

## MEMORANDUM

**TO:** Harley Strickland, Mayor  
**FROM:** Jeffrey L. Baskoff, Chief of Police  
**DATE:** February 20, 2008  
**SUBJECT:** International Property Maintenance Code

**STRATEGIC PLAN TRACKING NO:** 07-G5-OB-3

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### **PURPOSE**

To create an ordinance that will establish a standard for all structures and building within Orange City to include residential homes and commercial buildings.

### **BACKGROUND**

The City of Orange City current code adopts the Standard Housing Code; however, the Standard Housing Code does not establish standards for commercial buildings. By adopting the International Property Maintenance Code (2003), municipal code officials will have enforcement authority for the safety and welfare of the public on both residential homes and commercial buildings.

### **RECOMMENDATION**

It is recommended that Council approves this ordinance.

## ORDINANCE NO. 345

AN ORDINANCE OF THE CITY OF ORANGE CITY,  
VOLUSIA COUNTY, FLORIDA; ADOPTING THE 2003  
INTERNATIONAL PROPERTY MAINTENANCE CODE  
WITH THE EXCEPTION OF CERTAIN AMENDMENTS  
THERETO; PROVIDING FOR CONFLICTS,  
SEVERABILITY, CODIFICATION AND EFFECTIVE DATE.

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**WHEREAS**, the City of Orange City actively participates in the enforcement of regulations relative to safe and habitable property maintenance and structures; and

**WHEREAS**, the City of Orange City has determined that it is in the best interest of the health, safety and welfare of the citizens, businesses within the City, and patrons of such businesses to adopt the 2003 International Property Maintenance Code as published by the International Code Council for the maintenance and control of buildings and structures, and each and all of the regulations, provisions, penalties, conditions, and terms of said 2003 International Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance with the additions, insertions, deletions, and changes as prescribed in this Ordinance; and

**WHEREAS**, words with double underlined type shall constitute additions to the original text; words with ~~strike through~~ shall constitute deletions to the original text; and asterisks (\*\*\*) indicate a deletion from the existing text of a section of the 2003 International Property Maintenance Code which is intended to remain unchanged.

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

**SECTION ONE:** The 2003 International Property Maintenance Code is hereby adopted in its entirety with the exception of those sections amended as follows:

*101.1 Title.* These regulations shall be known as the *Property Maintenance Code of the City of Orange City*, hereinafter referred to as "this code."

*102.3 Application of other codes.* Repairs, additions, or alterations to a structure, or changes or occupancy, shall be done in accordance with the procedures and provisions of the Orange City International Existing Building Code. Nothing in this code shall be construed to cancel, modify or set aside any provisions of the ~~International Zoning Code~~ City of Orange City code of ordinances.

*102.6 Historic buildings.* The provisions of this code shall not be mandatory for ~~existing buildings~~ or structures designated as historic buildings when such buildings or structures are judged by the ~~code official~~ Development Services Director to be safe and in the public interest of health, safety and welfare.

102.8 *Requirements not covered by code.* Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the ~~code official~~ Development Services Director or designee.

**103 *Department of Property Maintenance Inspection.***

103.1 *General.* ~~The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.~~ The Community Improvement Unit of the Orange City Police Department is hereby charged with the primary responsibility of enforcing this chapter.

103.2 *Appointment.* ~~The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.~~ The Community Improvement Sergeant shall manage the enforcement efforts of the International Property Maintenance Code.

103.3 *delete in its entirety.*

103.5 *delete in its entirety.*

104.1 *General.* ~~The code official~~ Community Improvement Sergeant or designee of the Chief of Police shall enforce the provisions of this code.

104.2 *Rule-making authority.* The Chief of Police or designee shall have authority as necessary in the interest of the public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structure or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.3 *Inspections.* ~~The code official~~ Community Improvement Sergeant or designee shall make all of the required inspections, or shall accept reports of inspections by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. ~~The code official~~ Community Improvement Sergeant or designee is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the ~~appointing authority~~ Chief of Police.

104.6 *Notices and Orders.* ~~The code official~~ Community Improvement Sergeant or any Orange City law enforcement officer shall issue all necessary notices or orders to ensure compliance with this code.

~~104.7 Department Records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations. All records created in the enforcement of this chapter shall be retained in accordance with Department policy and applicable Florida Statutes.~~

106.2 Delete in its entirety.

106.3 Delete in its entirety.

~~106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction appropriate municipal officials from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop on illegal act, conduct, business or utilization of the building, structure or premises.~~

*Section 107, entitled "Notices and Orders," should be deleted in its entirety.*

*Section 108, entitled "Unsafe Structures and Equipment," should be deleted in its entirety.*

*Section 109, entitled "Emergency measures," should be deleted in its entirety.*

*Section 110, entitled "Demolition," should be deleted in its entirety.*

*Section 111, entitled "Means of Appeal," should be deleted in its entirety.*

~~202. Code Official. The official who is charged with the administration and enforcement of this code, or any duly authorized representative The Community Improvement Sergeant, Community Improvement Officer, police officer, Fire Marshall, Fire Safety Inspector, building inspector or other code inspector or investigator appointed by the City Manager.~~

302.4 Delete in its entirety.

~~304.14 Insect screens. During the period from \_\_\_\_\_ to \_\_\_\_\_, eEvery door, window and other outside opening required for ventilation or habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh 24 mm) and every swinging door shall have a self-closing devise in good working condition.~~

*Section 307, entitled "Rubbish and Garbage," should be deleted in its entirety.*

308.3 *Single occupant.* The occupant of a one-family or of a single-tenant nonresidential structure shall be responsible for extermination on the premises. Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

308.5 Delete in its entirety.

602.2 *Residential occupancies.* Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality ~~indicated in Appendix D of the International Plumbing Code.~~ Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

602.3 Heat supply. Every owner and operator of any building who rents, or leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 1 to April 1 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

**Exceptions:**

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. ~~The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.~~
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 *Occupiable work spaces.* Indoor occupiable work spaces shall be supplied with heat during the period from November 1 to April 1 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

**Exceptions:**

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

604.2 *Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the ~~ICC Electrical applicable building cCode.~~ Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Section 701, entitled "Fire Safety Requirements," should be deleted in its entirety.

**SECTION 2: CONFLICTS.** All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 3: SEVERABILITY.** If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

**SECTION 4: CODIFICATION.** It is the intention of the City Council of the City of Orange City, Florida, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Orange City, Florida; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; that the word, "Ordinance," may be changed to "Section," "Article," or other appropriate word.

**SECTION 5: EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its adoption.

First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**ROLL CALL VOTE AS FOLLOWS:**

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
Donald Sandford	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**ROLL CALL VOTE AS FOLLOWS:**

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
Donald Sandford	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**ATTEST:**

**AUTHENTICATED:**

\_\_\_\_\_  
Deborah J. Renner, CMC, City Clerk

\_\_\_\_\_  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
William E. Reischmann, Jr., City Attorney