein. At least one copy of the 2015 International Property Maintenance Code is on file in the city clerk's office together with a copy of this Ordinance.

(b) The following sections and subsections of the 2015 edition of the International Property Maintenance Code are hereby amended as follows:

(1) Subsection 101.1. These regulations shall be known as the Property Maintenance Code of the City of Edgewood, hereinafter referred to as "this Code."

(2) Subsection 102.3 entitled "Application of other codes," shall read as follows: Repairs, additions or alterations to a structure, or changes in occupancy, shall be done in accordance with the provisions of the Florida Building Code and amendments thereto.

(3) Subsection 103.1 entitled "General," shall read as follows: The City of Edgewood, code enforcement division, is hereby charged with the primary responsibility of enforcing this Code.

(4) Subsection 103.2, entitled "Appointment," shall read as follows: The code inspector shall be appointed by the Mayor of the City of Edgewood.

(5) Subsection 103.5, entitled "Fees," is hereby deleted in its entirety.

(6) Subsection 104.1, entitled "General," shall read as follows: The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. The code enforcement official shall report to the council any policies and procedures adopted pursuant to this subsection.

(7) Subsection 106.2, entitled "Notice of Violation," is hereby deleted in its entirety.

(8) Subsection 106.3, entitled "Prosecution of Violation," is hereby deleted in its entirety.

(9) Section 107, entitled "Notices and Order," is hereby deleted in its entirety.

(10) Subsection 108.3, entitled "Notice," shall read as follows: Whenever the code inspector has condemned a structure or equipment under the provisions of this section, notice shall be protected from the weather and posted in a conspicuous place on or about the structure affected by such notice and served on the owner, the owner's authorized agent, or the person or persons responsible for the structure or equipment in accordance with Chapter 162, Florida Statutes. If the notice pertains to equipment, it shall be placed on the condemned equipment.

(11) Subsection 109.5, entitled “Costs of emergency repairs,” shall read as follows: Costs incurred in the performance of emergency work shall be paid by the owner or agent responsible for the property and if not paid by the owner or agent responsible for the property the City may thereafter file a lien on the property for such costs.

(12) Subsection 109.6, entitled “Hearing,” shall read as follows: Any person ordered to take emergency measures shall comply with such order forthwith. Any adversely affected person shall thereafter, upon application directed to the city council, be afforded an appeal from the code inspector’s decision upon payment of appeal fees as set by resolution of council.

(13) Section 111, entitled “Means of Appeal,” of this Code is hereby deleted in its entirety.

(14) Section 112.4, entitled “Failure to Comply,” shall read as follows: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine in accordance with limits established by Florida Statutes.

(15) Subsection 302.4, entitled “Weeds,” is hereby deleted in its entirety.

(14) Subsection 302.8, entitled “Motor vehicles,” is hereby deleted in its entirety.

(16) Subsection 304.14, entitled “Insect Screens,” shall read as follows: Year-round, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved, tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

(17) Subsection 602.3, entitled “Heat Supply,” shall read as follows: Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15th to April 15th to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

(18) Subsection 602.4, entitled “Occupiable Work Spaces,” shall read as follows: Indoor occupiable work spaces shall be supplied with heat during the period from November 15th to April 15th during the period the spaces are occupied.

(19) References in this Code to the International Plumbing Code shall be replaced with the Plumbing Code of the Florida Building Code.

(20) References throughout this Code to the ICC Electrical Code shall be replaced with the Florida Building Code.

(21) Supplemental Code. The provisions of this Code shall be supplemental to all other codes and other ordinances of the City.

SECTION 3. Codification. It is the intent of the City Council of the City of Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 4. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 5. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 16th day of June, 2015, by the City Council of the City of Edgewood, Florida.

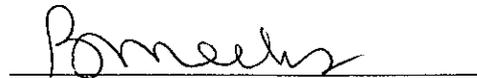
PASSED ON FIRST READING: **May 19, 2015**

PASSED ON SECOND READING: **June 16, 2015**



John Dowless, Council President

ATTEST:



Bea L. Meeks, MMC
City Clerk