



Interoffice Memorandum

10-24-14 P03:58 IN

*SD*  
*see*

October 24, 2014

TO: Katie A. Smith, Deputy Clerk of the Board of County Commissioners  
County Comptroller's Office

THROUGH: Cheryl Gillespie, Supervisor  
Agenda Development Office

FROM: Robert Spivey, Manager *Bob*  
Code Enforcement Division  
(407) 836-4221 or [bob.spivey@ocfl.net](mailto:bob.spivey@ocfl.net)

SUBJECT: Request for Public Hearing: November 18, 2014 at 2:00 p.m. to adopt the following ordinance:

**AN ORDINANCE OF ORANGE COUNTY, FLORIDA RELATING TO BUILDING AND CONSTRUCTION REGULATIONS; AMENDING IN PART CHAPTER 9 ("BUILDING AND CONSTRUCTION REGULATIONS") OF THE ORANGE COUNTY CODE BY AMENDING ARTICLE I ("GENERAL PROVISIONS") AND ARTICLE VII ("PROPERTY MAINTENANCE CODE"); ADOPTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING CERTAIN ADMINISTRATIVE AND TECHNICAL AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE**

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**APPLICANT:** Orange County Code Enforcement Division

**LOCATION:** All Districts

**TYPE OF HEARING:** Adoption of Ordinance Amending Chapter 9, Property Maintenance

**ESTIMATED TIME REQUIRED FOR PUBLIC HEARING:** 2 minutes

**HEARING CONTROVERSIAL:** No

*11/18/14 @ 2pm*

**CLERK'S ADVERTISING  
REQUIREMENTS:**

Publish display advertisement in the Orlando Sentinel. The advertisement must meet the requirements set forth Section 125.66, Florida Statutes.

**ADVERTISING TIMEFRAMES:** At least ten days prior to the hearing.

**APPLICANT/ABUTTERS  
TO BE NOTIFIED:**

N/A

**BCC PUBLIC HEARING  
REQUIRED BY:**

Section 125.66 Florida Statutes

**SPANISH CONTACT PERSON:** Para mas información, referente a estas audiencias publica, favor comunicarse con la división de planificación urbana al numero, (407) 836-5600.

**MATERIALS BEING SUBMITTED  
AS BACKUP FOR PUBLIC  
HEARING REQUEST:**

Copy of the Ordinance as recommended by the LPA will be submitted under separate cover at least seven (7) days prior to the date of the public hearing.

**SPECIAL INSTRUCTIONS TO  
CLERK (IF ANY):**

Please place this request on the November 18, 2014 BCC public hearing agenda at 2:00 p.m.

**MATERIALS TO BE SUBMITTED  
UNDER SEPARATE COVER:**

Ordinance

RS:rep

- c: Chris R. Testerman, AICP, Assistant County Administrator  
Joel Prinsell, Deputy County Attorney  
Jon V. Weiss, P.E., Director, CEDS Department  
John Smogor, Planning Administrator, Planning Division

ORDINANCE NO. 2014-\_\_

2 AN ORDINANCE OF ORANGE COUNTY, FLORIDA  
3 RELATING TO BUILDING AND CONSTRUCTION  
4 REGULATIONS; AMENDING IN PART CHAPTER 9  
5 (“BUILDING AND CONSTRUCTION REGULATIONS”) OF  
6 THE ORANGE COUNTY CODE BY AMENDING ARTICLE  
7 I (“GENERAL PROVISIONS”) AND ARTICLE VII  
8 (“PROPERTY MAINTENANCE CODE”); ADOPTING THE  
9 2012 INTERNATIONAL PROPERTY MAINTENANCE  
10 CODE; ADOPTING CERTAIN ADMINISTRATIVE AND  
11 TECHNICAL AMENDMENTS; AND PROVIDING AN  
12 EFFECTIVE DATE.

14 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
15 ORANGE COUNTY:

16 *Section 1. Amendments to Chapter 9, in General.* Article I (Sections 9-4 and 9-11)  
17 and Article VII (Division 2, Sections 9-277 through 9-285, and Division 3, Sections 9-286  
18 through 9-300) of Chapter 9 of the Orange County Code are hereby amended as set forth in  
19 Sections 2 through 5, below.

20 *Section 2. Amendments to Section 9-4 (“Building codes board of adjustments and  
21 appeals; creation; membership; meetings; quorum; powers and duties”).* Subsections 9-  
22 4(m)(1) and (m)(4) are amended as follows:

23 (m) The board shall have the following powers and duties,  
24 subject to the procedures as may be set forth in both this chapter  
25 and article II of chapter 18.

26 (1) To hear any appeal from a decision of the building  
27 official as to the application or interpretation of a technical code  
28 (~~excluding the Orange County Residential Property Maintenance~~  
29 ~~Code, unless otherwise specifically provided herein~~) pursuant to  
30 section 9-11 of the Orange County Code;

31 \* \* \*

36 | (4) To hear any appeal from a notice of unsafe building  
issued pursuant to the Orange County ~~Nonresidential~~ Property  
38 | Maintenance Code, unless otherwise provided herein;

In all other respects, Section 9-4 shall remain unchanged.

40 | **Section 3. Amendments to Section 9-11 (“Appeal from denial of certificates of**  
**competency; grievance complaints; appeal from final decision by building official; variances;**  
42 | **appeal from notice of unsafe building”).** Subsection 9-11 (d) is amended as follows:

44 | (d) *Appeal from notice of unsafe building.*

46 | (1) A person served with a notice of unsafe building, or  
their duly authorized agent, may appeal the notice of unsafe  
48 | building to the building codes board of adjustments and appeals  
pursuant to the Orange County ~~Nonresidential~~ Property  
Maintenance Code, as amended.

50 | \* \* \*

52 | In all other respects, Section 9-11 shall remain unchanged.

54 | **Section 4. Repeal and Re-creation of Article VII, Division 2 (“Residential Property**  
Maintenance Code”). Article VII, Division 2 (“Residential Property Maintenance Code”) is  
56 | repealed and re-created to read as follows:

#### DIVISION 2. PROPERTY MAINTENANCE CODE.

58 | **Sec. 9-277. 2012 edition of the International Property Maintenance**  
**Code, adopted.**

60 | (a) *Adopted.* Subject to the administrative and technical  
62 | amendments set forth in subsection (b) below, the *2012*  
*International Property Maintenance Code*, published by the  
64 | International Code Council, is hereby adopted as the Orange  
County Property Maintenance Code and shall be the governing law  
66 | relative to structures and premises as defined herein.

68 | (b) *Amendment.* The *2012 International Property*  
*Maintenance Code* is hereby amended in that wherever the words  
70 | “code official” are found, the words “Code Enforcement Division  
manager” shall be substituted. In addition, wherever the terms

72 "ICC Electrical Code," "International Building Code,"  
"International Existing Building Code," "International Fire Code,"  
74 "International Mechanical Code," "International Plumbing Code,"  
and "International Zoning Code" are found in the 2012 edition of  
76 the International Property Maintenance Code, the Code is amended  
by substituting "Orange County Electrical Code, Article III of  
78 Chapter 9 of the Orange County Code," "Florida Building Code,  
Building," "Florida Building Code, Existing Building," "Florida  
80 Fire Prevention Code," "Florida Building Code, Mechanical,"  
"Florida Building Code, Plumbing," and the Orange County  
82 Zoning Code, Chapter 38 of the Orange County Code,"  
respectively.

84  
86 **Sec. 9-278. Assessment and lien.**

88 (a) *Notice of assessment.* Prior to approving and recording a  
claim of special assessment lien pursuant to subsection (b) below,  
90 the county shall, by hand or certified mail, return receipt requested,  
deliver or send a notice of assessment of costs to the last known  
92 owner of record of the subject benefitted real property. If the  
assessment is not paid, or arrangements satisfactory to the county  
have not been made, to pay such assessment within thirty (30) days  
94 after hand delivery of the notice or within thirty (30) days after  
return of the receipt, then the claim of special assessment lien may  
96 be approved and recorded.

98 (b) *Approving and recording of claim of special assessment*  
*lien.* After the county repairs or demolishes a building or structure  
100 in accordance with the Orange County Property Maintenance Code  
and complies with the requirements of subsection (a) above, the  
102 county is authorized to approve and record a claim of special  
assessment lien in the official records of the county. The claim of  
104 special assessment lien is subject to the following conditions and  
requirements:

106 (1) It shall be adopted by the board of county  
108 commissioners in the form of a resolution at a public meeting, and  
such resolution shall substantially conform to and comply with the  
110 form attached to Ordinance No. 2000-04 as Appendix "A."

112 (2) It shall state the amount of the assessment, and such  
amount shall include the following:

114 a. The cost of repairing or demolishing the  
116 building or structure;

118                   b.     The cost of delivering or mailing the notice  
of assessment pursuant to subsection (a); and

120                   c.     The cost of recording the claim of special  
122 assessment lien pursuant to subsection (b);

124                   (3)    It shall contain a brief description of the repair or  
demolition services rendered;

126                   (4)    It shall state the date(s) on which the repair or  
128 demolition service(s) was (were) rendered;

130                   (5)    It shall contain a legal description of the benefited  
real property upon which the repair or demolition services were  
132 rendered; and

134                   (6)    It shall state the name(s) and address(es) of the last  
known owner(s) of the subject real property.

136                   (c)    *Claim of special assessment lien constitutes a special*  
138 *assessment lien.* The claim of special assessment lien, upon its  
recording, shall constitute a special assessment lien.

140                   (d)    *Satisfaction of special assessment lien.* The special  
142 assessment lien shall be satisfied when the amount due, including  
any statutory interest thereon, has been paid in full. The  
144 satisfaction shall be adopted by the board of county commissioners  
in the form of a resolution at a public meeting, and such resolution  
146 shall substantially conform to and comply with the form attached  
to Ordinance No. 2000-04 as Appendix "B."

148                   (e)    *Lien collection.* The county may initiate legal proceedings  
150 to collect on or foreclose any special assessment lien recorded  
pursuant to this section, and recover the costs of the suit, plus a  
152 reasonable attorneys' fee.

154     **Sec. 9-279. Emergency code enforcement action.**

156                   (a)    Upon determining that a dangerous condition exists which  
poses an imminent threat to the life, health, or safety of the public,  
158 the Code Enforcement Division manager or the Building Official,

160 or a designee of either, may, each in consultation with the other,  
162 authorize such repairs, removals, closures, and/or demolitions as  
deemed reasonably necessary to remove the hazard(s).

164 (b) Notice to the property owner, and mortgage and lien  
166 holders as applicable, shall be provided as soon as reasonably  
practicable, but such notice shall not be required prior to  
commencing the work.

168 (c) The property owner may appeal the determination (i) by the  
170 Code Enforcement Division manager pursuant to Section 11-33 of  
172 this Code, or (ii) by the Building Official pursuant to Section 9-11  
of this Code, as applicable.

174 **Secs. 9-280 through 9-285. Reserved.**

176 **Section 5. Repeal of Article VII, Division 3 (“Non-residential property  
maintenance code”).** Article VII, Division 3 (“Non-residential Property Maintenance Code”) is  
repealed in its entirety, and Sections 9-286 through 9-300 are hereby reserved.

178 **Section 6. Effective date.** This ordinance shall become effective pursuant to general  
law.

180 **ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

182 **ORANGE COUNTY, FLORIDA**  
184 By: Board of County Commissioners

186 By: \_\_\_\_\_  
188 Teresa Jacobs  
County Mayor

190 ATTEST: Martha O. Haynie, County Comptroller  
As Clerk of the Board of County Commissioners

192 By: \_\_\_\_\_  
194 Deputy Clerk

196 Print: \_\_\_\_\_