



OFFICE OF THE
COUNTY ATTORNEY

ORDINANCE NO. 2010 - 02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2004-58, AS AMENDED, KNOWN AS THE COLLIER COUNTY PROPERTY MAINTENANCE CODE, BY AMENDING SECTION FOUR, DEFINITIONS, AND SECTION SIX, COMPLIANCE WITH HOUSING STANDARDS, DELETING IN ITS ENTIRETY SECTION SEVEN, RENTAL REGISTRATION REQUIREMENTS AND PROCEDURES, AMENDING SECTION NINE, INSPECTIONS OF STRUCTURES AND PREMISES, SECTION TEN, NOTICE OF VIOLATION PROCEDURES, SECTION ELEVEN, METHOD FOR DESIGNATION AND ELIMINATION OF HAZARDOUS CONDITIONS, SECTION TWELVE, STANDARDS FOR THE REPAIR OR DEMOLITION OF HAZARDOUS BUILDINGS BY THE COUNTY, SECTION THIRTEEN, ASSESSMENT OF COSTS TO THE OWNER WHEN ABATEMENT EXECUTED BY COUNTY, SECTION FOURTEEN, NOTICE FOR VACATION OF HAZARDOUS BUILDINGS, SECTION SEVENTEEN, CERTIFICATE REQUIRED FOR BOARDING BUILDING, SECTION TWENTY-ONE, COSTS INCURRED BY THE COUNTY; ASSESSMENT OF LIEN, SECTION TWENTY-TWO, NOTICE OF HEARING FOR REVOCATION OF BOARDING RENEWAL CERTIFICATE, AND SECTION TWENTY-FOUR, PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 23, 2004, the Board of County Commissioners (Board) adopted Ordinance No. 2004-58, repealing prior County ordinances and establishing a property maintenance code for the unincorporated area of Collier County to be known as the "Collier County Property Maintenance Code;" and

WHEREAS, on November 13, 2007, the Board amended the Collier County Property Maintenance Code through its adoption of Ordinance No. 2007-70; and

WHEREAS, the Board desires to further revise Ordinance No. 2004-58, as amended, to remove references to the Rental Registration Program, specify that liens are assessed by the Code Enforcement Board or the Special Magistrate, and add regulations relating to inspections of structures and the associated costs incurred by the County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA:

SECTION ONE: TITLE.

This Ordinance shall be known and may be cited as the "Collier County Property Maintenance Code."

SECTION TWO: PURPOSE AND SCOPE.

1. This Ordinance establishes minimum standards for the maintenance, upkeep, and appearance of improved and unimproved premises; to minimize impacts of construction; and provides a just, equitable and practicable method to prevent:
 - a. Residential and commercial buildings, structures, and premises from causing and/or endangering life, limb, health, safety or welfare of the general public or their occupants; or
 - b. Diminished property values; or
 - c. Detracting from the appearance of the residential area.
2. The provision of this Ordinance shall apply in the unincorporated area of Collier County to every portion of a building or premises, used or intended to be used as a dwelling unit in whole or in part, and every portion of a commercial or non-residential building or structure, regardless of the primary use of such building or structure and regardless of when such building or structure was or is constructed, altered or repaired.

SECTION THREE: GENERAL PROVISIONS.

1. *Maintenance.* Equipment systems, devices and safeguards required by this Code or a prior code under which the structure or premises was constructed, altered or repaired, shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of the fire protection, safety systems and devices in existing structures. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures and premises.
2. *Application of other codes.* Repairs, additions or alterations to a structure, or change of occupancy shall be performed in accordance with the procedures and provisions of the code applicable at the time of construction. Nothing in this Code shall be construed to cancel, modify or set aside any provisions of this section.
3. *Existing remedies.* The provisions in this Code shall not be construed to abolish or impair other remedies of any local, state or federal jurisdiction or its officers or agencies relating to the removal or demolition of any structure.
4. *Requirements not covered by this Code.* The Building Official shall determine requirements necessary for the strength, stability or property operation and general conditions acceptable for an existing fixture, structure or equipment not specifically covered by this code.
5. *Deviation from Code.* Where practical difficulties are prohibitive in carrying out the provisions of this Code, the Community Development Administrator or designee, in coordination with the appropriate licensed authority, if applicable, has the authority to grant modifications for individual cases. The modification shall be in compliance with the intent and purpose of this Code

and shall not lesson health, life and fire safety requirements. The basis for granting modifications shall be recorded and entered in the Department files.

6. *Compliance.* It shall be the duty of each and every owner and operator of improved or unimproved property within the unincorporated County to comply with the requirements set forth in this Ordinance. No premises or building, or combination, shall be used in a manner inconsistent with or in conflict with the requirements of this Ordinance.

7. *Conflict with other codes.* The provisions of this article shall apply to all buildings, structures or premises in existence or built within the unincorporated County. Where the provisions of this Ordinance impose a standard different than that set forth in any other County ordinance or state law, the most restrictive standard shall apply.

SECTION FOUR: AMENDMENTS TO SECTION FOUR OF ORDINANCE NO. 2004-58, AS AMENDED.

Section Four of Ordinance No. 2004-58, as amended, is hereby amended to read as follows:

SECTION FOUR: DEFINITIONS.

When used in this Code, the following terms shall have the following meanings, unless the content clearly otherwise requires:

1. *ACCESSORY USE OR STRUCTURE* – a use or structure of a nature customarily incidental and subordinate to the principal use or structure, and, on the same premises. On the same premises with respect to accessory uses and structures shall be construed as meaning on the same lot or on a contiguous lot in the same ownership. Where a building is attached to the principal building, it shall be considered a part thereof, and not an accessory structure.
2. *ATTIC* – any story situated wholly or partly in the roof, so designated, arranged or built to be used for storage or uninhabitable space.
3. *BOARD* – Board of County Commissioners of Collier County, Florida.
4. *BOARDING* – the placement of plywood or some type of construction material as a temporary barrier to cover and obscure a window, storefront or access to a structure.
5. *BUILDING* – a structure of any kind, which is built or constructed of parts joined together in some definite manner, which requires a fixed location on, or in the ground attached to something having a fixed location on or in the ground.
6. *BUILDING CODE* – the Florida Building Code, or its successor, as amended by the Collier County Board of County Commissioners.
7. *BUILDING OFFICIAL* – the individual charged with the responsibility to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair,

remodeling, or demolition of structures and the installation of building systems to ensure compliance with the Florida Building Code.

8. *CODE ENFORCEMENT BOARD* – The Collier County Code Enforcement Board created by the Collier County Code Enforcement Board Ordinance as authorized by Chapter 162, Florida Statutes.

9. *CODE ENFORCEMENT INVESTIGATOR* - any authorized agent, representative, or County employee designated by the Housing Official to ensure compliance and enforcement of the provisions of this Code.

10. *CONDEMNATION* – the declaration by a Housing Official or designee that a property or structure is unfit for use or habitation or dangerous to person or other property pursuant to Chapter 553, Part VI, Florida Statutes, with consultation from the Fire Department, Health Department, Building Official, or other applicable agency.

11. *COUNTY MANAGER* - County Manager or his designee.

12. *DANGEROUS BUILDINGS AND STRUCTURES* - all buildings, dwelling units or structures which are unsafe, unsanitary, unfit for human habitation, or do not provide for adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. Additionally, any building, dwelling unit or structure that is deemed to be classified as any one of the following:

a. A structure or dwelling unit, which, in the opinion of the Fire Inspector constitutes a fire hazard; or

b. A structure or dwelling unit, which in the opinion of the Health Inspector, constitutes a threat to the health of its occupants or to the health of the general public by reason of the unsanitary, infectious or defective condition of said building; or

c. A structure or dwelling unit, which in the opinion of the Building Official or designee or a Florida State Certified engineer falls below minimum structural standards; or

d. A structure or dwelling unit, the interior walls or other vertical structure members of which list, lean or buckle to the extent that plumb line passing through its center of gravity falls outside of the middle third of its base; or

e. A structure or dwelling unit, exclusive of the foundation, which evidences 33% or greater damage to or deterioration of the non-supporting, enclosing, or outside walls or covering; or

f. A structure or dwelling unit existing in violation of any provision of the Building Code or any other ordinance of the County.

13. *DEBRIS* – any material which is stored externally or internally and shall include, but not be limited to the following: discarded household items; inoperative or discarded machinery, automobiles

or appliances; refuse, rubbish, trash or junk; used scrap or discarded lumber, pipe, steel, plumbing fixtures, insulation, and other building material.

14. *DETERIORATION* – a lowering in quality in the condition or appearance of a building or parts thereof, characterized by holes, breaks, rot, cracking, peeling, rusting, mold/mildew, graffiti or any other evidence or physical decay or neglect, or excessive use, or lack of maintenance, including the landscaping and parking areas.
15. *DILAPIDATED* – substantial deterioration of a building or parts thereof, such that said building, or a portion thereof, is no longer adequate for the purpose or use for which it was originally intended.
16. *DWELLING UNIT* – A single unit within a building providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
17. *ELECTRICAL CODE* - National Electrical Code, as it may be amended or its successor.
18. *FIRE INSPECTOR* – One certified to have met the inspection training requirements by the Division of State Fire Marshall of the Department of Insurance.
19. *GARBAGE* – any animals or vegetable waste resulting from the handling, preparation, cooking, and consumption of food, including food containers of any type.
20. *GAS CODE* – the Building Code revisions, as may be amended or its successor.
21. *HABITABLE ROOM* – a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, screen enclosures, storage or utility space, and similar areas are not considered habitable space.
22. *HEALTH INSPECTOR* – the Director of the Collier County Health Department or his or her designee.
23. *HOUSING OFFICIAL* – the officer charged with the administration and enforcement of this Code or a duly authorized representative or representatives. The Code Enforcement Director is hereby designated to be the Housing Official.
24. *IMPROVED PROPERTY* - real property, which contains a building(s) or other structural improvements.
25. *INFESTATION* – the presence within or around a structure of insects, rodents, or pests, which are detrimental to the public health, safety, and general welfare of the residents or occupants, or neighboring properties.
26. *INOPERATIVE VEHICLE(S)* – vehicles or trailers of any type that are not immediately operable, used for the purpose for which they were manufactured, in need of mechanical or electrical repairs or the replacement of parts, do not meet the definition of recreational vehicle as defined in the

Collier County Land Development Code, do not meet the Florida Safety Code, or does not have current valid license plates.

~~27. LOCAL AGENT OR OPERATOR~~ a person or representative of a corporation, partnership, firm, joint venture, trust, association, organization or other entity, having his or her place of residence in Collier County and designated by the owner to maintain such premises in compliance with the provisions of this Ordinance under the Rental Registration Section. The owner may act as the local agent so long as he/she resides in the County.

~~28~~ 27. *NONRESIDENTIAL STRUCTURE* – any structure that is not a residential structure. This term shall include, but is not limited to, any occupied or unoccupied structure, commercial structures or buildings, mixed use buildings or structures that include both dwelling units and office or retail combinations, and every other structure that is not a dwelling.

~~29~~ 28. *NUISANCE* - Unsanitary conditions or anything offensive to the senses or dangerous to health.

~~30~~ 29. *OCCUPANT* – any person living, sleeping, cooking or eating in, or having actual possession of a dwelling unit, within the confines of any building or structure.

~~31~~ 30. *OPENABLE AREA* – any part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

~~32~~ 31. *OWNER* - the holder of the title of property, if fee simple, and any person, group of persons, company, association or corporation in whose name tax bills on the property are issued. It shall also mean any person who, alone or jointly or severally with others: (a) shall have legal title to any dwelling unit, with or without accompanying actual possession thereof; or (b) shall have charge, of or control of any dwelling unit, as owner, personal representative, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgage or vendee in possession, or assignee of rents, lessee, or other person, firm, or corporation in control of a building; or their duly authorized 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.

~~33~~ 32. *OXYGEN DEPLETION SENSING SYSTEM (ODSS)* - an automatic pilot and shutoff system. Incorporates a pilot designed to be stable within narrow conditions of operation, which is designed to blow out or lift off under reduced oxygen atmospheres, resulting in gas shutoff by a companion valve.

~~34~~ 33. *PERSON* - any individual, firm, corporation, association, partnership or other entity.

~~35~~ 34. *PLUMBING CODE* – the Building Code revisions as may be amended or its successor.

~~36~~ 35. *PREMISES* – a lot, plot or parcel of land, or portion thereof, including the buildings or structures thereon.

~~37. *PROPERTY* for the purposes of rental registration "property" means a parcel or contiguous parcels with any number of rental units located thereupon under common ownership and/or management.~~

~~38. *RENTAL REGISTRATIONS* the registering of residential rental units with the Collier County Code Enforcement Department.~~

~~39. *RENTAL UNIT* A rental unit is any dwelling unit that is not owner occupied but occupied by someone other than the owner for any portion of a calendar year.~~

40 36. *RESIDENTIAL STRUCTURES* – any dwelling unit or structure where any part is used or intended to be used for living, sleeping, cooking or eating.

41 37. *RUBBISH* – any waste material other than garbage.

42 38. *SKYLIGHT* – an opening through the roof and ceiling to admit light to a room, including the window portion therein. The assembly may or may not have an operable section to provide ventilation.

43 39. *SPECIAL MASTER MAGISTRATE* – an attorney designated by the Board of County Commissioners pursuant to Chapter 162, Florida Statutes who has the authority to hold hearings and assess fines against violators of Collier County Codes and Ordinances.

44 40. *STAIRWAYS* – one or more flights or stairs and the necessary landings and platforms which form a continuous and uninterrupted passage from one story to another, within or attached to the exterior of a building or structure.

45 41. *STORY* – that portion of a building including between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be the portion of a building, included between the upper surface of the topmost floor and the ceiling or roof above.

46 42. *STRUCTURE* – anything constructed or erected which requires the fixed location on the ground, or in the ground, or attached to something having a fixed location on or in the ground, including, but not limited to, fences, buildings, towers, smokestacks, utility poles and overhead transmission lines.

47 43. *SUBSTANDARD* – any residential or commercial building or structure used as a dwelling unit which is so damaged, decayed, dilapidated, or vermin infested that it creates a hazard to the health or safety of the occupants/public. Any such unit which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants/public shall be considered to be unsafe, and unsanitary, as well as unfit for human habitation and therefore substandard, except that it shall not be deemed substandard if built and maintained in accordance with the building code at the time of construction.

48 44. *VENTILATION* – the process of supplying and removing air by natural or mechanical means to or from any structure, building or dwelling.

~~49~~ 45. *WEATHERPROOF* – able to withstand exposure to weather without damage or loss of function.

~~50~~ 46. *WEATHERTIGHT* – able to exclude wind and rain under typical local weather conditions.

~~51~~ 47. *YARD* – an open, unoccupied space on the same lot with a building, structure or dwelling.

~~52~~ 48. *ZONING ORDINANCE* – the Comprehensive Zoning Ordinance (or Land Development Code) for unincorporated Collier County, as it may be amended.

SECTION FIVE: RULES OF CONSTRUCTION.

For purposes of administration and enforcement of this Housing Code, unless otherwise stated in this ordinance, the following rules of construction shall apply:

1. The word “shall” is always mandatory and not discretionary and the word “may” is permissive.
2. Words used in the present tense shall include the plural future; and words used in the singular shall include the plural and the plural singular, unless the context clearly indicates the contrary; use of the masculine gender shall include the feminine gender.
3. The word “includes” shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
4. Whenever the words “structure”, “building”, “dwelling unit”, or “premises” are used in this Ordinance, they shall be construed as though they were followed by the words “or any parts thereof”.

SECTION SIX: AMENDMENTS TO SECTION SIX OF ORDINANCE NO. 2004-58, AS AMENDED.

Section Six of Ordinance No. 2004-58, as amended, is hereby amended to read as follows:

SECTION SIX: COMPLIANCE WITH HOUSING STANDARDS.

All dwellings units whether occupied or unoccupied, shall comply with the requirements of this Section as hereinafter set forth:

1. *SANITARY FACILITIES REQUIRED* – Every dwelling unit shall contain not less than one (1) kitchen sink with counter work space, one (1) lavatory basin, one (1) tub or shower, and one (1) commode, all in good working condition and properly connected to an approved water and sanitary sewer system as approved by Collier County or the Collier County Public Health Department as applicable. Every plumbing fixture and water and wastewater pipe connection shall be properly installed in accordance with the Plumbing Code and maintained in good sanitary working condition, free from defects, leaks and obstructions. Every plumbing fixture shall be located within the dwelling

unit, and be accessible to the occupants of the dwelling unit. The commode, tub, or shower, and lavatory basin shall be located in a room affording privacy to the user.

2. *HOT AND COLD WATER SUPPLY* – Every dwelling, or dwelling unit, shall have connected to the kitchen sink, lavatory basin, tub or shower an adequate supply of both hot and cold water, all in good working condition. All connections shall be supplied through an approved pipe distribution system connected to a potable water supply.
3. *WATER HEATING FACILITIES* – Every dwelling unit shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit.
4. *HEATING FACILITIES* – Every dwelling or dwelling unit shall be equipped with heating equipment which shall be capable of safety and adequately heating all habitable rooms to a temperature of 68 degrees Fahrenheit under ordinary minimum southwest Florida winter conditions. Any electrical heating equipment shall be installed and connected to electrical circuits as prescribed in the Electrical Code unless such equipment is approved by a nationally recognized testing agency. Unvented fuel-fire heaters shall not be used in any location unless equipped with an Oxygen Depletion Sensing System (ODSS). Any appliance which has been converted from a vented to an unvented heater shall not be used under any conditions.
5. *COOKING EQUIPMENT* – every dwelling unit shall contain an operable stove or range and refrigerator. All cooking and heating equipment and facilities shall be installed in accordance with the Building, Gas, and Electrical Codes, and shall be operable and maintained in a safe, working condition.
6. *GARBAGE DISPOSAL FACILITIES* – Every dwelling unit shall have adequate garbage or rubbish disposal facilities or garbage or rubbish storage containers.
7. *LIGHT AND VENTILATION* – Every habitable room of a dwelling unit shall meet the minimum size and access requirements of the Building Code.
8. *BATHROOM* – Every bathroom of a dwelling unit shall comply with the minimum light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms equipped with a mechanically ventilating air system.
9. *ELECTRIC LIGHTS AND OUTLETS* – Every dwelling unit shall be wired for electric lights and convenience outlets. Every room shall contain at least one wall-type electrical convenience outlet as specified in the provisions of the Electrical Code, in effect at the time of violation.
10. *LIGHT IN PUBLIC HALLS AND STAIRWAYS* - Every public hall and stairway in a structure containing three or more dwelling units shall be adequately lighted at all times. Structures with less than three dwelling units shall be supplied with a conveniently located light switch that controls an adequate light system which can be turned on when needed if continuous lighting is not provided.

11. *ELECTRICAL SYSTEMS* – All fixtures, convenience receptacles, equipment and wiring of a dwelling or dwelling unit shall be installed, maintained, and connected to the source of electrical power in accordance with the provisions of the Electrical Code, in effect at the time of violation.

12. *EXTERIOR AND INTERIOR STRUCTURES OF DWELLING UNITS* – all the following component of a dwelling unit shall be maintained in good condition.

a. *FOUNDATION* – The building foundation walls or other structural elements shall be maintained in a safe manner and be capable of supporting the load which normal use may place thereon.

b. *EXTERIOR WALLS* – The exterior walls shall be maintained free from holes, breaks and loose or rotting material. Such exterior walls shall also be substantially weather tight and weatherproof, and surfaces properly coated as needed to prevent infestation and deterioration. Decorative features shall be maintained in good repair with proper anchorage. Any graffiti shall be removed or repainted to match existing surfaces.

c. *ROOFS* – Roofs shall be maintained in a safe manner and have no defects which might admit rain or cause dampness in the wall or interior portion of the building.

d. *MEANS OF INGRESS/EGRESS* – Every dwelling or dwelling unit shall have a safe, unobstructed means of ingress/egress leading to a safe and open space. A second means of escape or egress may be required in accordance with the Building Code as amended by Collier County.

e. *ATTIC ACCESS* – Access to the attic shall be provided by means of an access panel within the dwelling unit. This provision does not require tenant access.

f. *STAIRS, PORCHES, AND APPURTENANCES* – Every inside and outside stairway, stair, porch, and any appurtenance thereto, shall be maintained in a safe condition, capable of supporting a load that normal use may place thereon, and in accordance with the Building Code as enacted by Collier County.

g. *PROTECTIVE/GUARD RAILINGS* – Protective/guard railings shall be required in the manner prescribed by the Building Code. Such railings shall be maintained in good condition and be capable of bearing normally imposed loads.

h. *HANDRAILS* – Handrails shall be required in the manner prescribed by the Building Code.

i. *WINDOWS AND EXTERIOR DOORS* – Every window, exterior door, shall be properly fitted within its frame, provided with lockable hardware, and shall be weather-tight and weatherproof, and maintained in good repair. Every window required for light and ventilation for habitable rooms shall be capable of being opened easily and secured in a position by window hardware. Windowpanes or approved substitutes shall be maintained without cracks or holes. Openings originally designed as windows and doors shall be maintained as such, unless approved by the Building Official for enclosure. The closing in of a window or door shall be by bricking the opening, blocking the opening with concrete blocks and stuccoing the exterior, utilization of an authorized building material and finishing the

exterior with like material of the original exterior surface, or boarding the opening. When boarding is used, it shall be trim fit, sealed to prevent water intrusion, and painted or stained to conform with the other exterior portions of the building. The boarding shall remain in place no longer than 18 months, unless an extension is granted by Code Enforcement Special ~~Master~~ Magistrate.

j. *WINDOW SASH* – Window sashes shall be properly fitted and weather-tight within the window frame.

k. *HARDWARE* – Every door shall be provided with proper hardware and maintained in good condition.

l. *SCREENS* - Every window or other device used or intended to be used for ventilation which opens directly to the outdoor space shall have screens. Dwelling units which contain operable central heating and air-conditioning systems are not required to have screens on doors and windows.

m. *PROTECTIVE TREATMENT* – All exterior surfaces other than decay-resistant woods shall be protected from the elements by painting or other protective covering according to manufacturer's specifications.

n. *ACCESSORY STRUCTURE* – All accessory structures shall be maintained and kept in good repair and sound structural condition.

o. *INTERIOR DOORS* – Every interior door shall be properly fitted within its frame.

p. *INTERIOR FLOOR, WALLS AND CEILING* – Every dwelling unit shall have a permanent floor of approved material prescribed by the Building Code. Every floor and interior wall shall be free from infestation and maintained in good repair to prevent deterioration and shall be capable of supporting the load which normal use may cause to be placed thereon.

q. *STRUCTURAL SUPPORTS* – Every structural element of a dwelling unit shall be maintained in good repair and show no evidence of deterioration which would render it incapable of carrying loads which normal use may cause to be placed thereon.

r. *GUTTERS AND DOWNSPOUTS*- Gutters and downspouts shall be maintained in good repair and shall be neatly located and securely installed.

13. *OCCUPANCY STANDARD, DWELLINGS* – Every dwelling unit shall comply with the minimum space footage requirements of the Land Development Code and shall contain at least 250 square feet of habitable floor space for the first occupant and at least 200 additional habitable square feet of floor area per additional occupant, not to exceed more than 4 unrelated individuals per household. No habitable room other than a kitchen shall have an area of less than 70 square feet as prescribed in the Building Code.

14. *MINIMUM CEILING HEIGHT* – Habitable space other than kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than the minimum ceiling height requirements specified in the building code at the time of construction.
15. *POOL MAINTENANCE, PRIVATE* – all swimming pools, spas and architectural pools, ponds or other decorative bodies of water, not otherwise regulated by the Health Department, shall be properly maintained so as not to create a safety hazard or harbor insect infestation. Water shall not be allowed to stagnate or become polluted. All pools shall be free from unsightly appearance, including but not limited to, free of mold, litter and debris.
16. *OCCUPANCY OF SPACE BELOW FLOOD ELEVATION*– no space constructed below the then minimum flood elevation at the time of the original construction shall be used as a habitable space or dwelling unit. Use of such areas shall be limited to storage or utilitarian activity (i.e.: game room) and improved to meet FEMA requirements.
17. *RESIDENTIAL PARKING FACILITIES* – all residential properties must provide parking facilities in accordance with the Collier County Land Development Code and shall be treated with a stabilized surface made of concrete, crushed stone, asphalt, or brick pavers. Such facilities must be maintained in good condition and repairs to the parking surfaces must be made with like material.
18. *BOAT HOUSES*- All boathouses within the unincorporated County must be maintained so as to prevent decay, as characterized by holes, breaks, rot, rusting or peeling paint. All exposed surfaces of metal or wood shall be protected from the elements, decay or rust.
19. *SANITATION REQUIREMENTS* –
- a. All public or shared areas, and habitable rooms of any dwelling unit, structure, accessory structure, or building shall be kept in a clean and sanitary condition by the occupant or owner, in accordance with Health Department standards.
 - b. Nothing shall be placed, constructed, or maintained on any premise that conflicts with this code so as to constitute a nuisance or fire hazard.
 - c. All buildings, structures, accessory structures (including private swimming pools), dwelling units shall be regularly maintained and kept free of infestation.
 - d. The plumbing fixtures in every dwelling unit, building or structure shall be maintained in a clean and sanitary condition as prescribed by the Health Department.
20. *SMOKE DETECTORS* – All dwelling units shall be equipped with smoke detectors to meet the minimum Building and Fire Code requirements. If the structure was built without wired detectors, battery operated smoke detectors are recommended for installation. All rental units shall have smoke detectors that meet the residential Landlord and Tenant Act.

SECTION SEVEN: DELETION OF SECTION SEVEN OF ORDINANCE NO. 2004-58, AS AMENDED.

Section Seven of Ordinance No. 2004-58, as amended, entitled "Rental Registration Requirements and Procedures," is hereby deleted in its entirety and all subsequent sections shall be renumbered accordingly.

SECTION EIGHT: ESTABLISHMENT OF HOUSING OFFICAL - DESIGNATION; POWERS AND DUTIES.

There is hereby established the position of Housing Official who is hereby charged with the duty of administering the applicable standards set forth in the Ordinance and securing compliance with the minimum Housing Standards set forth in this Ordinance. The Code Enforcement Director is hereby designated to be the Housing Official established by this section. The Housing Official is hereby authorized to:

1. Conduct inspections or take other appropriate action to require compliance with this Ordinance;
2. Investigate alleged violations of this Ordinance and to enter upon real property in the conduct of official business;
3. Issue notices of violation and written demands to correct violations of this Ordinance;
4. Initiate any and all other criminal or civil enforcement action as may be authorized by law to require compliance with this Ordinance;
5. Appoint Code Enforcement Investigators to assist with the enforcement of this Ordinance.

SECTION NINE: AMENDMENTS TO SECTION NINE OF ORDINANCE NO. 2004-58, AS AMENDED.

Section Nine of Ordinance No. 2004-58, as amended, is hereby amended to read as follows:

SECTION ~~NINE~~ EIGHT: INSPECTION OF STRUCTURES AND PREMISES.

1. Complaint-driven ~~or, requested, or~~ inspector-initiated inspections of properties subject to this Ordinance shall be conducted by the County to ensure that such properties are in compliance with the provisions of this Property Maintenance Code; ~~provided, however, t~~This provision shall not be interpreted as authorizing the County to conduct inspections of properties without the consent of the owner or occupant or without a warrant. The County shall charge the property owner a fee for each unit inspected consistent with the CDES Fee Resolution. In securing consent, or at the time of inspection, the Housing Official or the Code Enforcement Investigator shall present County-issued identification and shall explain to the owner, occupant or operator the purpose of the inspection.

~~Rental inspections shall not be required for rental units on a property covered by a DBPR license. A copy of the current DBPR inspection license shall be provided with the initial rental registration and all subsequent rental renewal applications.~~

2. If the inspection of a property reveals violations of the provisions of this Property Maintenance Code, this shall trigger a request for an inspection of the interior of the property and/or a random sampling of the properties involved which may include multiple units.

3. For inspections involving multiple units at one location and upon consent of owner or designee or issuance of inspection warrant, a random sampling of the properties will be inspected as follows:

- a. 1 to 4 units, all units;
- b. 5 to 10 units, 50% of units;
- c. 11 to 29 units, 20% of units;
- d. 30 to 49 units, 15% of units;
- e. 50 or greater, if one location, 5% of the units with a maximum of 20 units.

In the case of 50 or greater units, if the Housing Official finds one or more serious, health, safety or habitability violations in 5 % of the units, the Official may ask to inspect more units to a total of 100% of the units in the development community. The Housing Official may assess a noncompliance inspection fee of \$50.00 per unit inspected, per re-inspection, if any violation still exists after allowance of a reasonable time period for compliance.

4. The Housing Official and all appointed designees are authorized and directed, in accordance with this Section, to enter and inspect dwelling units, buildings, structures and premises to determine their condition in order to assure compliance with the provisions of this Code or upon receipt of complaints or when the Housing Official has cause to believe a violation of this Code exists. Inspections shall take place during the regular business hours of Collier County Government, or at a time mutually agreed upon by the Housing Official and the owner, operator or occupants. Should the owner, agent, operator, or occupant fail to make the mutually agreed upon inspection, a final inspection must be obtained within 30 days of the original inspection date.

5. The owner, operator, occupant or other person in control of the dwelling unit, building, structure or premises shall, upon consent, allow the Housing Official or designee free and unrestricted access to all areas subject to the provisions of this Ordinance for purposes of a full and complete inspection. In the event that the Housing Official or designee is denied access or cannot obtain access to a dwelling unit, building, structure or premises for purposes of inspection, the Housing Official or designee is authorized and directed to seek and obtain an inspection warrant authorizing entry and inspection pursuant to Chapter 933, Florida Statutes, as it may be amended or replaced.

SECTION TEN: AMENDMENTS TO SECTION TEN OF ORDINANCE NO. 2004-58, AS AMENDED.

Section Ten of Ordinance No. 2004-58, as amended, is hereby amended to read as follows:

SECTION ~~TEN~~ NINE: NOTICE OF VIOLATION PROCEDURES.

Whenever the Housing Official or Code Enforcement Investigator determines that a violation of this Ordinance exists, the following action shall be taken:

1. The Housing Official or Code Enforcement Investigator shall provide written notice of any alleged violation to the owner, operator or other party responsible for the dwelling unit, building, structure or premises. Such written notice of violation shall include the following:

- a. A description of the location of the structure involved, either by street address or legal description;
- b. A statement of the facts supporting the violation and the reason why the notice of violation has been issued;
- c. A reference to the Section or Sections of this Ordinance and any applicable code or ordinance upon which the violation is based;
- d. If repairs or alterations will bring the structure into compliance with this Ordinance, a statement of the nature and extent of such repairs or alterations necessary to comply with this article;
- e. If repairs or alterations are necessary for compliance, a specified time within which such repairs or alterations are required to be made;
- f. If the violation is of such character that repairs or alterations cannot bring the structure into compliance, a statement to that effect and an order for vacating the premises with an explanation therefore and a time frame for vacating the premises;
- g. The name or names of persons upon whom the notice of violation is served as stated in subsection (2) of this Section;
- h. A statement advising that the failure to cure the violation within the time period stated will result in the Housing Official taking any and all action as may be permitted by law to abate the violation.

2. The notice of violation may be either personally served upon the owner or served by certified mail, return receipt requested, at the address of the owner as listed in the tax collector's office for tax notices. If a notice of violation sent by certified mail is returned as unclaimed or refused, notice shall be posted in a conspicuous place of the premises at which violations are located and at the County courthouse at least 10 days prior to the hearing or prior to the expiration of any deadline contained in the notice. Posting of the premises shall be considered adequate even if the notice is removed by the owner, operator, occupant or any other unauthorized or unidentified person prior to the 10 day time period having lapsed. ~~Service on the owner's agent or operator at the address listed in owner's Rental Registration application by first class mail shall substitute for service on the owner.~~ If the owner does not occupy the premises, a copy of the notice of violation shall also be provided to the occupant of the premises.

3. The Housing Official is authorized to condemn any building, dwelling, structure or accessory structure, which is in violation of this Code and is unsafe, unfit or unsanitary for human occupation and constitute a dangerous building structure. The Housing Official may placard the premises and order the premises be vacated or closed to occupancy when the premises are unsafe, unfit or unsanitary for human occupancy. The failure of any person to comply with such order within the time designated by said Housing Official shall be subject to the penalties of this Ordinance. Any unauthorized person removing, defacing or mutilating any such notice, order or placard as provided for in this Code shall be deemed to be in violation of this Code and shall be subject to penalties as provided in Section 24 of this Ordinance.

SECTION ELEVEN: AMENDMENTS TO SECTION ELEVEN OF ORDINANCE NO. 2004-58, AS AMENDED.

Section Eleven of Ordinance No. 2004-58, as amended, is hereby amended to read as follows:

SECTION ~~ELEVEN~~ TEN: METHOD FOR DESIGNATION AND ELIMINATION OF HAZARDOUS BUILDINGS.

If an appropriate person, as identified under the definition of Dangerous or Hazardous Building, identifies a hazardous or dangerous condition existing within a building or structure, he shall make an itemized report of all hazards within the area of his expertise and certify said report to the Housing Official. The Housing Official shall then notify the owner of the offending property, in writing, and demand that said owner cause the hazardous condition to be remedied. The notice may be either personally serviced, upon the owner or served by certified mail, return receipt requested, at the address of the owner listed in tax collector's office for tax notices. If the building or structure is occupied, the Housing Official shall also cause a copy of the notice to be provided to the occupant or occupants of the property, or upon the Agent or Operator. In the event that personal service upon the owner or his Agent or operator, cannot be performed after diligent search, then service shall be accomplished by physically posting the notice upon said property at which the violations are located and at the County courthouse at least 10 days prior to the hearing or prior to the expiration of any deadline contained in the notice. Posting of the premises shall be considered adequate even if the notice is removed by the owner, operator, occupant or any other unauthorized or unidentified person prior to the 10 day time period having lapsed.

After service of the notice, the owner shall have 30 days to remedy the hazardous condition after obtaining all applicable permits, or the County will remedy the hazardous condition at the complete cost of the owner. If the owner wishes to contest the Housing Official's determination of the existence of a hazardous building he may apply for a hearing before the Code Enforcement Board or Special ~~Master~~ Magistrate of Collier County within fifteen (15) days from the date of service of the notice. The notice shall be in substantially the following form:

NOTICE OF DANGEROUS BUILDING

DATE: _____

NAME OF OWNER: _____

ADDRESS OF OWNER: _____

Our records indicate that you are the owner(s) of the following property in Collier County, Florida.

(Describe property by legal description or address)

An inspection of this property discloses, and I have found and determined, that a hazardous and dangerous building exists thereon so as to constitute a threat to the safety of its occupants and/or the general public of Collier County. The specific hazards are as follows:

(Describe / list hazardous conditions)

You are hereby notified that unless the above dangerous conditions are remedied, so as to make the property in compliance with this Ordinance within thirty (30) days from the date hereof, the County will remedy the dangerous condition and the cost thereof will be levied as an assessment against such property. You are further notified that should you desire to contest the Housing Official's determination of the existence of a dangerous building you may apply for a hearing before the Code Enforcement Board (CEB) or (Special ~~Master~~ Magistrate of Collier County). Such request for hearing shall be made in writing to the Secretary to the CEB /~~Special Master~~ Magistrate within fifteen (15) days from the date of this notice.

SECTION TWELVE: AMENDMENTS TO SECTION TWELVE OF ORDINANCE NO. 2004-58, AS AMENDED.

Section Twelve of Ordinance No. 2004-58, as amended, is hereby amended to read as follows:

SECTION ~~TWELVE~~ ELEVEN: STANDARDS FOR THE REPAIR OR DEMOLITION OF HAZARDOUS BUILDING BY THE COUNTY.

1. If the owner fails to repair the hazardous condition within thirty (30) days of service of the notice that a hazardous condition exists, or within fifteen (15) days of the final determination by the ~~Board~~ Code Enforcement Board or Special Magistrate that a hazardous condition exists, then the Housing Official shall, in ordering the repair or demolition of dangerous buildings, be guided by the following:

- a. Whether the interior walls or other vertical structure members list, lean or buckle to the extent that plumb line passing through its center of gravity falls outside of the middle third of its base; or
- b. Whether the non-supporting, enclosing, or outside walls or covering, exclusive of the foundation, evidences 33% or greater damage to or deterioration; or
- c. Whether a structure exists in violation of any provision of the Building Code or any other ordinance of the County.

If the building is unoccupied and it is deemed that demolition is not feasible, the building should be secured in accordance with the section of this ordinance regulating the boarding of vacant buildings or dwellings.

**SECTION THIRTEEN: AMENDMENTS TO THIRTEEN OF ORDINANCE NO. 2004-58,
AS AMENDED.**

Section Thirteen of Ordinance No. 2004-58, as amended, is hereby amended to read as follows:

**SECTION ~~THIRTEEN~~ TWELVE: ASSESSMENT OF COSTS TO OWNER WHEN
ABATEMENT EXECUTED BY COUNTY.**

1. If the owner fails to remedy the hazardous condition, the County shall remedy the hazardous condition and notify the owner of the expense incurred by certified mail, return receipt requested at the address of the owner as listed in the tax collector's office for tax notices. The Housing Official shall then certify to the ~~Board of County Commissioners~~ Code Enforcement Board or Special Magistrate the expense incurred in remedying the violation, whereupon such expense shall become payable within thirty (30) days. If the owner fails to pay the expense incurred within the prescribed time limit, the ~~Board~~ Code Enforcement Board or Special Magistrate shall ~~cause a resolution to be adopted assessing a special~~ a lien and charge upon the property which shall be payable with interest at the legal rate as of the date of certification by the Hosing Official. The notice of assessment shall be in substantially the following form:

LEGAL NOTICE OF ASSESSMENT

DATE: _____

NAME OF OWNER: _____

ADDRESS OF OWNER: _____

You, as the owner of record of the following property;

(Describe property)

Are hereby advised that Collier County, Florida did on the ___ day of _____, 20___, order that the hazardous or dangerous condition which existed on the above property be remedied, and sending you notice thereof, the specific hazards being:

(Itemize Hazards)

A copy of such notice has been sent to you. You have failed to remedy the hazardous condition; whereupon, it was remedied by Collier County at a cost of \$ _____; such cost, has been assessed against the above property, in the same manner as a tax lien in favor of Collier County on _____, 20___. You may request a hearing before the ~~Board of County Commissioners~~ Code Enforcement Board or Special Magistrate to show cause, if any, why the expenses and charges incurred by the County under this Ordinance are excessive or unwarranted or why such expenses should not constitute a lien against the property. ~~Said request for hearing shall be made to the Clerk of the Board of County Commissioner in writing within ten (10) days from the date of this notice.~~

Such lien shall be enforceable in the same manner as a tax lien in favor of Collier County and may be satisfied at any time by payment thereof including accrued interest. Notice of such lien shall be filed in the office of the Clerk of the Circuit Court and recorded among the public records of Collier County, Florida.

2. If the owner feels that the expense certified by the Housing Official for correcting the hazardous condition is excessive, he may appeal the amount assessed by filing a written notice of appeal with the County Manager, with a copy to the Housing Official, within ten (10) working days after the notice of assessment. The owner may then appear before the Board and present facts supporting his position. Thereafter, the decision of the Board shall be final.

3. The Property Appraiser shall keep complete records relating to the amount payable for liens, above described, and the amount of such lien shall be included in tax statements thereafter submitted to the owners of lands subject to such liens.

SECTION FOURTEEN: AMENDMENTS TO SECTION FOURTEEN OF ORDINANCE NO. 2004-58, AS AMENDED.

Section Fourteen of Ordinance No. 2004-58, as amended, is hereby amended as follows:

SECTION ~~FOURTEEN~~ THIRTEEN: NOTICE FOR THE VACATION OF HAZARDOUS BUILDINGS.

If a dangerous or hazardous building exists, to the extent that it causes danger of imminent peril to life and health, the Code Enforcement Board or Special ~~Master~~ Magistrate may order the building to be vacated.

SECTION FIFTEEN: RESPONSIBILITY FOR PROPERTY MAINTENANCE.

Every owner of real property within unincorporated Collier County is required to maintain such property in a manner so as not to violate the provisions of this ordinance, and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.

SECTION SIXTEEN: RESPONSIBILITIES OF OWNERS OF NONRESIDENTIAL STRUCTURE, VACANT BUILDINGS, VACANT STRUCTURES, AND VACANT OR UNIMPROVED LOTS.

All owners of nonresidential structures, vacant buildings, vacant structures and vacant or unimproved lots shall comply with the following requirements:

1. Nonresidential Structures:

a. All nonresidential structures shall be watertight, weather-tight, insect-proof and in good repair.

b. Every foundation, exterior wall and roof shall be reasonably watertight, weather-tight and rodent-proof, shall adequately support the building at all times, and shall be in a workmanlike state of maintenance and repair.

c. Every interior partition, wall, floor and ceiling shall be reasonably tight and maintained in a workmanlike state of repair and in a clean and sanitary condition.

d. All rainwater shall be so drained and conveyed from every roof, and the lot shall be graded and drained, as not to cause dampness in the walls, ceilings, floors or basement of a structure.

e. Every window, exterior door shall be reasonably weather-tight, watertight, and rodent-proof and shall be maintained in sound condition and repair, and secured with proper hardware.

f. Every inside and outside stairway, every porch and every appurtenance thereto shall be constructed to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and it shall be maintained in sound condition and repair.

g. Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in sanitary working condition, free from defect, leaks, and obstruction.

h. Every toilet, restroom and bathroom floor shall be constructed and maintained so as to be reasonably impervious to water, and such floors shall be kept in a clean and sanitary condition.

i. Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed and installed that it will function safely, and effectively, and shall be maintained in good working condition.

j. All exterior surfaces shall be protected from decay by painting or other protective covering or treatment. Substantial evidence of molding or chipping of the exterior surface will be required to be treated, repainted or both. All siding shall be weather-resistant and watertight.

k. No abandoned, unlicensed or inoperative vehicle shall be permitted on commercial or nonresidential property in view of the general public.

l. *Exterior Lighting.* All outdoor lighting shall be in compliance with the following: a) non-vehicular light sources that shine into the eye of drivers of vehicles or pedestrian which could impair safe traverse are prohibited; b) all lighting shall be shielded and aimed at owner's premises or sidewalk and shall not create an adverse affect on adjacent properties.

m. *Landscaping maintenance.* Where landscaping plans have been specifically incorporated and approved in a development plan, the landscape areas shall be maintained in a manner equal to the original landscaping approval.

n. *Accessory structures.* Garages, storage buildings and all other accessory structures shall be maintained in good repair and sound structural condition. Structures, attached or unattached to the principal structure, which are found by the building official to be structurally deficient, shall be

repaired or demolished within the timeframe set by the notice of such condition. Maintenance of accessory structures shall comply with the following:

- (1) The exterior of the building and premises to include but not limited to parking areas and landscaping areas shall be maintained in a sound, clean and neat condition.
- (2) Signs shall be maintained in good condition. Where the sign structure remains, the sign faces are to be placed with black panels (permit required). The design and color is subject to approval by the Building Department under the applicable development regulations.
- (3) All advertising structures, awnings and accompanying support members shall be maintained in good repair and shall not constitute a nuisance or safety hazard. Advertising structures or awnings not properly maintained in accordance with this subsection shall be removed. Awnings or marquees made of cloth, plastic or a similar material shall not show evidence of tearing, ripping or holes. Upon removal of advertising structure or awning, all supporting members shall be removed. Where supporting members have been left from sign removal prior to adoption of this article, such supporting member shall be removed within three months of the effective date of this ordinance. Nothing in this subsection shall be construed to authorize any encroachments on streets, sidewalks or other parts of the public right-of-way.
- (4) Where parking areas are to be barricaded to prohibit vehicular travel, it shall be accomplished by installation of parking bumpers pinned to the pavement.

2. Structures and Unimproved Lots:

- a. Every owner of a building, structure or lot, vacant or occupied, shall keep the premises in clean and sanitary condition, including yards, lawn, courts and driveways. Any dead or dying landscaping must be replaced and maintained. Uneven or damaged surfaces with or without holes must be repaired.
- b. Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora.
- c. Every owner of a building, structure or lot, previously improved or occupied, shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water thereon, except for permitted storm water management detention/retention purposes.
- d. Unauthorized motor vehicles are prohibited from parking on or driving across any portions of a vacant lot, except for areas designated and approved by the County.
- e. Animals and pets shall not be kept on the premises in such manner as to create unsanitary conditions or constitute a public nuisance.
- f. Every owner of a building, structure or lot shall keep the premises reasonably free from rodents, insects and vermin.

- g. The roof of every building or structure shall be well drained of rainwater.
- h. All exterior surfaces shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.
- i. Every owner of a building, structure or lot, vacant or occupied, shall be responsible for removing any unauthorized obsolete, non-complying or any deteriorated signs, posters and graffiti from the building's exterior.
- j. All signs must be maintained and comply with the provisions of the Land Development Code. Should a wall sign be removed, the wall surface must be painted in a workmanlike fashion in the same color as the adjacent exterior walls of the building to remove any shadowing created by the removed sign.
- k. All materials used to board or secure a vacant building against entry shall be painted in a workmanlike fashion in the same color as the adjacent exterior walls of the building.
- l. Every owner of a building or structure that is vacant and unsecured shall secure and maintain in secure condition all entrances and all other openings of such building or structure including, but not limited to, windows and doorways.
- m. Whenever any ground floor window of a vacant commercial storefront is found to be shattered, cracker, missing or broken, the owner of such building shall repair or replace the window.
- n. All non-residential and commercial properties must provide parking facilities in accordance with the Collier County Land Development Code and shall be treated with a stabilized surface. Such facilities must be maintained in good condition and repairs to the parking surfaces must be made with like material. Parking shall be limited to designated areas (striped parking spaces) and said areas must be clearly marked. At no time should the rights-of-way be utilized for storage or parking of customer, employee or company vehicles parking, nor shall any item(s) be placed, abandoned or allowed to remain in any right-of-way.

SECTION SEVENTEEN: AMENDMENTS TO SECTION SEVENTEEN OF ORDINANCE NO. 2004-58, AS AMENDED.

Section Seventeen of Ordinance No. 2004-58, as amended, is hereby amended as follows:

SECTION ~~SEVENTEEN~~ SIXTEEN: CERTIFICATE REQUIRED FOR BOARDING BUILDING.

- 1. A certificate of boarding is required for all buildings that are boarded. The fee for certificate of boarding shall be set by resolution of the Board of County Commissioners.
- 2. No person shall erect, install, place, or maintain boards over the doors, windows, or other openings of any building or structure or otherwise secure such openings by a means other than the conventional method used in the original construction and design of the building or structure without first applying for and, within 30 days of application, completing all of the steps necessary for the

issuance of a boarding certificate, and thereafter having a valid and current boarding certificate issued by the county.

3. The Code Enforcement Department shall issue a boarding certificate upon the submission of a written application by the owner of the property or his authorized representative or contractor; upon the payment of the required fee; and upon the confirmation, through inspection by a Code Enforcement Investigator, that the boarding or other method of securing the building or structure has been done in compliance with this ordinance.

4. The boarding certificate issued pursuant to this section shall authorize the boarding or other securing of a building or structure for a period of no greater than six months from the date of the issuance. Renewal of the boarding certificate may be granted by Code Enforcement Director or designee after the initial six-month period for an additional six months. A property owner or his representative or contractor seeking renewal of the boarding certificate must file written request with the Code Enforcement Department no later than ten business days prior to the expiration of the original certificate. The issuance of a renewal boarding certificate shall be subject to all of the following conditions:

a. The boarding or other method of securing the building or structure has been done in compliance with this Ordinance, as confirmed by a Code Enforcement Investigator after inspection of the building or structure by the investigator.

b. The owner or his authorized representative or contractor has submitted to Code Enforcement, 10 days prior to the expiration of the original certificate, a detailed plan for correction, repair, or rehabilitation of violations of state or local building and housing standards and for the securing of the doors, windows, and other openings by the conventional method used in the original construction and design of the building or structure or, alternatively, a detailed plan for sale of the property to another person or entity with provision in the sale of correction, repair, or rehabilitation

c. The owner or his authorized representative or contractor has submitted to Code Enforcement, prior to the hearing, a time line for applying for all appropriate permits for such work and for completing such work prior to the expiration of the renewal certificate or, alternatively, a time line for the sale of the property.

d. The renewal certificate may be revoked by the Code Enforcement Board or Special ~~Master~~ Magistrate if the owner fails to comply with the plan for such work or fails to adhere to the submitted time line. Notice of hearing for the revocation of a renewal certificate shall be done in accordance with this Ordinance.

5. A boarding certificate may not be extended beyond the renewal period except upon demonstration that good cause for the renewal exists. Good cause shall require a showing by the owner that the certificate renewal is made necessary by conditions or events beyond the owner's control, such as inability to obtain financing for repair or rehabilitation, unanticipated delays in construction or rehabilitation, or unanticipated damage to the property. In addition, where appropriate, good cause shall also require a showing by the owner that the owner has exercised reasonable and due diligence in attempting to complete the needed correction, repair, or rehabilitation, or is attempting to sell the property. If the Code Enforcement Board or Special ~~Master~~ Magistrate determines that there exists good cause to renew the certificate, the certificate may be

renewed by the Code Enforcement Board or the Special Master Magistrate for a period of up to, but not more than, an additional six months, subject to all of the same conditions imposed on the original renewal certificate.

6. No occupied building shall be permitted to be boarded for a period greater than 60 days.

SECTION EIGHTEEN: NUISANCES SPECIFIED.

It is declared unlawful and a public nuisance for any owner of any property in the County to allow any vacant and unoccupied building that has doors, windows, or other openings broken or missing, allowing access to the interior, on his property which is not secured in compliance with this Ordinance.

SECTION NINETEEN: STANDARDS FOR SECURING BUILDING.

1. *Compliance with county specifications.* The boarding of the doors, windows, or other openings of any building or structure, or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, shall comply with the specifications as required by this Ordinance.

2. *Additional requirements.* In connection with the boarding of the doors, windows, or other openings of any building or structure, or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, the owner shall also comply with all of the following requirements:

- a. All electrical service to the building or structure shall be shut off for safety precautions. Compliance with this subsection may be waived in writing by the Building Official or designee as to the electric utility service if electricity is needed to power exterior security lighting, an alarm system, or equipment to be used in connection with the rehabilitation of the building or structure for which there is an active and current building permit.

- b. The sewer shall be capped in a manner approved by the County so as to prevent the accumulation of methane gas in the building or structure.

- c. The interior of the building or structure shall be cleaned of all trash, junk, garbage, debris, and solid waste, and personal possessions shall be removed from the interior of the building or structure, so as to eliminate any fire or health hazard and to prevent hindrance to firefighting equipment or personnel in the event of a fire.

SECTION TWENTY: EXCEPTIONS TO BOARDING REQUIREMENTS.

A boarding certificate shall not be required in the following circumstances:

1. Temporary emergency situations, including, but not limited to, an activation of a Local State or Federal response plan, hurricane preparation and damage caused by local weather.

2. Property that is under the jurisdiction of the Code Enforcement Board (CEB), pursuant to an order rendered by the CEB.
3. County-initiated boarding and securing.

SECTION TWENTY-ONE: AMENDMENTS TO SECTION TWENTY-ONE OF ORDINANCE NO. 2004-58, AS AMENDED.

Section Twenty-one of Ordinance No. 2004-58, as amended, is hereby amended as follows:

SECTION ~~TWENTY-ONE~~ TWENTY: COSTS INCURRED BY COUNTY; ASSESSMENT OF LIEN.

All costs incurred by the County for actions taken by the County to cure violations of this Ordinance shall be charged and billed to the person in violation of this Ordinance. Unless payment is made within 30 days of such billing, ~~the Board of County Commissioners may, by the adoption of a resolution levying such charges and administrative fees~~ the Code Enforcement Board or Special Magistrate shall assess against the property a lien in the amount of the charges outstanding. Assessment liens levied in this manner shall be filed with the Clerk of Courts and in the public records of the County as a lien against the property and shall be prior in dignity to all other liens against the property, save and except a lien for taxes. Such assessments shall bear interest at the legal rate and such liens may be foreclosed in the same manner in which mortgage liens are foreclosed.

SECTION TWENTY-TWO: AMENDMENTS TO SECTION TWENTY-TWO OF ORDINANCE NO. 2004-58, AS AMENDED.

Section Twenty-two of Ordinance No. 2004-58, as amended, is hereby amended as follows:

SECTION ~~TWENTY-TWO~~ TWENTY-ONE: NOTICE OF HEARING FOR REVOCATION OF BOARDING RENEWAL CERTIFICATE.

1. The Secretary to the Code Enforcement Board or Special ~~Master~~ Magistrate shall send out a Notice of Hearing to the owner or his authorized representative by either certified mail, return receipt requested, hand delivery upon a party, posting on the property and at the courthouse, or in any manner authorized as provided by the Ordinance establishing the Code Enforcement Board or Special ~~Master~~ Magistrate, as appropriate. The Secretary to the Board shall provide Notice to the owner as herein provided at least ten (10) days prior to the hearing at which the revocation consideration will be presented. A copy of said Notice shall be sent to the supervisor of the Code Enforcement Investigator involved, the Code Enforcement Investigator involved and if applicable, the attorney for the Board.

2. The Notice of Hearing shall inform the property owner that he or she is permitted to provide an evidentiary packet of information to the Secretary to the Board or Special ~~Master~~ Magistrate for distribution prior to the Hearing. In order to have the information provided to the reviewing body prior to the Hearing, the property owner should submit fifteen (15) copies of his or

her information to the Secretary to the Board five (5) days prior to the scheduled hearing. The Secretary to the Board shall distribute the evidentiary packet to the reviewing body. If the Code Enforcement Investigator intends to provide an evidentiary packet prior to the Hearing, the evidentiary packet must be delivered to the property owner along with the Notice of Hearing. The Secretary to the Board shall not deliver his or her evidentiary packet to the reviewing body until he or she receives the owner's evidentiary packet or until the deadline by which the owner's packet of information must be received by the Secretary has passed. If the owner timely delivers his or her evidentiary packet, the Secretary to the Board shall deliver all preliminary evidentiary packets together.

SECTION TWENTY-THREE: AMENDMENTS TO SECTION TWENTY-FOUR OF ORDINANCE NO. 2004-58, AS AMENDED.

Section Twenty-four of Ordinance No. 2004-58, as amended, is hereby amended as follows:

SECTION ~~TWENTY-FOUR~~ TWENTY-TWO: PENALTIES.

If any person, firm or corporation, whether public or private, or other entity fails or refuses to obey or comply with or violates any of the provisions of this Ordinance, such person, firm, corporation or other entity, upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed Sixty (60) days in the County Jail, or both, in the discretion of the Court. Each violation or non-compliance shall be considered a separate and distinct offense. Further, each day of continued violation or non-compliance shall be considered as a separate offense.

Nothing herein contained shall prevent or restrict the County from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or non-compliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. Further, nothing in this Section shall be construed to prohibit the County from prosecuting any violation of this Ordinance by means of a Code Enforcement Board or Special Master Magistrate established pursuant to the authority of Chapter 162, Florida Statutes.

All remedies and penalties provided for in this Section shall be cumulative and independently available to the County and the County shall be authorized to pursue any and all remedies set forth in this Section to the full extent allowed by law.

SECTION TWENTY-FOUR: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the words "code" or "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION TWENTY-FIVE: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION TWENTY-SIX: EFFECTIVE DATE.

This Ordinance shall be effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 26th day of January, 2010.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: *Luisa Polaski*
Attest as to Chairman Clerk
signature. 00.03

By: *Fred W. Coyle*
FRED W. COYLE, CHAIRMAN

Approved as to form
and legal sufficiency:

[Signature]
Jeff E. Wright
Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
1 day of Feb. 2010
and acknowledgement of that
filing received this 8th day
of Feb 2010
By: *Luisa Polaski*
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2010-02

Which was adopted by the Board of County Commissioners on the 26th day of January, 2010, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 28th day of January, 2010.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: Teresa Polaski,
Deputy Clerk