

CITY OF ORLANDO COUNCIL AGENDA ITEM

H/O 2nd Rd
#4

Items Types:

Hearings/Ordinances/2nd Read

District: ALL**Contract ID:****Exhibits:** Yes**Grant Received by City?:** No**For Meeting of:**

May 17, 2021

From:**Document Number:****On File (City Clerk) :** Yes**Draft Only:** No**Subject:**

Ordinance No. 2021-22 Amending Articles I & II of Chapter 5 (Economic Development)

Summary:

Ordinance No. 2021-22 amending Articles I & II of chapter 5. This amendment will correct terminology, procedures, and add emergency orders to list of codes for which citations may be issued.

Fiscal & Efficiency Data:

No fiscal impact.

Recommended Action:

Adopting Ordinance No. 2021-22 and authorizing the Mayor and City Clerk to execute on behalf of the City upon final review and approval by the City Attorney.

Agenda Item attachment(s) on file in the City Clerks Office.

Note: All agenda items must be in the City Clerk's office by Noon Friday, six(6) business days prior to the regular Monday City Council meeting.

Contact: Kory Keith, Code Enforcement Division Manager, kory.keith@orlando.gov; 407.246.3479

Approved By:**Department**

Housing and Code Enforcement Attorney

Budget Outside Routing Approval

City Clerk


Date and Time

4/26/2021 9:16 AM

5/5/2021 11:00 AM

5/6/2021 9:35 AM

ATTACHMENTS:

Name:	Description:	Type:
 Ordinance amending Chapt 5 art I II (1).pdf	Ordinance No. 2021-22 Amending Chap 5	Backup Material

"Enhance the quality of life in the City by delivering public services in a knowledgeable, responsive and financially responsible manner."

City Council Meeting: 5-17-21Item: 12-4 Documentary: 2105171204

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Whereas, the City Council finds that the adoption of this ordinance is necessary to enhance the City's enforcement of certain codes and ordinances; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF ORLANDO, FLORIDA:

Section 5.04 Enforcement Procedure.

1 (7) If the violation creates a situation where City action is necessary to
2 eliminate an imminent public nuisance, the following notice procedures shall be
3 utilized:

4 (a) *Notice of Vacate*. Whenever the Building Official, code official,
5 Fire Marshall, or their Designee, ~~of the Code Enforcement Board~~, shall declare a
6 building unfit for human occupation and constituting a nuisance, they shall give
7 notice to the owner and occupant(s) of such declaration and placard the building
8 as unfit for human occupancy. Such notice shall:

9 (1) Contain all elements required by article V, Chapter 14 of
10 the Property Maintenance Code;

11 (2) State the time and date by which occupants must vacate
12 the building;

13 (3) State that if such repairs, reconstruction, alterations,
14 removal, or demolition are not voluntarily completed within the stated time as set
15 forth in the notice, the Building Official, ~~Code Enforcement Division Manager~~, code
16 official, Fire Marshall, or their Designee, ~~or the Code Enforcement Board's~~
17 ~~Designee~~, shall initiate enforcement proceedings charging the person or persons,
18 firm, corporation, or agent with a violation of this Code; and

19 (4) ~~Shall also i~~nform the owner and the occupant(s) of their
20 right to appeal the condemnation decision to the Code Enforcement Board.

21 (b) *Service of Notice*. Service of notice to vacate shall be as follows:

1 (1) By delivery to the owner and the occupant personally, or
2 by leaving the notice at the usual place of abode of the owner and the occupant
3 with a person of ~~suitable age and discretion~~ at least 15 years of age; or

4 By delivery of a letter by certified or registered mail
5 containing a notice addressed to the owner and the occupant at their last known
6 address listed in the government records with postage prepaid thereon; and

7 (2) By posting and keeping posted for seven (7) days a copy
8 of the notice in placard form, in a conspicuous place on the premises to be vacated.

9 (c) *Vacating of Declared Building.* Any building condemned as unfit
10 for human occupancy or occupation, and so designated and placarded by the
11 Building Official, ~~Code Enforcement Division Manager~~ code official, Fire Marshall,
12 or their Designee, ~~of the Code Enforcement Board's Designee~~, shall be vacated
13 immediately after notice of such condemnation has been given by the Building
14 Official, ~~Code Enforcement Division Manager~~ code official, Fire Marshall, or their
15 Designee, to the owner and the occupant(s) of the building in accordance with
16 subsection (b).

17 ****

18 (e) *Occupancy of Building.* No building which has been condemned
19 and placarded as unfit for human occupancy or occupation shall again be used for
20 human occupancy or occupation until approval is secured from and such placard
21 is removed by the Building Official, Fire Marshall, or ~~Code Enforcement Division~~
22 ~~Manager~~ code official, or their Designee, ~~or the Code Enforcement Board's~~
23 ~~Designee~~. The Building Official, ~~Code Enforcement Division Manager~~ code official,

1 Fire Marshall, or their Designee, ~~or the Code Enforcement Board's Designee~~ shall
2 remove such placard whenever the defect or defects upon which the
3 condemnation and placarding action were based have been eliminated.

4 (f) *Condemnation Placards*. Such placards must include a brief and
5 concise summary of the conditions necessitating the condemnation. This shall be
6 accomplished by leaving space on the placard to allow a ~~Code Officer~~ code official
7 to write in the summary.

8 ****

9 (9) (a) For the purpose of this Chapter, "repeat violation" means a violation
10 of a City code or ordinance by a person whom the Code Enforcement
11 Board has previously found to have violated the same provision
12 within five (5) years prior to the current violation.

13 (b) If a repeat violation is found, the ~~Code Inspector~~ Officer shall notify
14 the violator, but is not required to give the violator a reasonable time
15 to correct the violation. The ~~Code Inspector~~ Officer, upon notifying
16 the violator of a repeat violation, shall notify the Code Enforcement
17 Board and request a hearing. The Code Enforcement Board,
18 through its clerical staff, shall schedule a hearing and shall provide
19 notice pursuant to Section 5.09 of the City Code. The case may be
20 presented to the Code Enforcement Board even if the repeat
21 violation has been corrected prior to the hearing before the Code
22 Enforcement Board, and the notice shall so state.

1 Section 5.05 Conduct of Hearing.

2 ****

3 (5) All testimony shall be under oath and shall be recorded. The Board
4 shall take testimony from the Code Officer and alleged violator and from such other
5 witnesses as defined in the Code Enforcement Board's rules and regulations as
6 may be called by the respective sides.

7 ****

8 Section 5.09 Notices.

9 ****

10 (2) In addition to providing notice as set forth in Subsection (1), at the
11 option and direction of the City Attorney's Office, notice may also be served by
12 publication as follows:

13 ****

14 (e) Evidence that an attempt has been made to hand deliver or mail
15 notice as provided in Subsection (1), together with proof of
16 publication as provided in Subsection 2 or posting as provided in
17 Subsection (3), shall be prima facie proof that the notice
18 requirements of this Chapter have been met, without regard to
19 whether or not the alleged violator actually received notice.

20 **Section Two:** Article II, Chapter 5, Code of the City of Orlando, Florida, is
21 hereby amended as follows:

22 ****

(2) Violations of City code and ordinances which constitute civil infractions for which citations may be issued are as follows:

Code/Ordinance Chapter or Section	Description	Class
<u>CH. 43A, STATE OF EMERGENCY</u>		
<u>Sec. 43A.04</u>	<u>Emergency Measures</u>	<u>III</u>
<u>Sec. 43A.05</u>	<u>Sale of Goods or Services at Excessive Prices</u>	<u>III</u>

Section Three: Severability. If any section, subsection, sentence, clause, phrase, or other portion of this ordinance is for any reason 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 hereof.

Section Four: Effective date. This ordinance shall take effect immediately upon adoption.

READ FIRST: APRIL 26, 2021.

ADVERTISED: MAY 4, 2021.

READ SECOND AND ADOPTED: MAY 17, 2021.


Mayor/Mayor Pro Tem

5.17.21
Date

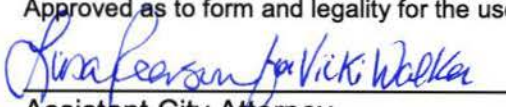
Attesting:


Orlando City Clerk

5/17/2021
Date

[seal]

Approved as to form and legality for the use and reliance of the City of Orlando, Florida, only.


Assistant City Attorney

Date

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Orlando Sentinel

Published Daily
ORANGE County, Florida

Sold To:

City of Orlando - CU00118969
400 S Orange Ave, Fl 2
Orlando, FL, 32801-3360

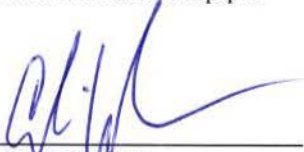
Bill To:

City of Orlando - CU00118969
400 S Orange Ave, Fl 2
Orlando, FL, 32801-3360

State Of Illinois
County Of Cook

Before the undersigned authority personally appeared
Charlie Welenc, who on oath says that he or she is an Advertising
Representative of the ORLANDO SENTINEL, a DAILY newspaper
published at the ORLANDO SENTINEL in ORANGE County, Florida;
that the attached copy of advertisement, being a Legal Notice in the matter
of 11150-Public Hearing Notice, May 17, 2021 at 2:00 p.m., Ordinance
Number 2021-22 was published in said newspaper in the issues of May 04,
2021.

Affiant further says that the said ORLANDO SENTINEL is a newspaper
Published in said ORANGE County, Florida, and that the said newspaper
has heretofore been continuously published in said ORANGE County,
Florida, each day and has been entered as periodicals matter at the post
office in ORANGE County, Florida, in said ORANGE County, Florida, for
a period of one year next preceding the first publication of the attached
copy of advertisement; and affiant further says that he or she has neither
paid nor promised any person, firm or corporation any discount, rebate,
commission or refund for the purpose of securing this advertisement for
publication in the said newspaper.

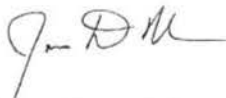


Signature of Affiant

Charlie Welenc

Name of Affiant

Sworn to and subscribed before me on this 6 day of May, 2021,
by above Affiant, who is personally known to me (X) or who has produced identification ().



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped

Orlando Sentinel

NOTICE OF PROPOSED ENACTMENT

On Monday May 17, 2021, the Orlando City Council will consider proposed ordinance #2021-22, AN ORDINANCE AMENDING ARTICLES I AND II OF CHAPTER 5 OF THE CODE OF THE CITY OF ORLANDO, ENTITLED "CODE ENFORCEMENT BOARD" AND "CODE ENFORCEMENT CITATIONS" RESPECTIVELY, TO CORRECT CERTAIN TERMINOLOGY, UPDATE PROCEDURES, AND ADD EMERGENCY ORDERS TO THE LIST OF CODES FOR WHICH CITATIONS MAY BE ISSUED, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. A public hearing on this ordinance will be held during Council's regular meeting beginning at 2:00 p.m. In response to the COVID-19 pandemic and social distancing efforts, members of the public are advised to check the following city website for up-to-date information on any changes to the manner in which the meeting will be held and the location. All pertinent information about meeting access and participation instructions will be available on orlando.gov/councilmeeting at least 3 days prior to the meeting. Interested parties are invited to watch the meeting live and may participate by providing public comment during the meeting or submitting written public comment in advance regarding the proposed ordinance. The opportunity to provide public comment is available until the designated public comment portion of the item is closed. This meeting may be viewed live on Orange TV channel 488, on the city's website at orlando.gov/watchonline or the city's YouTube page. Written public comment must include your name, address, phone number and topic. Comments are limited to a maximum of 700 words per item and may be submitted by one of the following: (1) online at orlando.gov/councilcomment; (2) email to cityclerk@orlando.gov; (3) mail to City Clerk, Public Comment, City of Orlando, 400 S. Orange Ave., Orlando FL 32801; or (4) drop off to the 1st floor security station at City Hall. Written public comment received by 9 a.m. on Monday, May 17, 2021 are distributed to Council and attached to the related agenda item for public viewing. Appellants and Parties to Appeals and Quasi-Judicial Hearings must submit their documentary evidence and presentations to orlando.gov/councilcomment by 5 p.m. on Wednesday, May 12, 2021. Documentary evidence and presentations received by 5 p.m. Wednesday, May 12, 2021 are distributed to Council and attached to the related agenda item for public viewing. Items received after the deadline will not be considered at the meeting. All items received are public record. The proposed ordinance may be inspected online at orlando.gov. Anyone who desires to appeal an official decision made at this meeting, if an appeal is permitted by law, may need to obtain a verbatim record of the proceedings that includes the testimony and evidence upon which the appeal is based. The City of Orlando is committed to reasonably accommodating the communication needs of persons with disabilities. Persons with disabilities who need reasonable accommodations to participate in this meeting, contact no later than 24 hours in advance of the meeting, the City Clerk's Office at 407.246.2251 or cityclerk@orlando.gov.

Orlando Sentinel

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5/4/2021