

**TEMPLE TERRACE CODE
CHAPTER 27 - MINIMUM HOUSING CODE**

Section 27.700 TITLE.

This Chapter shall be known and may be cited as the "City of Temple Terrace Minimum Housing Code," hereinafter referred to as the "Housing Code."

Section 27.705 PURPOSE AND SCOPE.

(a) The purpose of this Chapter is to provide a minimum standard to which all dwellings and related premises located within the city limits of Temple Terrace must be maintained to ensure safe and sanitary housing conditions.

(b) The Housing Code is provided for and shall be construed to secure the public safety, health and general welfare of the citizens of the City of Temple Terrace.

(c) The provisions of the Housing Code shall apply to every building or structure and related premises used in whole or in part as a dwelling unit or as two or more dwelling units, irrespective of the primary use of such building or structure and irrespective of when such building or structure was constructed, altered, or repaired.

(d) The owner and operator of such structure shall be responsible for compliance with the provisions of the Housing Code.

(e) The Housing Code establishes minimum standards for occupancy of said buildings and structures and does not replace or modify standards otherwise established for the construction, replacement or repair of buildings and structures except as are contrary to the provisions of the Housing Code.

Section 27.710 DEFINITIONS.

For the purposes of the Housing Code, certain terms and words are defined as follows except that whenever the terms "structure," "building," "dwelling," "dwelling unit," "rooming house," "premises," or any derivation thereof are used in the Housing Code, they shall be construed as though they were followed by the words "or any parts thereof."

Accessory Structure - Shall mean a building which is customarily incidental and subordinate to a principal use of property and is located upon said property.

Alter or Alteration - Shall mean any change, rearrangement, enlargement, extension or reduction of or modification in construction or occupancy of any building, structure, dwelling, accessory structure, or dwelling unit or part thereof on the same site.

Assessed Value - Shall mean the most recent assessment performed and recorded in the Ad Valorem Tax Rolls by the Property Appraiser of Hillsborough County.

Attic - Shall mean any story, so designated, arranged, or built to be used for storage, and situated wholly or partly in the roof.

Basement - Shall mean a portion of a building located partly underground, but having more than one-half of its clear floor to ceiling height below the average grade of the adjoining ground.

Building - Shall mean a fully enclosed, weatherproof structure, permanently attached to the ground and built or used for the shelter of persons, animals, chattels, or property of any kind.

Supplement No. 7
7-15-2005

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Building Code - Shall mean the City of Temple Terrace Building and Construction Code as stated in Chapter 8, City of Temple Terrace Code of Ordinances.

Code Enforcement Board - Shall mean the City of Temple Terrace Municipal Code Enforcement Board created pursuant to Chapter 162, Florida Statutes and Section 25.315, City of Temple Terrace Code of Ordinances.

Construction Code - Shall mean the City of Temple Terrace Building and Construction Code as stated in Chapter 8, City of Temple Terrace Code of Ordinances.

Condemnation - Shall mean a declaration by a legally constituted authority under the police power to the effect that a property or structure is unfit for use or habitation or dangerous to persons or other property.

Debris - Shall mean material which is stored outdoors and shall include, but is not limited to, the following: discarded household items; inoperative or discarded machinery, vehicles or appliances; refuse, rubbish, trash or junk; and used, scrap or discarded lumber, pipe, steel, plumbing fixtures, insulation and other building materials.

Deterioration - Shall mean a lowering in quality in the condition or appearance of a building or parts thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay or neglect, or excessive use, or lack of maintenance.

Dilapidated - Shall mean substantial deterioration of a building or parts thereof, such that said building, or portion thereof, is no longer adequate for the purpose or use for which it was originally intended.

Dwelling - Shall mean any building, structure, trailer, mobile home or rooming house which is wholly or partly used or intended to be used for living or sleeping by human occupants, whether or not such structure, building, trailer, or mobile home is occupied or vacant.

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

Electrical Code - Shall mean the City of Temple Terrace Electrical Code as stated in Chapter 8, City of Temple Terrace Code of Ordinances.

Fire Prevention Code - Shall mean the City of Temple Terrace Fire Protection and Prevention Code as stated in Chapter 9, City of Temple Terrace Code of Ordinances.

Garbage - Shall mean the putrescible animal, fruit and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, including waste food containers of any type.

Garbage Regulations - Shall mean the provisions and standards as stated in Section 11.120 (Health and Refuse), City of Temple Terrace Code of Ordinances.

Gas Code - Shall mean the City of Temple Terrace Gas Code as stated in Chapter 8, City of Temple Terrace Code of Ordinances.

Habitable Room - Shall mean a room or enclosed floorspace 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, storage space or utility rooms.

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Housing Official - Shall mean the officer charged with the administration and enforcement of this Code or the duly authorized representative or representatives.

Infestation - Shall mean the presence within or around a dwelling of insects, rodents or pests which are detrimental to the public health, safety, and general welfare of the residents or occupants; and, if in the case of a structure, if left unattended may result in structural deterioration.

Inoperative Vehicle - Shall mean a vehicle which is missing parts, including, but not limited to, the chassis, engine, wheels or tires; or any vehicle without a valid, current registration; or any vehicle which is incapable of movement under its own power and will remain so unless major repair or reconstruction occurs.

Mechanical Code - Shall mean the City of Temple Terrace Mechanical Code as stated in Chapter 8, City of Temple Terrace Code of Ordinances.

Nuisance Conditions - Shall include, but are not limited to the following:

- (a) Any nuisance as defined by law, whether general law or City Code;
- (b) Any attractive nuisance which may be detrimental to the health or safety of children whether in a building, on the premises of a building, or upon an unoccupied job site. This includes, but is not limited to: abandoned wells or shafts; unsecured basements or excavations; abandoned iceboxes, refrigerators, or motor vehicles; any structurally unsound fences or structures; lumber, trash/debris, or any other materials which may provide a hazard;
- (c) Unsanitary conditions or anything offensive to the senses or dangerous to health including, but not limited to: the emission of odors, sewage, human waste, liquids, gases, dust, smoke, vibration, noise, or whatever may render air, food, or drink detrimental to the health of human beings;
- (d) Physical conditions such as, but not limited to: old, dilapidated, abandoned scrap or metal, paper, building materials and equipment, bottles, glass, appliances, furniture, rags, rubber, motor vehicles, and parts hereof;
- (e) Physical conditions posing fire hazards;
- (f) Physical conditions posing a hazard such as, but not limited to, dead or damaged trees.

Occupant - Shall mean any person living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit within the confines of any building or structure.

Openable Area - Shall mean any part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator - Shall mean any person who has charge, care, or control of a building, a part thereof, whether with or without the knowledge or consent of the owner.

Owner - Shall mean a person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property; or, the requisite owner of a vehicle, as determined by the Division of Highway Safety and Motor Vehicles (or corresponding agency) of the several states.

Person - Shall mean any individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, private or public corporation, and all other groups or combinations.

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Plumbing Code - Shall mean the City of Temple Terrace Plumbing Code as stated in Chapter 8, City of Temple Terrace Code of Ordinances.

Premises - Shall mean a lot, plot or parcel of land and may include any building or structures thereon.

Rental Unit - Shall mean any dwelling which is leased or offered for lease by any arrangement, written or otherwise. All oral rental agreements shall be included within the scope of this Code.

Rooming House - Shall mean any dwelling containing one or more dwelling units in which space is let by the owner or operator to one or more persons who are not the wife, husband, son, daughter, sister, brother, father or mother of the owner or operator.

Rubbish - Shall mean nonputrescible solid wastes (excluding ashes), consisting of both combustible and non-combustible wastes, such as paper, cardboard, boxes, crates, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials as ordinarily accumulate about residential property.

Skylight - Shall mean an opening through the roof and ceiling to admit light to a room, including the window portion therein. The assembly may or may not have an operable section to provide ventilation.

Stairway - Shall mean one or more flights of stairs and the necessary landings and platforms which form a continuous and uninterrupted passage from one story to another, within or attached to the exterior of a building or structure.

Story - Shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor 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 (6) feet above grade, such basement or cellar shall be considered a story.

Structure - Shall mean anything constructed or erected, installed or portable with a fixed location on the ground, or attached to something having a fixed location on the ground, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, educational, or office purposes either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, pole, fences, poles, pipelines, transmission lines, advertising signs, and to the extent not superceded by Federal Law or regulation, radio and television antennae and dishes. Driveways, walkways, bird feeders, light posts, pads for recreational or decorative uses, gas or liquid storage tanks that are located principally above-ground, and mailboxes, which are not an integral or related part of a major structure shall not be considered as structures for the purposes of this section.

Trash - Shall mean nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, boxes, crates, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials as ordinarily accumulate about residential property.

Ventilation - Shall mean the process of supplying and removing air by natural or mechanical means to or from any structure, building, or dwelling.

Weatherproof - Shall mean able to withstand exposure to weather without damage or loss of function.

Weathertight - Shall mean able to exclude wind and rain under normal conditions.

Yard - Shall mean an open space on the same lot with a building, unoccupied and unobstructed from the ground upward except by trees or shrubbery or as otherwise provided within the City of Temple Terrace Code of Ordinances.

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Section 27.715 HOUSING OFFICIAL.

(a) The Housing Official is hereby designated as the investigating and enforcing authority pursuant to the provisions of the Housing Code. The Housing Official is hereby authorized and directed to receive all complaints of a violation of the Housing Code, to gather all relevant information concerning said complaints, to conduct field investigations and inspections of real property and to enter upon real property in the conduct of its official business pursuant to the Housing Code. The Housing Official shall also be responsible for providing all notices to affected property owners required by the Housing Code and to take such other action as is reasonably necessary to accomplish the purpose of the Housing Code.

(b) The Housing Official shall be the Chief of the Fire Department and shall be responsible for the daily exercise of jurisdiction and control over the administration and enforcement of the provisions of the Housing Code. The Chief of the Fire Department shall designate, in writing, an acting deputy who shall, at the direction of, in the absence of, or disability of the Housing Official, exercise all powers of the Housing Official. The Chief of the Fire Department may appoint other duly authorized representative(s) to carry out the provisions of the Housing Code.

(c) The Housing Official shall establish administrative rules of procedure for the administration and enforcement of the Housing Code.

(d) Any action to be taken by the Housing Official pursuant to the Housing Code, in regard to the enforcement of any section hereof, shall be considered cumulative and in addition to penalties and to other remedies provided elsewhere by ordinance or law.

Section 27.720 INSPECTIONS - GENERAL

(a) All structures, dwelling units, buildings and premises subject to the Housing Code shall be subject to inspection by the Housing Official or the duly authorized representative when, in the judgment of the Housing Official, it is determined that a violation of the Housing Code may exist. The Housing Official or the duly authorized representative shall be provided with official identification which shall be presented at the time of inspection. The Housing Official or the duly authorized representative shall explain to the owner, occupant or operator the purposes of their inspection before entering any structure, building, or dwelling unit subject to the Housing Code. Where practical, the Housing Official shall notify the owner or operator or occupants of dwelling units or building to be inspected, prior to said inspection. Inspection shall take place during regular business hours of the City of Temple Terrace, or at a time mutually agreed upon by the Housing Official, representatives, and the owner, operator or occupants, unless the Housing Official has probable cause to believe a violation of the Housing Code exists of such nature as to constitute an immediate threat to the health, safety, or welfare of persons in and/or about the dwelling unit, building, area, structure or accessory structure which would require inspection without delay.

(b) Before entering into any structure, building or dwelling unit subject to the Housing Code, the Housing Code, the Housing Official or the duly authorized representative shall attempt to secure the consent of the owner, operator or occupant of said premises. Should the Housing Official or the duly authorized representative have probable cause to believe a violation of this Code exists of such a nature as to cause an immediate threat to the health, safety or welfare of persons in or about the dwelling, unit, building, structure or accessory structure and the right of entry is refused by the owner, operator, occupant or any person, the Housing Official or the duly authorized representative may forthwith obtain a warrant authorizing the entry, pursuant to Sections 933.20-933.30, Florida Statutes.

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Section 27.721 IMMINENT DANGER.

When, in the opinion of the Housing Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by occupation of the structure, or when there is actual or toxic fumes, gases, materials, or the operation of defective or dangerous equipment or when there exist unsanitary conditions which endanger the health or life of the occupant therein, the Housing Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith.

Section 27.722 TEMPORARY SAFEGUARDS.

Notwithstanding other provisions of this Code, whenever, in the opinion of the Housing Official, there is imminent danger due to an unsafe condition, the Housing Official may order the necessary work to be done, and paying the reasonable cost thereof shall constitute a lien against the real property upon which the hazard condition is located.

Section 27.725 RENTAL HOUSING PROGRAM - APPLICABILITY.

This Section shall apply to the rental of all single-family dwellings, attached or detached, two-family dwellings, or three-family dwellings, including all townhouses, condos, and mobile homes. This Section shall not apply to multi-family rental housing units including all apartment, dormitory and hotel/motel dwelling units. Single-family dwelling units are exempt if occupied by no more than three unrelated persons, one of whom is the owner.

Section 27.726 RENTAL HOUSING PROGRAM – RENTAL PERMIT.

(a) ***Application for permit.*** Every owner of a rental single-family dwelling - attached or detached, two-family dwelling, or three-family dwelling is required to obtain an annual rental permit from the Fire Department prior to leasing, subleasing, renting or allowing the occupancy of such dwelling unit. In the case of multiple owners, it shall be sufficient for any one of the owners to have obtained a permit on the unit. The application shall be in writing and on a form provided by the Fire Department. By applying for a permit, the owner consents to periodic inspections of the dwelling for violations of the Minimum Housing Code and other related codes at any reasonable time; however, this provision shall not be interpreted as authorizing the City to conduct an inspection of an occupied rental unit without obtaining either the consent of an occupant or a warrant.

(b) ***Issuance of permit.*** This rental permit shall be valid for a term of twelve (12) calendar months from the date of issuance and shall be issued and not revoked if:

- (1) The required rental permit fee is paid. (Section 27.729)
- (2) The applicant provides a sworn statement that the applicant's property is not in violation of all applicable codes, and all permit inspections confirm compliance.
- (3) The applicant has provided to the tenant the required guidelines for rentals in residential neighborhoods.
- (4) The applicant provides owner's local representative contact information for property covered by this code.

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(c) ***Nontransferable.*** A rental permit is issued to the subject owner/applicant for the subject rental housing unit, and the certificate of inspection is issued for the subject rental housing unit location that has an approved inspection. A rental permit shall not be transferred to any other owner. A certificate of inspection shall not be transferred to any other housing unit.

(d) ***Payment; late payment.*** If the applicable rental permit fee is not paid within the time frames specified in Section 27.729, a late fee shall be due and payable as specified in Section 27.729. If not paid upon invoice, the applicant shall be subject to enforcement proceedings and penalties in accordance with Article III of the Land Development Code Section 25.315, Municipal Code Enforcement Board; City of Temple Terrace Code of Ordinances Sections 1.145, 1.150 and 1.155, General Provisions; and Chapter 162, Florida Statutes.

(e) ***Failure to apply for permit.*** If the Housing Official or designee has reasonable cause to believe that a rental is being leased, subleased, rented or occupied without a permit in violation of this article, the owner of the property shall be given notice that a permit is required and that an application must be filed with the Fire Department within 30 days of the notice. Failure to apply, or provide evidence that a permit is not required within the time frames specified in Section 27.729, shall subject the owner to enforcement proceedings and penalties in accordance with Article III of the Land Development Code Section 25.315, Municipal Code Enforcement Board; City of Temple Terrace Code of Ordinances Sections 1.145, 1.150 and 1.155, General Provisions; and Chapter 162, Florida Statutes.

(f) ***Applicant/permit holder requirements and certifications:*** The applicant for a rental permit will be required to make the following certifications, and failure to comply with the provisions of these requirements and certifications as stated below shall be grounds for revocation of the permit for that unit:

- (1) At no time shall more than three unrelated persons reside within any one rental dwelling unit. The permit holder and appointed agent, if any, shall maintain a list of the names of tenants in each dwelling unit. Such lists, and/or a copy of the lease agreement, shall be available to the Fire Department upon reasonable request.
- (2) In the event the Housing Official or designee provides notice to the applicant or permit holder of repeated violations of nuisance ordinances by a tenant or guests of a tenant of the dwelling unit, the applicant shall promptly pursue all lawful remedies available under the Landlord and Tenant Law, Part II F.S. § 83.56, Residential Tenancies, regarding termination of the rental agreement due to the tenant's failure to comply with F.S. § 83.52, regarding tenant's obligation to maintain dwelling unit; the provisions of the lease; or this Code.
- (3) No permit shall be issued or renewed until the applicant or permit holder has provided the name and phone number of a natural person 18 years of age or older who can be contacted 24 hours a day, seven days a week, regarding the rental unit. This contact person may be the owner, the owner's agent, or any other person other than a resident of the rental unit who has agreed to be the owner's local representative contact person. Such contact shall maintain a local telephone number and current local address, not a public or private post office box, within one of the following counties in Florida: Hillsborough, Manatee, Pasco, Pinellas or Polk.

Section 27.727

RENTAL HOUSING PROGRAM - PERMIT INSPECTIONS.

(a) All single-family dwellings attached or detached, two-family dwellings, or three-family dwellings that are required to obtain an annual rental permit from the Fire Department will receive periodic inspections to ensure the rental housing unit complies with the requirements of all applicable codes, including, but not limited to, the provisions of Chapter 27, Minimum Housing Code.

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(b) After a rental housing unit has been inspected, a certificate of inspection shall be issued by the Housing Official or designee, if that rental housing unit complies with all applicable City codes. If the housing unit and/or property do not comply with the applicable provisions of City codes, the housing unit and/or property must be brought into compliance before a certificate of inspection will be issued. The permit fee, as shown in Section 27.729(a), includes the initial inspection and one re-inspection, if necessary. All subsequent inspections shall be at the rate of \$150.00 for each additional re-inspection required. Failure to comply with the applicable provisions of all City codes in the timeframe provided shall be considered just cause for denial and/or revocation of the Rental Permit; and further, shall subject the owner to enforcement proceedings and penalties in accordance with Article III of the Land Development Code Section 25.315, Municipal Code Enforcement Board; City of Temple Terrace Code of Ordinances Sections 1.145, 1.150 and 1.155, General Provisions; and Chapter 162, Florida Statutes.

(c) The Rental Housing Inspection is meant to supplement and enhance, not supersede, limit or replace City of Temple Terrace Code of Ordinances, Minimum Housing Code, Section 27.720 Inspections - General, in any way. Inspections of properties subject to Section 27.725 Rental Housing Program - Applicability, shall be conducted in accordance with Section 27.720 to ensure that such properties are in compliance with the provisions of City of Temple Terrace Code of Ordinances, Minimum Housing Code, Section 27.750, Minimum Standards, and other related codes.

Section 27.728 RENTAL HOUSING PROGRAM - RENEWAL OF RENTAL PERMIT.

(a) ***Application for renewal permit.*** Rental Permits shall be renewed annually on or before the due date of January 31. Renewal applications will be made available to the permit holder for the rental housing unit and should be returned prior to the due date.

(b) ***Issuance of renewal permit.*** Rental renewal permits shall be issued and not revoked if:

- (1) The required rental renewal permit fee is paid. (Section 27.729)
- (2) The applicant provides a sworn statement that the applicant's property is not in violation of all applicable codes and all permit inspections confirm compliance.
- (3) The applicant has provided to the current tenant the required guidelines for rentals in residential neighborhoods.
- (4) The applicant provides current owner's local representative contact information for property covered by this code.

(c) ***Payment; late payment.*** If the renewal permit fee is not received on or before the due date of January 31, a late fee shall be due and payable as specified in Section 27.729. If payment is not received as specified in Section 27.729, the permit holder shall be subject to enforcement proceedings and penalties in accordance with Article III of the Land Development Code Section 25.315, Municipal Code Enforcement Board; City of Temple Terrace Code of Ordinances Sections 1.145, 1.150 and 1.155, General Provisions; and Chapter 162, Florida Statutes.

(d) ***Failure to apply for renewal permit.*** It shall be unlawful for any owner/agent of an applicable rental housing unit to allow any tenant to occupy that housing unit if the required permit has expired and not been renewed by the Fire Department. Failure to renew by the applicable due date or provide evidence that a permit is not required within the time frames specified in Section 27.729 shall subject the owner to enforcement proceedings and penalties in accordance with Article III of the Land Development Code Section 25.315, Municipal Code Enforcement Board; City of Temple Terrace Code of Ordinances Sections 1.145, 1.150 and 1.155, General Provisions; and Chapter 162, Florida Statutes.

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(e) ***Applicant/permit holder requirements and certifications for renewal:*** The applicant for a rental renewal permit will be required to provide a sworn statement to re-confirm the obligations of Sec 27.725 (f) regarding the maximum number of unrelated tenants, requirements to terminate lease upon repeated tenant nuisance violations, and required current contact information for owner/agent. Failure to comply with the provisions of these certifications as earlier stated shall be grounds for denial of the rental renewal permit. If the subject dwelling unit is occupied, a copy of the denial notice shall be mailed to last known tenant(s).

Section 27.729 RENTAL HOUSING PROGRAM – FEE SCHEDULE.

(a) Permit fees for rental housing program applications are based upon receipt date and shall be as follows:

<u>Application received by</u>	<u>Permit Fee</u>
Received on or before occupancy	\$ 200.00 per unit
Received within 30 days of occupancy	\$ 400.00 per unit
Received within 60 days of occupancy	\$ 600.00 per unit
Received within 90 days of occupancy	\$ 800.00 per unit

For each permit obtained between January 1 and June 30, the full permit fee for one year shall be paid; for each permit obtained between July 1 and December 31, one-half of the full permit fee shall be paid.

(b) Permit fees for rental housing program renewal applications are based upon receipt date and shall be as follows:

<u>Renewal application received by</u>	<u>Permit Fee</u>
Received on or before January 31	\$ 200.00 per unit
Received on February 1 but before March 3	\$ 400.00 per unit
Received on March 3 but before April 2	\$ 600.00 per unit
Received on April 2 and after	\$ 800.00 per unit

Section 27.730 CODE ENFORCEMENT BOARD.

(a) Violations of any provision of the Housing Code shall be governed by, but not limited to, the requirements and remedies of the Code Enforcement Board pursuant to the provisions of Section 25.315, City of Temple Terrace Code of Ordinances and Chapter 162, Florida Statutes.

(b) Other remedies: The proper authorities may institute any other remedies and appropriate action to restrain, correct, or abate violations of the Housing Code which shall include, but not be limited to, temporary safeguards and/or condemnation of buildings and structures.

Section 27.735 CONDEMNATION.

(a) Condemnation and demolition of buildings, structures, dwellings, dwelling units, and accessory structures shall be conducted by the designated Housing Official pursuant to the Housing Code.

(b) The Housing Official shall inspect those designated buildings, structures, dwelling units, and accessory structures which are found to be unfit for human habitation and which are within the jurisdiction of the City of Temple Terrace, Florida.

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(c) The Housing Official or the duly authorized representative is authorized to condemn and placard any building, dwelling, structure or accessory structure which in the opinion and observation of the Housing Official or representative is in violation of the Housing Code and is unsafe, unfit or unsanitary for human occupation. The Housing Official or the duly authorized representative may placard the premises and order the premises be evacuated or closed to occupancy when the premises are unsafe, unfit or unsanitary for human occupancy. The failure of any person to comply with such order within the time designated by said Housing Official or the duly authorized representative will subject anyone occupying any such premises while still condemned or placarded to a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding six (6) months or by both fine and imprisonment. Each day any such violation shall continue shall constitute a separate offense. Any unauthorized person removing, defacing or mutilating any such notice, order or placard as provided for in the Housing Code shall be deemed to be in violation of this Code.

(d) The Housing Official shall establish rules of procedure and regulations for the administration and enforcement of the Condemnation and Demolition provisions of this Code.

Section 27.740 CONDEMNATION APPEALS BOARD.

(a) ***Creation and membership.*** There is hereby created, within the City of Temple Terrace, a Condemnation Appeals Board, CAB, which shall be composed of the members of the Municipal Code Enforcement Board, pursuant to Section 25.315(a)-(c).

(b) ***Jurisdiction and function.*** The Condemnation Appeals Board shall have the power to:

- (1) Hear and decide appeals from and review any condemnation order made by the Housing Official.
- (2) Permit a reasonable extension of time to perform any action required by Section 27.735 in cases where application of the requirements of Section 27.735 would cause undue hardship on an owner.
- (3) Promulgate written rules and regulations to govern its proceedings.
- (4) Grant continuances for good cause.
- (5) Proceed with reasonable dispatch to conclude any matter before it, with due regard to the convenience and necessity of the parties involved.

(c) ***Appeals of Housing Official Condemnation Orders.***

- (1) Within fifteen (15) days after the date of receipt of notice or after the date of physical placarding of the property, the owner, agent, custodian, lessee or occupant of the property involved shall have the right to file with the City Clerk, a petition of appeal of the Housing Official condemnation order to the CAB on forms to be made available by the Chief of the Fire Department and the City Clerk.
- (2) Unless otherwise provided for in this Section, any condemnation order of the Housing Official shall be final upon the sixteenth day after the date of receipt of notice or after the date of physical placarding of the property.

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- (3) It shall be the responsibility of the City Clerk to receive all petitions of appeal to the Condemnation Appeals Board, to schedule all hearings within sixty (60) days of receipt of the petition and to notify members of the board and the appellant of the date, time and place of the hearing.
 - (4) The filing of the petition of appeal with the City Clerk shall operate to stay the condemnation order, excluding emergency orders, of the Housing Official until a final order has been rendered by the Condemnation Appeals Board. Once a final order is rendered by the Condemnation Appeals Board, the appellant will have exhausted all administrative remedies.
- (d) ***Hearing; notice.***
- (1) The hearing notice shall be served in a manner consistent with Section 25.315(h).
 - (2) The hearing notice shall include but not be limited to the following information:

You are hereby notified that on the ____ day of _____, 20__, at _____ o'clock, at _____, a hearing will be held before the City of Temple Condemnation Appeals Board to consider the appeal from the order of the Housing Official regarding property located at _____. You may present relevant evidence and will be given an opportunity to cross-examine all witnesses. You may request the issuance of subpoenas to compel witnesses to appear and/or for the production of other supporting data or documentation, by filing a written report with the Condemnation Appeals Board.
 - (3) Unless otherwise provided for in this Section, the appellant, at the hearing provided, may show that the subject building, dwelling, structure or accessory structure is not in violation of the Housing Code and is not unsafe, unfit or unsanitary for human occupation; why the condition cannot be terminated; or why the subject building, dwelling, structure or accessory structure should not be removed, terminated and abated by the Housing Official with City forces or by an independent contractor and a lien for the costs thereof placed on record against the property involved.
 - (4) At the hearing, both the City and the appellant may be represented by counsel and may introduce such witnesses and evidence as deemed necessary. The CAB shall not be governed by the strict rules of evidence but shall consider all relevant evidence at the hearing, giving due weight to the source and reliability of the evidence presented. All evidence shall be taken under oath or by affirmation.
 - (5) The Condemnation Appeals Board shall hear all appeals in open meetings. The presence of four (4) members shall constitute a quorum, and the concurring vote of a majority of those members present shall be necessary to reverse or modify a condemnation order of the Housing Official.
 - (6) Oral evidence shall be taken only on oath or affirmation. Hearings shall not be required to be conducted in accordance with the technical rules relating to evidence and testimony.
 - (7) The Board shall enter a final order containing findings of fact and conclusions of law. A copy of the final order shall be rendered to the appellant.

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(8) The findings of the CAB shall be summarized in writing and entered in the minutes as a matter of public record. A permanent record also shall be made of all hearings and proceedings using the method of recording designated by the Board. Should any party seek to appeal an order of the Board, the party may need a record of the proceeding, and for such purpose may need to ensure that a verbatim record of the proceeding is transcribed. Such party is responsible for the entire cost of said record.

(e) ***Appeal of Condemnation Appeals Board Final Order.***

(1) Any party, including the City, aggrieved by the final order of the Condemnation Appeals Board, may appeal such final order to the circuit court. An appeal shall be filed within thirty (30) days of rendition of the order to be appealed.

(2) A final order of the Condemnation Appeals Board shall be final upon the thirty-first day after rendition of the order if such order is not appealed to the circuit court.

Section 27.745 PREVALENCE OF STATE LAWS AND LOCAL ORDINANCES.

(a) The minimum standards established by the Housing Code do not replace or modify standards established by any other applicable laws or ordinances for the construction, replacement, or repair of structures.

(b) In any case where the provisions of the Housing Code impose a higher standard than those set forth in any other City ordinance or under the Florida Statutes, then the standard set forth herein shall prevail. Should the provisions of the Housing Code impose a lower standard than those set forth in any other City ordinance or pursuant to the Florida Statutes, then the higher standard set forth shall prevail.

(c) If any section, subsection, sentence, clause, provision or part of this Code shall be held invalid for any reason, the remainder of this Code shall not be affected thereby, but shall remain in full force and effect.

Section 27.750 MINIMUM STANDARDS.

No person shall occupy, let, or sub-let to another, for occupancy any building, dwelling unit, structure, accessory structure, designed or intended to be used for the purpose of living, sleeping or cooking or eating therein which does not comply with the requirements herein after set forth, nor shall any vacant dwelling, building, structure, or premises be permitted to exist which does not comply with the applicable following requirements:

(a) ***Sanitary Facilities Required*** - Every dwelling or dwelling unit shall contain not less than one (1) kitchen sink with counter work space, one (1) lavatory, one (1) tub or shower, and one (1) watercloset, all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste-pipe connection shall be properly installed in accordance with the applicable Plumbing Code and maintained in good sanitary working condition, free from defects, leaks, and obstructions. Every plumbing fixture shall be located within the dwelling unit, and be accessible to the occupants of same. The primary watercloset, tub or shower, and lavatory shall be located in a room affording appropriate privacy to the user and such room shall have a minimum floor space of thirty (30) square feet.

(b) ***Hot and Cold Water Supply*** - Every dwelling, or dwelling unit, shall have an adequate supply of both hot and cold water connected to the kitchen sink, lavatory, and tub or shower. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

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(c) **Water Heating Facilities** - Every dwelling or dwelling unit 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 minimum temperature of not less than 120 degrees Fahrenheit and a maximum temperature of not more than 130 degrees Fahrenheit. All water heaters shall be fitted with a pressure relief valve with a drain line to the exterior of the unit, and installed in accordance with the applicable Plumbing Code.

(d) **Heating Facilities** - Every dwelling or dwelling unit shall be equipped with permanent heating equipment which shall be capable of safely and adequately heating all habitable rooms to a temperature of 68 degrees Fahrenheit at a distance of three (3) feet above the floor under ordinary minimum winter conditions. Any electrical heating equipment shall be permanently installed and connected to electrical circuits as prescribed in the applicable Electrical Code unless such equipment is approved for portable use by a nationally recognized testing agency. All unvented fuel-fired heaters shall be equipped with an oxygen depletion sensitive safety shutoff system. The system shall shut off the gas supply to the main and pilot burners when the oxygen in the surrounding atmosphere is depleted to the percent concentration specified by the manufacturer. Heaters that have been affixed a label, seal, or other identifying mark of a nationally recognized testing laboratory or inspection agency designating such heater for unvented operation shall not be required to be vented. An appliance which has been converted from a vented to an unvented heater shall not be used under any conditions.

(e) **Cooking Equipment** - Every dwelling or dwelling unit shall contain a stove or range and refrigerator of appropriate size. All cooking and heating equipment and facilities shall be installed in accordance with the applicable Building, Gas, Mechanical and/or Electrical Codes, and shall be operable and maintained in safe, working condition.

(f) **Garbage Disposal Facilities** - Every dwelling or dwelling unit, building or structure shall have adequate garbage or trash disposal facilities or garbage or trash storage containers which shall be in accordance with the provisions and standards as provided in Section 11.120 Health and Refuse Service, City of Temple Terrace Code of Ordinances.

(g) **Smoke Detector Systems** – See Section 25.750 (s) (1).

(h) **Light and Ventilation** - Every habitable room of a dwelling or dwelling unit shall have at least one window or skylight facing directly outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten (10) percent of the floor area of such room. Whenever walls or portions of other structures face a window of any such room and such light-obstructing structures are located less than five (5) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of each room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room. Each window or skylight required for minimum light shall be easily opened, and the total of the openable window area in each habitable room shall equal to a least forty-five (45) percent of the minimum window or skylight area size, as required, or shall have other approved, equivalent ventilation. Year-round mechanically ventilating air systems installed and maintained in accordance with the applicable Mechanical and Electrical Codes 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.

(i) **Bathroom** - Every bathroom shall comply with the minimum light and ventilation requirements for habitable rooms as stated in the preceding paragraph, 25.745(h), except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an accepted mechanically ventilating air system.

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(j) **Electric Lights and Outlets** - Every dwelling or dwelling unit shall be wired for electric lights and convenience outlets. Every room shall contain wall-type electrical convenience outlets as specified in the Basic Electrical Facilities Table as shall be hereinafter stated. Every convenience outlet and fixture shall be properly installed and maintained in accordance with the applicable Electrical Code and shall be connected to the source of electric power in a safe manner. Compliance with the requirements of the following table shall be sufficient:

BASIC ELECTRICAL FACILITIES TABLE

<u>Area</u>	<u>Wall-type electric convenience outlets</u>	<u>Ceiling or wall type fixture</u>	<u>Switch</u>
Bedroom	2	1	Yes
Kitchen (*)	2	1	Yes
Bathroom	1	1	Yes
Corridor/Hallway	1	1	Yes
Porches	Not Required	1	Yes
Living Room	2	1	Yes
Dining Room	2	1	Yes
Family Room	2	1	Yes
Laundry Room	1	1	Yes
Utility/Storage	1	1	Yes
Other Habitable Room	2	1	Yes

(*) Receptacles rendered inaccessible by appliances fastened in place or by appliances occupying dedicated space shall not be considered as these required outlets.

(k) **Light in Public Halls and Stairways** - Every public hall and stairway in a structure containing five (5) or more dwelling units shall be adequately lighted at all times. Structures with less than five (5) dwelling units shall be supplied with a conveniently located light switch that controls an adequate light system which can be turned on when needed if continuous lighting is not provided.

(l) **Electrical Systems** - All fixtures, convenience receptacles, equipment and wiring shall be installed, maintained, and connected to the source of electrical power in accordance with the applicable Electrical Code. In addition, the following conditions shall be met:

- (1) Switches and electrical receptacles in bathrooms shall be at least three (3) feet from tub or shower.
- (2) Any exposed electrical cable within eight (8) feet of the ground must be encased or protected.
- (3) When it is determined, upon examining the existing electrical supply, that such supply is obsolete or being used in a manner which constitutes a hazard to the occupants of the building, structure, dwelling, dwelling unit, accessory structure, the following shall be used for determining adequacy of said service supply and main disconnect switch:

<u>Total # of Lighting Supply & Convenience Outlets</u>	<u>Capacity of Main Service and Main Disconnect Switch</u>
0 - 24	100-amp service
25 - 50	150-amp service

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- (4) The minimum capacity of the electrical service supply and main disconnect switch shall be sufficient to adequately carry the total load required for the building, structure, accessory structure, dwelling, or dwelling unit in accordance with the applicable Electrical Code, but in no case less than 100-amp service.
- (5) Electrical receptacles shall have ground fault circuit interrupter (GFCI) protection when located in:
 - a. Bathrooms;
 - b. Kitchens (where receptacles are installed to serve the countertop surfaces);
 - c. Wet bar sinks (where receptacles are installed to serve the countertop surfaces and are located within six (6) feet of the outside edge of the wet bar sink).
- (6) Electrical receptacles shall have ground fault circuit interrupter (GFCI) protection when located within 20 feet (6m) of the inside of a pool or fountain, indoor or outdoor installations.
- (7) All electrical receptacles installed on the exterior of a structure or dwelling shall have ground fault circuit interrupter (GFCI) protection.

(m) ***Exterior and Interior of Structures***

- (1) **Foundation** - The building foundation walls, or other structural elements shall be maintained in a safe manner and be capable of supporting the load which normal use may place thereon.
- (2) **Exterior Walls** – The exterior walls shall be substantially weather tight and weatherproof, and shall be maintained in sound condition and good repair so as to prevent infestation.
- (3) **Roofs** - Roofs shall be maintained according to the manufacturer's specifications in a safe manner, sound condition and good repair, and shall have no defects which might admit rain or cause dampness in the walls or interior portion of the building. Gutters shall also be maintained to allow unhindered passage of rainwater.
- (4) **Means of Ingress/Egress** - Every dwelling or dwelling unit, building or structure shall have safe, unobstructed means of ingress/egress with a minimum ceiling height of seven (7) feet leading to a safe and open space at ground level.
- (5) **Attic Access** - Access to attic shall be provided by means of a conveniently located access panel within the dwelling unit. The minimum access opening shall be not less than twenty-two (22) inches by thirty-six (36) inches.
- (6) **Stairs, Porches, and Appurtenances** - Every inside and outside stairway, stair, porch, and any appurtenance thereto, shall be maintained in safe condition and capable of supporting a load that normal use may place thereon.
- (7) **Protective Railings** - Protective railings shall be required on any unenclosed dwelling, dwelling unit, building or structure over five (5) feet from the ground level or on any steps containing four (4) or more risers. Protective railings for interior stairs and stairwells more than four (4) risers high shall have handrails located in the manner prescribed by the Building Code. Such handrails (or protective railings) shall be maintained in good condition and be capable of bearing normally imposed loads.

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- (8) **Windows and Exterior Doors** - Every window, exterior door, and basement door shall be properly fitted within its frame, provided with the proper hardware, and shall be weathertight and waterproof, and maintained in good repair, and shall be properly fitted with locking devices adequate to reasonably prevent unauthorized entry. Every window required for light and ventilation for habitable room shall be capable of being opened easily. Windowpanes or approved substitute shall be maintained without cracks or holes.
 - (9) **Wind Sash** - Window sashes shall be properly fitted and weathertight within the window frame.
 - (10) **Hardware** - Every door shall be provided with proper hardware and maintained in good condition.
 - (11) **Screens** - Every door or window opening directly from the dwelling unit or dwelling to outdoor space shall have screens if they are necessary to meet the minimum requirements for ventilation or the prevention of infestation. Dwellings or dwelling units which contain central heating furnaces and central air-conditioning systems for mechanically ventilating the building year-round are not required to have screens on doors or windows.
 - (12) **Protective Treatment** - All exterior surfaces shall be maintained in a manner so as to avoid deterioration. All exterior surfaces, other than decay-resistant woods, shall be protected from the elements by paint or other protective covering applied and maintained according to manufacturer's specifications. No lead-based paint shall be used on any surface of any structure.
 - (13) **Accessory Structure** - All accessory structures shall be maintained in a manner so as to avoid deterioration, and shall be kept in good repair and sound structural condition.
 - (14) **Interior Doors** - Every interior door shall be properly fitted within its frame and be provided with the proper hardware.
 - (15) **Interior Floor, Wall and Ceiling** - Every dwelling or dwelling unit shall have a permanent floor of approved material prescribed by the Building Code. All interior walls and ceilings shall be of an approved material prescribed by the Building Code. Every floor, interior wall and ceiling shall be kept free from infestation and in good repair and shall be capable of supporting the load which normal use may cause to be placed thereon. No finished flooring material which requires "face nailing" shall be used. Floors in kitchens and bathrooms shall be covered with asphalt tile, vinyl-plastics, rubber tile, ceramic tile, terrazzo, linoleum or other durable, waterproof, non-absorbent material. Every interior wall, floor, door, door frame, window, window frame, ceiling, and all painted trim shall be free of any peeling, flaking, chipped, or chalking paint.
 - (16) **Structural Supports** - Every structural element of a dwelling or dwelling unit shall be maintained in good repair and shall show no evidence of deterioration which would render it incapable of carrying loads which normal use may cause to be placed thereon.
- (n) **Fences/Walls**
- (1) All fences and walls, including but not limited to chain link, wood, brick, and masonry construction, shall be kept in good repair, sound structural condition, and shall provide a neat appearance in keeping with the character of the neighborhood.

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- (2) Fences and walls which are stained or painted shall be maintained with the same and like materials.
- (3) Perimeter buffers such as fences and/or walls surrounding apartment complexes, condominiums, and subdivisions, shall remain uniform in design and color.
- (4) Structural supports for fences and walls shall be maintained in good repair.
- (5) At all times, fences and walls shall be kept free from graffiti, undergrowth, weeds and other unsightly matter.
- (6) In the case of exterior subdivision fences and walls, the homeowner's association or condominium association shall be jointly and severally responsible with the home/unit owner for the maintenance of said fence and/or wall.
- (7) These standards shall not conflict with those of fences and walls which serve as swimming pool barriers.

(o) ***Required Space, Dwellings*** - Every dwelling unit or dwelling shall contain at least 150 square feet of floor space for the first occupant and at least 100 additional square feet of floor area per additional occupant. In every room occupied for sleeping purposes in any dwelling or dwelling unit, there shall be at least 70 square feet for the first two occupants and at least 50 square feet of floor area per additional occupant.

(p) ***Minimum Ceiling Height*** - At least half of the floor area of every habitable room, corridor or foyer shall have a ceiling height of at least seven (7) feet.

(q) ***Occupancy of Basements*** - No basement shall be used as a habitable room or dwelling unit unless:

- (1) Walls and floors are impervious to leakage of underground and surface water and are insulated against dampness, and,
- (2) Total window area in each room shall be equal to at least the minimum window area size as required in this Section. Said window area shall be located entirely above ground except where there is another device which affords adequate ventilation.

(r) ***Sanitation***

- (1) All public or shared areas, habitable rooms or any dwelling or dwelling unit, structure, accessory structure, or building shall be kept in a clean and sanitary condition by the occupant or owner.
- (2) All garbage or rubbish shall be disposed of and kept in the manner prescribed in the Garbage Regulations.
- (3) Nothing shall be placed, constructed, or maintained on any premises that shall in any way constitute a nuisance or fire hazard.
- (4) All buildings, structures, accessory structures, dwellings, or dwelling units shall be free from infestation.

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- (5) The plumbing fixtures of every dwelling or dwelling unit, building or structure shall be maintained in a clean and sanitary condition as prescribed by the applicable Plumbing Code.

(s) ***Fire Safety***

- (1) Smoke Detectors – Operational smoke detectors shall be required outside the sleeping areas of all dwellings or dwelling units, and shall be installed in accordance with the National Fire Protection Association’s National Fire Alarm Code as amended.
- (2) Fire Extinguishers – Fire extinguishers shall be required in all dwellings that include two or more units. The required fire extinguishers shall, as a minimum, be rated 2A-10BC.
- (3) Burglar Bars – It shall be required that burglar bars that cover any primary or secondary means of egress of a dwelling or dwelling unit shall be equipped with quick-release mechanisms or that the burglar bars be able to be opened without the use of a key or other tool.
- (4) Egress Requirements:
- a. In any dwelling of more than two rooms, every bedroom and living room shall have at least two means of egress.
 - b. The dwelling shall have at least one door or stairway providing a means of unobstructed travel to the outside of the building at street or ground level.
 - c. No bedroom or living room area shall be accessible by only a ladder or folding stairs or through a trap door.
 - d. No required path of travel to the outside from any room shall be through another room or apartment not under the immediate control of the occupant of the first room or his family, nor through a bathroom or other space subject to locking.
 - e. No door in the path of travel of a means of escape shall be less than 28 inches wide.
 - f. Every closet door shall be such that children can open the door from within the closet.
 - g. Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.
 - h. No stove or heater shall be located as to block escape in case of fire arising from malfunctioning of the stove or heater.
 - i. The use of double cylinder dead bolts which require a key on both sides shall not be permitted on exterior doors required for egress, when such door is the only means of egress to the exterior of the dwelling within that same room.

(t) ***Mobile Home Tie-Downs*** – It shall be required that all mobile homes/manufactured homes be equipped with tie-downs, piers, bases, anchors, and specified associated equipment and devices, installed in accordance with the provisions of the Rules of the Florida Department of Highway and Motor Vehicles, Division of Motor Vehicles, Chapters 15C-1 and 15C-2, as amended and adopted as a part of the City of Temple Terrace Construction Code, as amended.

(u) ***Mold*** – The interiors of all buildings and facilities must be kept free of any visible or otherwise demonstrable growth of mold or mildew.

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(v) ***Maintenance of Structures*** – All buildings, structures and parts thereof shall be maintained in sound condition, good working order, and in a safe and sanitary manner. Any repairs or alterations which may be caused directly or indirectly by the enforcement of this article shall be executed in a workmanlike manner to standards acceptable in the construction industry.

(Ord. No. 903, 11-21-95, Ord. No. 1135, 2-15-05)