

As Amended

ORDINANCE NO 3947

PROPOSED ORDINANCE NO 98-50

**AN ORDINANCE RELATING TO THE HOUSING CODE OF THE CITY OF LAKE-
LAND, FLORIDA, ADOPTING THE 1997 EDITION OF THE STANDARD HOUSING CODE, AS PUBLISHED BY THE SOUTHERN BUILDING CODE CONGRESS INTERNATIONAL, MAKING CERTAIN ADDITIONS, DELETIONS AND OTHER MODIFICATIONS THERETO, REPEALING ORDINANCE 2762, PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City Commission of the City of Lakeland, Florida has determined that it is in the best interests of the public health, safety and welfare that a Minimum Housing Code be adopted for the City of Lakeland, Florida

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE-
LAND, FLORIDA**

SECTION 1 There is hereby adopted the 1997 Edition of the Standard Housing Code as published by the Southern Building Code Congress International, with certain additions, deletions and modifications hereinafter set forth Three (3) copies of the 1997 Edition of the Standard Housing Code, together with three (3) copies of this Ordinance, shall be on file in the office of the City Clerk of the City of Lakeland, Florida for public use, inspection, and examination This 1997 Edition of the Standard Housing Code, together with the modifications herein provided, shall be known as the Housing Code of the City of Lakeland, Florida

SECTION 2 The following sections of the 1997 Edition of the Standard Housing Code are hereby amended and modified to read as follows

Words in ~~struckthrough~~ are deletions to existing law words underlined are additions

1 (a) 101 3 Scope

2 101 3 1 The provisions of this code shall apply to all buildings or portions
3 thereof, all accessory structures or portions thereof located on residential property, used or
4 unused, designed or intended to be used for human habitation or the storage or materials
5 associated with human habitation, regardless of when such building may have been
6 constructed

8 101 4 Existing Buildings

9 101 4 1 Alterations, repairs or rehabilitation work may be made to any existing
10 building without requiring the building to comply with all the requirements of this code
11 provided that the alternation, repair or rehabilitation work conforms to the requirements of
12 this code for new construction The housing official shall determine, subject to appeal to
13 the ~~Board of Adjustments and Appeals~~ Construction Codes Licensing and Appeals Board,
14 the extent, if any, to which the existing building shall be made to conform to the
15 requirements of this code for new construction
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18 (b) 103 1 Right of Entry

19 103 1 1 Whenever necessary to make an inspection to enforce any of the
20 provisions of this code, or whenever the ~~building~~ housing official has reasonable cause to
21 believe that there exists in any building or upon any premises any condition or code
22 violation which makes such building, structure, premises, electrical, gas, mechanical or
23 plumbing systems unsafe, dangerous or hazardous, the ~~building~~ housing official may enter
24 such building, structure or premises at all reasonable times to inspect the same or to perform
25 any duty imposed upon the ~~building~~ housing official by this code If such building or
26 premises are occupied, he shall first present proper credentials and request entry If such
27 building, structure, or premises are unoccupied, he shall first make a reasonable effort to
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30 Words in ~~struck through~~ are deletions to existing law words underlined are additions

1 locate the owner or other persons having charge or control of such and request entry Where
2 the building, structure, dwelling, apartment, apartment house, or premises is vacant and
3 open to unauthorized entry, so as to present an immediate threat to the health, safety, and
4 welfare of the public, the housing official may make entry without prior notice to the owner

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6 If entry is refused, the building official shall have recourse to every remedy provided by
7 law to secure entry

8 103 1 2 When the ~~building~~ housing official shall have first obtained a property
9 inspection warrant or other remedy provided by law to secure entry, no owner or occupant
10 or any other persons having charge, care or control of any building, structure, or premises
11 shall fail or neglect, after proper request is made as herein provided, to promptly permit
12 entry therein by the ~~building~~ housing official for the purpose of inspection and examination
13 pursuant to this code
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15 16 103 2 Unsafe Residential Buildings

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18 103 2 1 All residential buildings or structures used as such, or designed or
19 intended to be used as such, which are unsafe, unsanitary, unfit for human habitation, or not
20 provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous
21 to human life, or which in relation to existing use constitute a hazard to safety or health by
22 reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are
23 considered unsafe buildings Abandoned Construction Projects shall also be considered
24 unsafe buildings All such unsafe buildings are hereby declared illegal and shall be abated
25 by repair and rehabilitation or by demolition in accordance with 103 2 2, 103 2 3 and
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27 103 2 4
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103 2 3 Service of notice shall be as follows

1 By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion, or

2 By depositing the notice in the United States Post Office addressed to the owner at his last known address as shown on the tax records of the City, with postage prepaid thereon, or

3 By posting and keeping posted for 24 hours a copy of the notice in a conspicuous place on the premises to be repaired

4 In case the owner, agent or person in control cannot be found within the stated time limit or if such owner, agent of person in control shall fail, neglect or refuse to comply with notice to repair, rehabilitate or to demolish and remove said building or structure or portion thereof, the Housing Official, after having ascertained the cost shall cause such building or structure or portion thereof to be demolished, secured or required to remain vacant

5 Costs incurred under paragraph 103 2 3(4) shall be charged to the owner of the premises involved and shall be collected in the manner provided by law, ordinance or charter of the City of Lakeland

103 2 4 When a residential building is to be demolished, it shall be done so in accordance with the provisions of the ~~Standard Unsafe Building Abatement Code~~ Building Code of the City of Lakeland

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103 3 Requirements Not Covered by Code

Any requirement, not specifically covered by this code found necessary for the safety, health, and general welfare of the occupants of any dwelling, shall be determined by the housing official subject to appeal to the ~~Housing Board of Adjustments and Appeals~~ Construction Codes Licensing and Appeals Board

103 4 Liability

Any officer or employee, or member of the ~~Housing Board of Adjustments and Appeals~~ Construction Codes Licensing and Appeals Board, charged with the enforcement of this code, in the discharge of his duties shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties

Any suit brought against any officer or employee because of this code shall be defended by the ~~Department of Law~~ City until the final termination of the proceedings

~~103 5 Reports~~

~~The housing official shall annually submit a report to the chief administrator covering the work of the department during the preceding year. He shall incorporate in said report a summary of the decisions of the Housing Board of Adjustments and Appeals during said year.~~

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103 6 Letter of Compliance

A letter indicating compliance with the provisions of this code may be issued by the housing official

103 7 Where the property is taken under consideration for rehabilitation under the Housing Rehabilitation Program of the City of Lakeland, the time period set forth in this section shall be suspended until the property is rehabilitated or the application for rehabilitation is rejected

(c) 105 HARDSHIPS

Where the literal application of the requirements of this code would appear to cause undue hardship on an owner or tenant or when it is claimed that the true intent and meaning of this code or any of the regulations therein have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal the decision of the housing official to the ~~Housing Board of Adjustments and Appeals~~ Construction Codes Licensing and Appeals Board as set forth in 107

(d) SECTION 106 HOUSING BOARD OF ADJUSTMENTS AND APPEALS - This section shall be deleted in its entirety

(e) 107 APPEALS

Any person receiving written notice from the housing official of deficiencies in his property under this code may within 30 days following the date of such notice enter an appeal in writing to the ~~Housing Board of Adjustments and Appeals~~ Construction Codes

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1 Licensing and Appeals Board Such appeal shall state the location of the property, the date
2 of the notice of violations, and the number of such notice The appellant must state the
3 variance or modification requested, the reasons therefor, and the hardship or conditions
4 upon which the appeal is made
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6 (f) 202 DEFINITIONS
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8 ABANDONED CONSTRUCTION PROJECT – A project to construct a
9 structure for which a building permit has been issued, but has had no inspection approved
10 for a period of six months, shall be presumed to be an abandoned construction project A
11 structure which has been previously permitted whose permit expires and a new permit has
12 not been reissued for a period of thirty days following the expiration of the previous permit,
13 shall conclusively be deemed to be an abandoned construction project and shall be abated in
14 accordance with the provisions of this code
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17 FAMILY – one or more persons living together, whether related by blood,
18 ~~marriage or adoption, and having common housekeeping facilities~~ related by blood,
19 marriage, adoption or foster care relationship occupying a dwelling unit and living as a
20 single, nonprofit housekeeping unit, or a collective number of persons occupying a dwelling
21 unit, not related by blood, marriage, adoption or foster care relationship, and living together
22 as a single non-profit housekeeping unit, provided however, that the maximum number of
23 unrelated persons shall not exceed five (5)
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26 g 302 FACILITIES REQUIRED
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28 302 5 1 Every dwelling unit shall have heating facilities which are properly
29 permanently installed in compliance with the applicable code, are maintained in safe and
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31 Words in ~~strikethrough~~ are deletions to existing law words underlined are additions

1 good working conditions, and are capable of safely and adequately heating all habitable
2 rooms and bathrooms to a minimum air temperature of 68 degrees Fahrenheit, measured
3 three (3) feet above the floor

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5 302 5 2 ~~Where a central heating system is not provided, each dwelling unit shall~~
6 ~~be provided with facilities whereby heating appliances may be connected~~

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8 h SANITATION REQUIREMENTS

9 307 4 Care of Premises

10 It shall be unlawful ~~for the owner or occupant of a residential building, structure,~~
11 ~~or property to utilize the premises of such residential property for the open storage of any~~
12 ~~inoperable motor vehicle, ice box, refrigerator, stove, glass, building material, building~~
13 ~~rubbish or similar items~~ It shall be the duty and responsibility of each such owner or
14 occupant to keep the premises of such residential property clean and to remove from the
15 premises all such abandoned items as listed above, including but not limited to weeds, dead
16 trees, trash, garbage, etc , upon notice from the housing official for any person to park,
17 store, place or locate on any private or public property, or the owner or occupant of any
18 property to park, store, locate or allow to be located on property owned or occupied by such
19 owner or occupant, except in a legally constructed fully enclosed structure, any abandoned,
20 disabled or inoperable motor-vehicle or parts thereof, appliances, household furnishings,
21 building rubbish, building materials (except where a valid building permit has been issued),
22 overgrowth, dead trees, trash, garbage, rubbish, etc , and all other items not designed and
23 intended to be used outdoors It shall be the duty and responsibility of every owner or
24 occupant to keep the premises of such residential property clean and to remove from the
25 premises all such items as listed above upon notice from the housing official

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SECTION 3 Ordinance 2762 is hereby repealed

SECTION 4 All ordinances or parts of ordinances in conflict herewith are hereby repealed


SECTION 5 If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby


SECTION 6 This ordinance shall take effect immediately upon its passage

PASSED AND CERTIFIED AS TO PASSAGE this 8th day of September,

A D 1998


RALPH FLETCHER, MAYOR

ATTEST 
PAULA KAY HOFFER
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS 
JOSEPH P MAWHINNEY
CITY ATTORNEY

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