

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE II, CHAPTER 22 OF THE CITY OF WINTER PARK CODE OF ORDINANCES RELATING TO THE BUILDING CODE AND AMENDING ARTICLE V, CHAPTER 22 OF THE WINTER PARK CODE OF ORDINANCES RELATING TO PROPERTY AND BUILDING MAINTENANCE; PROVIDING FOR THE INCORPORATION OF AND MODIFICATIONS TO THE FLORIDA BUILDING CODE AND ASSOCIATED STANDARDS AND REQUIREMENTS; PROVIDING FOR CLARIFICATIONS TO THE CITY'S BUILDING CODE AND PROPERTY AND BUILDING MAINTENANCE CODE; PROVIDING FOR THE INCORPORATION OF CERTAIN ADMINISTRATIVE AND TECHNICAL AMENDMENTS, INCLUDING A FIRE SPRINKLER REQUIREMENT FOR CERTAIN PROPERTIES; DESIGNATING APPLICABLE WIND DESIGN CRITERIA; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, TRANSMITTAL TO THE FLORIDA BUILDING COMMISSION, AND AN EFFECTIVE DATE.

WHEREAS, the Florida Building Code Act of 1998 directed the Florida Building Commission to establish a statewide uniform building code known as the Florida Building Code; and

WHEREAS, the Sixth Edition of the Florida Building Code shall be in effect throughout the state of Florida as of December 31, 2017; and

WHEREAS, the City Commission of the City of Winter Park ("City") recognizes that the enforcement of the Florida building Code is the responsibility of local governments; and

WHEREAS, the City actively participates in the enforcement and regulation of building construction for the benefit of the public safety of its citizens, businesses, and visitors; and

WHEREAS, the City desires to facilitate the enforcement of the Florida Building Code by enacting administrative and technical amendments in accordance with Florida law that meet the needs of its citizens, businesses, and visitors; and

WHEREAS, the City recognizes that there exists an area with a special defined downtown zoning district known as the Commercial (C-2) District, where buildings are located in close proximity to each other with zero setbacks and in many cases are located next to older historic and non-historic buildings, and where there is the potential threat of fire spreading among combustible building types, which require an additional level of fire protection through the provision of fire sprinkler systems due to having combinations of combustible and non-combustible construction types; and

WHEREAS, the City hereby determines that those certain administrative and technical fire sprinkler and other amendments as referenced herein are needed for the safety and public welfare of the citizens, businesses, and visitors to the City; and

WHEREAS, the City recognizes that chapter 553, Florida Statutes, allows local governments to adopt and enact local administrative amendments to the Florida Building Code that are more stringent than the minimum standards described therein so long as such amendments are transmitted to the Florida Building Commission within thirty days after enactment and are made available to the general public in a useable format; and

WHEREAS, the City recognizes that chapter 553, Florida Statutes, allows local governments to adopt and enact local technical amendments to the Florida Building Code Act that address local needs requiring the strengthening of the requirements of the Florida Building Code subject to the requirements of section 553.73(b), Florida Statutes; and

WHEREAS, the City finds that such local technical amendments are no more stringent than necessary to address the local needs for same, the additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities, and the additional requirements do not introduce new subject not addressed in the Florida Building Code; and

WHEREAS, the City has and shall make readily available, in usable format, all technical amendments adopted as referenced herein, and the City has considered and shall include in its transmittal to the Florida Building Commission a fiscal impact statement which documents the costs and benefits of the proposed technical amendment. Such fiscal impact state includes the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance; and

WHEREAS, the City has determined that all technical amendments enacted hereby are based upon a review of local conditions, which review demonstrates by evidence or data that the City exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA:

Section 1. Recitals. The City Commission hereby ratifies, approves, and adopts the preceding recitals, which constitute the legislative findings of the City Commission and same shall be fully incorporated herein.

Section 2. That Article II, Chapter 22 of the City of Winter Park Code of Ordinances entitled “Building Code” is hereby amended to read as follows (~~struckout text~~ indicates deletions; underlined text indicates additions; and non-referenced sections shall remain unchanged):

ARTICLE II. – BUILDING CODE.

* * *

Sec. 22-27. – Codes adopted by reference.

The ~~Fifth~~ Sixth Edition Florida Building Code, including all volumes: Building, Existing Building, Fuel Gas, Plumbing, Mechanical, Accessibility, Energy Conservation and Residential, as published by the International Code Council, Inc., (Country Club Hills, Illinois) is hereby adopted by reference and is automatically in effect as required by Florida Statutes and shall include administrative and technical amendments in this article as deemed appropriate to meet local needs and to facilitate the administration of the Florida Building Code.

Sec. 22-28. – Amendments to the Florida Building Code.

All volumes of tThe Florida Building Code as adopted in section 22-27 is are amended with administrative amendments contained in this section in the following respects:

* * *

101.2.2 Unsafe Buildings shall be abated using the International Property Maintenance Code ~~2015–2018~~ edition, promulgated by the International Code Council, Inc., subject to all amendments, modifications or deletions hereinafter contained.

* * *

104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612 Flood Loads.

* * *

105.4.1.3 In constructing, renovating or building a new one or two family dwelling, additions onto one or two-family dwellings or accessory buildings work under the permit must be substantially completed within 12 calendar months after the time the work is commenced or else the permit shall become invalid. If such permit becomes invalid, no new permit shall be issued covering the same work or any portion thereof if the effect of such permit would be to allow completion of the work begun under the original permit unless an extension or reinstatement of the original permit is granted by the building official after receiving in writing reasons

for the delay in completion of the building for good cause (see Section 105.4.1.7+5.4.6). When extending or reinstating a residential permit the building official may impose additional conditions to limit noise, storage of materials or debris, cleanliness of the building site, work hours, construction worker parking or take other actions that will minimize the negative impact of an active construction project for surrounding properties. Furthermore any structural work partially completed on the property where the permit became invalid shall be removed and the property cleaned to the satisfaction of the building official. If the property owner or holder of the invalidated permit fails to remove the structure and clean the property within 30 days of the invalidation date, then the building official may take the necessary action to have the structure removed and have the property cleaned with all costs assessed against the property owner and if unpaid for 30 days shall be assessed as a lien against the property. Failure to comply with this section may require referring this matter to the Code Compliance Board to assess fines or other corrective actions.

Standard criteria that may be applied when extending or reinstating an expired permit or when preparing a construction management plan for any building project:

1. Limitation of noise: In addition to the specific prohibitions of noise from construction activities in Section 62-97 of Chapter 62, Article II "Noise and Disturbance Control," construction activity noise may be limited to week days between the hours of 8AM and 5PM.

Limitation of site cleanliness and storage of materials: In addition to the requirements addressing construction debris in Section 105.24, clean up of debris and discarded construction material may be required every 7 days; and storage of building material not in use may be limited to a storage period of 30 days or less.

3. Limitation of work hours to 8AM to 5PM, Monday through Friday, in addition to prohibition of work on~~excluding~~ holidays.
4. Parking of all vehicles, trailer(s) and equipment related to the construction project is limited to onsite parking or parking on a remote non-residentially zoned site.

105.4.1.4 With respect to commercial or multifamily building projects, construction activity which has commenced under a valid building permit shall proceed without stoppages of work exceeding ninety (90) days or ninety (90) days after the last inspection after which the building permit may be revoked and become void and the project shall be deemed an inactive construction site for the purpose of this Section. The licensed contractor and/or property owner shall maintain all construction sites in a safe condition and shall provide fencing or other protective

barriers if needed for security and safety on active or inactive construction sites. All building sites shall be kept clean so as to minimize unsafe or hazardous conditions and unsightly appearance. Active construction sites shall be protected as directed by the Florida Building Code and the building official. When extending or reinstating a non-residential or multifamily residential permit the building official may impose additional conditions to limit noise, storage of materials or debris, cleanliness of the building site, work hours, construction worker parking or take other actions that will minimize the negative impact of an active construction project for surrounding properties.

* * *

Upon a determination by the building official that the subject project is not in compliance with this section, the licensed contractor or property owner may appeal the building official's decision to the Construction Board of Adjustments and Appeals to affirm or to amend and modify the decision of the building official. Failure to comply with any of these actions will result in the Building Official referring the matter to the Code ~~Compliance~~Enforcement Board. If the Code ~~Compliance~~Enforcement Board finds a serious threat to public health, safety and welfare, the Code ~~Compliance~~Enforcement Board may recommend reasonable repairs to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with a fine, as provided for in Section 162.09, Florida Statutes.

* * *

105.4.1.8 The building official is authorized to reject new permit applications from a contractor who holds expired permits or inactive permits not resolved to comply with the building code or other applicable codes as determined by the building official. For the purposes of this subsection, a closed permit shall mean a permit for which all requirements for completion have been satisfied or a permit that has been administratively closed by the building official. An open permit shall mean a permit that has not satisfied all requirements for completion under conditions of the permit as determined by the building official. The building official is authorized to administratively close expired or inactive trade permits after 6 years based upon expiration when no known safety hazard exists and no code violations have been previously identified.

Section 105.5 and 105.5.3 is added to read as follows:

105.5 Construction ~~s~~Site Management Plan (referenced hereafter as “Management Plan”). The building official may require a detailed ~~site~~ management plan and completion schedule prior to the approval of a building permit or during the process of completing any active or inactive construction or demolition project. The ~~site~~ management plan shall, at a minimum, provide specific information outlining ~~where all~~ the location of construction worker parking, construction

equipment, material storage and temporary structures ~~will be located~~ on the site under construction or on nearby properties, and methods of debris removal including compliance with the city's waste franchise agreement. and the plan is subject to review and approval by the building official. Additionally, traffic routes to and from the site, pedestrian safety barriers and fencing shall be included on the site management plan and shall be identified for approval. The site management plan must also reflect where displaced public or private parking is temporarily located during the term of the project to the maximum extent feasible. The plan is subject to review and approval by the building official. Failure to comply with the approved site management plan shall result in the placement of a "stop work" order as outlined in Section 115, the issuance of a citation, by referring the violation to be heard by the Code Compliance Enforcement Board or any other remedy provided at law. The approved ~~construction site~~ management plan must be kept at the construction site and be available at all times during the construction process and be made available to the building official or city inspectors.

105.5.3 Closing out or resolving open or expired permits shall be the responsibility of the permit applicant and the property owner. Failure to close out or resolve open permits may be reported to the proper authority by the building official.

* * *

105.21.1 Permit fees. On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a plan review fee for each permit shall be paid as required at the time of applying for the permit, and a fee shall be paid as required at the time of obtaining the permit in accordance with the schedule as established by the city commission of the city as set forth in its schedule of fees. The established permit and plan review fee shall include the costs of services for enforcing the land development code and other municipal or regulatory requirements by city departments involved in ~~the areas of~~ plan review, inspection, and preliminary consultation for a project and administration of the land development code. The amount of refunds for any building permit, including single-family dwellings, shall be determined by deducting the cost of all city services including but not limited to plan review fees. When one year has elapsed from the time of issuance of a permit, no refunds shall be processed. No new permit shall be issued to a building permit applicant who has outstanding unpaid fees from any previous permit issued to said applicant, including but not limited to re-inspection fees, impact fees, or "stop work order" charges or who has outstanding permits which have not received either final inspection approval or a release on abandoned projects after more than six months of inactivity except for extenuating circumstances such as good cause as delineated under Section 105.4.1.7.

* * *

105.24.1 The contractor and ~~for~~ owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any

other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean, free of overgrown weeds and grass over 12 inches in height, and the accumulation of construction debris must not remain on the property for a period of time exceeding 10 days. Dust created during construction or demolition must be contained on the site or close proximity to building or structure through wetting down the dust or materials or through the use of any alternate means that prevents dust from leaving the property. Violation of these conditions shall authorize the building official to place a stop work order on such jobs in violation of this section and require removal of debris and overgrowth, and correction of dust accumulation on site and adjacent properties or streets. Other remedies shall include referring the violation to the Code ~~Enforcement~~ Compliance Board or having all debris removed from job site by the city and charging all costs to the contractor or the property owner and if unpaid for 30 days all costs incurred shall be assessed as a lien against the property.

* * *

105.26 Notice provision for demolition of buildings.

- (a) Prior to the issuance of a permit for the demolition of a building, the property owner or the designated representative of the owner of the building proposed for demolition shall post a notice on the property where the building is located so as to be easily visible and readable from the abutting street frontage and shall remain in place for 30 days. This notice shall be provided by the City and shall include the following information:
 - (1) Owner of the property.
 - (2) Date of posting the notice.
 - (3) Address of the building planned for demolition and statement that the building will be demolished at the end of the posting period. If demolition is delayed after the posting period then the building and property shall be maintained in good condition, free of debris, overgrowth or other unsightly conditions including removal of silt fencing until such time that demolition commences.
- (b) Buildings not required to follow the notice of demolition provisions of this section:
 - 1. Buildings which are determined to be a safety hazard, unsafe, a public nuisance, or otherwise dangerous and require immediate removal.

Accessory buildings, such as detached carports, garages, sheds, storage buildings, arbors, boathouses, greenhouses, and similar detached structures.

3. Other buildings as determined by the building official, such as certain commercial or multifamily buildings, but not including any building listed on the city's registry of historical buildings.

(c) Demolition of structures or buildings identified on the Florida Master Site File shall also comply with applicable provisions of Section 58-481 of the Winter Park Code, which may require an additional posting period as determined by Historic Preservation Board staff.

* * *

107.2.1.1 Site drawings. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official may require a boundary line survey prepared by a qualified State registered surveyor.

* * *

110.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. The building official may require a boundary survey showing all setbacks to structures being laid out and detailed on a form board survey or after pouring foundations, floor slabs or for accurate determination of building height in accordance with the zoning code. A copy of the required survey shall be given to the inspector prior to approval of the inspection requested.

* * *

Required inspections listed in Section 110.3 are amended as follows: Required inspections listed in Section 110.3 are amended as follows:

* * *

4. Roofing inspection: To be made as two inspections ~~on tile, slate or similar roof coverings or as one inspection on all other roof coverings~~, and shall at a minimum include the following building components:

- ☐ dry-in
- ☐ insulation
- ☐ roof coverings
- ☐ flashing

Re-roof sheathing inspection. An affidavit with a notarized signature of the licensed roofing contractor verifying that all replaced sheathing and fasteners used comply with criteria required by the Existing Building Code may be accepted at the discretion of the building official.

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6. Swimming pool inspection:

Inspections for Residential swimming pools

- ☐ First inspection: to be made after excavation and installation of reinforcing steel, bonding, main drain piping sizing and pressure test ~~and main drain and~~ prior to placing of concrete.
- ☐ Second inspection: underground piping in open trench with pressure test and underground electric bond wire to the equipment.
- ☐ Third inspection (deck inspection): to be made prior to installation of the deck material (with forms, deck drains, trench with equipotential bonding and any reinforcement in place).
- ☐ Fourth inspection (safety inspection): bonding connections for light niche, installation of proper drain covers and completion of barrier prior to filling the pool with water.
- ☐ Fifth inspection (final electrical inspection): electrical bonding equipment connections, GFCI devices and disconnects.
- ☐ Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

Commercial swimming pools may require additional inspections.

~~□ Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.~~

~~□ In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in the Florida Building Code (Section 454.2.17).~~

~~Specific swimming pool inspections required below:~~

~~1st. — Pool steel & ground: Pipe sizing and pressure test.~~

~~2nd. — Plumbing rough: Trench, bond wire, piping placement and pressure test.~~

~~3rd. — Deck inspection: Size, location and bonding grid.~~

~~4th. — Safety inspection: Before plaster: drain covers, pool barriers, and light niche bonding.~~

~~5th. — Pool electrical final: Electrical bonding, equipment connections, GFCI devices, and disconnects.~~

~~6th. — Pool final: Total Dynamic head pressure, permanent barrier or alarms and pool swim out.~~

* * *

110.3.9 Final inspections. The licensed contractor and permit holder shall be responsible for obtaining final inspections and a certificate of occupancy for certificate of completion for all permits within a timely manner after completion of work. Timely shall mean immediately after completion of work within ~~30~~ 7 calendar days ~~after completion of work~~. Failure to obtain such final inspections and certificates of occupancy certificate of completion shall be a violation of this article.

* * *

111.1.1 Issuing Certificate of Occupancy. Upon completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications, and after the final inspection approval, and after verification that ~~all~~ any septic system permits have received an approved final inspection where applicable, and after approval of other City departments involved in the inspection of the building or site, the building official shall issue a Certificate of Occupancy containing the information listed in Section 111.2 of the Florida Building Code and any other information required by the city. Delays in obtaining a certificate of occupancy by the contractor or property owner after fulfilling the above listed conditions will

result in the automatic issuance of the certificate of occupancy with the issuance date recorded as the date on which final inspection approval occurred.

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113.1 Membership. There is hereby established a board to be called the construction board of adjustments and appeals, which shall consist of 7 members and one alternate member. The alternate or a regular member of this board shall also be licensed ~~and employed or practicing~~ in one of the ~~trades professions~~ regulated by this board or may be a member that is a fire code professional in order to qualify the board to hear cases or appeals concerning the Florida Fire Prevention Code. The board shall be comprised of 2 licensed contractors (building, residential or general), one licensed ~~include a practicing architect, a one licensed~~ structural engineer, ~~two licensed construction contractors, a one licensed~~ master electrician, ~~a one licensed~~ master plumber, and one licensed ~~or a~~ mechanical contractor or mechanical engineer. ~~By state statute, this board is required to have at least one fire protection contractor, a fire protection design professional, a fire department operations professional, or a fire code enforcement professional.~~ The board members shall be appointed by the mayor and confirmed by the city commission.

* * *

113.3 Quorum. Four members of the board shall constitute a quorum, in the case of a matter or case concerning an electrical, plumbing, ~~or mechanical~~ or fire code matter before the board, the respective appointee knowledgeable of that field shall be present in order to make a decision. In hearing appeals of the enforcement of the application of any provisions of the building codes including electrical, plumbing, fuel gas, ~~or mechanical~~, energy or accessibility volumes of the Florida Building Code or in modifying an order of the building official, affirmative votes of the majority present, but not less than 3 affirmative votes, shall be required. A board member shall not act in a case in which he has a personal interest.

113.4 Executive Secretary or Clerk of board. The building official or designee of the building official shall act as staff liaison of the construction board of adjustments and appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member, and any failure of a member to vote.

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114.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the

violation. Appeals of the Notice of Violation may be filed and heard by the Board of Adjustments and Appeals in accordance with the appeal procedure outlined in Section 113. Failure to comply with the Notice of Violation may result in referring the matter to the Code ~~Compliance Enforcement~~ Board who are empowered to impose fines in accordance with procedures set forth in Section 2-107 of the Winter Park Code of Ordinances.

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116.2. Public nuisances. Public nuisances are defined in section 22-177(202) under "nuisance". When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings, or other buildings regulated by this code, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the building official or his designee or the code ~~compliance enforcement~~ board is authorized to order the property owner or city agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined in this chapter. These powers are hereby declared to be remedial and essential for the public interest, and it is intended that such powers be liberally construed to effectuate the purposes stated herein.

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454.3 (Building) and R4501.17.1.16 (Residential) swimming pool enclosure protection during construction. During the construction of public or private swimming pools, the permanent fence or wall meeting all applicable requirements of the Florida Building Code, Residential Volume, Chapter 45, or a temporary fence at least four (4) feet in height above the grade shall be installed. This fence or wall shall be closed, latched and locked at all times, except when work is in progress and workmen are on the site. The temporary fence shall not be removed except when the permanent fence, wall, enclosure or swimming pool is being actively constructed. At no time shall the pool be left by workmen unless secured by either the permanent or temporary enclosure. Swimming pool barrier protection shall allow bodies of water such as lakes, canals and streams to serve as one side of the required barrier when the water frontage is at least six feet wide beyond the shoreline, and the side yard fence barrier proceeds at least one foot into the water body or the fence continues to the edge of the water to the top of a canal or stream bulkhead wall. Provisions in this section ~~apply to swimming pools on building sites, including commercial, residential or multifamily projects.~~ Failure to maintain enclosure protection security with a swimming pool protection barrier shall cause the city to secure the pool from outside entry, and authorize the issuance of a "stop work" order until all fees related to providing a pool protection barrier have been paid or waived by the building official minus costs.

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Sections 903.1 and 903.2.13 shall be in addition to the fire sprinkler provisions required in the Florida Building Code, which is amended as follows:

* * *

903.2.13 Approved automatic sprinkler systems shall be provided in all buildings in the Commercial (C-2) zoning district as defined in the Land Development Code (Chapter 58) on properties bounded by New York Avenue (on the west), Swoope Avenue (on the north), Knowles Avenue (on the east), and Fairbanks Avenue (on the south) including the projected extension of Knowles Avenue to Fairbanks Avenue.

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Section 1609.3 Basic Ultimate wind speed. The ultimate design wind speed Vult in miles per hour, for the development of the wind loads shall be determined by Figures 1609.3(1)A, 1609.3(2)B and 1609.3(3)C. The ultimate design wind speed Vult for use in the design of Risk Category II buildings and structures shall be obtained from Figure 1609.3(1)A. The ultimate design wind speed Vult for use in the design of Risk Category III and IV buildings and structures shall be obtained from Figure 1609.3(2)B. The ultimate design wind speed Vult for use in the design of Risk Category I buildings and structures shall be obtained from Figure 1609.3(3)C. The ultimate design wind speeds, Vult, determined by the local jurisdiction shall be in accordance with Section 26.5.1 of ASCE 7. The exact location of wind speed lines shall be established by local ordinance using recognized physical landmarks such as major roads, canals, rivers and lake shores wherever possible. For the purpose of complying with the structural requirements related to wind loads, all buildings and structures including one and two family dwellings shall comply with the following ultimate design wind speeds Vult:

- 1) Risk Category I: 130 mph
- 2) Risk Category II: 139.9 mph
- 3) Risk Category III and IV: 150 mph

As indicated in Figures 1609.3(1), (2) and (3) A, B, and C linear interpolation between wind contour lines is permitted.

~~Exception: Buildings designed utilizing one of the alternate prescriptive wind design standards permitted in the Florida Building Code.~~

This wind speed determination provided herein is an administrative amendment to the Florida Building Code for the purpose of giving guidance to designers and to provide uniformity with neighboring jurisdictions and is not a local technical amendment or change in the published Florida Building Code wind load criteria.

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Section 3. That Article V, Chapter 22 of the City of Winter Park Code of Ordinances entitled “Property and Building Maintenance” is hereby amended to read as follows (~~struckout text~~ indicates deletions; underlined text indicates additions; and non-referenced sections shall remain unchanged):

ARTICLE V. - PROPERTY AND BUILDING MAINTENANCE

Sec. 22-176. - Code adopted.

The International Property Maintenance Code, ~~2015~~2018 edition, as published by International Code Council, Inc., is hereby adopted by reference, together with modifications and amendments contained in this article, and shall be known as the property and building maintenance code of the city. All references within the International Property Maintenance Code to the International Code(s) shall refer to the applicable Florida Building Code(s).

Sec. 22-177. - Amendments.

The International Property Maintenance Code, ~~2018~~5 edition, is hereby amended in the following respects:

General: All references to the International Building, Plumbing, Mechanical, Fuel Gas, Fire, Electrical and Zoning Codes shall mean the respective building, residential, plumbing, mechanical, gas, fire, and electrical , and electrical rules and requirements as incorporated into the Florida Building Codes, Florida Fire Prevention Code, and zoning codes of the city along with amendments adopted herein.

* * *

Section 105.3 is amended as follows:

105.3 Required testing and assessments. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests or assessments to be made as evidence of compliance at no expense to the City. Required assessments include and are not limited to mold assessments by a mold assessor licensed by the State.

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108.8 Public nuisances. Public nuisances are defined in section 202 “General Definitions” ~~22-177(202)~~ under "nuisance". When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings, or other buildings regulated by this code, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the building official or his designee or the code compliance enforcement board is authorized to order the property owner or city agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined in this code. These powers are hereby declared to be remedial and essential for the public interest, and it is intended that such powers be liberally construed to effectuate the purposes stated herein.

* * *

110.1 ~~General~~Unsafe buildings or structures. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than 90 days, to demolish and remove such structure; or where a nuisance exists, the code official shall order the owner of the premises to correct or remove conditions causing the nuisance. The existence of a nuisance shall constitute a violation of this code.

* * *

Section 202. General definitions is amended by adding or altering the following definition:

[Note: See Definitions in International Property Maintenance Code Chapter 2]

Nuisance. The following shall be defined as nuisances: It is a public nuisance for any person owning, leasing, occupying or having charge of any premises in this city to maintain, or permit to exist, such premises in such manner that any one or more of the following conditions are to exist thereon:

* * *

(14) Vegetation, including dry grass, dead shrubs, dead trees, combustible refuse and waste, or any material growing upon the area between the traveled way and the property line, sidewalks or upon private property which by reason of size, manner of growth and location would create any one or more of the following:

- a. A condition likely to constitute a fire hazard to any building, improvement or other property, or when dry will in reasonable probability constitute a fire hazard;
- b. A condition likely to harbor rats, vermin or other similar creatures constituting a health hazard; ~~or~~
- c. Causes appreciable harm or material detriment to the aesthetic and/or property values of surrounding property; or;
- d. Creates a safety hazard due to slipping or tripping on sidewalks or similar surfaces.

* * *

(18) Waste on the premises in open view or can be seen from an adjacent property, which by reason of its location is unsightly and interferes with the reasonable enjoyment of property by neighbors, detrimentally affects property values in the surrounding neighborhood or community or which would materially hamper or interfere with the suppression of fire upon the premises or adjacent premises and which is visible from public property or from neighboring properties for a period of time in excess of ten days. "Waste" is defined for the purpose of this section as unused or discarded matter and material which consists (without limitation or exclusion by enumeration) of such matter and material as rubbish and refuse and matter of any kind including, but not limited to, rubble, debris, asphalt, concrete, plaster, tile, rocks, bricks, soil, building materials, crates, cartons, containers, boxes, furniture and household equipment or parts thereof, lumber, trash, dirt, machinery or parts thereof, scrap metal and pieces of metal, ferrous or nonferrous, bottles, bedding, etc.

* * *

(22) The substantial lack of maintenance of grounds including but not limited to dead grass, lack of sod (grass) or surface coverings ~~within the city~~ on which structures exist, where the grounds are viewable ~~by the public~~ from a public right-of-way or viewable from the sites of neighboring properties, where such condition would cause appreciable harm or material detriment to the aesthetic and/or property values of surrounding properties.

* * *

302.4.2 Notice. The city shall notify in writing the owner of any lot, place or area within the city or the agent of such owner or the occupant to cut, destroy or remove any weeds, grass, trash, rubbish or noxious matter found growing, lying or located on such owner or occupant's property or upon the sidewalk or street right-of-way abutting the property and that, upon the failure of the owner or agent or occupant

to do so. The city will cause such weeds, grass, rubbish or noxious matter to be cut, destroyed or removed. Such notice shall be by certified mail, addressed to the owner or agent of the owner or occupant, at his last known address, or by hand delivery to the owner or agent of the owner or occupant. ~~In lieu of notice by certified mail,~~In addition, a notice may be posted on the property upon which the violation is alleged to exist and at the primary municipal government ~~office of code enforcement,~~ and proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date, and the place of its posting. Notice by posting may run concurrently with, or may follow an attempt or attempts to provide notice by hand delivery or by mail, as required by this subsection.

* * *

302.8.4.3 If no appeal is submitted in writing to the office of Code Compliance ~~made~~ and the abandoned or disabled vehicle remains in violation after the ten calendar-day period, the city shall cause such vehicle on private property to be ~~removed~~ to a storage facility approved by the city and thereafter disposed of in accordance with applicable state law or city ordinance.

* * *

304.3 *Premises identification.* Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property, in accordance with Article VII, Numbering of Buildings, of this Chapter.

* * *

304.6. *Exterior walls.* Every exterior wall shall be free of holes, breaks, loose or rotting boards or timber, chipped paint, decaying substance conditions and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in repair. All exterior surfacing material shall be painted or properly surface coated (except brick, stone or other natural material which does not require the application of a weatherproofing substance) and in good repair after scraping and removing any loose paint or surfacing material.

* * *

Section 4. Codification. It is the intention of the City Commission of the City of Winter Park that sections II and III of this ordinance shall become and be made a part of the Code of Ordinances of the city; and that sections of this ordinance may be numbered or renumbered or lettered or relettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be numbered or renumbered

or lettered or relettered and typographical errors which do not affect the intent may be authorized by the city manager, without need of public hearing, by filing a corrected or recodified copy of same with the city clerk.

Section 5. Conflicts. If any ordinances or parts of ordinances are in conflict herewith, this ordinance shall control to the extent of such conflict.

Section 6. Severability. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses or phrases under application shall not be affected thereby.

Section 7. Transmittal. This ordinance enacting technical and administrative amendments to the Florida Building Code shall be transmitted to the Florida Building Commission within 30 days after enactment.

Section 8. Effective Date. Administrative amendments herein to the Florida Building Code shall take effect immediately upon this ordinance's adoption. Technical amendments herein shall take effect immediately upon the expiration of thirty (30) days after such amendments have been received and published by the Florida Building Commission.

First reading held on the _____ day of _____, 2018.

Second reading, public hearing, and adoption held on the _____ day of _____, 2018.

**City of Winter Park
City Commission**

Steven M. Leary, Mayor

Attest: _____
Cynthia S. Bonham, City Clerk