

ORDINANCE 12-42

AN ORDINANCE OF OSCEOLA COUNTY BOARD OF COUNTY COMMISSIONERS, CREATING ARTICLE IV, OF CHAPTER 23 "WEST 192 COMMERCIAL MINIMUM MAINTENANCE"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA:

SECTION 1. Article IV "West 192 Commercial Minimum Maintenance Standards" is hereby adopted as follows:

**ARTICLE IV
WEST 192 COMMERCIAL MINIMUM MAINTENANCE**

SEC. 23-60. GENERAL.

(a). Intent. The purpose of this section is to protect the comfort, health, safety and general welfare of the citizens and visitors of Osceola County, by establishing minimum property and building maintenance standards for all commercially zoned property within the West 192 Redevelopment District, and to provide for the abatement of the nuisances affecting the general public. Existing structures and premises that do not comply with these provisions, must within 30 days, be altered or repaired to provide a minimum level of health and safety as required herein.

(b). Scope. The provisions of this ordinance, which are based upon 2009 International Property Maintenance Ordinance, shall apply to all commercial and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, signage, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

(c). District Limits. This ordinance covers the current West 192 Redevelopment District limits which includes all property within the area as described the following legal description:

Begin at the northwest corner of Osceola County, said point also being the northwest corner of Section 06, Township 25 South, Range 27 East; thence east along the Osceola – Orange County line to the northeast corner of

Section 01, Township 25 South, Range 28 East; thence south along the east section line of said Section 01 to a point of intersection with the northwest corner of Section 07, Township 25 South, Range 29 East; thence east along said Section 07 section line to the northeast corner of said Section 07; thence south along section lines to the southeast corner of Section 19, Township 25 South, Range 29 East; thence west to the southwest corner of said Section 19; thence south to the southeast corner of Section 24, Township 25 South, Range 28 East; thence west along section lines to the southwest corner of Section 23, Township 25 South, Range 28 East; thence north along section lines to the northwest corner of Section 14, Township 25 South, Range 28 East; thence west along section lines to the southwest corner of Section 10, Township 25 South, Range 27 East; thence north to the northwest corner of said Section 10; thence west along section lines to the southwest corner of Section 06, Township 25 South, Range 27 East; thence north to the northwest corner of said Section 06, said point also being the Point of Beginning

SEC. 23-61. DEFINITIONS.

Abandoned Property. Wrecked or derelict property which has been left abandoned and unprotected from the elements and shall include trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, boxes, cages, other similar articles and shopping carts no matter what type of condition which have been discarded, placed upon any public property or vacant lot, left unattended, or which has no name or address fixed thereon.

Anchored Secured in a manner that provides positive connection

Debris. Fragments of or accumulations of pieces of metal, cloth, rubber, plastic, lumber, or any other natural or manufactured mineral or vegetative matter.

Mislaid Property. Property which the owner has parted with, with the intention of retrieving it later, but which cannot be left on public property or private property of someone other than the owner of the mislaid property. It is not lost or abandoned property defined in F.S. Ch. 705.

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

Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this ordinance, they shall be construed as though they were followed by the words "or any part thereof."

SEC. 23-62. GENERAL REQUIREMENTS.

(a) **Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

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

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

(d) **Barriers.** If the entire premises of a non-residential lot is unoccupied or vacant, a temporary barrier can be installed to discourage pedestrian or vehicular access onto the property. In the event that a barrier is installed, the barriers are limited to the following:

(1) Temporary vinyl coated chain link or decorative fences that is of solid construction and kept in good repair, free of holes, breaks, missing segments or slats, loose or rotting material, mold, mildew rust, corrosion or any other similar growths. Fence, sight distance, and CRAO standards.

(2) Temporary landscaping pots used as barricades shall be maintained and kept in good repair. Sight distance and standards per Florida Department of Transportation Road Design Standards.

(3) Temporary signage shall be placed on property stating "Future Development" which can be easily legible from pedestrian and motorist alike.

(e) **Closing of vacant and vandalized structures.** If the structure has been vandalized or is vacant, fit or unfit for human habitation and occupancy, and is not in danger of structural collapse, the County Manager or designee is authorized to post a placard of no entry on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the County Manager or designee shall cause the premises to be closed/secured by fencing the structure utilizing any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against

the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

(f) Maintenance of vacant structures. Boarding a non-residential building done voluntarily or as a result of enforcement activity by the county, shall comply with the following:

(1) Weatherproof plywood, a minimum of ¼ inch in width shall be used for boarding all doors and windows of a structure. Each board shall fit entirely over the window and door openings where it is flush with the outside molding of the structure and be maintained in good repair. The plywood must be architecturally compatible with the building and shall be regularly painted to not fade and match the trim or siding color of the structure.

(2) At least one door at grade level shall be maintained with working locks and hinges to permit entry for emergency purposes. For clarification, areas where emergency services/law enforcement need access immediate access shall meet this requirement.

The foregoing shall not apply when the County takes action to secure a facility.

(g) Shuttering or boarding of windows for hurricanes or similar weather related events. The shuttering or boarding of windows to provide protection from hurricanes or similar weather related events are allowed.

(1) The shuttering or boarding of windows is allowed once the National Weather Service has issued a hurricane or severe weather advisory for any Central Florida county.

(2) Materials used shall be maintained and presented in a neat and orderly fashion that is kept in good repair, free of holes, breaks, missing segments or components, mold, mildew, corrosion, or other similar growths.

(3) Shutters and other materials used to protect windows shall be removed once the hurricane or severe weather advisory has expired or within seven (75) days after the storm or severe weather event has passed or at the discretion of the County Manager or designee based upon the severity of the event, whichever occurs first.

(4) Subsection (C)(4) shall in no way prohibit the use at any time of permanently attached storm shutters, such as but not limited to: rolling shutters, accordion style shutters, colonial style shutters, Bahamas style shutters and/or storm panels that affix to permanently mounted frames. However if utilized, said shutters/panels must remain in the open position during non-advisory events.

(5) Boarding due to accidents (i.e. auto accidents, vandalism, etc.) shall be removed and damage repaired to a uniform state within 15 calendar days.

(h) Mislaid property; notice; abatement; removal; disposal.

(1) The discarding or accumulation of mislaid property upon any public or private property is prohibited. Upon order of a Code Enforcement Officer the owners or possessors of the mislaid property shall cause the same to be removed or provide for its removal within the time allotted by such order. Failure to do so shall authorize the Code Enforcement Officer to seize the mislaid property and issue notice of its storage location and time for retrieval.

(2) Upon receipt of notice from a Code Enforcement Officer of the county, the owners or possessors of the mislaid property shall retrieve the property from the County approved vendor within 90 days from receipt of the notice.

(3) If, at the end of the 90 days after receipt of notice, the owner or any person interested in the mislaid property has not retrieved the property, all rights, title and interest to the mislaid property shall immediately vest in the Osceola County Board of County Commissioners. The Osceola County Board of County Commissioners may dispose of the property and the salvage values, if any, shall be retained by the County to be applied against the cost of removal, storage and disposal thereof.

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

(j) Walls. Decorative and freestanding walls shall be kept in good repair, free of holes, breaks, missing segments or components, loose or rotting material, mold, mildew, corrosion, or other similar growths. Walls shall be structurally sound and shall not be supported by means other than the structural support incorporated into the wall. Walls must be painted, stained, treated or finished in a uniform manner. Walls constructed with decorative masonry material are exempt from being painted or finished. Plain concrete block or stucco walls do not qualify for this exemption. If repairs are necessary, they shall be done in such a way as to appear inconspicuous by remaining consistent with the existing wall.

(k) Mailboxes. All mailboxes shall be maintained structurally sound and in good repair, to include the box, post, address all attachments, and shall not be placed in a manner as where they may impede or hamper traffic or create a safety hazard.

(l) Construction projects. During construction, the site shall be kept in a manner that is orderly and free of refuse. The storage of materials and equipment that are

not used in conjunction with the construction of the site shall be prohibited. Once construction has ceased for a period longer than six (6) months, all construction related materials and equipment shall be removed from the premises.

(1) **Screening of sites under construction.** Where temporary screening is used to block the view of an ongoing construction site, the solid wood or closed knitted polyethylene screening must be maintained and presented in a neat and orderly fashion that is kept in good repair free of holes, breaks, missing segments or components, mold, mildew, corrosion, or other similar growths.

(2) **Waste.** Those items being discarded must be kept in a roll off container approved by the Solid Waste Division or County Manager's Designee.

(m) Standards.

(1) **Maintenance.** All landscaping and vegetation shall be maintained in a healthy growing condition so as to present a neat and orderly appearance at least equal to the original installation and shall be free from disease, pests, weeds, invasive/exotic plants identified by the Florida Exotic Pest Plant Council, refuse and debris at all times.

(2) **Height.** Lawns (including the grass and weeds thereon) shall not exceed eight (8) inches in height on developed property. Refer to subsection (D)(4) Weeds for undeveloped and vacant property and any property with an area greater than 25 acres which is currently agriculture exempt at the Tax Assessor's Office.

(3) **Vegetation Replacement.** Any dead vegetation and landscaping material shall be replaced within 30 days with healthy, living plants.

(4) **Encroachment.** Vegetation adjacent to public sidewalks and public streets shall not encroach onto the sidewalk or street surface except that turf or turf grass and ground cover should be kept trimmed to the edge of the sidewalk or street surface. The branches of trees and shrubs which grow above sidewalks shall provide a minimum of seven (7) feet of vertical clearance and above streets and alleys a minimum of seventeen (17) feet of vertical clearance.

(5) **Buffer Maintenance.** The plantings, fences, walls, and berms that constitute a buffer must be properly maintained in order for the buffer to fulfill the purpose for which it is established. Such maintenance shall include all actions necessary to keep the buffer free of litter and debris, and to keep plantings, wall, fences, and berms in good repair and neat appearance. All buffer material shall be protected from damage by motor vehicles or pedestrians which could reduce the effectiveness of the buffer.

(6) **Pruning.** Tree canopy provides public benefits such as shade and carbon-oxygen exchange. All trees may be pruned to maintain their natural shape and promote their shade-giving and air-cleaning qualities. They should be selectively pruned in a manner that will retain their natural character, to remove diseased or dying portions in areas where falling limbs could be a hazard to people or property and to avoid encroachment into sidewalks and roadways. It shall be unlawful as a normal practice for any person, firm or county department to top, hatrack, pollard or otherwise disfigure any street tree, park tree, or other tree on public or private property. Unless there is an immediate encroachment into sidewalks and roadways, removal of limbs within the crown area of the tree shall not exceed one-fifth of the existing crown or one-third of the normal natural crown mass. Otherwise, proper pruning of trees should follow ISA guidelines and practice or those suggested by the local cooperative extension service. "Hatracking" or topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove more than approximately one-third of the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or other obstructions where other pruning practices are impractical may be exempted by the County Manager or designee at the determination of the department. Trimming trees on public property (for the purpose of this section, public property shall pertain to Florida Department of Transportation and other County maintained facilities) or trees required by code on private property into unnatural shapes or to reduce their natural canopy mass is prohibited and the owner will be fined or may be required to replace the tree with a healthy one of the same species and DBH.

(7) **Maintenance of abutting right-of-way.** The property owner shall be responsible for the maintenance of all vegetation within abutting rights-of-way as prescribed in subsection (a)(1)-(11) listed above. This maintenance responsibility shall also include other landscaping maintenance responsibilities when set forth between the owner and the governmental entity responsible for the maintenance of the right-of-way in a maintenance agreement or other valid document.

(8) **Maintenance of internal retention/detention ponds and ditches/swales.** The property owner shall be responsible for the maintenance of all ponds, ditches and swales located on private property as prescribed in subsection (a)(1)-(11) listed above. This maintenance responsibility shall also include other landscaping maintenance responsibilities when set forth between the owner and the governmental entity responsible for the maintenance of a pond or ditch outlined in a maintenance agreement or other valid document.

(9) **Dead and dangerous trees.** Any tree which shall endanger the health, safety or welfare of any person or property shall be removed within ten days by the owner in accordance with the requirements of Chapter 14-2 of this Ordinance, upon notification by the County Manager or designee. Any tree which

is dead, or of which a significant portion is dead, shall likewise be removed as provided herein, upon notification.

a. Whenever the required tree removal is not completed within ten days after notification, the County Manager or designee may cause the tree or trees to be removed.

b. When removal is required by the efforts of the County, the cost of such removal shall be assessed to the record owner of the real property. If not paid within 30 days, the cost shall constitute a lien on the real property and may be collected by instituting a civil proceeding in a court of proper jurisdiction in a manner provided by law. Following the 30 days, interest shall accrue on the unpaid balance at a rate of 8% per year. Cost of removal shall include but not be limited to the actual expenses of the required work, expenses of inspection, newspaper publication costs, title search fees, reasonable attorney's fees, and any costs incurred in identifying, locating, or contacting the owner or appellant.

(10) **Irrigation Maintenance.** Systems shall be constantly maintained to eliminate waste of water due to loss of heads, broken pipes or misadjusted nozzles. Repairs or replacements shall be replaced within seven (7) days after notification.

(11) **Inspections.** The County may conduct periodic inspections to assure compliance with the maintenance requirements of this ordinance. Any tree deemed to be hazardous and/or dead shall be regulated by Section 9-3-6 this Ordinance.

(12) **Correction of violation.** If at any time after the issuance of a certificate of occupancy, the landscaping of a development to which this article is applicable is found to be in nonconformance, the Code Enforcement Department shall issue a notice to the property owner that action is required to comply with this article and shall describe what action is necessary to comply. The owner, tenant, or agent shall have 7 days from receipt of notice in writing to restore the landscaping (or replaced with a similar species approved by the Department) as required with a longer period authorized only for a species with a special planting season. If the owner or tenant fails to correct the violation or to appeal the notice, the County shall perform or cause to be performed the required work to correct the violation. The property owner shall be responsible for any cost incurred by the County for correcting the violation. The cost to correct the violation will be based on the cost per man hour and per equipment hour needed to perform necessary work. The minimum charge will be \$300.

(13) **Sign maintenance.** All signs shall be maintained by the owner of the property on which the sign is located. No sign (real estate, snipe, etc.) shall

be placed within the Public's right of way. Items not covered under this Chapter, shall refer back to Osceola County's Land Development Code as amended.

a. All signs, including but not limited to their supports, braces, guys, anchors, electrical parts, lighting fixtures, and all painted and display areas shall be maintained in a safe, legible condition, and shall not be faded or in a state of disrepair.

b. All signs shall be structurally sound and comply with the Standard Building Ordinance, National Electrical ordinance and good engineering practice.

c. Maintenance shall be such that signage continues to conform to the conditions imposed by the sign permit.

d. All parts and supports shall be routinely painted where no peeling, flaking or fading exists and repaired when in an unsafe, deteriorated, or rotted condition.

e. A damaged sign, including signs vandalized or subjected to graffiti, shall be repaired within a maximum of twenty (20) days.

f. Metal pole covers and sign cabinets shall be kept free of rust and rust stains.

g. Internally illuminated sign cabinets or sign panels that have been damaged shall remain un-illuminated until repaired. This will include those signs with defective bulbs (25% of total bulbs) which will have 15 days (calendar) to bring sign into compliance.

h. Signs shall be kept vertical, upright positions at all times.

i. Vehicle dependent signs such as building identification signs, pole signs, monument signs, projecting signs, movie theater signs, awning signs, wall signs, billboards, cold air balloons, banners, real estate signs, model house signs, contractor signs, project signs and any other similar sign allowed within this ordinance shall be legible at a distance of 100 feet at all times. Pedestrian dependent signs such as under-canopy sign, window signs, directory signs, garage sale signs, pedestrian oriented signs, and menu boards shall be legible at all times.

j. Associated landscaping provided around the base of the sign shall be maintained in accordance with subsection (D)(16) above.

k. Any awning or marquee and its accompanying structural member which extends over any street, sidewalk or other portion of the

premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event that such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed. In the event that said awnings or marquees are made of cloth, plastic or of similar materials, said cloth or plastic where exposed to public view shall be maintained in good condition and shall not show evidence of excessive weathering, ripping, tearing or other holes, or droopiness. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain. The surface of the ground under and about any free standing sign shall be kept free of weeds, rubbish, or flammable waste material.

(14) **Patio Furniture.** Patio furniture related to or attached to areas where recreation is the intended (pools, patios, etc.) purpose shall have furniture which is not faded, damaged, missing parts, and fully functional. Furniture that does not meet this requirement must be removed/replaced within 5 days (calendar) of notice.

(15) **Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced:

a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

c. Structures or components thereof that have reached their limit state;

d. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

e. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;

f. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

g. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

h. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

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

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

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

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

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

n. Exceptions: When substantiated otherwise by an approved method.

(16) Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices; porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped

paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(17) **Premises identification.** All buildings used as dwellings or places of business which abut on, also lots abutting on, any of the streets of the county, shall be numbered in accordance with this Ordinance Sections 13-1-31 through 13-1-35. The design and material of numbers shall be maintained in a neat and orderly fashion and displayed at all times.

(18) **Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(19) **Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(20) **Exterior walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(21) **Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(22) **Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(23) **Overhang extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(24) **Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(25) **Chimneys and towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(26) **Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Every exterior flight of stairs shall comply with the Florida Building Code.

(27) **Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. No windows, door, or building exteriors shall be covered with but not limited to, aluminum foil, cardboard, plywood, or plastic, except during construction or pending repairs not exceeding thirty (30) days.

a. **Glazing.** All glazing materials shall be maintained free from cracks and holes.

b. **Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(28) **Insect screens.** Every door, window and other outside opening required for ventilation of food preparation areas, food service areas or any areas where products to be included or utilized 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, and every screen door used for insect control shall have a self-closing device in good working condition. All screens on doors or windows shall not be torn or in need of repair or replacement. Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(29) **Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Florida Building and Fire Codes.

(30) **Building security.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

a. **Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be easily opened from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

b. **Windows.** Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

(31) **Burglar bars, grilles, and grates.** The use of burglar bars, including but not limited to bars, grilles, rolling or track doors, or grates used for the sole purposes of providing security measures shall be installed and maintained in accordance with the Florida Building and Fire Codes. Such security measures shall remain in the open position during business hours.

(32) **Efficiency Units.**

a. An efficiency unit occupied by no more than two persons must have a minimum clear floor area of 220 square feet. An Efficiency unit occupied by three occupants must have a minimum clear floor area of 320 square feet.

b. An efficiency unit must have a kitchen sink, working phone with ability to dial 911 for emergencies, cooking appliance and refrigeration facilities.

c. An efficiency unit must have a separate bathroom containing a water closet, lavatory, and bathtub or shower.

d. The maximum number of occupants for an efficiency unit is three.

SEC. 23-63. PLUMBING FACILITIES AND FIXTURE REQUIREMENTS.

(a) General.

(1) **Scope.** The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

(2) **Responsibility.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

(b) Required Facilities.

(1) **Hotels.** Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

(2) **Employees' facilities.** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

(3) **Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

(4) **Public toilet facilities.** Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the International Plumbing Ordinance. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

(c) Toilet Rooms.

(1) **Privacy.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

(2) **Location.** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

(3) **Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working

area and the path of travel to such facilities shall not exceed a distance of 500 feet. Employee facilities shall either be separate facilities or combined employee and public facilities. Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet from the employees' regular working area to the facilities.

(4) Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

(d) Plumbing Systems and Fixtures.

(1) General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(2) Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

(3) Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the County Manager or designee shall require the defects to be corrected to eliminate the hazard.

(e) Water System.

(1) General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the ordinances designated under the Florida Building Ordinance.

(2) Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(3) **Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(4) **Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(f) Sanitary Drainage System.

(1) **General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(2) **Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

(3) **Grease interceptors.** Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this ordinance and the manufacturer's instructions, an approved interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the County Manager or designee.

(g) Storm Drainage. General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

SEC. 23-64. MECHANICAL AND ELECTRICAL REQUIREMENTS.

(a) General.

(1) **Scope.** The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

(2) **Responsibility.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

(b) Heating Facilities.

(1) Facilities required. Heating facilities shall be provided in structures as required by this section.

(2) Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Exceptions:

a. 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 Ordinance.

b. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

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

Exceptions:

a. Processing, storage and operation areas that require cooling or special temperature conditions.

b. Areas in which persons are primarily engaged in vigorous physical activities.

(4) Room temperature measurement. The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

(5) Cooking appliances shall not be used to provide heating to meet the requirement in division set in (2)(b) above.

(c) Mechanical Equipment.

(1) Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

(2) Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

(3) Clearances. All required clearances to combustible materials shall be maintained.

(4) Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

(5) Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

(6) Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(d) Electrical Facilities.

(1) Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and subsection (N)(5) below.

(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 National Electric Ordinance. 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.

(3) Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the County Manager or designee shall require the defects to be corrected to eliminate the hazard.

(e) Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers,

low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the ordinances designated under the Florida Building Ordinance. Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

- (1) Enclosed switches, rated 600 volts or less;
- (2) Busway, rated 600 volts or less;
- (3) Panelboards, rated 600 volts or less;
- (4) Switchboards, rated 600 volts or less;
- (5) Fire pump controllers, rated 600 volts or less;
- (6) Manual and magnetic motor controllers;
- (7) Motor control centers; 8. Alternating current high-voltage circuit breakers;
- (8) Low-voltage power circuit breakers;
- (9) Protective relays, meters and current transformers;
- (10) Low- and medium-voltage switchgear;
- (11) Liquid-filled transformers;
- (12) Cast-resin transformers;
- (13) Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
- (14) Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
- (15) Luminaires that are listed as submersible;
- (16) Motors;
- (17) Electronic control, signaling and communication equipment.

(f). Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

(g). Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the ordinances designated under the Florida Building Ordinance. Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

(1) Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(2) Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

(3) Luminaries. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

(4) All laundry areas must contain at least one grounded receptacle or a receptacle with a ground-fault-circuit-interrupter protection.

(5) All bathrooms must contain a minimum of one receptacle. All new bathroom receptacles must have a ground-fault-circuit-interrupter protection.

(6) All habitable rooms, interior common areas, interior stairways, toilet rooms, bathrooms, kitchens, laundry rooms, and utility rooms must contain at least one electric lighting fixture.

(h) Elevators, Escalators and Dumbwaiters.

(1) General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the County Manager or designee. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

(2) Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

(3) Exception. Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

(i) Duct Systems. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(j) Phones. All Hotels/Motels/Sort Term/Extended Stay Facilities must have a phone in every room which is operational and have the ability to dial 911

SEC. 23-65. GENERAL PENALTY.

- (a) Violations of this section - \$300 for first time offense, \$600 for second offense and \$1,000 for every offense thereafter; and/or
- (b) Pursuant to Section 1.6 of this code; and/or
- (c) Through any other means or remedy at law or equity.

SECTION 2. SEVERABILITY If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 3. CONFLICT Any ordinance, resolution, or part thereof, in conflict with this Ordinance, or any part hereof, is hereby repealed to the extent of such conflict.

SECTION 4. EFFECTIVE DATE A certified copy of this Ordinance shall be filed in the Department of State by the Clerk of the Board of County Commissioners within ten days after enactment. This Ordinance shall take effect immediately upon filing with the Florida Department of State.

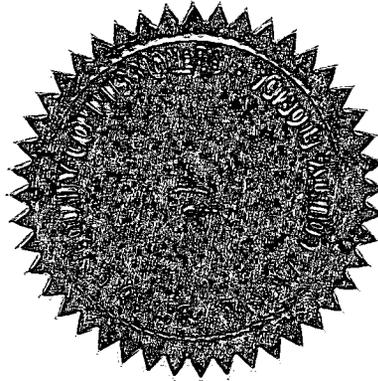
DULY ENACTED this 03 day of December, 2012.

OSCEOLA COUNTY, FLORIDA

By: Frank Attkisson
Chairman/Vice Chairman
Board of County Commissioners

ATTEST:

By: Jimmy Ross
Clerk/Deputy Clerk to the Board



NOTICE THAT THIS ORDINANCE HAS BEEN
FILED WITH THE FLORIDA STATE BUREAU
OF ADMINISTRATIVE CODE.

ON December 10, 2012

BY Jimmy Ross
DEPUTY CLERK OF THE BOARD