

1 ALACHUA COUNTY
2 BOARD OF COUNTY COMMISSIONERS

3 **ORDINANCE NO. 2022 -__**

4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
5 OF ALACHUA COUNTY, FLORIDA; AMENDING ALACHUA
6 COUNTY CODE, SECTION 74.15 TO CHANGE DEFINITION OF
7 ‘DANGEROUS STRUCTURES’; AMENDING SECTION 74.32
8 ENTITLED ‘ENFORCEMENT PROCEDURES’; AMENDING AND
9 RETITLING ALACHUA COUNTY CODE, PART III UNIFIED LAND
10 DEVELOPMENT CODE, CHAPTER 332 TO REFERENCE AND
11 ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE
12 CODE; AMENDING SECTION 408.22 TO UPDATE AND
13 REFERENCE THE CODE ADOPTION; PROVIDING FOR
14 MODIFICATION; PROVIDING FOR REPEALING CLAUSE;
15 PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR
16 SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

17 **WHEREAS**, in 1992, by way of Ordinance 92-13, the Board of County Commissioners
18 of Alachua County, Florida adopted the Standard Housing Code, 1991 edition, promulgated by the
19 Southern Building Code Congress International, Inc.; and

20 **WHEREAS**, the International Property Maintenance Code, published by the International
21 Code Council, acts as a national model code and standards for the minimum maintenance
22 requirements for existing buildings; and

23 **WHEREAS**, the International Property Maintenance Code is updated regularly and is
24 developed through a collaborative process with professionals, experts and stakeholders; and

25 **WHEREAS**, there is a benefit to persons and property by the establishment of minimum
26 requirements regarding the maintenance, appearance and condition of residential and housing
27 structures; and

28 **WHEREAS**, the purpose of requiring properties to be compliance with certain minimum
29 standards, including those contained in the International Property Maintenance Code, is to

1 promote, protect and impose the public health, safety and welfare of the citizens of Alachua
2 County.

3 **NOW, THEREFORE, BE IT DULY ORDAINED BY THE BOARD OF COUNTY**
4 **COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:**

5 SECTION 1. Recitals. The foregoing recitals are true and are incorporated herein.

6 SECTION 2. Amendment. Alachua County Code, Part II, Title 7, Chapter 74, Article I,
7 Section 74.15 entitled “Definitions” shall be amended to modify and amend the following words,
8 terms, and phrases. Unless referenced below, all other provisions of and terms in Section 74.15
9 remain unchanged by this Ordinance.

10 *Dangerous structure* shall mean any structure, dwelling or dwelling unit which has any of
11 the ~~following~~ defects or conditions listed in Section 111.1.5, regarding dangerous structure
12 or premise, of the International Property Maintenance Code, 2021 edition.:

- 13 ~~(1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-~~
14 ~~infested that it creates a serious hazard to the health or safety of the occupants or the~~
15 ~~public.~~
16 ~~(2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect~~
17 ~~the health or safety of the occupants or the public.~~
18 ~~(3) All buildings or structures which have any or all of the following defects shall also~~
19 ~~be considered dangerous structures:~~
20 ~~a. Those whose interior walls or other structural members list, lean, or buckle, or the~~
21 ~~support for which has become damaged or deteriorated, to such an extent that~~
22 ~~there is a reasonable likelihood that such walls or other structural members may~~
23 ~~fall or give way;~~
24 ~~b. Those which have improperly distributed loads upon the floors or roofs or in~~
25 ~~which the same are overloaded or which have insufficient strength to be~~
26 ~~reasonably safe for the purpose used;~~
27 ~~c. Those which have been damaged by fire, wind or other causes so as to have~~
28 ~~become dangerous to life, safety, or the general health and welfare of the~~
29 ~~occupants or the people of Alachua County;~~
30 ~~d. Those which have become or are so dilapidated, decayed, unsafe, unsanitary, or~~
31 ~~which so utterly fail to provide the amenities essential to decent living that they~~
32 ~~are unfit for human habitation, or are likely to cause sickness or disease, so as to~~
33 ~~work injury to the health, safety, or general welfare of those living therein;~~
34 ~~e. Those having light, air and sanitation facilities which are inadequate to protect~~
35 ~~the health, safety, or general welfare of human beings who live or may work~~
36 ~~therein;~~

- 1 ~~f. Those having inadequate facilities for egress in case of fire or panic, or those~~
- 2 ~~having insufficient stairways, elevators, fire escapes, or other means of egress,~~
- 3 ~~according to the standards in effect when the building was constructed;~~
- 4 ~~g. Those which have parts thereof which are so attached that there is a reasonable~~
- 5 ~~likelihood they may fall and injure members of the public or property in general;~~
- 6 ~~h. Those which, because of their condition, are unsafe and are unsanitary or~~
- 7 ~~dangerous to a degree that constitutes a hazard to the health, safety, or general~~
- 8 ~~welfare of the people in Alachua County;~~
- 9 ~~i. Those which are vacant and not sufficiently secured to prevent easy access to~~
- 10 ~~trespassers, loiterers and vagrants;~~
- 11 ~~j. Those which are untended or unkept to the extent that they pose a health or safety~~
- 12 ~~hazard.~~

13 SECTION 3. Amendment. Alachua County Code, Part II, Title 7, Chapter 74, Article V
 14 – *Hazardous Lands/Dangerous Structures*, Section 74.32 entitled “Enforcement procedures” shall
 15 be amended to state as follows:

16 **Sec. 74.32. - Enforcement procedures.**

- 17 (a) Designation of unfit dwellings as dangerous structures ~~and legal procedure for the~~
- 18 ~~condemnation of such structures shall~~ will be in accordance with the Standard
- 19 Housing Code, 1991 edition, as adopted by Ordinance No. 92-13 ~~housing and~~
- 20 maintenance code adopted by the County in Chapter 332. ~~The Standard~~
- 21 Housing Code, 1991 edition, provides for form of notice, service of notice, time
- 22 requirements for vacation of a condemned building, prohibition of occupancy of a
- 23 condemned and placarded building, and prohibition of removal of placards from
- 24 condemned buildings. ~~This Chapter may be enforced in accordance with F.S. Ch. 162~~
- 25 and Chapter 24, Alachua County Code, as amended from time to time.
- 26 (b) If the office of codes enforcement determines the existence of any dangerous structure
- 27 or hazardous lands, it shall so notify the record owner of the property in writing and
- 28 demand that the owner cause the condition to be remedied or abated in accordance
- 29 with the provisions of this Article, unless the condition is a public nuisance that poses
- 30 an imminent threat to health, safety, or welfare and the County Manager authorizes
- 31 the abatement of the nuisance in accordance with this Chapter.

32 SECTION 4. Amendment. Alachua County Code, Part III, Title 33, Chapter 332,
 33 Article I, entitled “Standard Housing Code” shall be re-titled to “Standard Housing and
 34 Maintenance Code” and shall be amended as follows:

35 **CHAPTER 332. HOUSING**

36 **ARTICLE I. – STANDARD HOUSING AND MAINTENANCE CODE**

1 **Sec. 332.01. – Adoption.**

2 (a) The following code is hereby adopted as the County’s housing and maintenance code
3 for structures and premises, incorporated as fully as if set out in length herein, with
4 the exception of the exclusions and amendments made in subsection (b) below: The
5 Standard Housing Code, 1991 edition, promulgated by the Southern Building Code
6 Congress International, Inc. International Property Maintenance Code, 2021 edition.

7
8 (b) The 2021 International Property Maintenance Code (IPMC) is adopted by the County,
9 except for the following which are amended or excluded:

- 10
11 (1) Section 102.1, 102.3 and 102.8 of the IPMC are excluded and are not adopted by
12 the County.
- 13 (2) Sections 105.3 *Right of entry*, 105.7.1 *Legal Defense*, 107 *Appeal*, 108 *Board of*
14 *appeals*, 109 *Violations*, 301.3 *Vacant structures and land*, 302.4 *Weeds*, 302.8
15 *Motor vehicles*, 303.2 *Enclosures*, 308 *Rubbish and Garbage*, 603.3 *Clearances*,
16 603.4 *Safety controls*, 603.5 *Combustion air*, 603.6 *Energy conservation devices*
17 and 606 *Elevators, Escalators and Dumbwaiters* are excluded and are not adopted
18 by the County.
- 19 (3) Section 602 is excluded from adoption, however a supply of heat, available year-
20 round, is required.
- 21 (4) The Florida Fire Prevention Code, as amended, provided for Section 633.202,
22 Florida Statutes, has been adopted by the County in Chapter 362, Alachua County
23 Code. Chapter 7 of the IPMC *Fire Safety Requirements* is excluded and is not
24 adopted by the County. Any reference to an International Fire Code is substituted
25 for the Florida Fire Prevention Code. It shall be a violation for failure to (a) install
26 and maintain smoke alarms on the ceiling or walls outside of each separate
27 sleeping area in the immediate vicinity of bedrooms, in each room use for sleeping
28 purposes, and in each story within a dwelling unit, and (b) if applicable, install
29 and maintain a carbon monoxide alarm in a dwelling unit. In the event a provision
30 of the IPMC conflicts with the Florida Fire Prevention Code, the Florida Fire
31 Prevention Code will prevail and apply.
- 32 (5) Appendix A and Appendix B of the IPMC are excluded and are not adopted by
33 the County.
- 34 (6) Wherever the term "code official" appears in the IPMC, that term is considered
35 the same as a “code inspector” or “code enforcement officer”.
- 36 (7) In the event any provision of the IPMC conflicts with the Florida Building Code,
37 the provisions of the Florida Building Code, as adopted by the County and as
38 amended, will prevail and apply. Any reference to International Building Code is
39 substituted for the Florida Building Code, as adopted by the County.
- 40 (8) In the event any provisions or definitions of the IPMC conflict with the Alachua
41 County Code, the provisions and definitions contained in Alachua County Code
42 of Ordinances and the Alachua County Unified Land Development Regulations
43 will prevail and apply.

44 **Sec. 332.02. - Penalty.**

1 ~~Any person violating the provisions of this article and the codes adopted hereunder shall~~
2 ~~be punished as provided by general law. It is unlawful for any person, business or entity~~
3 ~~to conflict with or be in violation of the provisions of this article and the International~~
4 ~~Property Maintenance Code, 2021 edition, as adopted. Violations of this article may be~~
5 ~~referred to the codes enforcement board enforced pursuant to sec. 10.08 and Chapter 24,~~
6 ~~Alachua County Code, as amended from time to time.~~

7 SECTION 5. Amendment. Alachua County Code, Part III, Title 40, Chapter 408,
8 Section 408.22 entitled “Nonconforming number of dwellings on a lot” shall be amended to state
9 as follows:

10 **Sec. 408.22. – Nonconforming number of dwellings on a lot.**

11 (a) A legal lot of record containing more than one principle dwelling that does not
12 conform to the requirements of section 407.01(a) may remain, subject to the
13 following provisions:

14 (1) The property owner must demonstrate the dwelling(s) were established by
15 issuance of a valid building permit or were constructed or placed prior to
16 December 8, 1964.

17 (2) The dwelling(s) must be occupied and meet the minimum housing requirements
18 of ~~the Standard Housing Code adopted by the County in section 332.01~~. If a
19 dwelling is occupied but does not meet the minimum requirements, permits may
20 be issued to bring the dwelling up to minimum housing standards.

21 (3) The dwelling(s) may be replaced, but shall not be enlarged or expanded.

22 (4) If a dwelling is a mobile or manufactured home it may be replaced upon a
23 determination by the Zoning Administrator in accordance with the provisions
24 of §408.12(a)2.b.ii.

25 (5) Once the dwelling is deemed abandoned in accordance with section 408.13(a), the
26 dwelling may not be reestablished except in conformity with the regulations of
27 this ULDC.

28 (b) Where the original owner of the lot of record divided the parcel into lots as part of an
29 estate to family members that included the existing dwellings, such lots shall not be
30 recognized as separate parcels and the dwellings shall be treated as multiple dwellings
31 on a lot. The existing dwellings may be repaired or replaced in accordance with
32 subsection (a) and the following additional provisions:

33 (1) The family members listed as recipients with the estate, or their immediate family
34 members must occupy the dwellings on the divided parcels. An affidavit must be

1 recorded in the public record stating that the parcels can-not be sold as separate
2 parcels before any permits can be issued for the property.

3 (2) The affidavit must be agreed upon and signed by all family members occupying
4 the dwellings on the lots created from the estate.

5 (3) Any permits must be issued on the original lot of record.

6 SECTION 6. Modification. It is the intent of the Board of County Commissioners that
7 the provisions of this ordinance may be modified as a result of considerations that may arise during
8 public hearings. Such modifications shall be incorporated into the final version of the ordinance
9 adopted by the Board and filed by the Clerk to the Board.

10 SECTION 7. Repealing Clause. All ordinances or portions thereof in conflict
11 herewith are, to the extent of such conflict, hereby repealed.

12 SECTION 8. Inclusion in the Code. It is the intent of the Board of County
13 Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this
14 ordinance shall become and be made a part of the Code of Ordinances of Alachua County, Florida;
15 that the section of this ordinance may be renumbered or re-lettered to accomplish such intent and
16 that the word “ordinance” may be changed to “section”, “article”, or other appropriate designation.

17 SECTION 9. Severability. If any word, phrase, clause, paragraph, section or provision of
18 this ordinance or the application hereof to any person or circumstance is held invalid or
19 unconstitutional, such finding shall not affect the other provisions or applications of the ordinance
20 which can be given effect without the invalid or unconstitutional provisions or application, and to
21 this end the provisions of this ordinance are declared severable.

22 SECTION 10. Effective Date. A certified copy of this ordinance shall be filed with the
23 Department of State by the Clerk of the Board within ten (10) days after enactment by the Board and
24 shall take effect upon filing with the Department of State.

1 **DULY ADOPTED** in regular session, this ___ day of _____, 2022.

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**BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA**

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ATTEST:

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BY: _____

8

Marihelen Wheeler, Chair

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Board of County Commissioners

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J.K. "Jess" Irby, Esq.

11

Clerk

12

APPROVED AS TO FORM

13

14

County Attorney

15

(SEAL)

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