

TEMPLE TERRACE CODE
CHAPTER 28 – COMMERCIAL PROPERTY MAINTENANCE CODE

Section 28.800 **TITLE.**

This Chapter shall be known and may be cited as the “City of Temple Terrace Commercial Property Maintenance Code,” herein referred to as the “Commercial Property Maintenance Code.”

Section 28.805 **PURPOSE AND SCOPE.**

It shall be the purpose and general intent of this Section to ensure regular maintenance, upkeep, and ongoing improvement to existing buildings, structures, and exterior property located on commercial, office, institutional, research corporate park lands, or residential lands used for commercial purposes; to safeguard against blight and preserve property values and community standards; to establish minimum maintenance standards to safeguard life, limb, health, safety, property, and public welfare; to assist in the continued revitalization of areas throughout the City; and to attract new businesses and promote the public interest in continued development.

Section 28.810 **DEFINITIONS.**

For the purposes of the Commercial Property Maintenance Code, certain terms and words used herein shall have the following meaning:

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

Blight, blighting influence or blighting factor – Shall mean (a) any condition or use which endangers life or property by fire or other causes or that which is otherwise a menace to the public health, safety, morals, or welfare; (b) unsanitary or unsafe conditions; (c) deterioration of site, structure, or other appurtenances.

Building Code – Shall mean the City of Temple Terrace Building Code as otherwise established in the 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 as otherwise established in the City of Temple Terrace Code of Ordinances.

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 or 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, spalling, peeling, rusting, or any other evidence of physical decay or neglect, excessive use, or lack of maintenance.

Dilapidated – Shall mean substantial deterioration of a building or parts thereof, rendering said building, or portion thereof, inadequate for the purpose or use for which it was originally intended.

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

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

**TEMPLE TERRACE CODE
COMMERCIAL PROPERTY MAINTENANCE CODE**

Inoperative Vehicle – Shall mean a vehicle which is missing functioning 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 repair or reconstruction occurs.

Nuisance Conditions – Shall mean (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.

Operator – Shall mean any person who has charge, care, or control of a building, a part thereof, 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 the lease for property maintenance; or, the requisite owner of a vehicle, as determined by the Division of Highway Safety and Motor Vehicles (or corresponding agency) of any state.

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 combination thereof.

Plumbing Code – Shall mean the City of Temple Terrace Plumbing Code as otherwise established in the City of Temple Terrace Code of Ordinances.

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

Rubbish – Shall mean non-putrescible 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, crockery, and similar materials that ordinarily accumulate about commercial property.

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, the 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 location on a parcel of land. It includes a movable structure while it is located on land which can be used for business, commercial, agricultural, educational, or office purposes either temporarily or permanently. “Structure” also includes, but is not limited to, swimming pools, fences, poles, pipelines, transmission lines, advertising signs, and to the extent not superseded by Federal Law or regulation, radio and television antennae and dishes.

**TEMPLE TERRACE CODE
COMMERCIAL PROPERTY MAINTENANCE CODE**

Trash – Shall mean non-putrescible 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, crockery, and similar materials that may accumulate about commercial property.

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.

Section 28.815 ENFORCEMENT.

(a) The Regulatory Division Manager/Building Official shall be the investigating and enforcing authority pursuant to the provisions of the Commercial Property Maintenance Code, and shall designate other Regulatory Division staff as necessary to serve as duly authorized representative(s) to enforce the Commercial Property Maintenance Code.

(b) The Regulatory Division Manager/Building Official shall establish administrative rules of procedure for administering and enforcing the Commercial Property Maintenance Code. Any action taken pursuant to the Commercial Property Maintenance Code shall be considered cumulative and in addition to penalties and to other remedies provided elsewhere by ordinance or law.

Section 28.820 INSPECTIONS – GENERAL.

(a) All buildings, structures, premises, and property subject to the Commercial Property Maintenance Code shall be subject to inspection when it is determined that a violation of the Commercial Property Maintenance Code may exist. Inspection shall take place during regular business hours of the City of Temple Terrace or at a time mutually agreed upon by the inspector and the owner, operator or occupants unless there is probable cause to believe a violation of the Commercial Property Maintenance Code exists that constitutes an immediate threat to the health, safety, or welfare of persons in and/or about the buildings, structures, premises, and property which would require inspection without delay.

(b) Should there be probable cause to believe a violation of this Code exists as an immediate threat to the health, safety, or welfare of persons in or about the buildings, structures, premises, and property and the right of entry is refused by the owner, operator, occupant or any person, the inspector or the duly authorized representative may forthwith obtain a warrant authorizing the entry, pursuant to Sections 933.20-933.30, Florida Statutes.

Section 28.825 INSPECTIONS – RENTAL UNITS.

All commercial buildings, structures, premises, and property shall be subject to periodic inspections for compliance with this Code when it is determined that a violation may exist. If a violation or hazard is found and a re-inspection is required to establish or confirm compliance, a reasonable fee, as determined and established by City Council, may be charged for the re-inspection.

Section 28.830 CODE ENFORCEMENT BOARD.

(a) Violations of any provision of the Commercial Property Maintenance 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 City may institute any other remedies and appropriate action to restrain, correct, or abate violations of the Commercial Property Maintenance Code including, but not limited to the use of citations or condemnation of buildings or structures pursuant to the Unsafe Building Abatement Code.

**TEMPLE TERRACE CODE
COMMERCIAL PROPERTY MAINTENANCE CODE**

Section 28.835 PREVALENCE OF STATE LAWS AND LOCAL ORDINANCES.

(a) The minimum standards established by the Commercial Property Maintenance 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 Commercial Property Maintenance 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 Commercial Property Maintenance Code impose a lower standard than those set forth in any other City ordinance or pursuant to the Florida Statutes, the higher standard set forth shall prevail.

Section 28.840 MINIMUM STANDARDS.

The owner of the premises shall maintain buildings, structures, and property used for commercial purposes free of nuisance conditions and in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in sanitary and safe condition and which do not comply with the requirements of this Chapter. Owners, operators, occupants, and tenants are jointly responsible for keeping in a clean, sanitary and safe condition that part of the buildings, structures, premises, and property which they occupy and control, consistent with the applicable following requirements:

- (a) Exterior of Structures.
 - (1) **Foundation** – The building foundation walls, or other structural elements, shall be maintained safely and be capable of supporting the load which normal use may place thereon.
 - (2) **Exterior Walls and Surfaces** – All exterior surfaces including, but not limited to, doors, door and window frames, cornices, breezeways and trim shall be secure and maintained in good condition and shall be clean, neat, and attractive. All defective structural and decorative elements shall be repaired or replaced, to match as closely as possible the original materials and construction. Exterior surfaces, other than decay-resistant materials, 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. Exterior surfaces shall be kept free of markings, carvings or graffiti. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weathertight and watertight and in sound condition and good repair to prevent infestation.
 - (3) **Roofs** – Roofs shall be kept clean and free of trash, debris, or any other element which is not a permanent part of the building or a functional element of its mechanical or electrical system and shall be maintained according to the manufacturer’s specifications in a safe manner, sound condition, and good repair and shall have not defects or excessive worn surfaces which might admit rain or cause dampness in the walls or exterior portion of the building. Gutters shall be maintained to allow unobstructed flow.
 - (4) **Structural Supports** – Structural elements of a building shall be maintained in good repair with no deterioration which would render it incapable of carrying normal loads.
 - (5) **Means of Ingress/Egress** – Every building or structure shall have safe, unobstructed ingress/egress with a minimum ceiling height of seven (7) feet leading to a safe, open space at ground level.

TEMPLE TERRACE CODE
COMMERCIAL PROPERTY MAINTENANCE CODE

- (6) **Stairs and Elevators** – Every inside and outside stairway and elevator, and any appurtenance thereto, shall be maintained safely and capable of supporting a normal load.
 - (7) **Protective Railings** – Protective railings shall be required on any unenclosed building or structure over thirty (30) inches 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.
 - (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, maintained in good repair, and properly fitted with locking devices adequate to reasonably prevent unauthorized entry. All storefront windows shall be kept unbroken, in a clean and harmonious condition, free of dirt, filth, cobwebs, marks, or foreign substances. Window panes or an approved substitute shall not be painted and shall be maintained without cracks or holes. Window openings shall not be filled or boarded up.
 - (9) **Hardware** – Every door shall be provided with proper hardware and maintained in good condition.
 - (10) **Accessory Structures** – All accessory structures shall be maintained to avoid deterioration and shall be kept in good repair and sound structural condition. 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 the manufacturer's specifications.
 - (11) **Miscellaneous Elements** – Mechanical equipment, air conditioning units, antennas, ducts, pipes, etc., shall be inconspicuously located. All nonfunctional elements on the building exterior; i.e., such as empty electrical conduit, unused sign brackets, etc., shall be removed and the building surface repaired or rebuilt to match adjacent surfaces.
- (b) Exterior Storage and Display.
- (1) **Storage** – All equipment, materials, and merchandize shall be stored and located at all times within an enclosed structure and no exterior storage of merchandise for sale shall be permitted unless authorized by special approval or permit.
 - (2) **Trash Receptacles** – Garbage and trash shall be deposited only in dumpsters, cans, or other receptacles specifically manufactured and intended for such purpose and secured at all times with a tight fitting cover or lid.
- (c) Interior of Structures.
- (1) **Interior Doors** – Every interior door shall be properly fitted within its frame and be provided with the proper hardware.
 - (2) **Interior Premises** – Every building or structure shall have a permanent floor of material prescribed by the Building Code. Every floor and interior wall shall be kept clean and sanitary, free from infestation, and in good repair. The interior premises shall be maintained and safe for employees, visitors, and customers.

TEMPLE TERRACE CODE
COMMERCIAL PROPERTY MAINTENANCE CODE

- (3) **Structural Supports** – All structural elements of a building or structure shall be maintained and shall show no deterioration which would render it incapable of carrying normal loads.
 - (4) **Kitchens and Restrooms** – All kitchens and restrooms shall meet health code requirements and shall be ventilated and illuminated. All restrooms shall be provided with toilet paper, soap, and means of drying.
 - (5) **Aisles and Shelves** – All aisles shall be safe and passable. Aisles and shelves shall be free of accumulations of rubbish, loose cords and extension lines, waste paper, boxes, or other materials detrimental to the public health, safety, and general welfare.
- (d) Parking Lots and Walkways.
- (1) **Maintenance** – Parking and walkway areas shall be kept safe, in good repair, sound structural condition, and shall provide a neat, clean appearance.
 - (2) **Surfaces** – All off-street parking areas shall provide a durable, stabilized, dustless surface; free of potholes; and shall effectively dispose of surface water.
 - (3) **Wheel Stops** – All parking areas shall be equipped with wheel stops, guards, or similar devices properly anchored or secured to prevent vehicles from overhanging into public rights-of-way, sidewalks, or planting areas.
 - (4) **Use** – All parking areas shall be used for vehicular parking only and not for sales, dead storage, repair work, dismantling, or servicing of any kind unless otherwise specifically provided for. Delivery and service vehicles shall not excessively interfere with or obstruct the use of primary service drives or fire lanes, or block minimum required site triangles and/or public rights-of-way.
- (e) Buffers.
- (1) All buffers, 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, clean appearance.
 - (2) Fences and walls which are stained or painted shall be maintained with the same and like materials, uniform in design and color.
 - (3) Structural supports for fences and walls shall be maintained in good repair.
 - (4) At all times, fences and walls shall be kept free from graffiti, undergrowth, weeds, and other unsightly matter.
 - (5) These standards shall not conflict with those of fences and walls which serve as swimming pool barriers.
- (f) Signs.
- (1) **Maintenance** – see Section 25.765.9, “Maintenance Requirements and Standards,” regarding signs.

TEMPLE TERRACE CODE
COMMERCIAL PROPERTY MAINTENANCE CODE

- (g) Landscaping.
 - (1) **Maintenance** – see Section 25.780.5, “Maintenance,” regarding landscaping.
 - (2) **Vacant Parcels** – A vacant parcel shall be kept free of trash and debris, with grass or other City-approved ground cover.

- (h) Sanitation.
 - (1) All public or shared areas, parking lots, landscaped areas, breezeways, walkways, overhangs, buildings, structures, premises, and property shall be kept clean, neat and sanitary by the occupant or owner, free of trash, litter, debris, gum, tobacco butts, cobwebs, wasp nests, and other foreign substances at all times.
 - (2) Shopping Carts – see Section 11.130.3(c)(4), “Precollection Practices,” regarding shopping carts.
 - (3) All garbage or rubbish shall be disposed of and kept in the manner prescribed in the Garbage Regulations. Dumpsters and dumpster enclosures shall be maintained, clean, and neat.
 - (4) Nothing shall be placed, constructed, or maintained on any premises that shall constitute a nuisance condition or fire hazard.
 - (5) All buildings, structures, or accessory structures shall be free from infestation.
 - (6) The plumbing fixtures of every building or structure shall be maintained in a clean and sanitary condition as prescribed by the Plumbing Code.

**TEMPLE TERRACE CODE
COMMERCIAL PROPERTY MAINTENANCE CODE**

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