

PUTNAM COUNTY ORDINANCE NO. 2016- 20

**AN ORDINANCE OF THE COUNTY OF PUTNAM, STATE OF FLORIDA, CREATING A NON-RESIDENTIAL PROPERTY MAINTENANCE CODE; ESTABLISHING A SHORT TITLE; PURPOSE; APPLICATION; DEFINITIONS; ENFORCEMENT; RESPONSIBILITIES OF OWNERS AND OCCUPANTS; SUBSTANDARD BUILDINGS AS NUISANCES; VIOLATIONS GENERALLY; PERMITS AND INSPECTIONS; STRUCTURAL REQUIREMENTS; MECHANICAL REQUIREMENTS; ELECTRICAL REQUIREMENTS; PLUMBING REQUIREMENTS; FIRE PROTECTION; SUBSTANDARD BUILDINGS; HAZARDOUS AND UNSANITARY PREMISES; UNSAFE BUILDINGS; ENFORCEMENT; VACANT OR BOARDED BUILDINGS; APPEALS; CONFLICT IN LAWS; TRANSFER OF OWNERSHIP; PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Putnam County Board of County Commissioners is authorized and empowered to provide by law for the health, safety and general welfare of its residents; and

WHEREAS, the lack of maintenance on non-residential properties in the County constitutes a threat to the health, safety and general welfare of said residents; and

WHEREAS, in an effort to protect the health, safety and general welfare of its residents, the Board of County Commissioners believes it is necessary to set forth minimum health and safety standards for the non-residential buildings and premises within the unincorporated areas of the County;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PUTNAM COUNTY THAT THE FOLLOWING ORDINANCE BE ADOPTED

**Section 1: Short Title**

This Chapter shall be known as the Putnam County Nonresidential Property Maintenance Code

**Section 2: Purpose**

This Chapter provides minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of nonresidential buildings, accessory buildings and premises.

**Section 3: Application: conformity required**

(a) *Application:* This Chapter shall apply to all buildings or portions thereof used or designed, or intended to be used, for other than human habitation, accessory buildings and all premises. Such occupancies in existing buildings may be continued as provided for in the Florida Building Code,

except otherwise provided for in this chapter.

(b) *Alteration*: Existing buildings, which are altered or enlarged, shall be made to conform to this chapter and all work shall be performed in accordance with the Florida Building Code.

c) *Relocation*: Existing nonresidential structures, which are moved or relocated, shall be restored in accordance with the Florida Building Code.

#### **Section 4: Definitions**

For the purpose of this chapter, certain abbreviations, terms, phrases and words, and their derivatives, shall be construed as specified in the Florida Building Code, unless specifically modified herein.

*Abandoned/disabled motor vehicle* is defined as a motor vehicle which is unlicensed or dismantled, in whole or in part, or which is mechanically unable to operate as the result of a mechanical defect or malfunction. A mechanical defect or malfunction includes, but is not limited to, an inoperable engine, one or more deflated or missing tires, or a vehicle resting on supports other than inflated tires. The absence of minor and nonessential parts, such as antennas, or ornaments, hub caps, etc. shall not cause a vehicle to be deemed to be dismantled or disabled.

*Accessory building* means an accessory structure as defined by the Land Development Code.

*Building* means any structure used or intended for supporting or sheltering any use or occupancy other than a residential dwelling.

*Building Code* means the current adopted version of the Florida Building Code

*Division* means the Codes Enforcement Division of the Department of Planning, and Development Services

*Electrical Code* means the National Electrical Code, as adopted by the Florida Building Commission.

*Hazard to health or safety* means any unsafe or dangerous building, as defined in Section 20 or anything that is an immediate threat to the health, safety and general welfare of the public or an employee.

*Health officer* means the Health Department Director or his or her designee.

*Manager of Codes Enforcement* means the Director of the Planning and Development Services or his or her designee.

***Mechanical Code*** means the Florida Mechanical Code, as adopted by the Florida Building Commission.

***Occupied space*** means the total area of all buildings or structures on any lot or parcel of land projected on a horizontal plane, excluding permitted projections as allowed by this chapter.

***Owner means*** the title owner registered with the Property Appraiser of a parcel of property, including any person, corporation, partnership, trust, limited liability company, or d.b.a.

***Plumbing Code*** means the Florida Plumbing Code, as adopted by the Florida Building Commission, State of Florida.

***Premise*** means a lot, plot or parcel of land including the building or structure thereon.

***Public Nuisance*** means any of the following:

- a) Any public nuisance known at common law or in equity; and
- b) Any attractive nuisance in a building or on a premise that may prove detrimental to children. This includes, but is not limited to, a vacant open structure, any abandoned wells, shafts, basements or excavations; refrigerators, freezers or abandoned/disabled motor vehicles as defined in this section; structurally unsound fences or structures; or lumber, trash, debris, trees or vegetation which may prove a hazard for minors; and
- c) Whatever is dangerous to human life or is detrimental to health; and
- d) Overcrowding a room with occupants as defined in the Florida Building Code; and
- e) Insufficient ventilation or illumination as required in the Florida Building and Fire Codes, unless the building meets applicable Building Code requirements in place at the time of construction and has been properly maintained in accord with those requirements; and
- f) Inadequate or unsanitary sewage or plumbing facilities as specified in Section 14; and
- g) Uncleanliness, as determined by the County Health Officer or the Manager of Code Enforcement; and
- h) Whatever renders air, food or drink unwholesome or detrimental to the health, of human beings; and
- I) Any condition in violation of Section 17.

***Substandard condition*** means any condition defined as substandard in Section 16. Such condition does not make a building unsafe or dangerous unless so determined by the Manager of Codes Enforcement or the County Health Officer.

***Unsafe or dangerous*** means any condition defined as unsafe or dangerous in Section 18. It is a condition that makes a structure or premises a substantial threat to the health, safety and general welfare of people.

## **Section 5: Reserved**

## **Section 6: Responsibilities of owners and occupants**

Every owner remains liable for violations of duties imposed by this chapter even though an obligation is also imposed on the occupants of the owner's building and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this chapter.

- a) Every owner or owner's agent, in addition to being responsible for maintaining the owners building in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary and safe condition.
- b) Every owner, where required by the chapter, by the Ordinances of the County, or by the County Health Officer, shall furnish and maintain such approved sanitary facilities as are required and shall furnish and maintain approved devices, equipment or facilities for the prevention of infestation by insects, rodents and other pests.
- c) Where such infestation has taken place, every owner shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or by orders under this chapter.
- d) Every occupant of a nonresidential building, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the building or premises which he or she occupies and controls, shall dispose of all rubbish, garbage and other organic waste in a manner required by ordinances of the County or by the County Health Officer, furnish and maintain approved devices, equipment or facilities necessary to keep the premises safe and sanitary.

## **Section 7: Substandard Buildings as nuisances**

All buildings or portions thereof which are determined to be substandard, as defined in this chapter, are hereby declared to be public nuisances and shall be abated by repair, demolition or removal in accordance with the procedures specified in this chapter.

## **Section 8: Reserved**

## **Section 9: Violations generally**

No person, whether as owner, lessee, sub lessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, in violation of any of the provisions of this chapter or any order issued by the Manager of Code Enforcement hereunder. A violation shall include any act of commission or omission contrary to any section of this chapter and the failure to meet any required standard as set forth in this chapter.

## **Section 10: Permits and inspections**

a) *Permit required:* No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or portion thereof, or cause or permit the same to be done, without first obtaining a separate building permit for each such building from the Department of Planning and Development Services in the manner and according to the applicable conditions prescribed in the Florida Building Code.

b) *Inspection required:* All buildings or portions thereof within the scope of this chapter, and all construction or work for which a permit is required, shall be subject to inspection by the Building Official in accordance with the requirements of this chapter and the Florida Building Code.

## **Section 11: Structural Requirements**

a) *In general:* Buildings may be of any type of construction permitted by the Florida Building Code. Roofs, floors, walls, foundations and other structural components of buildings that were constructed with permit under a previous version of the Building Code and maintained properly are not in violation of this code. Elements that have deteriorated over time and need to repair or replaced will have to meet the current Building Code Standards.

b) *Shelter:* Every building shall be weather-protected against the elements and to exclude dampness.

c) *Protection of Materials:* All wood shall be protected against termite damage and decay as provided in the Florida Building Code.

## **Section 12: Mechanical Requirements**

Any mechanical equipment installed in any nonresidential structure must be maintained in good condition.

## **Section 13: Electrical Requirements**

The electrical system in any nonresidential development must be adequate to handle the electrical

needs in a safe manner. The electrical system must be maintained in good condition.

#### **Section 14: Plumbing Requirements**

The plumbing system in any nonresidential development must be adequate to handle the plumbing needs in a safe manner. The plumbing system must be maintained in good condition.

#### **Section 15: Fire Protection**

All buildings or portions thereof shall be provided with the degree of fire-resistive construction required by the Florida Building Code for the appropriate occupancy, type of construction and location on property, and shall be provided with the appropriate fire-extinguishing systems or equipment required by the Florida Building Code and any local amendments.

#### **Section 16: Substandard buildings**

a) *In general:* Any building or portion thereof or other place used or designed or intended to be used by the public or employees in which there exists any of the following listed conditions, shall be deemed and is hereby declared to be a substandard building:

1) *Inadequate sanitation:* Inadequate sanitation including but not limited to any of the following:

- A) Lack of, or improper, sanitation required by the Florida Building Code; and
- B) General dilapidation or improper maintenance; and
- C) Lack of connection to required sewage disposal system; and
- D) Lack of garbage and rubbish removal as determined by the County Health Department or the Manager of Codes Enforcement.

2) *Structural hazards:* Structural hazards, including but not limited to any the following:

- A) Deteriorated or inadequate foundations; and
- B) Defective or deteriorated flooring or floor supports; and
- C) Flooring or floor supports of insufficient size to carry imposed loads with safety; and
- D) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective materials or deterioration; and
- E) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads or deterioration; and
- F) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that sag, split or buckle due to defective material or deterioration; and
- G) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety; and
- H) Fireplaces or chimneys that list, bulge or settle due to defective materials or deterioration; and

- I) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety; and
- J) Defective, deteriorated or inadequate stairs, handrails or guardrails.

3) *Nuisances*: Any nuisance, as defined in this code, or by State law;

4) *Hazardous electrical wiring*: All electrical wiring, except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good condition and is being used for electrical loads for which it was designed and is being used in a safe manner;

5) *Hazardous plumbing*: All plumbing, except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures.

6) *Hazardous mechanical equipment*: All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in a good and safe condition;

7) *Faulty weather protection*: Faulty weather protection including but not limited to any of the following:

- A) Deteriorated, crumbling or loose plaster; and
- B) Deteriorated or ineffective water-proofing of exterior walls, roofs, foundations or floors, including broken windows or doors; and
- C) Defective or lack of weather protection for exterior wall coverings, including lack of paint and weathering due to lack of paint or other approved protective covering; and
- D) Broken, rotted, split or buckled exterior wall coverings or roof coverings, and metal roofs that are significantly rusted with holes.

8) *Fire Hazards*: Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Fire Marshall or his or her designee, is in such a condition as to cause a fire or explosion or to provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause;

9) *Faulty materials of construction*: All materials of construction, except those which are specifically allowed or approved by this code and the Florida Building Code and which have been adequately maintained in a good and safe condition;

10) *Unsafe or dangerous building*: Any building or portion thereof which is determined to be an unsafe or dangerous building in accordance with Section 18;

11) *Inadequate exits*: All buildings or portions thereof not provided with adequate exit

facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.

12) *Inadequate fire protection or fire-fighting equipment:* All buildings or portions thereof which are not provided with the fire resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

b) *Enforcement:* Whenever a building or place of shelter is determined to be substandard, it shall be deemed a violation of this code and pursued according to 19.

#### **Section 17: Hazardous or unsanitary premises**

a) *In general:* Any premises or portion thereof including within any open watercraft, truck beds, and trailers on which there exists any of the following listing conditions shall be deemed and is hereby declared to be a substandard premises:

- 1) Accumulation of junk, debris, dead organic matter, garbage, offal or rat harborage; and
- 2) Lack of maintenance on landscaping or fencing; and
- 3) Accumulation of combustible material or other fire hazard; and
- 4) Existence of any physical health hazard as determined by the County Health Officer or the Manager of Codes Enforcement or as defined as such by statute or ordinance; and
- 5) Existence or maintenance of any building or structure which is open at a door or window, leaving the interior exposed to the elements or accessible to entrance by trespassers; and
- 6) Existence or maintenance of a public nuisance as defined in Section 4; and
- 7) Indoor-type furniture, specifically mattresses, and overstuffed/upholstered couches and chairs in the outdoors; and
- 8) Open storage of any water craft, including a boat in a waterway and tethered to or previously tethered to the premises or dock affixed to or previously affixed to the premises, or trailer that is mechanically and structurally unable to operate as a result of a mechanical or structural defect or malfunction including, but not limited to, one of more of the following: deflated or missing tires, deteriorated sides, the absence of essential parts, or incapable of being licensed for operation, unless connected with a boat repair or building business; and
- 9) Abandoned/disabled motor vehicles in whole or in part as defined in Section 4, unless



permitted in the zoning district; and

10) Growth of grass, weeds, underbrush, etc, which in the determination of the Putnam County Fire Marshall constitutes a fire danger.

## **Section 18: Unsafe Buildings**

Buildings determined to be unsafe shall be processed under the Unsafe Building and Abatement Code.

## **Section 19: Enforcement**

a) Enforcement of this Ordinance will follow the requirements of Sections 11.06 and 12.18 of the Putman County Land Development Code.

b) *Authority of Manager of Codes Enforcement:* The Manager of Code Enforcement is hereby authorized and directed to administer and enforce this chapter.

c) *Inspections:* Whenever necessary to make an inspection or whenever the Manager of Code Enforcement has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or portion thereof, or premises substandard, the Manager may enter such building or go upon such premises to inspect the same.

1. The manager may conduct such inspection at all reasonable times by either by obtaining permission from the owner or occupant or by obtaining an administrative search warrant from a court of competent jurisdiction.

2.If such building or premises is occupied, the manager shall first show proper credentials and request entry, and if such building or premises is unoccupied, the manager shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry.

3. If such entry is refused, or if the owner or other person having charge or control of the building cannot be found, the Manager shall have the recourse to every remedy provided by law to secure entry.

d) *Indemnification:* The Manager of Codes Enforcement charged with enforcement of this chapter, acting in good faith and without malice in the discharge of his or her duties, shall be indemnified and held harmless by the County against any liability for any damage that may accrue to persons or property as the result of any act or by reason of any act or omission in the discharge of his or her duties. Any suit brought against the Code Enforcement Division, the Manager or legal counsel provided by the County shall defend any employee of the Division, because of an act or omission performed by the Manager or employee in the enforcement of any provision of this chapter.

## **Section 20: Appeals**

Appeals to the decision by the Special Magistrate shall be to the circuit court and must be filed

within 30 days of the date of notice of the Special Magistrate's decision.

## **Section 21: Vacant or Boarded Buildings**

a) *Inspections generally:* Any building designed or intended to be used for human activity which is unoccupied or vacant, or which is unoccupied and boarded over in such a manner as to prevent the use of any door or window, shall be inspected at the request of the Manager of Codes Enforcement when such failure to occupy and/or boarding over has existed for more than one hundred eighty (180) days immediately preceding the date the Manager makes the request for inspection. A Request for Inspection as used in this section, means either a verbal request, followed up with a letter, made of any owner of the building or a written request mailed to the owner, agent or party of interest in whose name appears on the County's Property Appraiser's records.

b) *Periodic Inspections:* After the initial inspection of a building described in subsection (a) hereof, the Manger may inspect such building on a periodic basis as long as such nonuse and/or boarding continue.

c) *Issuance of warrants:* If the owner, agent or lessor fails to respond or consent to any inspection request, the Manager shall obtain an inspection warrant from a court of competent jurisdiction. The Manager shall prepare the warrant with the assistance of the Department or County Attorney. The warrant shall state the address of the building to be inspected and that such warrant is issued pursuant to this section. The inspection procedures set forth in this code are established in the public interest to secure the health and safety of the general public.

## **Section 22: Severability:**

In the event of a conflict between any of the provisions of this code and any other provision of these Codified Ordinances, or between any of the provisions of this code and a provision of any statute regulating the subject matter of this code, the most restrictive provision or the highest standard shall control.

## **Section 23: Transfer of ownership**

- a) If an owner of a nonresidential property who has been cited for a violation under this code, sells, transfers or otherwise dispose of the property, he shall provide the person or entity obtaining the property with notification that there is an enforcement action ongoing and shall furnish the Code Enforcement Manager with the name and mailing address of the person receiving the property.
- b) For the purposes of this section, the term sell or transfer means to convey any interest in a dwelling in any manner except by lease, mortgage, gift, devise, and bequest or lien foreclosure. A sale of transfer shall be deemed to occur upon the transfer shall be deemed to occur upon the transfer of title, the execution of a land contract or the exercise of an

option to purchase a property.

#### **Section 24: Penalties**

Penalties will be as specified in the provisions of Sections 11 and 12 of the Land Development Code.

#### **Section 25: Conflicts**

Any ordinance, or part thereof, in conflict with this ordinance, or any part thereof, is hereby repealed to the extent of such conflict.

#### **Section 26: Severability**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperable or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance, or any portion thereof, shall be held to be inapplicable to a person or circumstance, such holding shall not affect its applicability to any other person, property or circumstance.

#### **Effective Date:**

This ordinance shall become effective upon Putnam County's receipt of acknowledgement of filing by the Secretary of State.

**DONE, ORDERED AND ADOPTED** by the Putnam County Board of County Commissioners this 25th day of October, 2016

ATTEST

BORD OF COUNTY COMMISSIONERS  
PUTNAM COUNTY, FLORIDA

*Tim Smith*

Tim Smith, Clerk of Courts

*Chip Laibl*

Chip Laibl, Chairman

