

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, AMENDING CHAPTER 6, *BUILDINGS AND BUILDING REGULATIONS*, ARTICLE VIII, *INTERNATIONAL PROPERTY MAINTENANCE CODE*, OF THE CITY OF WINTER SPRINGS CODE OF ORDINANCES TO ADOPT THE 2024 INTERNATIONAL PROPERTY MAINTENANCE CODE, MODIFIED AS FURTHER PROVIDED HEREIN; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes except when expressly prohibited by law; and

WHEREAS, the City Commission previously adopted Ordinance 2008-07, which incorporated in its entirety the 2006 International Property Maintenance Code into the Code of Ordinances of the City of Winter Springs, subject to certain amendments; and

WHEREAS, the City Commission finds that, in order to ensure that the City Code of the City of Winter Springs adopts and utilizes the most up-to-date regulations regarding property maintenance, it is appropriate to eliminate the specific reference to the 2006 version of the International Property Maintenance Code in favor of a reference to the 2024 International Property Maintenance Code; and

WHEREAS, the City Commission of the City of Winter Springs, Florida, hereby finds this Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Winter Springs.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS HEREBY ORDAINS, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby fully incorporated herein by this reference.

Section 2. Amendment to Chapter 6, *Buildings and Building Regulations*. The City of Winter Springs Code of Ordinances, Chapter 6, *Buildings and Building Regulations*, Article VIII, *International Property Maintenance Code*, is hereby amended as follows: (underlined type indicates additions to the City Code and ~~strikeout~~ type indicates deletions, while asterisks (* * *) indicate a deletion from the Ordinance of text existing in Chapter 6. It is intended that the text in Chapter 6 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to the adoption of this Ordinance):

* * *

Chapter 6 – BUILDINGS AND BUILDING REGULATIONS

* * *

ARTICLE VIII. - INTERNATIONAL PROPERTY MAINTENANCE CODE

* * *

Sec. 6-300. - International Property Maintenance Code adopted.

The city hereby adopts in its entirety the ~~2006~~ 2024 International Property Maintenance Code, ~~a copy of which is attached hereto as Exhibit "A"~~ (herein after referred to as the "Maintenance Code"), except as amended as follows:

Pursuant to section 101.1 of the Maintenance Code:

The regulations shall be ~~know~~ known as the "Property Maintenance Code of the City of Winter Springs."

Section 101.2.1 "Appendices" of the Maintenance Code is amended in its entirety to read as follows:

The City of Winter Springs hereby adopts Appendix A, Boarding Standard, of the International Property Maintenance Code.

Section ~~101.3~~ 102.3 "Application of other codes" of the Maintenance Code is amended in its entirety to read as follows:

~~Application of other codes, repairs-~~ Repairs, additions or alterations to structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Florida Building Code, Florida Fire Prevention Code, Florida Life Safety Code, and the City Code. It is not the intent of the Maintenance Code to affect, cancel, or modify any of the requirements in the City's zoning code.

Sections ~~102.7~~ 102.8, 102.8.1, and 102.8.2 "Referenced Codes and Standards" of the Maintenance Code ~~is~~ are deleted in ~~its~~ their entirety.

Section 103 "Code Compliance Agency" is deleted in its entirety and replaced with the following:

The "code official(s)" responsible for enforcing the provisions of the Maintenance Code shall be the city's code enforcement officers and the city's building official, or such other person or persons deemed qualified by the city manager.

Section 104.2 “Refunds” is deleted in its entirety.

Section 105.2 “Determination of Compliance” is deleted in its entirety and replaced with the following:

The code official shall have the authority to determine compliance with this code and to render interpretations of this code. Such interpretations:

1. Shall be in compliance with the intent and purpose of this Maintenance Code.

2. Shall not have the effect of waiving requirements specifically provided for in this Maintenance Code or in other applicable codes and ordinances.

Section 105.6 “Official Records” is deleted in its entirety and replaced with the following:

The code official shall keep official records as required by Sections 105.6.1 through 105.6.5 of the Maintenance Code, and as otherwise required by Florida Statutes Chapter 119 and other Public Records laws. Such official records shall be retained in accordance with the requirements of Florida Statutes Chapter 119 and other Public Records laws, as applicable.

Sections 105.7 “Liability” and 105.7.1 “Legal Defense” shall be deleted in their entirety.

Section 106, “Means of Appeals” is deleted in its entirety and replaced with the following:

The code enforcement board shall serve as the board of appeals under the Maintenance Code. Any person directly affected by an administrative decision of the code official shall have the right to appeal to the board of appeals an interpretation or application of the Maintenance Code by filing a notice of appeal with the code official within twenty (20) days of said interpretation or application. However, once a code official or the city has initiated enforcement proceedings under the Maintenance Code, a person is barred from bringing an appeal under this section related to the interpretation or application of any provision of the Maintenance Code which is the subject matter of the enforcement proceeding until such time the enforcement proceeding has been concluded through all appeals. Any person aggrieved by a final decision of the code enforcement board serving as the board of appeals under this section shall have the right to appeal said decision to a court of competent jurisdiction.

Section ~~106~~ 107 “Violations” is deleted in its entirety and replaced with the following:

- (1) It shall be unlawful for any person, corporation, or other entity to be in violation of any provision of this Maintenance Code. Violations shall constitute a public nuisance and shall be deemed a strict liability offense.
- (2) Violations of the Maintenance Code shall be prosecuted by the city by any lawful means available including, but not limited to, actions before the code enforcement board or special magistrate to impose a daily fine for noncompliance and/or for abatement of nuisances, civil code enforcement citation, and by an independent action before a court of law. Penalties and additional city remedies for violations hereof shall be as provided under section 1-15 of the city code. For purposes of a civil citation, each violation shall constitute a class IV violation.
- (3) In the event that a person fails to comply with a notice of violation issued by a code official or order rendered by the code enforcement board or special magistrate, the city manager is hereby authorized to take lawful steps including, but not limited to, instituting an appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require removal or termination of the unlawful occupancy of the building in violation of this Maintenance Code. If the city causes the conditions constituting the violation to be immediately remedied, any expenses incurred by the city to remedy the violation including, but not limited to, contractor and material costs, administrative overhead, attorneys fees, and other related costs shall be assessed by lien against the property on which the violation occurs. Such assessment liens shall be prior to all other liens on such property except the lien of state, county, and municipal taxes and shall be in parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than thirty (30) days, may be foreclosed by the city in the manner provided by law for the foreclosure of mortgages.

Section ~~109.5~~ 110.5 “Costs of Emergency Repairs” is deleted in its entirety and shall read as follows:

The city manager is authorized to expend funds in the performance of emergency repairs under this section. If emergency repairs are performed by the city, any expenses incurred by the city to make said repairs including, but not limited to, contractor and material costs, administrative overhead, attorneys fees, and other related costs shall be assessed by lien against the property on which the emergency repairs occurred. Such assessment liens shall be prior to all other liens on such property except the lien of state, county, and municipal taxes and shall be in parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by the city in the manner provided by law for the foreclosure of mortgages.

Section 111.3 “Failure to Comply” is deleted in its entirety and replaced with the following:

If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or through contract, or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate from which the structure is located and a lien shall be imposed against said property. The lien shall be superior to all other liens or encumbrances, including prior recorded mortgages or judgments and only inferior to liens for taxes. In the event the City finds it necessary to foreclose said lien, the City is entitled to recover its reasonable attorney's fees and costs for foreclosing said lien and the foreclosure procedure shall be as authorized by law for foreclosure of municipal liens.

Section 111 is amended is as follows:

~~(1) The code enforcement board shall serve as the board of appeals under the Maintenance Code.~~

~~(1) Section 111.1 is deleted in its entirety and shall read as follows:~~

~~Any person directly affected by an administrative decision of the code official shall have the right to appeal to the board of appeals an interpretation or application of the Maintenance Code by filing a notice of appeal with the code official within twenty (20) days of said interpretation or application. However, once a code official or the city has initiated enforcement proceedings under the Maintenance Code, a person is barred from bringing an appeal under this section related to the interpretation or application of any provision of the Maintenance Code which is the subject matter of the enforcement proceeding until such time the enforcement proceeding has been concluded through all appeals.~~

~~(3) Sections 111.2 through 111.7 are deleted in their entirety.~~

~~(4) Section 111.7 shall read as follows:~~

~~Any person aggrieved by a final decision of the code enforcement board serving as the board of appeals under this section shall have the right to appeal said decision to a court of competent jurisdiction.~~

Section 201.3 “Terms Defined in Other Codes” is deleted in its entirety and shall read as follows replaced with the following:

Where terms are not defined in this code and are defined in the Florida Building Code or Florida Fire and Life Safety Code, such terms shall have the meanings ascribed to them as stated in those codes.

The first sentence of Section 302.4 “Weeds” is amended to insert "ten (10) inches."

Section 304.14 “Insect Screens” is amended to delete the preface in the first sentence, "During the period from [DATE] to [DATE],".

Sections 602.3 “Heat Supply” and 602.4 “Occupiable Work Spaces” are amended to add a date range of "October 15 to April 30."

Chapter 7 “Fire Safety Requirements” is amended to substitute all references to the "International Fire Code" with ~~the a~~ reference to the "Florida Fire Prevention Code." In ~~additional~~ addition, all references to the "International Building Code" shall be substituted with ~~the a~~ reference to the "Florida Building Code."

Chapter 8 “Referenced Standards” is deleted in its entirety.

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Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions. All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. Incorporation Into Code. This Ordinance shall be incorporated into the Winter Springs City Code and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, word, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Springs, Florida, and pursuant to City Charter.

ADOPTED by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on the _____ day of _____, 20_____.

KEVIN McCANN, Mayor

ATTEST:

CHRISTIAN GOWAN, City Clerk

**Approved as to legal form and sufficiency for
the City of Winter Springs only:**

ANTHONY A. GARGANESE, City Attorney

First Reading: _____
Legal Ad: _____
Second Reading: _____
Effective Date: _____