



City Council Workshop
Tuesday, July 10, 2018 - 06:00 PM

CALL TO ORDER - Mayor Dale Massad

PLEDGE OF ALLEGIANCE - Mayor Dale Massad

ROLL CALL - Jackie Hanville, City Clerk

ANNOUNCEMENTS

COMMENTS FROM THE GENERAL PUBLIC

COMMENTS FROM THE MAYOR & CITY COUNCIL

AGENDA

COUNCIL BUSINESS:

1. Discussion of Residential Maintenance Standards (Pages 2-9)

ADJOURN

If a person decides to appeal any decision made by a board or council with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings and may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person with a disability requiring reasonable accommodation in order to participate in this meeting should call 727-816-1900 Ext. 112 or fax a written request to 727-816-1916 with a twenty-four (24) hour notice.

City Council Workshop
July 10, 2018

AGENDA ITEM NO. 1: DISCUSSION OF RESIDENTIAL MAINTENANCE STANDARDS:

X INFORMATION ONLY
ACTION ITEM

ISSUE:

Residential Maintenance Standards are proposed for City Council discussion.

ATTACHMENTS:

Residential Maintenance Standards ---Draft.pdf

ACTION:

No Council action required.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT RICHEY, FLORIDA AMENDING CHAPTER 14 OF THE PORT RICHEY CODE BY ADDING A NEW ARTICLE VI ENTITLED "MINIMUM STANDARDS FOR RESIDENTIAL DWELLINGS", PROVIDING FOR PENALTIES AND FINES, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, there are, or may be, building or structures used or maintained for human habitation, which are, or may become in the future, substandard with respect to structure, equipment or maintenance and further that such conditions, insufficient protection against fire, hazards, unsanitary conditions may constitute a menace to the health, safety and welfare of its citizens and

WHEREAS, it is further found and declared that the existence of such conditions, factors or characteristics will, if not remedied, create slum and blighted areas and that in the absence of corrective measures, such areas will experience a curtailment of investment and tax revenue and an impairment of economic values, and

WHEREAS, it is further found and declared that the establishment and maintenance of Minimum Housing Standards are essential to the prevention of blight and decay and the safeguarding of public health, safety and welfare.

NOW THEREFORE, BE IT ENACTED, AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT RICHEY, FLORIDA, THAT A NEW ARTICLE VI OF CHAPTER 14 BE ADDED AS FOLLOWS:

ARTICLE VI MINIMUM STANDARDS FOR RESIDENTIAL DWELLINGS

Section 1 Applicability.

The minimum housing provisions of this article shall apply to all noncommercial, residential buildings or portions thereof, all accessory structures or portions thereof located on property, used or unused, inhabited or uninhabited, designed or intended to be used for human habitation or the storage of materials associated with human habitation (such as garages). This article does not replace or modify standards otherwise established for construction, replacement or repair of buildings except such as are contrary to the provisions of this Code.

Section 2 Definitions.

Whenever the words "dwelling," "dwelling units," "rooming house," "rooming units," and "premises" are used in this article and/or code, they shall be construed as though they were followed by the words, "or any part thereof." The words, terms and phrases below will have the following meaning in this article and/or code unless the context clearly indicates otherwise:

Addition. An extension or increase in floor area or height of a building or structure.

Building. Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind which has enclosing walls for 50 percent of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof." (For the purpose of this Code each portion of a building separated from other portions by a firewall shall be considered as a separate building.)

Dwelling. When used in this code without other qualifications, means a building occupied, or designed or intended to be occupied, exclusively for residential purposes by not more than two families.

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.

Extermination. The control and extermination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods.

Multiple dwelling. Any building, or portion thereof, which is occupied as the home or residence of more than two families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

Nuisance. The following shall be defined as nuisances:

(1) Any public nuisance known at common law or in equity jurisprudence.

(2) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.

(3) Whatever is dangerous to human life or is detrimental to health.

(4) Overcrowding a room with occupants.

(5) Insufficient ventilation or illumination.

(6) Inadequate or unsanitary sewage or plumbing facilities.

(7) Uncleanliness.

(8) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

Owner. The holder of the title in fee simple and any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. It shall also mean any person who, alone or jointly or severally with others:

(1) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) Shall have charge, care or control of any dwelling or dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possessions, or assignee of rents, lessee, property manager, or other person, firms or corporation in control of a building; or their duly authorized officers, employees, or agents. Any such person thus representing the actual owner shall be bound to comply with the provisions of this code, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner. It is his responsibility to notify the actual owner of the reported infractions of these regulations pertaining to the property which apply to the owner.

Premises. A lot, plot or parcel of land including the buildings or structures thereon.

from the burning of wood, coal, coke or other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass crockery, and dust.

Section 3 Minimum Housing Standards.

No person shall occupy as owner-occupant, or let or sublet to another for occupancy (for compensation or not), any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, nor shall any vacant dwelling building be permitted to exist which does not comply with the following requirements:

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

(b) ***Sanitary facilities required.*** Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition free from defects, leaks, and obstructions 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.

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

(d) **Exterior walls.** The exterior walls shall be substantially weathertight, watertight and shall be made impervious to the adverse effects of weather and be maintained in sound condition and good repair. All exterior surfaces shall be maintained free of broken glass, loose or rotting shingles and clapboards, crumbling stone or brick, peeling, blistering, chipping or chalking paint and other conditions reflective of deterioration or inadequate maintenance.

(e) **Maintenance of exterior surfaces.** All exterior surfaces of each residential occupancy and all structures accessory thereto shall be maintained such that the surfaces:

1. Are repainted, in whole or in part as necessary to cure the deteriorating condition, whenever the painted surfaces begin to blister, peel, chip, chalk or otherwise deteriorate in a noticeable manner; and

2. Are pressured washed or otherwise cleaned whenever the surfaces accumulate buildup of mildew, moss, dirt, soot or other removable accumulations.

(f) ***Roofs.*** Roofs and all portions, additions and sections shall be maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building. No roof may be tarped for longer than three (3) consecutive months. Tarps must be maintained in good condition and must be completely secured to the structure. For purposes of this provision, a roof tarp that is removed and then reinstated or replaced within three (3) weeks of such removal shall be considered a continuous period of tarping and such removal shall not be construed as extending or interrupting the maximum time a roof may be tarped.

(g) ***Stairs, porches and appurtenances.*** Every inside and outside stair, porch and any appurtenance shall be safe to use and capable of supporting the load that normal use may cause to be

placed thereon and shall be kept in sound condition and good repair.

(h) *Window maintenance.* Every window shall be substantially weathertight, watertight and rodent-proof, and shall be kept in sound working condition and good repair. Every window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes. Window sashes shall be properly fitted and weathertight within the window frame. Every window required for light and ventilation for habitable rooms shall be capable of being easily opened and secured in position by window hardware.

(I) *Window and door coverings.* No windows, window openings, or doors shall be covered for a period more than three (3) consecutive months and such covering shall be painted in a color consistent with the primary façade of the structure. For purposes of this provision, coverings that are removed and then reinstated or replaced within three (3) weeks of such removal shall be considered a continuous period and such removal shall not be construed as extending or interrupting the maximum three (3) month period established by this section. Emergency coverings for severe weather or natural disasters such as hurricanes, tornados, etc. shall not be subject to the color requirements of this section but shall not be in place for more than six (6) consecutive months. Emergency coverings that are removed and then reinstated or replaced within three (3) weeks of such removal shall be considered a continuous period and such removal shall not be construed as extending or interrupting the maximum six (6) month period for emergency coverings established by this section. Notwithstanding the foregoing, all emergency coverings must be removed within three (3) days of the conclusion of the weather condition, or the conclusion of an advisory by the U.S. Weather Bureau alerting the Pasco County area to the weather condition, whichever occurs sooner.

(j) *Screens.* All screens, shall be maintained in good condition, free from rips and tears, and shall be properly fitted within the frame.

(k) *Exterior doors.* Every exterior door, shall be substantially weathertight, watertight, and rodent-proof. Every exterior door shall fit reasonably well within its frame so as to substantially exclude rain and wind from entering the dwelling. Every exterior door shall be provided with proper hardware and maintained in good working condition.

(l) *Protective treatment.* All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements of decay by painting or other protective covering or treatment.

(m) *Accessory structures.* Garages, storage buildings and other accessory structures shall be maintained and kept in good repair and sound structural condition.

(n) *Fire protection.* A person shall not occupy as owner-occupant nor shall let to another for occupancy, any building or structure which does not comply with the applicable provisions of the fire prevention code as determined by the Fire Department Chief of the City of Port Richey.

(o) *Smoke detector systems.* Every dwelling unit shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide audible alarm.

(p) *Swimming pools.* Swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition and be kept in good repair.

(q) *Foundation.* The building foundation system shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon.

thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

(s) **Structural supports.** Every structural element of the dwelling shall be maintained structurally sound and show no evidence of deterioration which would render it incapable of carrying normal loads.

(t) **Skirting.** 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. 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 local code requirements.

(u) **Sanitation.** Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the dwelling and premises thereof.

(v) **Extermination.** Every owner and occupant of a single dwelling building and every owner of a building containing two or more dwelling units shall be responsible for the extermination of any insects, rodents, or other pests within the building or premises, including the pool and other structures on the property. Exception: Extermination of wood-destroying organisms shall, in all cases, be the responsibility of the building owner.

(w) **Mechanical appliances.** All mechanical appliances, cooking and heating and cooling equipment, and facilities, including but not limited to fireplaces, solid fuel-burning appliances, cooking appliances, and water heating appliances, shall be properly installed in accordance with the building, fire, gas and/or electrical code and shall be maintained in a safe and good working condition, and shall be capable of performing the intended function.

(x) **Care of premises.** A violation of the standards for "Property Maintenance Standards" "Specified prohibited conditions" in section 14-58 of the City of Port Richey Code regarding Debris or the outside storage of abandoned vehicles or vehicle parts also constitutes a violation of the minimum housing standards.

Debris: It shall be unlawful for any owner, occupant, tenant, lessee, or other person responsible for the condition of property to permit or maintain, or for any person to cause, an accumulation of rubbish, waste, trash, or debris, decaying vegetative matter, exposed salvageable material, or other manmade materials upon any lot, tract, or parcel of land where the effect of such accumulation is to cause or create:

- (1) A visual nuisance or other unsightly condition visible from adjoining public or private property;
- (2) An actual or potential haven or breeding place for snakes, rats, rodents, or other vermin of like or similar character;
- (3) An actual or potential breeding place for mosquitoes;
- (4) A fire hazard to adjacent properties;
- (5) An adverse effect on or impairment of the economic welfare of adjacent properties;
- (6) A hazard to traffic at road intersections or rights-of-way within the county; or
- (7) A nuisance as defined by law or other unsanitary condition.

Vehicles: It shall be a violation for any person, firm, or a corporation to keep or permit the keeping, dumping, storing, placing, or depositing of inoperative, unlicensed, unregistered, abandoned, junked, disabled, wrecked, discarded or otherwise unused motor vehicles on any property, street, or
An inoperative vehicle includes a vehicle that is in a state of disrepair and incapable of

immediate movement under its own power, or a vehicle that is incapable of being lawfully operated on the streets of the state. A vehicle shall be deemed inoperative if one or more parts which are required for the operation of the vehicle are missing, are dismantled, are inoperative or are not attached to the vehicle as designed. A vehicle shall be presumed incapable of being lawfully operated on the streets of the state if a current registration tag, also known as a license plate, of a kind required under state law as a condition of operation upon the public streets or highways, is not affixed to the assigned vehicle. This section does not apply to vehicles located in a junkyard lawfully situated and licensed for the same, or in a completely enclosed garage or enclosed carport.

Section 4 Penalty and fines.

Any person who violates any provision of this Article shall be deemed a municipal ordinance violation punishable by a fine and costs which is set forth in the fine classifications and schedules in Section 2-289 and Section 2-306 of the City Code.

SECTION 5 Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 6 Effective Date.

This Ordinance shall become effective upon passage on the second reading and signing by the Mayor.

The foregoing Ordinance No. _____ was read and approved on first reading in an open and regular meeting of the City Council of the City of Port Richey, Florida, on this day of _____, 2018.

Attest:

CITY OF PORT RICHEY

Jackie Hanville, City Clerk

Dale Massad, Mayor

The foregoing Ordinance No. _____ was read and passed in an open and regular meeting of the City Council of the City of Port Richey, Florida, on this _____ day of _____, 2018.

Attest:

CITY OF PORT RICHEY

Jackie Hanville, City Clerk

Dale Massad, Mayor

Approved as to legal form and legal content for
the reliance of the City of Port Richey only:
