

# 2009 Greenacres Property Maintenance Code



## **CITY OF GREENACRES**

**Building Department**

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## **CHAPTER 1 ADMINISTRATION**

### **101 GENERAL**

#### **101.1 Title**

These regulations shall be known as the *Greenacres Property Maintenance Code*, hereinafter referred to as "this code".

#### **101.2 Scope**

The provisions of this code shall apply to all existing structures, both residential and nonresidential, and to all existing premises, and shall constitute minimum requirements and standards for premises, properties, structures, equipment, and facilities for light, ventilation, space, 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.

#### **101.3 Intent**

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

#### **101.4 Severability**

If a section, subsection, sentence, clause, or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

### **102 APPLICABILITY**

#### **102.1 General**

The provisions of this code shall apply to all matters affecting or relating to structures and premises. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

#### **102.2 Maintenance**

Equipment, systems, devices and safeguards required by this code or a previous regulation or code, under which the structure or premises was constructed, altered or repaired, shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied building, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

#### **102.3 Application of Other Codes**

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in

accordance with the procedures and provisions of the Florida Building Code and the Greenacres Amendments to the Florida Building Code, the Florida Fire Prevention Code and any other codes or laws adopted by the City of Greenacres. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Greenacres City Code.

#### **102.4 Existing Remedies**

The provisions in this code shall not be construed to abolish or impair existing remedies of the City of Greenacres relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

#### **102.5 Workmanship**

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

#### **102.6 Historic Buildings**

The provisions of this code shall not be mandatory for existing buildings or structures designated by the State of Florida or the City of Greenacres as historic buildings when such buildings or structures are judged by the building official to be safe and in the public interest of health, safety and welfare.

#### **102.7 Referenced Codes and Standards**

The codes and standards in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the most stringent provision shall apply.

#### **102.8 Requirements Not Covered By Code**

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

### **103 ORGANIZATION**

#### **103.1 General**

The building department shall have prime responsibility for the enforcement of this code, and the executive official in charge thereof shall be known as the building official.

#### **103.2 Appointment**

The building official shall be appointed by the City Manager of the City of Greenacres.

#### **103.3 Deputies**

In accordance with the prescribed procedures of the City of Greenacres and with the concurrence of the City Manager, the building official may appoint a deputy building official, other related technical officers, inspectors and other employees.

#### **103.4 Liability**

The building official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the building department, acting in good faith without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

### **103.5 Fees**

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the City Code or by City Resolution.

## **104 DUTIES AND POWERS OF THE BUILDING OFFICIAL**

### **104.1 General**

The building official shall enforce the provisions of this code.

### **104.2 Rule-making Authority**

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

### **104.3 Inspections**

The building official, or his or her designee, shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the City Manager.

### **104.4 Right of entry**

The building official is authorized to enter the structure or premises at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the building official is authorized to pursue recourse as provided by law.

### **104.5 Identification**

The building official and all code enforcement personnel shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

### **104.6 Notices and Orders**

The building official shall issue all necessary notices or orders to ensure compliance with this code.

### **104.7 Department Records**

The building official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained as per Florida Statutes.

#### **104.8 Coordination of Inspections**

Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one person, i.e. the building official or building inspector or code enforcement inspector is involved, it shall be the duty of the city officials and inspectors involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors at different times, or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the city official or inspector having jurisdiction.

### **105 APPROVAL**

#### **105.1 Modifications**

Whenever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant minor modifications for individual cases, provided the building official shall first find that the special individual reason makes the strict letter of this code impractical, and the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

#### **105.2 Alternative Materials, Methods and Equipment**

The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material or method of work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

#### **105.3 Required Testing**

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests to be made as evidence of compliance, at no expense to the City of Greenacres.

##### **105.3.1 Test Methods**

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures.

##### **105.3.2 Testing Agency**

All tests shall be performed by an approved agency.

##### **105.3.3 Test Reports**

Reports of tests shall be retained by the building official for the period required for retention of public records.

#### **105.4 Material and Equipment Reuse**

Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition, and approved by the building official.

### **106 VIOLATIONS**

#### **106.1 Unlawful Acts**

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

#### **106.2 Notice of Violation**

The building official, or his or her designee, shall serve a notice of violation or order in accordance with Section 107.

#### **106.3 Prosecution of Violation**

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the building official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

#### **106.4 Violation Penalties**

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

#### **106.5 Abatement of Violation**

The imposition of the penalties herein prescribed shall not preclude any code enforcement officer of the City of Greenacres from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

### **107 NOTICES AND ORDERS**

#### **107.1 Notice to Owner or to Person or Persons Responsible**

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections 107.2 and 107.3 of this code and/or in Sections 2-72 and 2-78 of the Greenacres City Code. Notices for condemnation procedures shall also comply with Section 108.3 of this code.

#### **107.2 Forms**

Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.

4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the building or structure, or premises into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

### **107.3 Method of Service**

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally and signature obtained.
2. Sent by certified mail addressed to the last known address.
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice and posted also in a conspicuous place at City Hall.

### **107.4 Penalties**

Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

### **107.5 Transfer of Ownership**

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such building, structure or property to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the building department and shall furnish to the building official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## **108 UNSAFE STRUCTURES AND EQUIPMENT**

### **108.1 General**

When a structure or equipment is found by the building official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code and/or the Greenacres Amendments to Chapter One of the 2007 Florida Building Code.

#### **108.1.1 Unsafe Structures**

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment, or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

#### **108.1.2 Unsafe Equipment**

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

### **108.1.3 Structures unfit for Human Occupancy**

A structure is unfit for human occupancy whenever the building official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

### **108.1.4 Unlawful Structure**

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code (see table 404.5) or the Greenacres City Code, or was erected, altered or occupied contrary to law.

### **108.2 Closing of Vacant Structures**

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the building official is authorized to post a placard of condemnation 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 building official, with the concurrence of the City Manager, may cause the premises to be closed and secured through 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.

### **108.3 Notice**

Whenever the building official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the general form prescribed in Section 107.2.

### **108.4 Placarding**

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the building official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

### **108.5 Prohibited Occupancy**

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this code.

### **108.6 Removal of Placard**

The building official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. No other person may deface or remove a condemnation placard without the express approval of the building official.

## **109 EMERGENCY MEASURES**

### **109.1 Imminent Danger**

When, in the opinion of the building official, there is imminent danger in or around a building or structure or to those in the proximity of any structure, the building official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The building official shall cause to be posted at each entrance to such structure a notice reading as follows: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

### **109.2 Temporary Safeguards**

Notwithstanding other provisions of this code, whenever, in the opinion of the building official, there is imminent danger due to an unsafe condition, the building official, with the concurrence of the City Manager, may order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted, and shall cause such other action to be taken as the building official deems necessary to meet such emergency.

### **109.3 Closing Streets**

When necessary for public safety, the building official may temporarily close structures and, with the concurrence of the City Manager, may temporarily close sidewalks, streets, public ways and places adjacent to unsafe structures and prohibit the same from being utilized.

### **109.4 Emergency Repairs**

For the purpose of this section, the building official shall, with the concurrence of the City Manager, employ the necessary labor and materials to perform the required work as expeditiously as possible.

### **109.5 Costs of Emergency Repairs**

Costs incurred in the performance of emergency work shall be paid by the City of Greenacres. The City's legal counsel shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

### **109.6 Hearing**

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appropriate board, be afforded a hearing as described in this code.

## **110 DEMOLITION**

### **110.1 General**

The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

## **110.2 Notices and Orders**

All notices and orders shall comply with Section 107 of this code.

## **110.3 Failure to Comply**

If the owner of a premises fails to comply with a demolition order within the time prescribed, the building official with the concurrence of the City Manager may cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

## **110.4 Salvage Materials**

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## **111 MEANS TO APPEAL**

### **111.1 Application for Appeal**

Any person directly affected by a decision of the building official or a notice or order issued under this code shall have the right to appeal to either the Code Enforcement Board or the Building Board of Adjustments and Appeals, depending on the subject matter of the decision or notice or order. The Building Board of Adjustments and Appeals hears appeals regarding buildings or structures that have been determined to be unsafe, when the notices or orders require the buildings or structures to be repaired or demolished. All other notices or orders relate to violations that are brought to the Code Enforcement Board for determination, assessment, and appeal. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship.

### **111.2 Membership of Boards**

#### **111.2.1 Code Enforcement Board**

Membership details are contained in Section 2-70 of the Greenacres City Code.

#### **111.2.2 Building Board of Adjustments and Appeals**

Membership details are contained in Section 116 of the Greenacres Amendments to Chapter One of the 2007 Florida Building Code.

### **111.3 Open Hearing**

All hearings before the boards shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.

**111.4 Records and Copies**

The decision of the boards shall be recorded. Copies shall be furnished to the appellant, to the building official, and to the City Manager.

**111.5 Administration**

The building official shall take immediate action in accordance with the decision of the boards.

**111.6 Court Review**

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law.

## CHAPTER 2

### DEFINITIONS

#### 201 GENERAL

##### 201.1 Scope

Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings shown in this chapter.

##### 201.2 Interchangeability

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

##### 201.3 Terms Defined in Other Codes

Where terms are not defined in this code and are defined in the Florida Building Code, the Florida Fire Prevention Code, the National Electrical Code, City Amendments to those codes, or the City Code of Ordinances, such terms shall have the meanings ascribed to them as in those codes.

##### 201.4 Terms Not Defined

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

##### 201.5 Parts

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

#### 202 GENERAL DEFINITIONS

**APPROVED:** Approved by the building official or other authority having jurisdiction.

**BASEMENT:** That portion of a building which is partly or completely below grade.

**BATHROOM:** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM:** Any room or space used or intended to be used for sleeping purposes.

**BUILDING OFFICIAL:** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**CONDEMN:** To adjudge unfit for occupancy.

**DWELLING UNIT:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT:** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be

for use under, on, or above a said lot or lots.

**EXTERIOR PROPERTY:** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**EXTERMINATION:** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poisoning, spraying, fumigating, trapping or by any other approved pest elimination methods.

**GARBAGE:** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GUARD or GUARDRAIL:** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HABITABLE SPACE:** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not generally considered habitable spaces.

**HOUSEKEEPING UNIT:** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER:** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION:** The presence, within or contiguous to, a structure or premises, of insects, rats, vermin or other pests.

**INOPERABLE MOTOR VEHICLE:** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED:** Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

**LET FOR OCCUPANCY OR LET:** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**OCCUPANCY:** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT:** Any individual living, sleeping or working in a building, or having possession of a space within a building.

**OPENABLE AREA:** That part of a window, skylight or door which is available for unobstructed

ventilation and which opens directly to the outdoors.

**OPERATOR:** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**OWNER:** Any person, agent, operator, firm or corporation having 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.

**PERSON:** An individual, corporation, partnership or any other group acting as a unit.

**PREMISES:** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PUBLIC WAY:** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**ROOMING HOUSE:** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two-family dwelling.

**ROOMING UNIT:** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

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

**STRICT LIABILITY OFFENSE:** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**STRUCTURE:** That which is built or constructed or a portion thereof, whether fixed or portable, attached or detached, whether a main structure or an accessory structure, that includes but is not limited to all buildings, dwellings, garages, sheds, pools, fences, walls, screen rooms, screen enclosures, and other enclosures.

**TENANT:** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**VENTILATION:** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WORKMANLIKE:** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD:** An open space on the same lot with a structure.

## CHAPTER 3

### GENERAL REQUIREMENTS

#### 301 GENERAL

##### 301.1 Scope

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

##### 301.2 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 code. 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 of a dwelling unit, rooming house or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming house or housekeeping unit, or premises which they occupy and control.

##### 301.3 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.

#### 302 EXTERIOR PROPERTY AREAS

##### 302.1 Sanitation

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

##### 302.2 Grading and Drainage

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**Exception:** Approved retention areas and reservoirs.

##### 302.3 Sidewalks and Driveways

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

##### 302.3.1

Public sidewalks shall be maintained by the property owners who are adjacent to the sidewalk. (The maintenance of sidewalks is intended to include sweeping or cleaning and keeping the sidewalks free from obstacles. Maintenance would only include repairing or replacing cracked or broken sidewalks if the property owner was directly responsible for the damage.) Grassed areas between sidewalks and the edge of roadway pavement, or between lot line and edge of pavement if a sidewalk does not exist, shall also be maintained by the adjacent property owners. (See Sections 11-67 and 11-68 of the Greenacres City Code.)

### **302.4 Uncontrolled Growth of Vegetation**

All premises and exterior of properties shall be maintained free from weeds or similar plant growth in excess of 12 inches (one foot) in height. All noxious weeds and invasive species (see City Code Table 16-1312) shall be prohibited. "Noxious weeds" are defined by Section 32 of the Federal Noxious Weed Act (1974) as "any living stage (including but not limited to, seeds and reproductive parts) of any parasitic or other plant of a kind, or subdivision of a kind, which is of foreign origin, is new to or not widely prevalent in the United States, and can directly or indirectly injure crops, other useful plants, livestock, or poultry or other interests of agriculture, including irrigation, or navigation or the fish or wildlife resources of the United States or the public health." Invasive species are prohibited species as contained in Section 369.251(1), Florida Statutes, of the Florida Aquatic Weed Control Act. "Weeds" shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens (see City Code Section 7-27).

### **302.5 Rodent Harborage**

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

### **302.6 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.

### **302.7 Accessory Structures**

All accessory structures, including detached garages, sheds, fences, walls, screen rooms, screen enclosures, and other enclosures shall be maintained structurally sound and in good repair.

### **302.8 Motor Vehicles**

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes, and is not otherwise violating any other code or ordinance.

### **302.9 Parking**

Motor vehicles are to be parked in a garage/carport or on a driveway that has been designed and permitted for that purpose. Motor vehicles may not be parked on lawns or on areas designed and planned for vegetation or in front or side yards unless part of an approved driveway system.

**302.9.1** Motor vehicles may not be parked across public sidewalks; public sidewalks are to remain open for pedestrian traffic at all times. [See City Code Section 16-1335 (7)b].

### **302.10 Defacement of Property**

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any

structure or building on any private or public property by placing thereon any marking, carving or graffiti. (See City Code Section 9-7).

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

### **303 SWIMMING POOLS, SPAS AND HOT TUBS**

#### **303.1 Swimming pools**

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

#### **303.2 Enclosures**

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall have barriers per the Florida Building Code. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

### **304 EXTERIOR STRUCTURE**

#### **304.1 General**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary, so as not to pose a threat to the public health, safety or welfare.

#### **304.2 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 designated for stabilization by oxidation are exempt from the requirement.

#### **304.3 Premises Identification**

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

#### **304.4 Structural Members**

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

#### **304.5 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.

#### **304.6 Exterior Walls**

All exterior walls, on main structures and accessory structures, shall be free from holes, breaks and loose or rotting materials; and maintained weatherproof and properly surface coated where

required to prevent deterioration.

#### **304.7 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.

#### **304.8 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 safe condition.

#### **304.9 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.

#### **304.10 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.

#### **304.11 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.

#### **304.12 Handrails and Guardrails**

Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

#### **304.13 Window, Skylight and Door Frames**

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

##### **304.13.1 Glazing**

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

##### **304.13.2 Openable Windows**

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

##### **304.14 Insect Screens**

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging screened door shall have a self-closing device in good working

condition.

**Exception:** Screens and screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

### **304.15 Doors**

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

### **304.16 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.

#### **304.16.1 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 meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than 1-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.

#### **304.16.2 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 window sash locking devices.

#### **304.17 Skirting 304.17.1**

Existing skirting shall be maintained free from broken or missing sections, pieces or cross members. Skirting shall be securely attached and sized from the ground to the lower outside perimeter of the structure.

#### **304.17.2**

Replacement or new skirting shall be constructed of materials intended for exterior use and properly sized and mounted to prevent free access to the crawl space of the structure. Crawl space access grille or door and ventilation grilles shall be sized according to building code requirements.

## **305 INTERIOR STRUCTURE**

### **305.1 General**

The interior of a structure and the equipment therein shall be maintained in good repair, structurally sound, and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

### **305.2 Structural Members**

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

### **305.3 Interior Surfaces**

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

### **305.4 Stairs and Walking Surfaces**

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

### **305.5 Handrails and Guardrails**

Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

### **305.6 Interior Doors**

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## **306 HANDRAILS AND GUARDRAILS**

### **306.1 General**

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guardrails. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guardrails shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

**Exception:** Guardrails shall not be required where exempted by the adopted building code.

## **307 RUBBISH AND GARBAGE**

### **307.1 Accumulation of Rubbish or Garbage**

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. (See City Code Section 7-27)

### **307.2 Disposal of Rubbish**

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

#### **307.2.1 Rubbish Storage Facilities**

The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

#### **307.2.2 Refrigerators**

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or

stored on premises without first removing the doors. Operational refrigerators and similar equipment located in open carports shall have locked doors that can only be opened with a key.

### **307.3 Disposal of Garbage**

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. Garbage containers placed at the curb for curbside pickup may be set out 24 hours prior to the scheduled pickup day and time and must be removed within 24 hours of pickup.

#### **307.3.1 Garbage Facilities**

The owner of every dwelling shall supply an approved leak-proof, covered, outside garbage container.

#### **307.3.2 Containers**

The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

## **308 EXTERMINATION**

### **308.1 Infestation**

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

### **308.2 Owner**

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

### **308.3 Single Occupant**

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

### **308.4 Multiple Occupancy**

The owner of a structure containing two or more dwelling units, a rooming house, or a multi-tenant nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

### **308.5 Occupant**

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

**Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

## CHAPTER 4

### LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

#### 401 GENERAL

##### 401.1 Scope

The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

##### 401.2 Responsibility

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

##### 401.3 Alternative Devices

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Florida Building Code shall be permitted.

#### 402 LIGHT

##### 402.1 Habitable Spaces

Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) 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 nor to a court and shall not be included as contributing to the required minimum total window area for the room.

**Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

##### 402.2 Common Halls and Stairways

Every common hall and stairway in residential occupancies, other than in one and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied, with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

##### 402.3 Other Spaces

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

## **403 VENTILATION**

### **403.1 Habitable Spaces**

Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

**Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

### **403.2 Bathrooms and Toilet Rooms**

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.

### **403.3 Cooking Facilities**

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

**Exception:** Where specifically approved in writing by the building official.

### **403.4 Process Ventilation**

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.

### **403.5 Clothes Dryer Exhaust**

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

## **404 OCCUPANCY LIMITATIONS**

### **404.1 Privacy**

Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

### **404.2 Minimum Room Widths**

A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

### **404.3 Minimum Ceiling Heights**

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear height of not less than 7 feet (2134 mm).

**Exceptions:**

1. In one and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the

- required ceiling height.
2. Basement rooms in one and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
  3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

#### **404.4 Bedroom Requirements**

Every bedroom shall comply with the requirements of Section 404.4.1 through 404.4.6.

##### **404.4.1 Area for Sleeping Purposes**

Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

##### **404.4.2 Access from Bedrooms**

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

**Exception:** Units that contain fewer than two bedrooms.

##### **404.4.3 Water Closet Accessibility**

Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

##### **404.4.4 Prohibited Occupancy**

Kitchens and non-habitable spaces shall not be used for sleeping purposes.

##### **404.4.5 Other Requirements**

Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

#### **404.5 Overcrowding**

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**Table 404.5 Minimum Area Requirements**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 OCCUPANTS	3-5 OCCUPANTS	6 OR MORE OCCUPANTS
Living Room a,b	No requirements	120	150
Dining Room a,b	No requirements	80	100
Kitchen b	50	50	60
Bedrooms	Shall comply with Section 404.4		

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

**404.5.1 Sleeping area**

The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

**404.5.2 Combined Spaces**

Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living/dining room.

**404.6 Efficiency Unit**

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
4. The maximum number of occupants shall be three.

**404.7 Food Preparation**

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

**404.7.1 Kitchen Facilities**

Every dwelling unit shall contain a kitchen equipped with the following minimum facilities:

1. Food preparation surfaces impervious to water and free of defects which could trap food or liquid.
2. Shelving, cabinets, or drawers for the storage of food and cooking and eating utensils, all of which shall be maintained in good repair.
3. Freestanding or permanently installed cookstove. Portable electric cooking equipment shall not fulfill this requirement. Portable cooking equipment employing flame shall be prohibited.

4. Mechanical refrigeration equipment for the storage of perishable foodstuffs.

**Exception:** Nothing herein shall preclude a written agreement between an owner and tenant that the tenant will furnish mechanical refrigeration equipment and/or a cookstore as required in this section. It shall be an affirmative defense available to an owner charged with a violation of this section if such an agreement exists.

## CHAPTER 5

### PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

#### 501 GENERAL

##### 501.1 Scope

The provisions of this chapter shall govern the minimum plumbing systems, facilities, and plumbing fixtures to be provided.

##### 501.2 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.

#### 502 REQUIRED FACILITIES

##### 502.1 Dwelling Units

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet, and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

##### 502.2 Rooming Houses

At least one water closet, lavatory, and bathtub or shower shall be supplied for each four rooming units.

##### 502.3 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.

##### 502.4 Employees' Facilities

A minimum of one water closet, one lavatory, and one drinking facility shall be available to employees.

##### 502.4.1 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.

##### 502.5 Public Facilities

A minimum of one water closet and one lavatory shall be available to the public.

#### 503 TOILET ROOMS

##### 503.1 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.

### **503.2 Location**

Toilet rooms and bathrooms serving hotel units, rooming units, 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.

### **503.3 Location of Employee Toilet Facilities**

Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). 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 (152 m) from the employees' regular working area to the facilities.

### **503.4 Floor Surface**

In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, non-absorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

## **504 PLUMBING SYSTEMS AND FIXTURES**

### **504.1 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.

### **504.2 Fixture Clearances**

Plumbing fixtures shall have adequate clearances for usage and cleaning.

### **504.3 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, back-siphonage, improper installation, deterioration or damage or for similar reasons, the building official shall require the defects to be corrected to eliminate the hazard.

## **505 WATER SYSTEM**

### **505.1 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 Florida Building Code, Plumbing.

### **05.2 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.

### **505.3 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.

### **505.4 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 or 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.

## **506 SANITARY DRAINAGE SYSTEM**

### **506.1 General**

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

### **506.2 Maintenance**

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

## **507 STORM DRAINAGE**

### **507.1 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.

## CHAPTER 6

### MECHANICAL AND ELECTRICAL REQUIREMENTS

#### 601 GENERAL

##### 601.1 Scope

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

##### 601.2 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.

#### 602 HEATING FACILITIES

##### 602.1 Residential Occupancies

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

##### 602.2 Heat Supply

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory, or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15th through March 15th to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

**Exception:** 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 Florida Building Code, Plumbing.

##### 602.3 Occupiable Work Spaces

Indoor occupiable work spaces shall be supplied with heat during the period from November 15th through March 15th to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

**Exceptions:**

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

##### 602.4 Room Temperature Measurement

The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

## **603 MECHANICAL EQUIPMENT**

### **603.1 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.

### **603.2 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.

### **603.3 Clearances**

All required clearances to combustible materials shall be maintained.

### **603.4 Safety Controls**

All safety controls for fuel-burning equipment shall be maintained in effective operation.

### **603.5 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.

### **603.6 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.

## **604 ELECTRICAL FACILITIES**

### **604.1 Facilities Required**

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

### **604.2 Service**

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. 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.

### **604.3 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 in inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the building official shall require the defects to be corrected to eliminate the hazard.

## **605 ELECTRICAL EQUIPMENT**

### **605.1 Installation**

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

### **605.2 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 if within six ft. from a sink. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

### **605.3 Lighting Fixtures**

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, and mechanical room shall contain at least one electric lighting fixture.

## **606 ELEVATORS, ESCALATORS AND DUMBWAITERS**

### **606.1 General**

Elevators, dumbwaiters, and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards as per Florida laws and regulations.

### **606.2 Elevators**

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

**Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing and servicing.

## **607 DUCT SYSTEMS**

### **607.1 General**

Duct systems shall be maintained free from obstructions and shall be capable of performing the required function.

## CHAPTER 7

### FIRE SAFETY REQUIREMENTS

#### 701 GENERAL

##### 701.1 Scope

The provisions of this chapter shall govern minimum conditions and standards for fire safety relating to existing structures and exterior premises, including fire safety facilities and equipment to be provided.

##### 701.1.1

In the event of a conflict between this chapter and the FFPC, NFPA, or the Life Safety Code, the FFPC, NFPA, or the Life Safety Code shall govern.

##### 701.2 Responsibility

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another to occupy any premises that do not comply with the requirements of this chapter.

#### 702 MEANS OF EGRESS

##### 702.1 General

All required exits shall be maintained to provide a safe, continuous, and unobstructed path of travel from any point in a building or structure to the public way.

##### 702.2 Aisles

The required width of aisles in accordance with the FFPC shall be unobstructed.

##### 702.3 Locked Doors

All means of egress doors shall be readily openable from the side from which egress is to be made, without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the FBC or the FFPC.

##### 702.4 Emergency Escape Openings

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grills, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening.

#### 703 FIRE-RESISTANCE RATING

##### 703.1 Fire-Resistance-Rated Assemblies

The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions, and floors shall be maintained.

### **703.2 Opening Protectives**

Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

## **704 FIRE PROTECTION SYSTEMS**

### **704.1 General**

All systems, devices, and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the FFPC.

### **704.2 Smoke Alarms**

Single or multiple-station smoke alarms shall be installed and maintained in residential occupancies, regardless of occupant load, at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In dwellings or dwelling units with more than one level, smoke alarms shall be installed on every level.

Single or multiple-station smoke alarms shall be installed in other occupancies in accordance with the FFPC and NFPA.

### **704.3 Power Source**

In residential occupancies, single-station smoke alarms shall receive their primary power from the building electrical system and shall be equipped with battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

**Exception:** Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space, or basement available which could provide access for building wiring without the removal of interior finishes.

### **704.4 Interconnection**

Where more than one smoke alarm is required to be installed within individual dwelling units, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

**Exceptions:**

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic or crawl space available which could provide access for interconnection without the removal of interior finishes.

## CHAPTER 8

### REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The application of the referenced standards shall be specified in Section 102.7.

Standard Reference	Title	Code Section Number
FBC/B	Florida Building Code, Building Volume	102.3, 201.3, 401.3, 702.3
FBC/P	Florida Building Code, Plumbing Volume	201.3, 505.1, 602.2, 602.3
FBC/M	Florida Building Code, Mechanical Volume	201.3
NEC	National Electrical Code; FBC/B Chapter 27	201.3, 604.2
FFPC	Florida Fire Prevention Code	201.3, 702.1, 702.2, 704.1,