

## Chapter 22

### BUILDINGS AND BUILDING REGULATIONS\*

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\* **Charter References:** General powers of county, § 2.01.

**Cross References:** Housing finance authority, § 2-386 et seq.; community development, ch. 38; fire prevention code, § 62-56 et seq.; Honeymoon Island setback line for coastal construction, § 130-2; zoning, ch. 138; airport zoning, ch. 142; historical preservation, ch. 146; impact fees, ch. 150; site development and platting, ch. 154; floodplain management, ch. 158; signs, ch. 162; falsely obtaining building moratorium variance, § 170-5; flood damage prevention, § 170-101 et seq.

**State Law References:** General powers of chartered counties, Fla. Const. art. VIII, § 1(g); building construction standards, F.S. ch. 553; contractors, F.S. ch. 489.

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#### Article I. Countywide Building Construction Industry Regulations and Construction Codes

##### Division 1. Countywide Standards

Sec. 22-1. Intent.

Sec. 22-2. Adoption of codes.

Sec. 22-3. Amendments.

Sec. 22-4. Applicability of codes.

Sec. 22-5. Inspection and enforcement.

Sec. 22-6. Boards of adjustment and appeals.

Sec. 22-7. Interpretation of codes.

##### Division 2. Enforcement of Countywide Standards

Sec. 22-8. Definitions.

Sec. 22-9. Purpose.

Sec. 22-10. Territory embraced.

Sec. 22-11. Enforcement.

Sec. 22-12. Citation procedures.

Sec. 22-13. Penalties for violations.

Sec. 22-14. Acts prohibited.

Sec. 22-15. Limitation on powers of investigators, director.

Secs. 22-16--22-25. Reserved.

##### Article II. Reserved

Secs. 22-26--22-55. Reserved.

##### Article III. Reserved

Secs. 22-56--22-120. Reserved.

#### Article IV. Building Numbering

##### Division 1. Generally

Secs. 22-121--22-130. Reserved.

##### Division 2. U.S. 19

Sec. 22-131. Authority.

Sec. 22-132. Area embraced.

Sec. 22-133. Designation of addresses.

Sec. 22-134. Standards for address numbering.

Sec. 22-135. Violations of division; penalty.

Secs. 22-136--22-155. Reserved.

## **Article V. Commercial, Business and Industrial Minimum Standards Code**

### **Division 1. Generally**

- Sec. 22-156. Definitions.
- Sec. 22-157. Penalty for violation of article.
- Sec. 22-158. Declaration of policy.
- Sec. 22-159. Purpose.
- Sec. 22-160. Higher standard to prevail in case of conflicting provisions.
- Sec. 22-161. Applicability.
- Sec. 22-162. Issuance and renewal of other permits and licenses.
- Sec. 22-163. Enforcement of and compliance with other ordinances.
- Secs. 22-164--22-175. Reserved.

### **Division 2. Administration and Enforcement**

#### **Subdivision I. In General**

- Sec. 22-176. Supervision vested in the enforcing authority.
- Sec. 22-177. Inspections.
- Sec. 22-178. Refusal of entry.
- Sec. 22-179. Commercial, business and industrial board of appeals.
- Sec. 22-180. Emergency orders.
- Secs. 22-181--22-190. Reserved.

#### **Subdivision II. Violations**

- Sec. 22-191. Procedure where violation is discovered.
- Sec. 22-192. Service of notice of violation.
- Sec. 22-193. Hearings.
- Sec. 22-194. Decision of board of appeals.
- Sec. 22-195. Failure to petition for hearing.
- Sec. 22-196. Failure to comply with order.
- Sec. 22-197. Prosecution of violation.
- Secs. 22-198--22-210. Reserved.

#### **Subdivision III. Structures Unfit for Public Occupancy**

- Sec. 22-211. Authority to declare structure unfit.
- Sec. 22-212. Posting of notice.
- Sec. 22-213. Form of notice to vacate.
- Sec. 22-214. Service of notice to vacate.
- Sec. 22-215. Removal of placard or notice.
- Sec. 22-216. Vacating of structure.
- Sec. 22-217. Occupancy of building.
- Sec. 22-218. Report of notice to vacate.
- Secs. 22-219--22-230. Reserved.

### **Division 3. Minimum Standards and Requirements**

- Sec. 22-231. Duties and responsibilities of owner and operator.
- Sec. 22-232. Duties and responsibilities of operator.
- Secs. 22-233--22-255. Reserved.

## **Article VI. Housing Code**

### **Division 1. Generally**

- Sec. 22-256. Definitions.
- Sec. 22-257. Penalty for violation of article.
- Sec. 22-258. Remedial; purposes.
- Sec. 22-259. Scope of article.
- Sec. 22-260. Existing buildings.
- Sec. 22-261. Requirements not covered by article.
- Sec. 22-262. Areas embraced.

Sec. 22-263. Conflicting provisions.  
Sec. 22-264. Service of written notice.  
Secs. 22-265--22-275. Reserved.

#### **Division 2. Administration and Enforcement**

Sec. 22-276. Administrative authority.  
Sec. 22-277. Powers and duties of housing official.  
Sec. 22-278. Unsafe buildings.  
Sec. 22-279. Inspections.  
Sec. 22-280. Condemned dwellings.  
Sec. 22-281. Appeals.  
Sec. 22-282. Action by board of commissioners.  
Secs. 22-283--22-295. Reserved.

#### **Division 3. Minimum Standards**

Sec. 22-296. Generally.  
Sec. 22-297. Light and ventilation.  
Sec. 22-298. Electrical systems.  
Sec. 22-299. Exterior and interior of structures.  
Sec. 22-300. Dwelling space.  
Sec. 22-301. Sanitation.  
Secs. 22-302--22-310. Reserved.

#### **Division 4. Roominghouses**

Sec. 22-311. Compliance required.  
Sec. 22-312. License required.  
Sec. 22-313. Water closet, lavatory and bath facilities.  
Sec. 22-314. Water heater required.  
Sec. 22-315. Minimum floor area for sleeping purposes.  
Sec. 22-316. Heating facilities.  
Sec. 22-317. Exit requirement.  
Sec. 22-318. Sanitary conditions.

### **ARTICLE I.**

## **COUNTYWIDE BUILDING CONSTRUCTION INDUSTRY REGULATIONS AND CONSTRUCTION CODES**

### **DIVISION 1.**

#### **COUNTYWIDE STANDARDS**

##### **Sec. 22-1. Intent.**

It is the intent of the legislature to provide for uniform building codes and uniform life safety codes for the county. It is further the intent of the legislature to provide for continuing uniformity of the aforementioned codes by placing the sole authority for making technical amendments to the codes, applicable within the boundaries of Pinellas County, with the Pinellas County Construction Licensing Board.  
(Ord. No. 98-9, § 1, 1-6-98; Laws of Fla. Ch. 2002-350, § 1; Ord. No. 03-98, § 1, 12-2-03)

##### **Sec. 22-2. Adoption of codes.**

For the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures, the county hereby

adopts the codes known as:

- (1) The Florida Building Code.
- (2) The applicable version of the National Fire Protection Association Life Safety Code 101 adopted through the provisions of the Florida Fire Prevention Code or adopted pursuant to the powers of the Florida State Fire Marshal as described in Florida Administrative Code § 4A-60, as either may be subsequently amended.

Copies of all applicable codes, appendices and amendments or variations thereto adopted by the board [county construction licensing board], pursuant to the provisions of section 22-3, shall be filed with and available for inspection at the office of the board.

(Ord. No. 98-9, § 1, 1-6-98; Laws of Fla. Ch. 2002-350, § 1; Ord. No. 03-98, § 1, 12-2-03)

### **Sec. 22-3. Amendments.**

The board [county construction licensing board] shall have the power to amend the codes from time to time, subject to the provisions of section 553.73(4), Florida Statutes, and may adopt variations for different areas of the county if the variations are justified under the procedures contained herein and in section 553.73, Florida Statutes. Before making any amendment or variation, the board shall refer the proposed amendment to the appropriate county-wide board of adjustment and appeals described in section 22-6 for study and recommendations. The board shall then hold a public hearing on the proposed amendment or variation and shall reject, adopt, or defer action upon the recommendation of the board of adjustment and appeals. A two-thirds vote of the board is required to reject any recommendation of the board of adjustment and appeals. The board may adopt amendments to the codes that are necessary as a condition precedent to any federal- or state-sponsored program and the governing body of any municipality or the county may adopt amendments to the administrative chapter of the Florida Building Code. For the purposes of section 553.73, Florida Statutes, and chapter 98-287, Laws of Florida, as amended by chapter 98-419, Laws of Florida, and chapter 2001-186, Laws of Florida, and as may be subsequently amended, the Pinellas County Construction Licensing Board shall be the sole local governing body authorized to make technical amendments to the Florida Building Code or the version of the National Fire Protection Association Life Safety Code 101 as described in section 22-2 and is deemed to be the countywide compliance review board for Pinellas County as required by section 553.73(4)(b)7., Florida Statutes. The Pinellas County Construction Licensing Board shall likewise be the local administrative board for the provision of interpretations upon request of local building officials and the resolution of conflicts of interpretations between local building officials and local fire code enforcement officials. The resolution of these disputes shall be in accordance with applicable general law. The decision of the board interpreting a code, resolving a conflict of interpretation, or adopting an amendment following a recommendation by the applicable board of adjustment and appeals shall be the final local determination of the matter which is subject to appeal to the Florida Building Commission pursuant to section 553.73, Florida Statutes, and/or the state fire marshal pursuant to chapter 633, Florida Statutes.

(Ord. No. 98-9, § 1, 1-6-98; Laws of Fla. Ch. 2002-350, § 1; Ord. No. 03-98, § 1, 12-2-03)

### **Sec. 22-4. Applicability of codes.**

Except as provided in this division for amendments and variations, the codes [adopted in this division] shall be exclusively controlling in the construction of all buildings and structures within the county and no

municipality of the county shall adopt any technical amendments, ordinances, rules or regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures that conflict with the codes as amended.

(Ord. No. 98-9, § 1, 1-6-98; Laws of Fla. Ch. 2002-350, § 1; Ord. No. 03-98, § 1, 12-2-03)

#### **Sec. 22-5. Inspection and enforcement.**

Inspection and enforcement of the codes [adopted in this division] shall be effected by the county, the municipalities in the county or the authorized designees of either.

(Ord. No. 98-9, § 1, 1-6-98; Laws of Fla. Ch. 2002-350, § 1; Ord. No. 03-98, § 1, 12-2-03)

#### **Sec. 22-6. Boards of adjustment and appeals.**

(a) The board [county construction licensing board] shall create four boards of adjustment and appeals as follows:

- (1) A plumbing, mechanical and gas board of adjustment and appeals consisting of one mechanical engineer, two plumbing contractors, two natural gas contractors and two mechanical or Class A air conditioning contractors. This board of adjustment and appeals shall have the powers and duties specified in subsection (b) for appeals relating to plumbing, mechanical and gas provisions of the Florida Building Code.
- (2) An electrical board consisting of one electrical engineer, two electrical contractors and one member of the building industry at large. This board shall have the powers and duties provided in subsection (b) for appeals relating to the electrical provisions of the Florida Building Code.
- (3) A board of adjustment and appeals for the Florida Building Code provisions not falling within the jurisdiction of the boards created by subsection (1) or subsection (2).
- (4) A life safety and fire code board of adjustment and appeals of two active fire marshals, two active building officials and a fifth member to be selected from the joint recommendation of the fire marshals and building officials comprising said board.

(b) Any appeal which may be brought before either the board of adjustment and appeals for the Florida Building Code or the board of adjustment and appeals for the Life Safety and Fire Code, shall be referred to the latter. The board of adjustment and appeals for the Life Safety and Fire Code shall determine whether or not it has jurisdiction over said appeal. Upon a determination that said board has no jurisdiction, the appeal shall be considered by the board of adjustment and appeals for the Florida Building Code. The boards of adjustment and appeals shall meet as frequently as is required but not less often than once every three months. Members of the boards shall serve without compensation. Any person aggrieved by a ruling of a building director or a fire marshal or other fire official of any municipality or of the county, or any building director or fire marshal or other fire official desiring interpretation of a code, may file a written appeal to the proper board of adjustment and appeals. Provided, however, if the municipality in which the dispute occurred has established a board of adjustment and appeals the aggrieved party must first appeal to the municipal board. After a decision is rendered by the municipal board the aggrieved party shall have 15 days to file the appeal provided for in this subsection. The decision of the boards shall be furnished to the appealing party in writing within 15 days after

the meeting at which the appeal was considered. The decisions of the boards are subject to appeal pursuant to section 553.73, Florida Statutes.

(Ord. No. 98-9, § 1, 1-6-98; Laws of Fla. Ch. 2002-350, § 1; Ord. No. 03-98, § 1, 12-2-03)

### **Sec. 22-7. Interpretation of codes.**

The respective boards of adjustment and appeals shall have authority to interpret its respective code adopted for the county. Interpretations of the codes shall be based upon specific findings of fact and may be made when any provision of the code is ambiguous as applied to an activity subject to the code or to allow alternate material and types of construction if found to be in conformity with the intent of said code. The codes shall be interpreted liberally to provide safe, economic and sound buildings and structures in the county. Code interpretations of any board of adjustment and appeals made under this section shall be final administrative actions and shall not be subject to review by the board [county construction licensing board]. Final decisions of the board or any board of adjustment and appeals shall be based upon substantial competent evidence and shall be subject to review by the Florida Building Commission or the Florida State Fire Marshal.

(Ord. No. 98-9, § 1, 1-6-98; Laws of Fla. Ch. 2002-350, § 1; Ord. No. 03-98, § 1, 12-2-03)

## **DIVISION 2.**

### **ENFORCEMENT OF COUNTYWIDE STANDARDS**

#### **Sec. 22-8. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Application for permit* means any permit application made under the codes listed in section 22-14(5), including all documents submitted therewith.

*Appropriate editions* means the version of the code listed in section 22-14(5), as amended and adopted by the appropriate local government entity, the county construction licensing board, state building commission, or state fire marshal, as applicable.

*Duly qualified* means in conformance with the requirements of F.S. ch. 489 or Laws of Fla. ch. 75-489 (compiled in ch. 26, art. III, div. 2 of this Code), as they may be amended, by being certified, licensed, or registered.

*Investigator* means any law enforcement officer, or any individual authorized, by the applicable local governmental entity through ordinance, resolution, policy, or administrative order, to enforce the provisions of this article and who has the authority to issue notices to appear, including the county construction licensing board investigators and executive director.

*Licensed* means licensed as required pursuant to F.S. ch. 489 or Laws of Fla. ch. 75-489 (compiled in ch. 26, art. III, div. 2 of this Code), as amended.

*Registered* means registered as required pursuant to said statute.

*Regulated* means required to be certified, licensed, and/or registered pursuant to F.S. ch. 489 or Laws of Fla. ch. 75-489 (compiled in ch. 26, art. III, div. 2 of this Code), as amended, excluding those trades or activities not subject to, or specifically exempt from, F.S. ch. 489 or Laws of Fla. ch. 75-489, as amended.

*Said Laws of Florida* means Laws of Fla. ch. 75-489, as amended by Laws of Fla. chs. 78-594, 81-466, 85-490, 89-504, 93-387 and 2002-350 (compiled as ch. 26, art. III, div. 2 of this Code), as amended, and any rules or regulations adopted thereunder.

*Said statute* means the provisions of F.S. ch. 489, pts. I and II (F.S. §§ 489.101 et seq. and 489.501 et seq.), as amended, and any rules and regulations adopted thereunder.  
(Ord. No. 98-9, § 1, 1-6-98; Ord. No. 03-98, § 2, 12-2-03)

**Sec. 22-9. Purpose.**

This article is intended to facilitate the uniform, orderly, and comprehensive enforcement of construction trade ordinances in the county.  
(Ord. No. 98-9, § 1, 1-6-98; Ord. No. 03-98, § 2, 12-2-03)

**Sec. 22-10. Territory embraced.**

The provisions of this article shall apply to both the incorporated and unincorporated areas of the county.  
(Ord. No. 98-9, § 1, 1-6-98; Ord. No. 03-98, § 2, 12-2-03)

**Sec. 22-11. Enforcement.**

(a) The executive director and investigators of the Pinellas County Construction Licensing Board (PCCLB) are hereby charged with the enforcement responsibilities of this article.

(b) The PCCLB executive director and investigators are hereby authorized to enforce against any violation of F.S. § 489.127(1) or F.S. § 489.531(1) and of this article. The investigator may issue a citation or notice to appear for any such violation when, based upon personal investigation, the investigator has reasonable and probable grounds to believe such violation has occurred.

(c) PCCLB investigators shall not have the power of physical arrest.

(d) Law enforcement officers are additionally authorized to enforce the provisions of this article.

(e) Municipalities within which this article is effective may, by interlocal agreement with the PCCLB and by ordinance, resolution, policy, or administrative order, authorize individual(s) to enforce the provisions of this article.  
(Ord. No. 98-9, § 1, 1-6-98; Ord. No. 03-98, § 2, 12-2-03)

**Sec. 22-12. Citation procedures.**

- (a) Any person cited for violation of this article shall be cited to appear either:
  - (1) Before the PCCLB, or a special master designated by the PCCLB, for an administrative hearing pursuant to F.S. § 489.127(5); or
  - (2) In county court, under F.S. § 125.69.
- (b) Any person cited for an infraction under this section shall sign and accept a citation indicating a promise to appear.
- (c) Any person who willfully refuses to accept and sign the citation shall be in violation of this article and may be prosecuted in accordance with section 1-8, or under applicable law.
- (d) Any person cited with a violation of this article may pay the penalty in accordance with the fine amount as listed on the face of the citation within 20 days of the date of receiving the citation, in lieu of the court appearance or appearance before the PCCLB or special master under subsection (a)(1).
- (e) If the person cited follows the procedure in subsection (d) of this section, he shall be deemed to have admitted the violation and to have waived his right to a hearing on the issue of the commission of the infraction.
- (f) Any person electing to appear or who is required to so appear shall be deemed to have waived his right to the payment of the civil penalty in subsection (d) of this section, and shall be subject to whatever penalty or penalties, if any, in addition to any and all court fees and costs, including costs of prosecution and investigation, as are set by the county court, PCCLB or special master.  
(Ord. No. 98-9, § 1, 1-6-98; Ord. No. 03-98, § 2, 12-2-03)

**Sec. 22-13. Penalties for violations.**

- (a) Pursuant to F.S. §§ 125.69, and 489.127(5)(f), violations of this division may result in a civil penalty of up to \$1,000.00 or up to 60 days in county jail or both. Citations written by enforcement officers pursuant to sections 22-11 and 22-12 shall be written to impose a \$500.00 civil penalty. Special masters may impose enhanced civil penalties pursuant to state law. This division shall not be construed to effect any provision of F.S. § 489.127(5).
- (b) Each day of a continuing violation, each advertisement, each permit, each contract, and each separate activity requiring a permit shall constitute a separate violation under section 22-14.
- (c) Jail shall be a possible sentence only under the county court process, and no jail time shall be given as a sentence for a violation of this division unless:
  - (1) The defendant has been previously convicted or assessed fines relating to citations under this division twice in the previous 12 months under either process contained in section 22-12; and
  - (2) The prosecuting attorney files a written notice with the court that a jail sentence will be requested.

(Ord. No. 98-9, § 1, 1-6-98; Ord. No. 03-98, § 2, 12-2-03; Ord. No. 05-33, § 1, 5-17-05)

**Sec. 22-14. Acts prohibited.**

It shall be a violation of this article for any person or entity to:

- (1) Engage in the business of contracting in the construction trades regulated pursuant to F.S. ch. 489, pts. I and II (F.S. §§ 489.101 et seq. and 489.501 et seq.); Laws of Fla. ch. 75-489, as amended by Laws of Fla. chs. 78-594, 81-466, 85-490, 86-444, 89-504, 93-287, 2002-350, and 2003-319 (compiled in ch. 26, art. III, div. 2 of this Code) and as may be amended by special act hereafter; and any rules and regulations promulgated under F.S. ch. 489 and under Laws of Fla. ch. 75-489, as amended, without being in compliance with all of said statutes, said Laws of Florida, and any rules and regulations promulgated thereunder.
- (2) Intentionally furnish any materially false, misleading, or misrepresentative information on an application for permit or license.
- (3) Hold oneself out as being certified pursuant to said statute or said Laws of Florida when not so certified.
- (4) Hold oneself out as being licensed or registered pursuant to said statute or said Laws of Florida when not so licensed or registered.
- (5) Engage in any activity requiring a permit without having obtained the appropriate permits under the applicable edition or version of the Florida Building Code, the Standard for the Storage and Handling of Liquefied Petroleum Gases (NFPA 58), the National Fire Protection Association Life Safety Code 101, or any other applicable construction related code.

**Cross References:** Adoption of codes, § 22-2.

- (6) To advertise to the public in any publication, transmission, business card, pamphlet, telephone directory, or otherwise that he is a contractor, is qualified to engage in business as a contractor, or that he will perform work in a trade regulated by said statute or said Laws of Florida without being duly qualified to so act.
- (7) Submit an advertisement to any publisher for placement in any publication which is primarily circulated, displayed, distributed or marketed within the county, which advertisement identifies a contractor offering services regulated by said statute or said Laws of Florida as they may be amended from time to time, unless the advertisement included the certification number issued by the state or by the county to that contractor, pursuant to section 26-81 as it has been or may be amended.

(Ord. No. 98-9, § 1, 1-6-98; Laws of Fla. Ch. 2002-350, § 1; Ord. No. 03-98, § 2, 12-2-03)

**Sec. 22-15. Limitation on powers of investigators, director.**

Nothing contained in this article shall be construed to authorize or permit the investigators or the construction licensing board executive director to perform any function or duty of a law enforcement officer other than as specified in this article.

(Ord. No. 98-9, § 1, 1-6-98; Ord. No. 03-98, § 2, 12-2-03)

**Secs. 22-16--22-25. Reserved.**

**ARTICLE II.**

**RESERVED\***

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\* **Editors Note:** Ord. No. 02-14, § 5, adopted Feb. 26, 2002, deleted Art. II, §§ 22-26--22-29, which pertained to administration and enforcement of county construction industry regulations in unincorporated areas, as derived from Ord. No. 98-9, § 2, adopted Jan. 6, 1998.

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**Secs. 22-26--22-55. Reserved.**

**ARTICLE III.**

**RESERVED\***

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\* **Editors Note:** Ord. No. 03-98, § 3, adopted Dec. 2, 2003, repealed art. III, §§ 22-56--22-59, 22-86 and 22-96--22-100, which pertained to building trades boards and construction industry regulations in unincorporated areas and derived from Ord. No. 88-38, §§ 1 and 3--8, adopted Sept. 27, 1988.

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**Secs. 22-56--22-120. Reserved.**

**ARTICLE IV.**

**BUILDING NUMBERING\***

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\* **Cross References:** Roads and bridges, ch. 98; identification of residential and nonresidential structures, § 170-4.

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**DIVISION 1.**

**GENERALLY**

**Secs. 22-121--22-130. Reserved.**

**DIVISION 2.**

**U.S. 19**

**Sec. 22-131. Authority.**

This division is adopted under the authority of F.S. ch. 125 and F.S. § 336.05.  
(Ord. No. 89-67, § 1, 12-19-89)

**Sec. 22-132. Area embraced.**

This division shall be applicable within the entire territory comprising Pinellas County, including the incorporated areas of the county, unless exempted or otherwise inconsistent with a municipal ordinance. (Ord. No. 89-67, § 5, 12-19-89)

**Charter References:** Conflicts between county and municipal ordinances, §§ 2.01, 2.04.

**Sec. 22-133. Designation of addresses.**

Addresses for dwelling units and places of business on U.S. Highway 19 shall be assigned by the county department designated by the county administrator. Addresses shall be assigned in accordance with administrative procedures adopted by the county administrator; however, such procedures shall, at a minimum, include the following:

- (1) Central Avenue in St. Petersburg will be the north/south dividing line, and all addresses south of Central Avenue will retain their U.S. Highway 19 South (or 34th Street) street numbers, and all addresses north of Central Avenue will retain their existing U.S. Highway 19 North (or 34th Street) street numbers up to 150th Avenue North.

Thereafter, all U.S. Highway 19 addresses will be renumbered by the responsible jurisdictions in accordance with the following guidelines:

- a. Odd numbers will be used on the east side of U.S. Highway 19, and even numbers will be used on the west side of U.S. Highway 19.
- b. All addresses will carry a five-digit U.S. Highway 19 North number with values increasing to the next higher multiple of 100 approximately every 330 feet and with the following benchmarks established:

Segment	Distance (miles)	Numbers
150th Avenue to East Bay Drive	1/2	15,001--15,800
East Bay Drive to Whitney Road	1/2	15,801--16,400
Whitney Road to Haines Bayshore	1/2	16,401--17,200
Haines Road to Belleair Road	1/2	17,201--18,000
Belleair Road to State Road 60	1/2	18,001--20,400
State Road 60 to Drew Street	1/2	20,401--21,200
Drew Street to State Road 590	1	21,201--22,800
State Road 590 to Sunset Point Road	1/2	22,801--23,600
Sunset Point Road to Enterprise Road	1 3/8	23,601--25,800
Enterprise Road to State Road 580	3/4	25,801--27,000

State Road 580 to Curlew Road	2	27,001--30,200
Curlew Road to County Road 39	1/2	30,201--31,000
County Road 39 to Tampa Road	3/4	31,001--32,200
Tampa Road to Highlands Boulevard	1	32,201--33,800
Highlands Boulevard to Alderman Road	7/8	33,801--35,200
Alderman Road to Glen Eagles Parkway	1	35,201--36,800
Glen Eagles Parkway to Klosterman Road	1	36,801--38,400
Klosterman Road to Tookes Road	1/2	38,401--39,200
Tookes Road to Tarpon Avenue	1 1/8	39,201--41,000
Tarpon Avenue to Live Oak Street	1/2	41,001--41,800
Live Oak Street to Beckett Way	7/8	41,801--43,200
Beckett Way to Pasco County	1/2	43,201--44,000

- (2) The owner, occupant, or person in charge of any house or building to which an address has been assigned will be notified, in writing, of the address assigned. The owner, occupant, or person in charge of a parcel of land containing multiple addresses, including but not restricted to shopping centers, strip commercial developments, and apartment or condominium complexes, will be responsible for reassigning each multiple address as a suite or unit number or letter. A single address will be assigned to the parcel by the county department designated by the county administrator and the owner, occupant or person in charge of the above-stated type of parcel will be notified in writing of the address assigned. A map of the parcel showing the location of the new suite or unit addresses and a list of the old addresses and the corresponding new addresses must be sent to the county department designated by the county administrator.
- (3) Within 90 days after the receipt of such written notification, the owner, occupant, or person in charge of the house or building to which an address has been assigned shall affix the address in a conspicuous place over or near the principal entrance.
- (4) In the case of new construction, two legible copies of approved final subdivision plats showing all lots with lot numbers and all streets with current names; or, alternatively, where no subdivision is involved, an approved final site plan, shall be furnished to the reviewing department. The plats or plans will be on a scale of one inch equals 200 feet. Upon completion of the numbering by the reviewing department, one copy of the plat or plan depicting addresses assigned by the reviewing department shall be returned to the developer.

(Ord. No. 89-67, § 2, 12-19-89)

**Sec. 22-134. Standards for address numbering.**

The physical numbering of buildings or houses shall conform to the following standards:

- (1) Numbers must be easily legible from the street with figures not less than three inches high for residences and not less than five inches high for commercial businesses.
- (2) Numbers must be in a color contrasting to the building background.
- (3) Easily legible numbers shall also be affixed to the mailbox serving the building or house.
- (4) Assigned numbers shall be displayed on the front entrance of each principal building and, in the case of a principal building which is occupied by more than one business or family dwelling unit, on each separate front entrance.
- (5) Any different numbers which might be mistaken for or confused with the number assigned by the appropriate county department shall be removed upon the display of the assigned number in accordance with the requirements of this article.

(Ord. No. 89-67, § 3, 12-19-89)

**Sec. 22-135. Violations of division; penalty.**

(a) No building permit or certificate of occupancy shall be issued for any principal building until the owner or developer has procured the official addresses for the premises and displays such addresses in accordance with the requirements of this division.

(b) Any person failing to comply with the terms or provisions of this division within 90 days after notification of an address change shall be deemed in violation of this division.

(c) Violations of this division are punishable as provided in section 1-8.

(Ord. No. 89-67, § 4, 12-19-89)

**Secs. 22-136--22-155. Reserved.**

**ARTICLE V.**

**COMMERCIAL, BUSINESS AND INDUSTRIAL MINIMUM STANDARDS CODE**

**DIVISION 1.**

**GENERALLY**

**Sec. 22-156. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory structure* means a structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

*Board of appeals* means the building board for examinations, adjustments and appeal.

*Building* means a combination of materials to form a construction adapted to permanent or continuous occupancy for use for public, institutional, residence, business or storage purposes.

*Building code* means the building code of the county.

*Deterioration* means the condition or appearance of a building, or parts thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, excessive use or lack of maintenance.

*Enforcing authority* means the Pinellas County Building Department.

*Exposed to public view* means any premises, or any part thereof, or any building, or any part thereof, which may be lawfully viewed by the public or any member thereof, from a sidewalk, street, alleyway, licensed open-air parking lot or from any adjoining or neighboring premises.

*Exterior of premises* means those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.

*Extermination* means the control and elimination of insects, termites, rodents and vermin by eliminating their harborage places; by removing or making inaccessible material that may serve as their food; or by poisoning, spraying, fumigating, tenting, trapping, or any other approved means of pest elimination.

*Fire hazard* means any thing or any act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay or hinder or may become the cause of an obstruction, delay, a hazard or a hindrance to the prevention, suppression or extinguishment of fire.

*Garbage* means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

*Health officer* means the health officer of the county.

*Infestation* means the presence of insects, termites, rodents, vermin or other pests on the premises, which constitutes a health or structural hazard.

*Mixed occupancy* means any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to nondwelling uses.

*Nuisance* means any one or combination of the following:

- (1) Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the state or ordinances of the county.

- (2) Any attractive nuisance which may prove detrimental to the health or safety of children, whether in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to: abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles and any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation such as poison ivy, oak or sumac, which may prove a hazard for inquisitive minors.
- (3) Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the condition exists.
- (4) Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this article.
- (5) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- (6) Fire hazards.

*Operator* means any person who has charge, care or control of premises or a part thereof, whether with or without the knowledge or consent of the owner.

*Owner* means any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof; or shall have charge, care or control of premises, as owner or agent of the owner, or as executor, administrator, trustee, receiver, or guardian of the estate, or as a mortgagee in possession either by virtue of a court order or by voluntary surrender by the person holding the legal title. Any person who is a lessee subletting or reassigning any part or all of any premises shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by such lessee.

*Plumbing* means all of the following supplies, facilities and equipment: Gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catchbasins, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines and water pipes and lines utilized in connection with air conditioning equipment.

*Premises* means a lot, plot or parcel of land, including the buildings or structures thereon.

*Refuse* means all putrescible and nonputrescible solid wastes (except body wastes), including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

*Registered mail* means registered mail or certified mail.

*Room* means space in an enclosed building or space set apart by a partition or partitions.

*Rubbish* means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

*Sanitary sewer* means any sanitary sewer owned, operated and maintained by the county and available for public use for the disposal of sewage.

*Sewage* means waste from a flush-toilet, bathtub, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture, equipment or machine.

*Story* means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished ceiling level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

*Structure* means a combination of any materials, whether fixed or portable, forming a construction, including buildings.

*Washroom* means an enclosed space containing one or more bathtubs, showers, or both, and which shall also include toilets, lavatories, or fixtures serving similar purposes.

*Water closet compartment* means an enclosed space containing one or more toilets which may also contain one or more lavatories, urinals and other plumbing fixtures.

*Weathering* means deterioration, decay or damage caused by exposure to the elements.  
(Ord. No. 73-4, § 4, 4-17-73; Ord. No. 96-37, § 1, 4-16-96; Ord. No. 97-50, § 1, 7-1-97)

**Cross References:** Definitions generally, § 1-2.

#### **Sec. 22-157. Penalty for violation of article.**

Violations of this article are punishable as provided in section 1-8.

#### **Sec. 22-158. Declaration of policy.**

It is hereby found and declared that there exist in the county structures used for commercial, business or industrial use which are, or may become in the future, substandard with respect to structure, equipment or maintenance, or further, that such conditions, including but not limited to structural deterioration, lack of maintenance and appearance of exterior of premises, infestation, plumbing, lack of maintenance or upkeep of essential facilities and utilities, existence of fire hazards, inadequate provisions for light and air and unsanitary conditions constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens and inhabitants of the county. It is further found and declared that, by reason of lack of maintenance and progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same, and that by reason of timely regulations and restrictions as contained in this article, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of neighborhoods enhanced and the public health, safety and welfare protected and fostered.  
(Ord. No. 73-4, § 2, 4-17-73)

**Sec. 22-159. Purpose.**

The purpose of this article is to protect the public health, safety, morals and welfare by establishing minimum standards governing the maintenance, appearance and condition of commercial, business and industrial premises; to establish minimum standards governing utilities, facilities and other physical components and conditions essential to make the aforesaid facilities fit for occupancy and use; to fix certain responsibilities and duties upon owners and operators; to authorize and establish procedures for the inspection of commercial, business and industrial premises; to fix penalties for violations of this article, and to provide for the repair, demolition or vacation of commercial, business or industrial premises. This article is hereby declared to be remedial and essential for the public interest and it is intended that this article be liberally construed to effectuate the purposes as stated herein.

(Ord. No. 73-4, § 3, 4-17-73)

**Sec. 22-160. Higher standard to prevail in case of conflicting provisions.**

In any case where the provisions of this article impose a higher standard than set forth in any other ordinance of the county or under the laws of the state, then the standards as set forth in this article shall prevail, but if the provisions of this article impose a lower standard than any other ordinance of the county or laws of the state, then the higher standard contained in any such ordinance or law shall prevail.

(Ord. No. 73-4, § 6, 4-17-73)

**Sec. 22-161. Applicability.**

Every commercial, business or industrial establishment and the premises on which it is situated in the county used or intended to be used for commercial, business or industrial occupancy shall comply with the provisions of this article, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this article, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this article. This article establishes minimum standards for the initial and continued occupancy and use of all such buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building, equipment or facilities contained therein, except as provided in section 22-160. Where there is mixed occupancy, any commercial, business or industrial use therein shall nevertheless be regulated by and subject to the provisions of this article.

(Ord. No. 73-4, § 5, 4-17-73)

**Sec. 22-162. Issuance and renewal of other permits and licenses.**

All licenses and permits shall be issued upon compliance with this article as well as compliance with the ordinance under which such licenses and permits are granted.

(Ord. No. 73-4, § 7, 4-17-73)

**Sec. 22-163. Enforcement of and compliance with other ordinances.**

No license or permit or other certification of compliance with this article shall constitute a defense against any violation of any other ordinance of the county applicable to any structure or premises, nor shall any

provision in this article relieve any owner or operator from complying with any such other provision or any official of the county from enforcing any such other provision.  
(Ord. No. 73-4, § 8, 4-17-73)

**Secs. 22-164--22-175. Reserved.**

## **DIVISION 2.**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Subdivision I.**

##### **In General**

**Sec. 22-176. Supervision vested in the enforcing authority.**

Responsibility for enforcement of this article is vested in the enforcing authority and all inspections, regulations, enforcement and hearings on violations of the provisions of this article, unless expressly stated to the contrary, shall be under his direction and supervision. The enforcing authority may appoint or designate other employees of the county to perform duties as may be necessary to the enforcement of this article, including the making of inspections.  
(Ord. No. 73-4, § 11, 4-17-73)

**Sec. 22-177. Inspections.**

All buildings and premises subject to this article are subject to inspection from time to time by the enforcing authority. At the time of such inspections, all rooms and parts of the premises must be available and accessible for such inspections, and the owner and operator are required to provide the necessary arrangements to facilitate such inspections. Such inspections shall be made during regular open hours of the business occupying such premises unless there is reason to believe a violation exists of a character which is an immediate threat to health or safety requiring inspection or abatement without delay.  
(Ord. No. 73-4, § 12, 4-17-73)

**State Law References:** Inspection warrants, F.S. § 933.20 et seq.

**Sec. 22-178. Refusal of entry.**

Where the enforcing authority or his agent is refused entry or access or is otherwise impeded or prevented by the owner or operator from conducting an inspection of the premises, such persons shall be in violation of this article and subject to the penalties hereunder.  
(Ord. No. 73-4, § 13, 4-17-73)

**Sec. 22-179. Commercial, business and industrial board of appeals.**

(a) *Creation of board.* The commercial, business and industrial board of appeals (hereinafter called "board of appeals") shall be the building board for examinations, adjustments and appeals, as established in section 22-71(a)(1) of this Code.

(b) *Organization.* The chairperson of the building board for examinations, adjustments and appeals shall act as the chairperson of the board of appeals when convened as such. The enforcing authority shall serve as secretary to such board.

(c) *Membership; meetings; quorum.* The standards for membership, meetings, and quorum shall be as found in section 22-71 of this Code.

(Ord. No. 73-4, § 30, 4-17-73; Ord. No. 74-6, § 1, 5-21-74; Ord. No. 96-37, § 2, 4-16-96; Ord. No. 97-50, § 2, 7-1-97)

**Cross References:** Boards, commissions, councils and authorities, § 2-226 et seq.

### **Sec. 22-180. Emergency orders.**

Whenever the enforcing authority finds that an emergency exists which requires immediate action to protect the health and safety of any persons, he may issue an order reciting the existence of the emergency and requiring immediate action to be taken as deemed necessary to meet the emergency. Notwithstanding any other provision of this article, such order shall take effect immediately. Any person to whom such order is directed shall comply therewith immediately.

(Ord. No. 73-4, § 29, 4-17-73)

### **Secs. 22-181--22-190. Reserved.**

## **Subdivision II.**

### **Violations**

### **Sec. 22-191. Procedure where violation is discovered.**

Whenever the enforcing authority determines that there has been or is a violation, or that there are reasonable grounds to believe that there has been or is a violation of any provision of this article, he shall give notice of such violation or alleged violation to the person or persons responsible for the correction thereof. Such notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Specify the violation which exists and the remedial action required;
- (4) Allow a period of time, not in excess of 120 days, to correct or abate the violation.

(Ord. No. 73-4, § 14, 4-17-73)

### **Sec. 22-192. Service of notice of violation.**

The notice provided for in section 22-191 shall be served upon the owner or his agent or the occupant, as the case may require. Such notice shall be deemed to be properly served when served upon the owner or agent or occupant by delivery of a copy thereof to such owner or agent or occupant, or by forwarding a copy thereof to the owner or agent or occupant by registered or certified mail to his last known address, or by serving the

owner or agent or occupant with such notice by any other method authorized under the laws of the state. In the event that service cannot be effected by one of the foregoing methods, the posting of a copy of such notice in a conspicuous place in or about the structure affected by the notice shall be deemed proper service of such notice. (Ord. No. 73-4, § 15, 4-17-73)

**Sec. 22-193. Hearings.**

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article or of any rule or regulations adopted pursuant thereto may request and shall be granted a hearing on the matter before the board of appeals, provided that such person shall file in the office of the enforcing authority a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 15 days after the day the notice has been served. The filing of such petition shall suspend the effect of the notice until the appeal to the board has been decided, unless an emergency order has been issued pursuant to section 22-180 of this Code. Upon receipt of such petition, the board of appeals shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 45 days after the day on which the petition requesting the hearing was filed. (Ord. No. 73-4, § 16, 4-17-73; Ord. No. 96-37, § 3, 4-16-96; Ord. No. 97-50, § 3, 7-1-97)

**Sec. 22-194. Decision of board of appeals.**

After such hearing, the board of appeals shall issue its order in writing sustaining, modifying or withdrawing the notice, depending upon its findings, which order shall be served upon the persons affected thereby in the same manner provided for the service of notice. (Ord. No. 73-4, § 17, 4-17-73; Ord. No. 96-37, § 4, 4-16-96; Ord. No. 97-50, § 4, 7-1-97)

**Sec. 22-195. Failure to petition for hearing.**

Any notice served pursuant to this article shall automatically become an order of the county if a written petition for hearing is not filed in the office of the enforcing authority within 15 days after such notice is served. (Ord. No. 73-4, § 18, 4-17-73)

**Sec. 22-196. Failure to comply with order.**

If the owner or occupant fails to comply with an order to repair, alter, or improve, or to vacate and close the structure, the enforcing authority may cause such structure to be repaired, altered or improved by such owner or occupant or to be vacated and closed; the enforcing authority may cause to be posted on the main entrance of any structure so ordered closed, a placard with the following words: "This building is unfit for public occupancy; the use of this building for public occupancy is prohibited and unlawful," provided, however, that such placard is not to be so posted by the enforcing authority until the 15-day hearing period, as set forth herein, has expired, or in the event the person affected does request such hearing, that such placard is not to be posted until a date subsequent to the decision of the board of appeals. (Ord. No. 73-4, § 19, 4-17-73; Ord. No. 96-37, § 5, 4-16-96; Ord. No. 97-50, § 5, 7-1-97)

**Sec. 22-197. Prosecution of violation.**

In case any violation order issued under this article is not promptly complied with, the enforcing authority may request the county attorney to institute an appropriate action or proceeding at law or in equity against the person responsible for the violation ordering him to:

- (1) Restrain, correct or remove the violation or refrain from any further execution of work;
  - (2) Restrain or correct the erection, installation or alteration of such building;
  - (3) Require the removal of work in violation;
  - (4) Prevent the occupation or use of the building, structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this article, or in violation of a plan or a specification under which an approval, permit or certificate was issued; or
  - (5) Enforce the penalty provisions of this article.
- (Ord. No. 73-4, § 20, 4-17-73)

**Secs. 22-198--22-210. Reserved.**

### **Subdivision III.**

#### **Structures Unfit for Public Occupancy**

**Sec. 22-211. Authority to declare structure unfit.**

Whenever the enforcing authority finds that any structure constitutes a hazard to the safety, health, or welfare of the occupants or to the public because it lacks maintenance or because it lacks the sanitary facilities or equipment or otherwise fails to comply with the minimum provisions of this article, he may declare such structure as unfit for public occupancy and order it to be vacated. It shall be unlawful to again occupy such structure until it or its occupation, as the case may be, has been made to conform to the law.

(Ord. No. 73-4, § 21, 4-17-73)

**Sec. 22-212. Posting of notice.**

Any structure declared as unfit for public occupancy shall be posted with a placard by the enforcing authority. The placard shall be in substantially the following form:

#### **VIOLATION**

By Order of Pinellas County, Florida, This Structure is Declared Unfit for Public Occupancy and Ordered Vacated.

The Use of This Structure for Public Occupancy is Prohibited.

This order is posted pursuant to the Pinellas County Code. A penalty is provided in the Pinellas County Code for any person who alters, defaces or removes this notice or occupies this structure without authorization from

the undersigned.

	Pinellas County Building Department
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(Ord. No. 73-4, § 22, 4-17-73; Ord. No. 96-37, § 6, 4-16-96; Ord. No. 97-50, § 6, 7-1-97)

**Sec. 22-213. Form of notice to vacate.**

Whenever the enforcing authority has declared a structure as unfit for public occupancy, he shall give notice to the owner of such declaration and placarding of the structure as unfit for public occupancy. Such notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the reason or reasons why it is being issued;
- (4) State the time to correct the conditions;
- (5) State the time occupants must vacate the structure.

(Ord. No. 73-4, § 23, 4-17-73)

**Sec. 22-214. Service of notice to vacate.**

Service of notice to vacate a structure declared unfit for public occupancy shall be as follows:

- (1) By delivery to the owner personally or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion;
- (2) By depositing the notice in the United States post office addressed to the owner at his last known address with postage prepaid thereon; or
- (3) By posting and keeping posted for 24 hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated.

(Ord. No. 73-4, § 24, 4-17-73)

**Sec. 22-215. Removal of placard or notice.**

No person shall deface or remove the placard from any structure which has been declared or placarded as unfit for human occupancy except by authority in writing from the enforcing authority.

(Ord. No. 73-4, § 25, 4-17-73)

**Sec. 22-216. Vacating of structure.**

Any structure which has been declared and placarded as unfit for public occupancy by the enforcing

authority shall be vacated within a reasonable time as required by the enforcing authority and it shall be unlawful for any owner or operator to let to any person such structure; and no person shall occupy any structure which has been declared or placarded by the enforcing authority as unfit for public occupancy after the date set forth in the placard; and it shall be unlawful for any person to occupy any structure which has been so declared or placarded after the date set forth.  
(Ord. No. 73-4, § 26, 4-17-73)

**Sec. 22-217. Occupancy of building.**

No structure which has been declared or placarded as unfit for public occupancy shall again be used for public occupancy until written approval is secured from the enforcing authority. The enforcing authority shall remove such placard whenever the defect or defects upon which the declaration and placarding action were based have been eliminated.  
(Ord. No. 73-4, § 27, 4-17-73)

**Sec. 22-218. Report of notice to vacate.**

The enforcing authority shall furnish a copy of each notice to vacate a building to the health officer and any other designated county official concerned therewith.  
(Ord. No. 73-4, § 28, 4-17-73)

**Secs. 22-219--22-230. Reserved.**

**DIVISION 3.**

**MINIMUM STANDARDS AND REQUIREMENTS**

**Sec. 22-231. Duties and responsibilities of owner and operator.**

(a) *Maintenance of exterior of premises.* The exterior of the premises and of all structures thereon shall be kept free of all nuisances, and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises, and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include but are not limited to the following:

- (1) Brush, weeds, broken glass, stumps, roots, obnoxious growths and accumulations of filth, garbage, trash, refuse, debris and inoperative machinery.
- (2) Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating condition or storm damage, constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
- (3) Loose and overhanging objects which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof.
- (4) Holes, excavations, breaks, projections, obstructions, and excretions of pets and other animals on

paths, walks, driveways, parking lots and parking areas, and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery.

- (5) Adequate runoff drains shall be provided and maintained in accordance with the appropriate provisions of the county to eliminate any such return or excessive accumulation of stormwater.
- (6) Sources of infestation.
- (7) Foundation and walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.
- (8) Chimneys and all flues and vent attachments thereto shall be maintained structurally sound, free from defects and so maintained as to capably perform at all times the function for which they were designed. Chimneys, flues, gas vents or other draft producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoketight and capable of withstanding the action of flue gases.
- (9) Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained in accordance with the applicable Standard Building Code in order to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair and free from defects.

(b) *Appearance of exterior of premises and structures.* The exterior of the premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the standards of the neighborhood, or such higher standards as may be adopted as part of the plan of minimum property standards of the county, and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property value, including the following:

- (1) Premises shall be kept landscaped and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view and where the same constitutes a blighting factor depreciating adjoining property.
- (2) All permanent signs and billboards exposed to public view permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair. Any signs which have excessively weathered or faded, or those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed forthwith or put into a good state of repair. All nonoperative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.
- (3) All windows exposed to public view shall be kept clean and free of marks or foreign substances except when necessary in the course of changing displays. No storage of materials, stock or inventory shall be permitted in window display areas or other areas ordinarily exposed to public

view unless such areas are first screened from the public view by drapes, venetian blinds or other permanent rendering of the windows opaque to the public view. All screening of interiors shall be maintained in a clean and attractive manner and in good state of repair.

- (4) All storefronts and walls exposed to public view shall be kept in good repair. Paint or similar protective coating shall be applied where required and shall not constitute a safety hazard or nuisance. In the event repairs to a storefront become necessary, such repairs shall be made with the same or similar materials used in the construction of the storefront in such a manner as to permanently repair the damaged area or areas. Any cornices visible above a storefront shall be kept painted, where required, and in good repair.
- (5) Except for "for rent" signs, any temporary sign or other paper advertising material glued or otherwise attached to a window, or otherwise exposed to public view, shall be removed at the expiration of the event or sale for which it is erected or within 60 days after erection, whichever shall sooner occur.
- (6) Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or any other portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event such awnings or marquees are made of cloth, plastic or of a similar material, such cloth or plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing, or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

(c) *General maintenance.* The exterior of every structure or accessory structure, including fences, signs and storefronts, shall be maintained in good repair and all surfaces thereof shall be kept painted or have similar protective coating where necessary for purposes of preservation and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties and the neighborhood protected from blighting influences.

- (1) All reconstruction of walls and sidings shall conform to the requirements of the county building code and shall be structurally sound and maintained in a clean condition. Materials used will not be of a kind that by their appearance, under prevailing practices and standards, will depreciate the values of neighboring and adjoining premises.
- (2) Floors, interior walls and ceilings of every structure shall be structurally sound and maintained in a clean and sanitary condition.
- (3) Floors shall be considered to be structurally sound when capable of safely bearing imposed loads and shall be maintained at all times in a condition so as to be smooth, clean, free from cracks, breaks and other hazards.

- (4) All roofs shall have a suitable covering free of holes, cracks or excessively worn surfaces, which will prevent the entrance of moisture into the structure and provide reasonable durability. Metal roofs showing signs of corrosion shall be painted with an approved product, or have similar protective coating applied in accordance with the manufacturer's specifications.
- (5) Washroom and water closet compartment floors shall be surfaced with water resistant materials and shall be kept in a dry, clean and sanitary condition at all times.
- (6) Supporting structural members are to be kept structurally sound, free of deterioration and capable of bearing imposed loads safely.
- (7) Walls and ceiling shall be considered to be in good repair when clean, free from cracks, breaks, loose plaster and similar conditions. Walls shall be provided with paint, paper, sealing material or other protective covering so that such walls and ceiling shall be kept clean, free of visible foreign matter, sanitary and well maintained at all times.
- (8) Every washroom and water closet compartment shall be provided with permanently installed artificial lighting fixtures with a switch and wall plate so located and maintained that there is no danger of short circuiting from water, from other bathroom facilities or from splashing of water.
- (9) All premises shall be properly connected to and be provided with electric power through safely insulated conductors conforming to the National Electrical Code as adopted and amended by the county.
- (10) Except as hereinafter provided, all wiring or cables shall be properly affixed or attached to the structure. Installation shall be provided for all wiring and cables and kept in good repair. No loose cords or loose extension lines in excess of six feet in length shall be permitted and no ceiling or wall fixture shall be used for supplying power to equipment other than that for which they are designed.
- (11) The owner or operator shall have the duty and responsibility of providing garbage storage containers and for the disposal thereof.

(Ord. No. 73-4, § 9, 4-17-73; Ord. No. 96-37, § 7, 4-16-96; Ord. No. 97-50, § 7, 7-1-97)

#### **Sec. 22-232. Duties and responsibilities of operator.**

(a) Upon discovery by an occupant of any condition on the premises which constitutes a violation of this article, the occupant shall report such condition to the enforcing authority responsible for the enforcement thereunder.

(b) All parts of the premises under the control of the operator shall be kept in a clean and satisfactory condition and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or unsanitary or which would obstruct the owner or operator from performing any duty required under this article or maintaining the premises in a clean and sanitary condition.

(c) Every operator shall be responsible for the elimination of infestation in and on the premises

subject to his control.

(d) Every operator shall be responsible for willfully or maliciously causing damage to any part of the premises.

(e) Every operator shall maintain all plumbing fixtures used by him in a clean and sanitary condition and shall not deposit any material in any fixture or sewer system which would result in stoppage of or damage to the fixture or sewer system.

(f) Where the owner would not otherwise know of a defect of any facility, utility or equipment required to be furnished under this article and the same is defective or inoperable, each operator affected thereby shall, upon learning of such defect, provide notice to the owner or person in charge of the premises. Nothing herein shall be construed to provide a defense to any owner violating this article.  
(Ord. No. 73-4, § 10, 4-17-73)

**Secs. 22-233--22-255. Reserved.**

## **ARTICLE VI.**

### **HOUSING CODE\***

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\* **State Law References:** Authority to adopt housing code, F.S. § 125.01(1)(i).

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#### **DIVISION 1.**

#### **GENERALLY**

**Sec. 22-256. Definitions.**

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory structure* means a structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises, including a pool or spa.

*Alter or alteration* means any change or modification in construction or occupancy.

*Apartment* means a room or a suite of rooms occupied, or which is intended or designed to be occupied, as the home or residence of one individual, family, or household, for housekeeping purposes.

*Apartment house* means any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied, as the home or residence of more than two families living independently of each other and doing their own cooking in such building, and shall include flats and apartments.

*Applicable governing body* means a city, county, state, state agency, or other political government subdivision or entity authorized to administer and enforce the provisions of this article, as adopted or amended.

*Approved* means approved by the housing official.

*Area.* See *Floor area*.

*Attic story* means any story situated wholly or partly in the roof so designated, arranged, or built as to be used for business, storage, or habitation.

*Basement* means that portion of a building between floor and ceiling, which is partly below and partly above grade (as defined in this section), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling; provided, however, that the distance from grade to ceiling shall be at least four feet six inches (see *Story*).

*Building* means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, together with its premises. The term "building" shall be construed as if followed by the words "or part thereof."

*Cellar* means a portion of a building located partly or wholly underground, having one-half or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

*Dilapidated dwelling or structure* means a dwelling, dwelling unit, multiple dwelling, apartment, or mobile home, including, among others, garages, sheds, and similar accessory structures, which by reason of inadequate maintenance, dilapidation, obsolescence or abandonment is unsafe, insanitary, or which constitutes a fire hazard or is otherwise dangerous to human life and is no longer adequate for the purpose for which it was originally intended. It is the intent of this definition to include any and all structures as may legally come within the scope of the definition of structure as set forth in this section.

*Dwelling* means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, whether or not such building is occupied or vacant, including mobile homes, provided that temporary housing as defined in this section shall not be regarded as a dwelling.

*Dwelling unit* means 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 such unit is occupied or vacant.

*Exit corridor* means any corridor or passageway used as an integral part of the exit system. That portion of a corridor or passageway which exceeds the allowable distance of travel to an exit becomes an exit corridor or passageway.

*Exit passageway* means an enclosed hallway or corridor connecting a required exit to an open and safe area at ground level.

*Extermination* means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning,

spraying, fumigating or trapping; or by any other recognized and legal pest elimination methods.

*Family* means one or more persons living together, whether related to each other by birth or not, and having common housekeeping facilities.

*Floor area* means the total area of all habitable space in a building or structure.

*Garbage* means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

*Grade*, with reference to a building, means, when the curb level has been established, the mean elevation of the curb level opposite those walls that are located on, or parallel with and within 15 feet of, street lines; or, when the curb level has not been established, or all the walls of the building are more than 15 feet from street lines, grade means the average of the finished ground level at the center of all walls of a building.

*Habitable room* means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.

*Housing official* means the officer or other person charged with the administration and enforcement of this article, or a duly authorized representative.

*Infestation* means the presence, within or around a dwelling, of any insects, rodents, or other pests.

*Inner court* means an open unoccupied space bounded by the walls of the building but located within the exterior walls of the building.

*Landlord* means the owner or lessor of a dwelling unit.

*Major violation* means a defect that exists on premises which is immediately dangerous to the health, safety or welfare of the occupants, passersby or persons in contiguous areas.

*Minor violation* means a defect that exists on premises which in its present state of disrepair, deterioration or abandonment does not constitute an immediate hazard to the health, safety and welfare of the public.

*Multiple dwelling* has the same meaning as Apartment house.

*Nuisance* means any one or combination of the following:

- (1) Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the state or ordinances of the county, including this article;
- (2) Any attractive nuisance which may prove detrimental to the health or safety of children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to: Abandoned wells, shafts, basements, pools or spas, excavations, abandoned iceboxes,

refrigerators, motor vehicles and any structurally unsound fences or structures; lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors;

- (3) Physical conditions dangerous to human life or detrimental to health;
- (4) Insanitary conditions or anything offensive to the senses or dangerous to health;
- (5) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings; and
- (6) Fire hazards.

*Occupant* means any person living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

*Openable area* means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*Operator* means any person who has charge, care or control of a building in which dwelling units or rooming units are let.

*Ordinary minimum winter conditions* means the temperature 20 degrees Fahrenheit above the lowest recorded temperature for the previous 15-year period.

*Owner* means the holder of the title in fee simple and any person, group of persons, company, association, or corporation in whose name tax bills on the property are submitted. It shall also mean any person who, alone or jointly or severally with others:

- (1) Shall have legal title to any dwelling or dwelling unit with or without accompanying actual possession thereof; or
- (2) Shall have charge, care or control of any dwelling or dwelling unit as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, assignee of rents, lessee, or other person in control of a building, or their duly authorized agents. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant thereto, to the same extent as if that person were the owner. It is the duly authorized agent's responsibility to notify the actual owner of the reported infractions of this article pertaining to the property which apply to the owner.

*Person* means a natural person, heirs, executors, administrators, or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

*Physical value* means the actual cost of replacement of a building or structure with similar materials erected in a like manner to the original construction. The term "physical value" could also mean the fair market value or the appraised value of a building or structure, exclusive of land value.

*Plumbing* means the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: Sanitary drainage or storm drainage facilities; the venting system and the public or private water supply systems within or adjacent to any building, structure, or conveyance; also, the practice and materials used in the installation, maintenance, extension, or alteration of stormwater, liquid waste, or sewerage; and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

*Premises* means a lot or parcel of land, including the buildings or structures thereon.

*Public areas*, as used in this article, means an unoccupied open space adjoining a building and on the same property.

*Repair* means the replacement of existing work with the same kind of material used in the existing work; or the reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

*Required* means required by some provision of this article.

*Residential occupancy*. Buildings in which families or households live or in which sleeping accommodations are provided, and all dormitories, shall be classified as "residential occupancy." Such buildings include, among others, the following: dwellings, multiple dwellings, and lodginghouses.

*Rooming unit* means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

*Roominghouse* means any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

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

*Stairway* means one or more flights of stairs and the necessary landings and platforms connecting them to form a continuous and uninterrupted passage from one story to another in a building or structure.

*Story* means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

*Structure* means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term "structure" shall be construed as if followed by the words "or part thereof."

*Substandard dwelling or structure* means a dwelling, dwelling unit, multiple dwelling, apartment, apartment house, or any other space used or intended to be used as a habitable living space in any building or

structure, which does not meet the basic minimum requirements of this article for such use.

*Supplied* means paid for, furnished or provided by, or under the control of, the owner or operator.

*Temporary housing* means any tent, trailer, or other structure used for human shelter which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

*Unsafe building* means any dilapidated dwelling or structure as defined in this article.

*Valuation* or *value*, as applied to a building, means the estimated cost to replace the building in kind. Value may also mean the fair market value or appraised value of a building or parcel of land.

*Ventilation* means the process of supplying and removing air by natural or mechanical means to or from any space.

*Walls:*

*Bearing wall* means a wall which supports any vertical load in addition to its own weight.

*Exterior wall* means a wall, bearing or nonbearing, which is used as an enclosing wall for a building but which is not necessarily suitable for use as a party wall or fire wall.

*Foundation wall* means a wall below the first floor extending below the adjacent ground level and serving as support for a wall, pier, column or other structural part of a building.

*Yard* means an open unoccupied space, on the same lot with a building, extending along the entire length of a street, or rear or interior lot line.

(b) Meaning of certain words. Whenever the words "apartment," "apartment house," "dwelling," "dwelling unit," "roominghouse," "rooming unit," and "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

(Ord. No. 92-65, § 2(201), 10-27-92)

**Cross References:** Definitions generally, § 1-2.

#### **Sec. 22-257. Penalty for violation of article.**

Violations of this article are punishable as provided in section 1-8.

(Ord. No. 92-65, § 2(501), 10-27-92)

#### **Sec. 22-258. Remedial; purposes.**

This article is hereby declared to be remedial, and shall be construed to secure the beneficial interest and purposes thereof, which are public safety, health, and general welfare, through structural strength, stability, maintenance, sanitation, adequate light and ventilation, and safety to life and property from fire, vermin, blight and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of dwellings, apartment houses, roominghouses, or buildings or structures used as such, together with their

premises.

(Ord. No. 92-65, § 2(101.2), 10-27-92)

**Sec. 22-259. Scope of article.**

(a) Every building and its premises used in whole or in part as a dwelling unit or as two or more dwelling units, or as rooming or boarding houses, shall conform to the requirements of this article, irrespective of the primary use of such building and premises, and irrespective of when such building may have been constructed, altered or repaired.

(b) This article establishes minimum standards for occupancy and does not replace or modify standards otherwise established for construction, replacement or repair of buildings except such as are contrary to the provisions of this article.

(c) The provisions of this article shall apply to all mobile homes and house trailers used as residential occupancy in excess of 30 days.

(Ord. No. 92-65, § 2(101.3), 10-27-92)

**Sec. 22-260. Existing buildings.**

The provisions of this article shall apply to any dwelling, apartment, apartment house or roominghouse, irrespective of when such building was constructed, altered or repaired.

- (1) If, within any period of 12 months, alterations or repairs costing in excess of 50 per cent of the then physical value of the building are made to an existing building, such building shall be made to conform to the requirements of the county building code for new construction.
- (2) If an existing building is damaged by fire or otherwise in excess of 50 percent of its then physical value before such damage is repaired, it shall be made to conform to the requirements of the county building code for new construction.
- (3) If the cost of such alterations or repairs, or the amount of such damage, is more than 25 percent but not more than 50 percent of the then physical value of the building, the portions to be altered or repaired shall be made to conform to the requirements of the county building code for new buildings to such extent as the housing official may determine.
- (4) Repairs and alterations not covered by the preceding subsections of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of the county building code, or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed.
- (5) For the purpose of this section, the "physical value" of a building or structure, as defined in this article, shall be determined by the housing official.

(Ord. No. 92-65, § 2(101.5), 10-27-92)

**Sec. 22-261. Requirements not covered by article.**

Any requirement, not specifically covered by this article, found necessary for the safety, health, and general welfare of the occupants of any dwelling, shall be determined by the housing official subject to hearing and appeal as provided in this article.  
(Ord. No. 92-65, § 2(103.4), 10-27-92)

**Sec. 22-262. Areas embraced.**

All territory within the legal boundaries of the county, including all unincorporated and incorporated areas, shall be embraced by the provisions of this article. Where a municipality has adopted housing code standards, the municipal ordinance or code shall govern.  
(Ord. No. 92-65, § 2(502), 10-27-92)

**Charter References:** Conflicts between county and municipal ordinances, §§ 2.01, 2.04.

**Sec. 22-263. Conflicting provisions.**

Should any provisions of this article be in conflict with any existing zoning, standard building code, standard electric code, standard plumbing code, fire code or any other code of the county, then the provisions establishing the higher standard will prevail.  
(Ord. No. 92-65, § 2(503), 10-27-92)

**Sec. 22-264. Service of written notice.**

For the purposes of this article, a written notice shall be considered served when it is sent by certified mail, return receipt requested, to the property owner as shown on the current tax rolls of the county. For the purposes of any notice required by F.S. § 125.69, such notice may be provided by regular mail.  
(Ord. No. 92-205, § 2(201), 10-27-92; Ord. No. 96-12, § 3, 1-16-96; Ord. No. 06-09, § 1, 1-24-06)

**Secs. 22-265--22-275. Reserved.**

**DIVISION 2.**

**ADMINISTRATION AND ENFORCEMENT**

**Sec. 22-276. Administrative authority.**

- (a) Authority for the administration and enforcement of this article shall be vested in the county department of environmental management.
- (b) Enforcement of this article shall be conducted by the director of the county department of environmental management, referred to in this article as the "housing official."
- (c) No officer or employee connected with the department which is responsible for the enforcement of this article shall be financially interested in the furnishing of labor, material or appliances for the construction, alteration, or maintenance of a building unless that person is the owner of such building. No such officer or employee shall engage in any work which is inconsistent with the duties or interests of the

department.

(d) The housing official shall keep, or cause to be kept, a record of the business of the department of environmental management. The records of the department shall be open to public inspection.

(e) Any officer, employee, or member of the board of county commissioners, charged with the enforcement of this article, in the discharge of duties, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties under this article.

(f) The housing official shall submit reports as required to the county administrator covering the work of the department of environmental management.  
(Ord. No. 92-65, § 2(101.4), (102), (103.5), (103.6), 10-27-92; Ord. No. 96-12, § 1, 1-16-96)

### **Sec. 22-277. Powers and duties of housing official.**

(a) *Right of entry.*

(1) The housing official or duly authorized representative shall enforce the provisions of this article, and upon presentation of proper identification to the owner or duly authorized agent, may enter any building, structure or premises in the county during reasonable hours to perform any duty imposed upon them by this article. This right of entry shall be subject to the following guidelines:

a. There must be an identified public interest which justifies inspection of the building, structure or premises; and

b. Entry into the building, structure or premises may not be gained by force.

(2) In the event that the housing official, or duly authorized representative, is refused consent to enter a building, structure or premises to perform an inspection under this article, the housing official or duly authorized representative may apply for an inspection or search warrant. The application for an inspection or search warrant shall be submitted to any court authorized to issue inspection or search warrants under state law.

(b) *Emergency order.* In cases of emergency where extreme hazards are known to exist within a building, structure or on the premises which may involve the potential loss of life or severe property damage, the limitations of subsection (a) of this section shall not apply.

(Ord. No. 92-65, § 2(103.1), (103.2), 10-27-92)

**State Law References:** Search warrants and inspection warrants, F.S. ch. 933.

### **Sec. 22-278. Unsafe buildings.**

All dwellings, apartment houses, roominghouses, buildings or structures and their premises used as such which are unsafe, insanitary, unfit for human habitation, or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to their existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or

abandonment, are unsafe buildings. All such unsafe buildings and nuisances are hereby declared to be in violation of this article and shall be secured, repaired and rehabilitated or demolished in accordance with the following procedure.

- (1) Whenever the housing official determines that there are reasonable grounds to believe that there has been a violation of any provision of this article, or of any rule or regulation adopted pursuant thereto, the housing official shall give notice of such alleged violation to the person or persons responsible therefor. Such notice shall:
  - a. Be put in writing.
  - b. Include a statement of the reasons why it is being issued.
  - c. Allow 15 days to correct major violations and 30 days to correct minor violations with a maximum time limit of 60 days for either, subject to approval of the housing official.
  - d. Where extreme hazards are known to exist within a building or structure on the premises which may involve the potential loss of life or severe property damage, the housing official may take or require immediate corrective action. The terminology "to correct" includes, but is not limited to, action taken to alter, upgrade, secure, repair, remodel or demolish any unsafe building.
  - e. Such notice shall further state that if such corrections are not voluntarily completed within the stated time, as set forth in the notice, the housing official shall institute legal proceedings charging the owner with a violation of this article.
  - f. Such notice shall contain the provisions of this article providing for hearing and appeal.
- (2) Any written notice required under this section shall be considered properly served so long as it complies with the requirements of section 22-264.
- (3) In the event that the owner does not, after due notice has been given and all rights of appeal have been exhausted, comply with the notice to correct violations of such premises, the housing official shall cause such premises to be repaired, secured or demolished. Where an unsafe building is to be secured, repaired or demolished without the owner's consent, the housing official shall obtain approval of the board of county commissioners prior to securing, repairing or demolishing such building.
- (4) The housing official shall implement the provisions of subsection (3) of this section through any available public agency or by contracting with an independent licensed contractor, submitting the lowest and best qualified bid for the performance of the necessary work in connection with the correction of violations. Any work implemented by the housing official in connection with the correction of violations identified under this section, including demolitions, and performed by the housing official or his agent, may be performed without the necessity of first obtaining a permit(s) from the Pinellas County Building Department.

(5) Costs incurred under subsection (4) of this section shall be charged to the owner and shall constitute a lien upon the property and shall be collected in the manner provided by law. (Ord. No. 92-65, § 2(103.3), 10-27-92; Ord. No. 96-12, § 4, 1-16-96; Ord. No. 98-11, § 1, 1-6-98; Ord. No. 06-09, § 2, 1-24-06)

**Sec. 22-279. Inspections.**

(a) The housing official shall make or cause to be made inspections to determine the condition of dwellings, dwelling units, rooming units, and premises in the interest of safeguarding the health and safety of the occupants of dwellings and of the general public.

(b) The applicable governing body shall not provide, nor permit another to provide, utility services (either public or private) such as water, gas, electricity, sewer, etc., to any substandard dwelling unit until such dwelling unit has been inspected, brought into compliance with this article and the building code, and a valid certificate of occupancy, as required, has been issued. This requirement shall not preclude the temporary use of such utility services as may be deemed necessary during construction, repair or alteration. The housing official shall be responsible for making the determination as to when such temporary services may be necessary. (Ord. No. 92-65, § 2(104), 10-27-92)

**Sec. 22-280. Condemned dwellings.**

(a) *Designation of; procedures.* The designation of dwellings or dwelling units as unfit for human habitation, and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units, shall be carried out in compliance with the following procedures:

- (1) *Designation; placarding.* Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the housing official:
  - a. One which is so damaged, decayed, dilapidated, insanitary, unsafe, vandalized, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
  - b. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- (2) *Form and service of notice.* Whenever the housing official has declared a dwelling or multifamily dwelling as unfit for human habitation, as defined in this article, the housing official shall give notice to the owner in accordance with section 22-264.
- (3) *Vacating of condemned dwelling.* Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the housing official shall be vacated within 30 days after notice of such condemnation has been given by the housing official to the owner of the building. Such notice shall require the building, structure or portion thereof to be vacated forthwith and not be reoccupied until the specified repairs and improvements are completed, inspected, and approved by the housing official.

(4) *Occupancy of dwelling.* No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until approval is secured from, and such placard is removed by, the housing official. The housing official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

(b) *Removal of placard.* No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such pursuant to this section, except as provided in subsection (a)(4) hereof.  
(Ord. No. 92-65, § 2(107), 10-27-92; Ord. No. 06-09, § 3, 1-24-06)

### **Sec. 22-281. Appeals.**

(a) *Grounds for appeal.* When the application of the requirements of this article would appear to cause undue hardship on an owner or when it is claimed that the true intent and meaning of this article or any of the regulations therein have been misconstrued or wrongly interpreted, the owner of such building or structure, or a duly authorized agent, may appeal the decision of the housing official.

(b) *Filing; administrative action.*

(1) An owner receiving an official notice of violation pursuant to section 22-278 may appeal the decision of the housing official to the board of county commissioners. The notice of appeal shall be in writing and shall be filed within 15 days from the date of the notice of violation. The appeal shall state the location of the property, the date of the notice of violation and the number of such notice. The appeal must state the relief requested, the reasons therefor, and the grounds upon which the appeal is made.

(2) No appeal filed later than 15 days after the date of such notice shall be acted upon by the board of county commissioners unless the housing official shall consent thereto.

(3) Upon receipt of the written notice of appeal, the board of county commissioners shall direct the county administrator to review all aspects of the appeal. It shall be the duty of the county administrator to review the notice of violation and the appeal with the housing official and the county attorney. The county administrator shall be required to take all reasonable steps to resolve the case in question in a manner which is consistent with the requirements of this article.

(4) In the event that administrative action as provided for in subsection (b)(3), above, does not result in a satisfactory resolution of the matter, the county administrator shall inform the board of county commissioners in writing that all administrative remedies have been exhausted.

(Ord. No. 92-65, § 2(105), 10-27-92)

### **Sec. 22-282. Action by board of commissioners.**

(a) *Procedure.* The board of county commissioners shall establish rules and regulations for its own procedures not inconsistent with the provisions of this article and the laws of the state.

(b) *Hearing.*

- (1) Upon receipt of a written notice from the county administrator that all administrative remedies have been exhausted, the board of county commissioners shall hold a public hearing and shall notify the owner or the owner's duly authorized agent in writing of the time, date and place at which a hearing will be held. The hearing shall be held no less than 30 days after the notice of appeal is filed. At the hearing, the owner or duly authorized agent shall be given an opportunity to be heard, present evidence, and show cause why the decision of the housing official should be modified, varied or reversed.
- (2) The board of county commissioners may vary the application of any provision of this article when in its judgement the enforcement thereof would do manifest injustice, cause undue hardship or be contrary to the intent and meaning of this article, or if in the judgement of the board the housing official has misinterpreted or misapplied the provisions of this article.
- (3) The decision of the board of county commissioners to modify, vary or reverse the application of any provision of this article shall specify the manner in which such modification or variation is to be made, the conditions upon which it is made and the reasons therefor.
- (4) Every decision of the board of county commissioners shall be final. The proceedings of each hearing, including the findings and decisions of the board, shall be summarized in writing and entered in the public records of the board. A copy of the decision of the board of county commissioners shall be sent by certified mail to the appellant and the original shall be filed with the housing official. The housing official shall immediately take action in accordance with the decision of the board.

(c) *Appeal from action of board.* An owner aggrieved by the decision of the board of county commissioners rendered pursuant to this article may seek relief therefrom in a court of competent jurisdiction as provided by the laws of the state.

(Ord. No. 92-65, § 2(106), 10-27-92)

**Secs. 22-283--22-295. Reserved.**

### **DIVISION 3.**

#### **MINIMUM STANDARDS**

**Sec. 22-296. Generally.**

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

- (1) *Sanitary facilities required.* Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower and a water closet, all in good working condition and properly connected

to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

- (2) *Location of sanitary facilities.* All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, tub or shower and lavatory shall be located in a room affording privacy to the user and such room shall have a minimum floor space of 30 square feet, with no dimension less than four feet.
- (3) *Hot and cold water supply.* Every dwelling unit shall have connected to the kitchen sink, lavatory and tub or shower an adequate supply of both cold and hot water. All water shall be supplied through a pipe distribution system connected to a potable water supply.
- (4) *Water heating facilities.* Every dwelling shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Such water heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities required under the provisions of this article are not in operation.
- (5) *Heating facilities.*
  - a. Every dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely, adequately, and simultaneously heating all habitable rooms and bathrooms in every dwelling unit located therein to a temperature of at least 70 degrees Fahrenheit at a distance of three feet above floor level under ordinary minimum winter conditions. If central heating is not provided, each dwelling unit shall be equipped with proper connections for heating appliances.
  - b. Unvented fuel burning heaters shall be prohibited.
  - c. Portable heaters shall be situated and designed in a safe and stable manner.
- (6) *Cooking and heating equipment.* All cooking and heating equipment facilities shall be installed in accordance with the building, gas or electrical code and shall be maintained in a safe and good working condition.
- (7) *Garbage disposal facilities.* Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, the type and location of which facilities or containers are approved by the applicable governing body.
- (8) *Smoke detection devices.* Every landlord of a single-family home or duplex shall comply with F.S. § 83.51(2)(b), and any amendments thereto, which requires the installation of working smoke detection devices unless otherwise agreed in writing.

(Ord. No. 92-65, § 2(301), 10-27-92)

**Sec. 22-297. Light and ventilation.**

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

- (1) *Window area.*
  - a. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be eight percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any such room and such light obstruction structures are located less than three 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 15 percent of the total floor area of such room.
  - b. Yearround mechanically ventilating conditioned 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.
- (2) *Habitable rooms.* Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall equal at least 45 percent of the minimum window area size or minimum skylight-type window size, as required, or shall have other approved, equivalent ventilation.
- (3) *Bathrooms and water closet compartments.* Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.
- (4) *Electric service.* Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room of such dwelling shall contain at least two separate and remote wall type electric convenience outlets; and every kitchen, bathroom and porch shall contain at least one supplied ceiling or wall type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
- (5) *Light in public halls and stairways.* Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall

and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

(Ord. No. 92-65, § 2(302), 10-27-92)

#### **Sec. 22-298. Electrical systems.**

No person shall occupy as owner-occupant, or let or sublet to another for occupancy, any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, nor shall any vacant dwelling building be permitted to exist, which does not comply with the following requirements: All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used and installed and connected to the source of electric power, in accordance with the adopted electrical code of the county.

- (1) Where the determination is made, upon examination of the existing electrical service supply, that such electrical service is obsolete or is being used in such manner as would constitute a hazard to the occupants or would otherwise constitute a hazard to life and property, the following shall be used for determining the adequacy of such service: Less than ten kilowatt load and less than six separate circuits requires a minimum of 60-ampere service; ten kilowatt load or six or more separate circuits requires a minimum of 100-ampere service.
- (2) The minimum capacity of the service supply shall be sufficient to adequately carry the total load applied in accordance with the adopted electrical code of the county.

(Ord. No. 92-65, § 2(303), 10-27-92)

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

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

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

nature, may remain so secured for longer than a period of 90 days, unless such protective covering is a professionally manufactured product made solely for purposes of storm protection.

(3) *Roofs.*

- a. Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.
- b. All portions, additions or sections of a roof, including, but not limited to, fascia, eaves, soffit, sheathing, rafter tails, barge rafter, vent screening, gutters, downspouts, roof jacks, lead or metal flashing, shall be structurally sound and shall be complete with all trim strips, moldings, brackets, braces and supports in accordance with standard building practices. No portion, addition or section of a roof shall display signs of deterioration, abuse, or improper installation that causes damage to the roof, admits rain or causes dampness.

(4) *Means of egress.* Every dwelling shall have safe, unobstructed means of egress with minimum ceiling height of seven feet leading to a safe and open space at ground level. Stairways shall have a minimum head room of six feet eight inches.

(5) *Stairs, porches and appurtenances.* Every inside and outside stair, porch, and any appurtenances thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.

(6) *Protective railings.* Protective railings shall be required on any unenclosed structure over 30 inches from the ground level or on any steps containing four risers or more.

(7) *Windows and doors.* Every window, exterior door and casement, or cellar door and hatchway, shall be substantially weathertight, watertight and rodentproof, and shall be kept in sound working condition and good repair. No such window, exterior door or casement that is secured by plywood, boards, or other protective covering, whether of a permanent or temporary nature, may remain so secured for longer than a period of 90 days, unless such protective covering is a professionally manufactured product made solely for purposes of storm protection.

(8) *Windows to be glazed.* Window panes or an approved substitute shall be maintained without cracks or holes.

(9) *Window sash.* Window sash shall be properly fitted and weathertight within the window frame.

(10) *Windows to be openable.* Every window required for light and ventilation for habitable rooms shall be capable of being easily opened and secured in position by window hardware. No such window that is secured by plywood, boards, or other protective covering, whether of a permanent or temporary nature, may remain so secured for longer than a period of 90 days, unless such protective covering is a professionally manufactured product made solely for purposes of storm protection.

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

(Ord. No. 92-65, § 2(304), 10-27-92; Ord. No. 05-11, § 1, 2-22-05; Ord. No. 06-09, § 4, 1-24-06)

### **Sec. 22-300. Dwelling space.**

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

- (1) *Required space in dwelling unit.* Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor area per additional occupant. The floor area shall be calculated on the basis of the total area of all

habitable rooms.

- (2) *Required space in sleeping rooms.* In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.
- (3) *Minimum ceiling height.* Every habitable room, foyer, bathroom, hall or corridor shall have a ceiling height of at least seven feet. If any room has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof, but the floor area of that part of any room where the ceiling height is less than seven feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (4) *Occupancy of dwelling unit below grade.* No basement or cellar space shall be used as a habitable room or dwelling unit unless:
  - a. The floor and walls are impervious to the intrusion of underground and surface runoff water and are insulated against dampness;
  - b. The total window area in each room is equal to at least the minimum window area size as required in section 22-297(1) of this article;
  - c. Such required minimum window is located entirely above the grade of the ground adjoining such window area; and
  - d. The total openable window area in each room is equal to at least the minimum as required under section 22-297(2) of this article, except where there is supplied some other device affording adequate ventilation.

(Ord. No. 92-65, § 2(305), 10-27-92)

### **Sec. 22-301. Sanitation.**

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

- (1) *Owner's responsibility for common areas.* Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- (2) *Responsibility of occupants.* Every occupant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which is occupied and controlled by, or which is provided for, the occupant's particular use.

(3) *Garbage disposal.* Every owner or occupant of a dwelling or dwelling unit shall place all garbage in a clean and sanitary manner in garbage disposal facilities or garbage/rubbish storage containers and arrange for regular garbage disposal service.

(4) *Care of premises.*

a. It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any building material, building rubbish, icebox, refrigerator, stove, glass, or similar items. It shall be unlawful for such owner or occupant to openly store any liquids or chemicals that may become hazardous or stagnant. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such items that constitute a nuisance, as defined by this article.

b. Utilization of any building for storage purposes shall be consistent with local land use and zoning requirements.

(5) *Extermination.* Every occupant of a single-dwelling building and every owner of a building containing two or more dwelling units shall be responsible for the extermination of any insects, rodents or other pests within the building or premises.

(6) *Use and operation of supplied plumbing fixtures.* Every occupant of a dwelling unit shall keep all plumbing fixtures in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(Ord. No. 92-65, § 2(306), 10-27-92; Ord. No. 96-12, § 2, 1-16-96; Ord. No. 97-102, § 1, 12-9-97)

**Secs. 22-302--22-310. Reserved.**

#### **DIVISION 4.**

#### **ROOMINGHOUSES\***

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\* **Cross References:** Businesses, ch. 26.

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#### **Sec. 22-311. Compliance required.**

No person shall operate a roominghouse, or shall occupy or let to another for occupancy any rooming unit in any roominghouse, except in compliance with the provisions of every section of this article, except the provisions of section 22-296 and section 22-301.

(Ord. No. 92-65, § 2(401), 10-27-92)

#### **Sec. 22-312. License required.**

No person shall operate a roominghouse unless that person holds a valid roominghouse license.

(Ord. No. 92-65, § 2(401.1), 10-27-92)

**Sec. 22-313. Water closet, lavatory and bath facilities.**

(a) At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for each four rooms within a roominghouse wherever such facilities are shared.

(b) All such facilities required under subsection (a) of this section shall be located on the floor they serve within the dwelling, so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.

(Ord. No. 92-65, § 2(401.2), 10-27-92)

**Sec. 22-314. Water heater required.**

Every lavatory basin, and bathtub or shower in a roominghouse shall be supplied with hot water at all times.

(Ord. No. 92-65, § 2(401.3), 10-27-92)

**Sec. 22-315. Minimum floor area for sleeping purposes.**

Every room in a roominghouse occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant thereof.

(Ord. No. 92-65, § 2(401.4), 10-27-92)

**Sec. 22-316. Heating facilities.**

(a) Every roominghouse shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, rooming units and bathrooms located therein to a temperature of at least 70 degrees Fahrenheit at a distance of three feet above floor level under ordinary minimum winter conditions.

(b) Unvented fuel burning heaters shall be prohibited in roominghouses.

(Ord. No. 92-65, § 2(401.5), 10-27-92)

**Sec. 22-317. Exit requirement.**

Every rooming unit in a roominghouse shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the governed area or of the state.

(Ord. No. 92-65, § 2(401.6), 10-27-92)

**Sec. 22-318. Sanitary conditions.**

The operator of every roominghouse shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the maintenance of a sanitary condition in every other part of the roominghouse; and shall

further be responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.  
(Ord. No. 92-65, § 2(401.7), 10-27-92)