

ARTICLE IV. - PROPERTY MAINTENANCE CODE

Sec. 8-105. - General.

- (a) Title. This article shall be known and may be cited as the "Hillsborough County Property Maintenance Code" (hereinafter referred to as this "article").
- (b) Recitals. The Board of County Commissioners of Hillsborough County hereby adopts and incorporates into this article the whereas clauses in Ord. No. 09-63, as if fully restated herein. ^[2]
- (c) Purpose. This article shall be construed to secure the public safety, health and general welfare of the citizens of Hillsborough County, Florida.
- (d) Scope. The provisions of this article shall apply to every building, dwelling, structure, accessory structure, lot, plot or tract of land in the unincorporated areas of Hillsborough County, Florida, irrespective of the primary use of such building, dwelling, structure, accessory structure, lot, plot or tract of land and irrespective of when such building, dwelling, structure or accessory structure may have been constructed, altered or repaired.
- (e) Culpability. The owner and/or operator of such building, dwelling, structure, accessory structure, lot, plot or tract of land as the case may be, shall be responsible for compliance with the provisions of this article. ^[3]

The owner and/or operator of a mobile home park shall be responsible for the units within that park to ensure compliance with the provisions of this article. Additionally, any owner, tenant, or occupant of any building, dwelling, structure, accessory structure, lot, plot or tract of land, or part thereof, and any architect, builder, contractor, agent, or other person, firm, or corporation, either individually or through its agents, employees, or independent contractor, who violates the provisions of this article, or who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this article, shall be held responsible for the violation and be subject to the penalties and remedies provided herein or as otherwise provided by statute or ordinance.

- (f) Intent. This article establishes minimum standards for the maintenance of said buildings, dwellings, structures, accessory structures and properties and does not replace or modify standards otherwise established for the construction, replacement or repair of buildings, dwellings, structures and accessory structures except as are contrary to the provisions of this article. Notwithstanding the above, the provisions of the Florida Building Code, as amended, and the Hillsborough County Construction Code Ordinance as it may be amended from time to time shall prevail over the provisions of this article.
- (g) Calculating number of offenses. Each calendar day that any violation continues after receipt of a written notice of such violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.

(Ord. No. 09-63, § 1, 11-6-2009)

Sec. 8-106. - Definitions.

- (a) Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this section.
- (b) Meaning of certain words. Whenever the words "structure," "building," "dwelling," "dwelling unit," "roominghouse," "premises," are used in this article, they shall be construed as though they are followed by the words "or any parts thereof."
- (c) Terms not defined. Where terms are not defined through the methods authorized by this Section, such terms shall have ordinarily accepted meanings such as the context implies.

(d) General definitions.

Accessory structure means a garage or other building on a lot or parcel subordinate to and not forming an integral part of the main or principal building, but pertaining to the use of the main building.

Alter or alteration means any change or modification in construction or occupancy of any building, structure, dwelling, accessory structure, or dwelling unit.

Assessed value means the most recent assessment performed and recorded in the Ad Valorem Tax Rolls by the Property Appraiser of Hillsborough County, Florida.

Attic means any story situated wholly or partly in the roof, so designated, arranged or built to be used for storage.

Basement means a portion of a building located partly underground, but having more than one-half of its clear floor to ceiling height below the average grade of the adjoining ground.

Building means any structure having a roof and at least three walls, designed or intended for the support, shelter, enclosure or protection of persons, animals or property.

Building code means the Florida Building Code, as amended.

Code Enforcement Board means the local government Code Enforcement Board created pursuant to F.S. Ch. 162, as amended, and the applicable Hillsborough County Code Enforcement Board Ordinance # 10-27, as amended.

Code Enforcement Official means the Director of the Hillsborough County Code Enforcement Department, or other designee appointed by the County Administrator to administer and enforce this article.

Code Inspector means any authorized agent, representative, or County employee designated by the Code Enforcement Official to ensure compliance and enforcement of any provisions of this article.

Condemnation means a declaration by the Code Enforcement Official that a property or structure is unfit for use or habitation or dangerous to persons or other property pursuant to Article III of this chapter.

Debris means material which is stored externally, exposed to the elements, and is not otherwise enclosed by a roof and shall include, but not be limited to, the following: discarded household items, inoperative or discarded machinery, automobiles or appliances; refuse, rubbish, trash or junk; and used, scrap or discarded lumber, pipe, steel, plumbing fixtures, insulation, and other building material.

Deterioration means a lowering in quality in the condition or appearance of a building or parts thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay or neglect or excessive use or lack of maintenance.

Dilapidated means substantial deterioration of a building or parts thereof, such that said building, or portion thereof is no longer adequate for the purpose or use for which it was originally intended.

Dwelling means any building, structure, accessory structure, trailer, mobile home, manufactured home, modular home or rooming house which is wholly or partly used or intended to be used for living, sleeping, cooking and eating by human occupants, whether or not such structure, accessory structure, building, trailer, mobile home, manufactured home, modular home or roominghouse is occupied or vacant.

Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating, whether or not such unit is occupied or vacant.

Fire Prevention Code means the Hillsborough County Fire Prevention Code Ordinance No. 87-40, as amended, enacted by the Hillsborough County Board of County Commissioners.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, including waste food containers of any type.

Gray water means water discharged from lavatories, bathtubs, showers, clothes washers and laundry sinks.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding lavatories, water closet compartments, laundries, pantries, foyers or communicating corridors, closets, storage space or utility rooms.

Hobby vehicle means any vehicle, other than commercial, domestic and recreational vehicles as defined by this article, which is designed for, or modified for, personal hobbies such as track racing, mud bogging, off-road driving or other similar activities and which cannot be licensed for street operation.

Infestation means the presence of insects, rodents or pests within or around a dwelling which are detrimental to the public health, safety, and general welfare of the residents or occupants thereof.

Inoperable vehicle means a vehicle or trailer, excluding a hobby vehicle, which is incapable of being lawfully operated on the streets of the State, or is in a state of disrepair. A vehicle or trailer shall be deemed inoperative if one or more parts which are required for the operation of the vehicle are missing, dismantled, inoperative or not attached to the vehicle as designed. A vehicle or trailer without a license plate, with a license plate that is not registered to that vehicle, without a registration sticker affixed to the license plate, or that has a registration sticker affixed to the license plate which has been expired for a period of at least 90 days, shall be deemed to be incapable of being lawfully operated on the streets of the State.

Nuisance conditions means any nuisance as defined by law; or any attractive nuisance which may be detrimental to the health or safety of children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to:

- (1) Abandoned wells, shafts, basements, excavations, unclean swimming pools or spas, iceboxes, refrigerators, or motor vehicles;
- (2) Structurally unsound fences or structures;
- (3) Unsecured commercial structures, dwellings, or dwelling units;
- (4) Lumber, trash or debris, which may prove a hazard for inquisitive minors;
- (5) Unsanitary conditions or anything offensive to the senses or dangerous to health including, but not limited to, the emission of odors, sewage, human waste, liquids, gases, dust, smoke, vibration, noise or whatever may render air, food, or drink detrimental to the health of human beings;
- (6) Physical conditions including, but not limited to, old, dilapidated, abandoned scrap or metal, paper, building materials and equipment, bottles, glass, appliances, furniture, rags, rubber, motor vehicles, and parts thereof;
- (7) Physical conditions posing fire hazards; and
- (8) Physical conditions posing a hazard including, but not limited to dead or damaged trees.

Occupant means any person living, sleeping, cooking, or eating in, or having actual possession of any building, dwelling, structure or accessory structure.

Openable area means any part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator means any person who has charge, care, or control of a building, structure or accessory structure, or a part thereof, whether with or without the knowledge or consent of the owner and/or occupant.

Owner means a holder or holders of any legal or equitable estate in the premises, whether alone or jointly with others, or whether in possession or not and shall include all individuals, associations, partnerships, corporations, or those whose names appear on the tax rolls of Hillsborough County; or others who have interest in the premises and who are in possession or control thereof, as agents of the owner, as executor, executrix, administrator, trustee, or guardian of the estate of the owner. Any such

person thus representing the owner or owners shall be bound to comply with the provisions of this article and of the rules and regulations adopted pursuant hereto, to the same extent as if such person were the owner; and upon failure to comply therewith shall be subject to the same penalties hereinafter set out.

Person means any individual, firm, corporation, association, partnership or entity.

Premises means a lot, plot, or tract of land including the building, dwellings, structures or accessory structures thereon.

Roominghouse means any dwelling containing one or more dwelling units in which space is let by the owner or operator to one or more persons who are not the wife, husband, sister, brother, father, mother, son or daughter of the owner or operator.

Rubbish means combustible and non-combustible waste material other than garbage.

Skylight means an opening through the roof and ceiling to admit light to a room, including the window portion therein. The assembly may or may not have an operable section to provide ventilation.

Stairway means one or more flights of stairs and the necessary landings and platforms which form a continuous and uninterrupted passage from one story to another, within a building or structure or attached to the exterior of a building or structure.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished ceiling level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

Structure means anything constructed or erected which requires location on the ground or attachment to something having a fixed location on the ground, including but not limited to principal or accessory buildings, signs, fences, walls, ridges, monuments, flagpoles, antennas, transmission poles, towers, and cables.

Swimming pool means any structure, located in a residential area, that is intended for swimming or recreational bathing and contains or may contain water over 24 inches deep, including, but not limited to in-ground, aboveground, and on-ground swimming pools; hot tubs; and non-portable spas.

Tarpaulin means a sheet of strong, flexible, water resistant or waterproof material, often cloth such as canvas, woven polyethylene or polyester coated with plastics such as latex or PVC, and including reinforced grommets at the corners and along the sides to form attachment points for rope.

Unsafe structure means a structure that is found to be dangerous to the life, health, property or safety of the public, or the occupants of the structure, by not providing minimum safeguards, by having exposed electrical wiring, having an unsafe or unsanitary plumbing system, by being structurally unsound or unsafe, having faulty construction, or having an unstable foundation that could result in partial or complete collapse.

Vehicle means every device, whether motorized or non-motorized, upon, or by which any person or property is or may be transported or drawn, excepting devices used exclusively upon stationary rails or tracks.

Ventilation means the process of supplying and removing air by natural or mechanical means to or from any structure, building, or dwelling.

Weatherproof means able to withstand exposure to weather without damage or loss of function.

Weathertight means able to exclude wind and rain under normal conditions.

Yard means an open, unoccupied space on the same lot with a building, structure, or dwelling.

Yard waste means vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.

Young child means any person under the age of six years.

(Ord. No. 09-63, § 2, 11-6-2009)

Sec. 8-107. - Code enforcement official.

- (a) Generally. The Code Enforcement Official shall have jurisdiction and control over the administration and enforcement of the provisions of this article. The Code Enforcement Official may appoint a duly authorized representative or representatives to carry out the provisions of this article. The Code Enforcement Official is hereby designated as the investigating and enforcing authority pursuant to the provisions of this article. The Code Enforcement Official is hereby authorized and directed to receive all complaints of a violation of this article, to gather all relevant information concerning said complaints, to conduct field investigations and inspections of real property and to enter upon real property in the conduct of its official business pursuant to this article.
- (b) Notices and orders. The Code Enforcement Official shall also be responsible for providing all notices and orders to affected property owners required by this article and to take such other action as is reasonably necessary to accomplish the purpose of this article.
- (c) Rule making authority. The Code Enforcement Official shall adopt rules of procedure and regulations for the administration and enforcement of this article.
- (d) Cumulative action. Any action to be taken by the Code Enforcement Official pursuant to this article, in regard to the enforcement of any section hereof, shall be considered cumulative and in addition to penalties and to other remedies provided elsewhere by ordinance or law.

(Ord. No. 09-63, § 3, 11-6-2009)

Sec. 8-108. - Inspections.

- (a) Generally. All structures, dwelling units, buildings and premises subject to this Code shall be subject to inspection by the Code Enforcement Official or authorized representatives.
- (b) Identification. The Code Enforcement Official, or authorized representatives, shall be provided with official identification which shall be presented at the time of inspection.
- (c) Coordination of inspections. The representative shall explain to the owner, occupant or operator the purposes of the inspection before entering any structure, building or dwelling unit subject to this article. Where practicable, the Code Enforcement Official shall notify the owner, operator or occupants of dwelling units or building to be inspected, prior to said inspection. Inspection of the interior of structures shall take place during regular business hours of Hillsborough County, or at a time mutually agreed upon by the Code Enforcement Official, or authorized representatives, and the owner, operator or occupants, unless the Code Enforcement Official has probable cause to believe a violation of this article exists of such nature as to constitute an immediate threat to the health, safety, or welfare of persons in and/or about the dwelling unit, building, area, structure or accessory structure which would require inspection without delay.
- (d) Right of entry. The Code Enforcement Official shall have the right to entry upon real property while in the discharge of his duties in enforcing the provisions of this article. Before entering into any structure, building, dwelling, dwelling unit or accessory structure subject to this article, the Code Enforcement Official, or authorized representatives, shall attempt to secure the written consent of the owner, operator or occupant of said premises. Should the Code Enforcement Official, or authorized representative, have probable cause to believe a violation of this article exists in or about the structure, building, dwelling, dwelling unit or accessory structure and the right of entry is refused by the owner, operator, occupant or any other person, or permission cannot be obtained, the Code Enforcement Official, or authorized representative, may forthwith seek a warrant authorizing the entry and inspection of the structure, building, dwelling, dwelling unit or accessory structure.

(Ord. No. 09-63, § 4, 11-6-2009)

Sec. 8-109. - Liability.

Indemnification. Pursuant to F.S. § 768.28, as amended, no officer, employee, or agent of the Code Enforcement Department shall be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function, unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. The exclusive remedy for injury or damage suffered as a result of an act, event, or omission of an officer, employee, or agent of Hillsborough County shall be by action against Hillsborough County, unless such act or omission was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Hillsborough County shall not be liable in tort for the acts or omissions of an officer, employee, or agent committed while acting outside the course and scope of her or his employment or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(Ord. No. 09-63, § 5, 11-6-2009)

Sec. 8-110. - Notice of violations.

(a) Notice to responsible parties.

- (1) Upon receipt of a complaint, and upon completion of a field investigation, of violations of this Code, the Code Enforcement Official, or authorized representative, shall give written notice of any alleged violation of the provisions of this article to the owner or responsible person of any dwelling unit, premises, building, structure, accessory structure, lot, plot or tract of land subject to the provisions of this article. Such notice shall be provided in the manner prescribed in this section and in accordance with F.S. Ch. 162, as amended.
 - (2) If the Code Inspector has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the Code Inspector shall make a reasonable effort to notify the violator and may immediately notify the Code Enforcement Board/Special Magistrate and request a hearing. If a repeat violation is found, the Code Inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The Code Inspector, upon notifying the violator of a repeat violation, shall notify the Code Enforcement Board/Special Magistrate and request a hearing.
- (b) [Contents of notice.] Notice as prescribed in Subsection (a) of this section shall be in accordance with the following:
- (1) Include the date on which the violation was observed.
 - (2) Include the address of the property in violation.
 - (3) Indicate and describe the section or sections of this article violated.
 - (4) Include the necessary corrective action.
 - (5) Provide for a reasonable period of time to comply.
 - (6) Describe the penalty for non-compliance.

- (c) Method of service. The written notice required by Subsection (a) of this section shall be deemed to have been served upon the owner and/or operator if provided by:
 - (1) Hand delivery by the Sheriff or other law enforcement officer, Code Inspector, or other person designated by the local governing body; or
 - (2) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or
 - (3) Mailing a copy of such notice by certified mail, return receipt requested, provided that such notice is sent under this paragraph to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the local government by such owner; however, if said notice is returned as unclaimed or refused, notice may be provided by posting as described in Subsection (d) of this section and by first class mail directed to the addresses furnished to the local government with a properly executed proof of mailing or affidavit confirming the first class mailing.
- (d) Alternate service. In addition to providing notice as set forth in Subsection (c) of this section, notice may also be served by publication or posting, as follows:
 - (1) Notice may be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in Hillsborough County. The newspaper shall meet such requirements as are prescribed under F.S. Ch. 50, as amended. Proof of publication shall be made as provided in F.S. Ch. 50, as amended; or
 - (2) Notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the front door of the courthouse or the main county governmental center in said county. 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 places of its posting; or
 - (3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under Subsection (c) of this section.

(Ord. No. 09-63, § 6, 11-6-2009)

Sec. 8-111. - Enforcement.

- (a) Generally. Where applicable to the purpose and scope of this article, the provisions of the Hillsborough County Code Enforcement Board Ordinance # 10-27, as amended, and the procedures contained therein are hereby adopted and incorporated into and made a part hereof by reference.
- (b) Code Enforcement Board/Special Magistrate. Violations of any provisions of this article shall be subject, but not limited to the penalties and remedies of the Hillsborough County Code Enforcement Board/Special Magistrate as outlined in Hillsborough County Ordinance # 10-27 as amended.
- (c) Other remedies. The Code Enforcement Official may institute any other remedies or appropriate action to restrain, correct, or abate violations of this article which shall include, but not be limited to, enforcement procedures as prescribed by F.S. Ch. 162, as amended, Article III of this chapter, or F.S. § 125.69, as amended.

(Ord. No. 09-63, § 7, 11-6-2009)

Sec. 8-112. - Condemnation.

- (a) Generally. Condemnation and demolition of buildings, structures, dwellings, dwelling units and accessory structures shall be conducted by the designated Code Enforcement Official pursuant to this article and as prescribed by Article III of this chapter. For the purposes of Article III of this chapter, the Code Enforcement Official of Hillsborough County shall be designated as the Director of the Housing Assistance Department.
- (b) Rule making authority. The Code Enforcement Official shall adopt rules of procedure and regulations for the administration and enforcement of the condemnation and demolition provisions of this article and other provisions of law prescribed by Article III of this chapter.
- (c) Placarding. When the Code Enforcement Official orders a building or structure to be vacated or condemned, the Code Enforcement Official, or his authorized agents or representatives, shall placard the premises and order the premises be evacuated or closed to occupancy when the premises are unsafe and constitute a nuisance. The failure of any person to comply with such order within the time designated by said Code Enforcement Official will subject anyone occupying any such premises while still condemned or placarded to the penalties of Article III of this chapter.
- (d) Costs. All costs incurred by the County for securing or demolishing a building or structure will be assessed against the property in accordance with Article III of this chapter.

(Ord. No. 09-63, § 8, 11-6-2009)

Sec. 8-113. - Applicability.

- (a) Prevalence of State laws and local ordinances. The standards established by this article do not replace or modify standards established by any other applicable laws or ordinances for the construction, replacement, or repair of structures.
- (b) Prevailing standards. In any case where the provisions of this article impose a higher standard than those set forth in any other Hillsborough County ordinance or under the laws of the State of Florida, then the standard set forth herein shall prevail. If the provisions of this article impose a lower standard than those set forth in any other Hillsborough County ordinance or pursuant to the laws of the State of Florida, then the higher standard set forth in such ordinance or law shall prevail.
- (c) Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Florida Building Code and the Hillsborough County Construction Code Ordinance as it may be amended from time to time. Nothing in this article shall be construed to cancel, modify or set aside any provision of the Land Development Code of Hillsborough County, the Florida Building Code, the Hillsborough County Construction Code Ordinance as it may be amended from time to time or any other Hillsborough County ordinance or code.
- (d) Fire protection. The requirements of this article are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

(Ord. No. 09-63, § 9, 11-6-2009)

Sec. 8-114. - Structural standards for nonresidential structures.

- (a) Generally. No person shall occupy, let, or sub-let to another for occupancy, any building, structure, or accessory structure, which does not comply with the requirements hereinafter set forth, nor shall any vacant, building or structure be permitted to exist which does not comply with the applicable following requirements:
 - (1) General maintenance. Equipment, systems, devices and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order.

- (2) Light and ventilation in lavatories. Every lavatory shall comply with the minimum light and ventilation requirements for habitable rooms in Section 8-115(c)(1) and (2) except that no window or skylight shall be required in adequately ventilated lavatories equipped with an accepted mechanically ventilating air system.
 - (3) Light in common halls and stairways. Every common hall, elevated walkway, and stairway, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet of floor area of the common hall, elevated walkway, and/or stairway or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet.
- (b) Mechanical and electrical.
- (1) Generally. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner, and, where applicable, shall be connected to the source of electric power. Electrical equipment, wiring and/or appliances which are present that are not required by this Code may be repaired or removed at the discretion of the property owner.
 - (2) GFCI protection. Any receptacle outlet located in the lavatory, kitchen (where such receptacle serves the countertop), at wet bar sinks (where the receptacles are installed to serve the countertop surfaces and are located within six feet of the outside edge of the wet bar sink), on the exterior of the structure, or within 20 feet of the inside wall of an indoor swimming pool, fountain or hot tub, shall have ground fault circuit interrupter protection.
 - (3) Electrical wiring. Any exposed electrical cable within eight feet of the ground must be encased or protected. All splices in electrical wiring shall be completely contained within an approved enclosure.
 - (4) Water temperature range. Water heating equipment, where present, shall provide water at a minimum temperature of not less than 120 degrees Fahrenheit and maximum temperature of not more than 130 degrees Fahrenheit.
 - (5) Pressure relief valve. The outlet of a pressure relief valve, temperature relief valve or combination thereof, shall not be directly connected to the drainage system. The discharge from the relief valve shall be piped full size separately to the floor, to the outside of the building or to an indirect waste receptor located inside the building. In areas subject to freezing, the relief valve shall discharge through an air gap into an indirect waste receptor located within a heated space, or by other approved means. The discharge shall be installed in a manner that does not cause personal injury or property damage and that is readily observable by the building occupants. The discharge from a relief valve shall not be trapped. The diameter of the discharge piping shall not be less than the diameter of the relief valve outlet. The discharge pipe shall be installed so as to drain by gravity flow and shall terminate atmospherically not more than six inches (152 mm) above the floor. The outlet end of the discharge pipe shall not have a valve installed.
 - (6) Heating equipment installation. Any heating equipment shall be permanently installed and connected to electrical circuits as prescribed in the Florida Building Code unless such equipment is approved for portable use by a nationally recognized testing agency.
 - (7) Fuel-fired heaters. All un-vented, fuel-fired heaters shall not be used in any location unless equipped with an approved oxygen depletion shutoff system (ODS) or unless labeled for un-vented operation. The system shall shut off the gas supply to the main and pilot burners when the oxygen in the surrounding atmosphere is depleted to the percent concentration specified by the manufacturer. Heaters that have been affixed a label, seal, or other identifying mark of a nationally recognized testing laboratory or inspection agency designating such heater for un-vented operation shall not be required to be vented. An appliance which has been converted from a vented to an un-vented heater shall not be used under any conditions.
 - (8) Cooking equipment. Cooking equipment when present shall be installed in accordance with the Florida Building Code, and shall be operable and maintained in safe, working condition.

(c) Plumbing.

- (1) General. Every plumbing fixture and water and waste-pipe connection shall be properly installed in accordance with the Florida Building Code and maintained in good working condition, free from defects, leaks, and obstructions.
- (2) Supply. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.
- (3) Sanitation. The plumbing fixtures of every dwelling or dwelling unit, building or structure shall be maintained in a clean and sanitary condition as prescribed by the Florida Building Code.
- (4) Connection to drainage systems. All plumbing fixtures, drains, appurtenances and appliances used to receive or discharge liquid wastes or sewage shall be connected properly to the drainage system of the building or premises, in accordance with the requirements of the Florida Building Code.
- (5) Bathtubs, showers, lavatories, clothes washers and laundry sinks shall not be required to discharge to the sanitary drainage system, where such fixtures discharge to an approved gray water system which has been permitted and approved by the Hillsborough County Health Department.

(d) Exterior structure.

- (1) Foundation. The building foundation walls, or other structural elements of every building, structure, or accessory structure shall be maintained in a safe manner, free from open cracks and breaks, shall be kept in such condition so as to prevent the entry of rodents and other pests, and shall be capable of supporting the load which normal use may place thereon.
- (2) Exterior walls. The exterior walls of every building, structure, or accessory structure shall be substantially weathertight and weatherproof, free from holes, breaks, and loose or rotting materials and shall be maintained in sound condition and good repair.
- (3) Protective treatment. All exterior surfaces of every building, structure, or accessory structure including but not limited to doors, door and window frames, cornices, porches, trim, balconies, and decks, other than decay resistant woods or materials designed to be weatherproof, shall be protected from the elements by painting or other protective covering according to manufacturer's specifications. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization by oxidation are exempt from this requirement. No lead-based paint shall be used on any surface of any structure.
- (4) Roofs. The roofs and all parts thereof of every building, structure, or accessory structure shall be maintained in a safe manner, free from defect, and shall have no defects which might admit rain or allow dampness in the walls or interior portion of the building, structure, or accessory structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
- (5) Decorative features. All cornices, corbels, terra cotta trim, wall facings and similar decorative features of every building, structure, or accessory structure shall be maintained in good repair with proper anchorage and in a safe condition.
- (6) Overhang extensions. All overhang extensions of every building, structure, or accessory structure including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.
- (7) Stairs, porches, and appurtenances. Every inside and outside stairway, stair, porch, deck, balcony and any appurtenance thereto of every building, structure, or accessory structure shall

be maintained in safe condition and capable of supporting a load that normal use may place thereon.

- (8) Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances of every building, structure, or accessory structure shall be maintained structurally safe and sound, and in good repair.
 - (9) Windows and exterior doors. Every window, skylight, exterior door, and basement door of every building, structure, or accessory structure shall be properly fitted within its frame, provided with the proper hardware, and shall be weathertight and weatherproof, and maintained in good repair.
- (e) Interior structure.
- (1) Generally. The interior of every building, structure, or accessory structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
 - (2) Infestation. All buildings, structures, and accessory structures shall be free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.
 - (3) Structural members. All structural members of every building, structure, or accessory structure shall be maintained structurally sound, and be capable of supporting the imposed loads.
 - (4) Interior surfaces. All interior surfaces of every building, structure, or accessory structure including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected. The interiors of all buildings, structures, and accessory structures shall be kept free of any visible or otherwise demonstrable growth of mold or mildew.
 - (5) Ceilings. Ceilings shall be structurally sound, in good repair, and free from defects.
 - (6) Attic access. Access to the attic of every building, structure, or accessory structure shall be provided by means of a conveniently located access panel. The minimum access opening shall not be less than 22 inches by 36 inches.
 - (7) Wind sash. Window sashes of every building, structure, or accessory structure shall be properly fitted and weathertight within the window frame.
 - (8) Doors. Every interior door of every building, structure, or accessory structure shall fit reasonably well within its frame, be maintained in good condition, be equipped with proper hardware, and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware. Every closet door shall be such that children can open the door from within the closet. Every lavatory door shall be provided a lock which shall be designed to permit the opening of the locked door from the outside in an emergency.
- (f) Protective railings.
- (1) General. Every handrail and guard, on the exterior or interior of any building, structure, or accessory structure shall be firmly fastened and capable of supporting normally imposed loads and shall be constructed of rigid materials and maintained in sound and sturdy condition.
 - (2) Handrails. Every exterior flight of stairs having four or more risers shall have a handrail on both sides of the stairs. Every interior flight of stairs having more than four risers shall have a handrail on at least one side of the stairs. Handrails shall not be less than 30 inches high or more than 38 inches high measured vertically to the top of the rail from the leading edge of the tread. Handrails shall be continuously graspable along their entire length. Open handrails shall have balusters or ornamental patterns such that a four-inch-diameter sphere cannot pass through any opening. No protrusions or projections which might engage loose clothing shall be permitted.

- (3) Guards. Every open portion of a landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Guards shall not be less than 38 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Open guards and handrails shall have balusters or ornamental patterns such that a four-inch-diameter sphere cannot pass through any opening. No protrusions or projections which might engage loose clothing shall be permitted.
- (4) Guards shall not be required where exempted by the Florida Building Code.

(Ord. No. 09-63, § 10, 11-6-2009)

Sec. 8-115. - Structural standards for dwellings.

- (a) Generally. No person shall occupy, let, or sub-let to another for occupancy, any building, dwelling, dwelling unit, structure, or accessory structure, designed or intended to be used for the purpose of living, sleeping or cooking or eating therein which does not comply with the requirements hereinafter set forth, nor shall any vacant dwelling, dwelling unit, building, structure or accessory structure be permitted to exist which does not comply with the applicable following requirements:
 - (1) General maintenance. Equipment, systems, devices and safeguards required by this article or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order.
- (b) Required facilities.
 - (1) Generally. All facilities shall be properly installed and maintained in good working order. Those facilities which are present in the dwelling that are not required by this article shall be repaired or removed at the discretion of the property owner.
 - (2) Sanitary facilities required. Every dwelling or dwelling unit shall contain, all in good working condition and properly connected to an approved water and sewer system as approved by the Hillsborough County Health Department, not less than:
 - a. One kitchen sink with counter work space; and
 - b. One lavatory, including one tub or shower and one toilet.
 - (3) Potable water. Every dwelling, or dwelling unit, shall have connected to the kitchen sink, lavatory, and tub or shower, an adequate supply of potable water in sufficient volume and at pressures adequate to enable the fixtures to function properly and safely.
 - (4) Water heating facilities. Every dwelling or dwelling unit shall have water heating facilities which are properly installed and maintained in a safe and good working condition and capable of providing an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower.
 - (5) Electrical facilities. Every dwelling or dwelling unit shall be provided with any electrical system which shall be connected to a source of power in accordance with the Florida Building Code.
 - (6) Heating facilities. Every dwelling or dwelling unit shall be equipped with permanent heating equipment which shall be capable of safely and adequately heating all habitable rooms.
 - (7) Cooking equipment. Every dwelling or dwelling unit shall contain a stove or range and refrigerator, all of adequate size.
- (c) Light and ventilation.
 - (1) Light in habitable rooms. Every habitable room of a dwelling or dwelling unit shall have at least one window or skylight facing directly outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent of the floor area of such room. Whenever walls or portions of other structures face a window of any such room and such light-obstructing structures are located less than five feet from the window and extend to a level

above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15 percent of the total floor area of such room.

Exception. This requirement shall not include kitchens or dining areas.

- (2) Ventilation in habitable rooms. Each window or skylight required for minimum light shall be easily opened, and the total of the openable window area in each habitable room shall equal at least 45 percent of the minimum total window or skylight area, as required above, or shall have other approved, equivalent ventilation. Year-round mechanically ventilating air systems may be substituted for windows, as required herein, in rooms other than rooms used for sleeping purposes. Window-type air conditioning units are not included in this exception.

Exception. This requirement shall not include kitchens or dining areas.

- (3) Light and ventilation in lavatories. Every lavatory shall comply with the minimum light and ventilation requirements for habitable rooms, except that no window or skylight shall be required in adequately ventilated lavatories equipped with an accepted mechanically ventilating air system.
- (4) Light in common halls and stairways. Every common hall, elevated walkway, and stairway in residential occupancies containing five or more dwelling units, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet of floor area of the common hall, elevated walkway, and/or stairway or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet.
- (5) Exterior light fixtures. Every dwelling, or dwelling unit, containing less than five units shall be supplied with a conveniently located light switch that controls an adequate light system, located at the primary entrance to the dwelling, which can be turned on when needed if continuous lighting is not provided. The condition of the fixture shall be in accordance with the manufacturer's specifications and shall include a fixture globe, or cover, when required.

(d) Mechanical and electrical.

- (1) Generally. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner, and, where applicable, shall be connected to the source of electric power. That electrical equipment, wiring and/or appliances which are present in the dwelling that are not required by this article may be repaired or removed at the discretion of the property owner.
- (2) Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every lavatory shall contain at least one receptacle. Switches and electrical receptacles in lavatories shall be at least three feet from tub or shower.
- (3) GFCI protection. Any receptacle outlet located in the lavatory, kitchen (where such receptacle serves the countertop), at wet bar sinks (where the receptacles are installed to serve the countertop surfaces and are located within six feet of the outside edge of the wet bar sink), on the exterior of the structure or dwelling, or within 20 feet of the inside wall of an indoor swimming pool, fountain or hot tub, shall have ground fault circuit interrupter protection.
- (4) Electrical service. Every dwelling or dwelling unit shall be provided with an electrical system served by a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 100 amperes. The minimum capacity of the electrical service supply and main disconnect switch shall be sufficient to adequately carry the total load required for the building, structure, accessory structure, dwelling, or dwelling unit in accordance with the Florida Building Code.

- (5) Electrical wiring. Any exposed electrical cable within eight feet of the ground must be encased or protected. All splices in electrical wiring shall be completely contained within an approved enclosure.
 - (6) Water temperature range. Equipment shall provide water at a minimum temperature of not less than 120 degrees Fahrenheit and maximum temperature of not more than 130 degrees Fahrenheit.
 - (7) Pressure relief valve. The outlet of a pressure relief valve, temperature relief valve or combination thereof, shall not be directly connected to the drainage system. The discharge from the relief valve shall be piped full size separately to the floor, to the outside of the building or to an indirect waste receptor located inside the building. In areas subject to freezing, the relief valve shall discharge through an air gap into an indirect waste receptor located within a heated space, or by other approved means. The discharge shall be installed in a manner that does not cause personal injury or property damage and that is readily observable by the building occupants. The discharge from a relief valve shall not be trapped. The diameter of the discharge piping shall not be less than the diameter of the relief valve outlet. The discharge pipe shall be installed so as to drain by gravity flow and shall terminate atmospherically not more than six inches (152 mm) above the floor. The outlet end of the discharge pipe shall not have a valve installed.
 - (8) Heating equipment. Any heating equipment shall be capable of safely and adequately heating all habitable rooms to a temperature of 68 degrees Fahrenheit at a distance of three feet above the floor under ordinary minimum winter conditions.
 - (9) Heating equipment installation. Any electrical heating equipment shall be permanently installed and connected to electrical circuits as prescribed in the Florida Building Code, supplemental heating equipment shall also be permanently installed and connected to electrical circuits as prescribed in the Florida Building Code unless such equipment is approved for portable use by a nationally recognized testing agency.
 - (10) Fuel-fired heaters. All un-vented, fuel-fired heaters shall not be used in any location unless equipped with an approved oxygen depletion shutoff system (ODS) or unless labeled for un-vented operation. The system shall shut off the gas supply to the main and pilot burners when the oxygen in the surrounding atmosphere is depleted to the percent concentration specified by the manufacturer. Heaters that have been affixed a label, seal, or other identifying mark of a nationally recognized testing laboratory or inspection agency designating such heater for un-vented operation shall not be required to be vented. An appliance which has been converted from a vented to an un-vented heater shall not be used under any conditions.
 - (11) Cooking equipment. All cooking equipment shall be installed in accordance with the Florida Building Code and shall be operable and maintained in safe, working condition.
- (e) Plumbing.
- (1) Generally. Every plumbing fixture and water and waste-pipe connection shall be properly installed in accordance with the Florida Building Code and maintained in good working condition, free from defects, leaks, and obstructions. Every required plumbing fixture shall be located within the dwelling unit, and be accessible to the occupants of same. Plumbing fixtures which are present in the dwelling that are not required by this article may be repaired or removed at the discretion of the property owner.
 - (2) Supply. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.
 - (3) Sanitation. The plumbing fixtures of every dwelling or dwelling unit, shall be maintained in a clean and sanitary condition as prescribed by the Florida Building Code.
 - (4) Connection to drainage systems. All plumbing fixtures, drain, appurtenances and appliances used to receive or discharge liquid wastes or sewage shall be connected properly to the

drainage system of the building or premises, in accordance with the requirements of the Florida Building Code.

Exception. Bathtubs, showers, lavatories, clothes washers and laundry sinks shall not be required to discharge to the sanitary drainage system, where such fixtures discharge to an approved gray water system which has been permitted and approved by the Hillsborough County Health Department.

(f) Exterior structure.

- (1) Foundation. The building foundation walls, or other structural elements of every dwelling or dwelling unit, shall be maintained in a safe manner, free from open cracks and breaks, shall be kept in such condition so as to prevent the entry of rodents and other pests, and shall be capable of supporting the load which normal use may place thereon.
- (2) Exterior walls. The exterior walls of every dwelling or dwelling unit, shall be substantially weathertight and weatherproof, free from holes, breaks, and loose or rotting materials; and shall be maintained in sound condition and good repair so as to prevent infestation.
- (3) Protective treatment. All exterior surfaces of every dwelling or dwelling unit, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, and decks, other than decay resistant woods or materials designed to be weatherproof, shall be protected from the elements by painting or other protective covering according to manufacturer's specifications. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization by oxidation are exempt from this requirement. No lead-based paint shall be used on any surface of any structure.
- (4) Roofs. The roofs and all parts thereof of every dwelling or dwelling unit, shall be maintained in a safe manner, free from defect, and shall have no defects which might admit rain or allow dampness in the walls or interior portion of the building, structure, dwelling or dwelling unit. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
- (5) Decorative features. All cornices, corbels, terra cotta trim, wall facings and similar decorative features of every dwelling or dwelling unit, shall be maintained in good repair with proper anchorage and in a safe condition.
- (6) Overhang extensions. All overhang extensions of every dwelling or dwelling unit, including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.
- (7) Stairs, porches, and appurtenances. Every inside and outside stairway, stair, porch, deck, balcony and any appurtenance thereto of every dwelling or dwelling unit, shall be maintained in safe condition and capable of supporting a load that normal use may place thereon.
- (8) Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances of every dwelling or dwelling unit, shall be maintained structurally safe and sound, and in good repair.
- (9) Windows and exterior doors. Every window, skylight, exterior door, and basement door of every dwelling or dwelling unit, shall be properly fitted within its frame, provided with the proper hardware, and shall be weathertight and weatherproof, and maintained in good repair. Every window required for light and ventilation for a habitable room shall be capable of being opened easily and shall be capable of remaining in an open position without the use of a special tool or apparatus which is separate from the windows components. Window panes, or approved substitute, shall be maintained without cracks or holes.

- (10) Screens. Every window of every dwelling or dwelling unit, opening directly from the dwelling unit or dwelling to outdoor space shall have screens if they are necessary to meet the minimum requirements for ventilation. All screens, whether required or not, shall be maintained in good condition, free from rips or tears, and shall be properly fitted within the frame.

Exception. Dwellings or dwelling units which contain central heating furnaces and central air-conditioning systems for mechanically ventilating the building year-round are not required to have screens on windows.

- (11) Building security. Doors, windows or hatchways for dwellings or dwelling units shall be provided with devices designed to reasonably prevent unauthorized entry. The use of hasp and staple style devices on exterior windows and doors, which are required for means of escape, shall be prohibited on occupied dwellings.

(g) Interior structure.

- (1) Generally. The interior of every dwelling or dwelling unit and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
- (2) Infestation. All dwellings or dwelling units shall be free from insect and rodent infestation. All dwellings in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.
- (3) Structural members. All structural members of every dwelling or dwelling unit shall be maintained structurally sound, and be capable of supporting the imposed loads.
- (4) Interior surfaces. All interior surfaces of every dwelling or dwelling unit, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected. The interiors of all buildings and facilities shall be kept free of any visible or otherwise demonstrable growth of mold or mildew.
- (5) Interior floors and walls. Every dwelling or dwelling unit shall have a permanent floor of approved material prescribed by the Florida Building Code. Every floor and interior wall of every dwelling or dwelling unit, shall be capable of supporting the load which normal use may cause to be placed thereon. Within dwellings or dwelling units, no finished flooring material which requires "face nailing" shall be used. Floors in kitchens and lavatories shall be covered with a water resistant, durable floor covering, such as, but not limited to, asphalt, vinyl-plastics, rubber tile, ceramic tile, terrazzo, hard wood, laminate, or linoleum. Floor coverings in all rooms, whether required or not, shall be maintained free from rips, tears, or holes that would in any way create a tripping hazard to any person walking thereon.
- (6) Ceilings. Ceilings shall be structurally sound, in good repair, free from defects.
- (7) Attic access. Access to the attic of every dwelling or dwelling unit, shall be provided by means of a conveniently located access panel. The minimum access opening shall not be less than 22 inches by 36 inches.
- (8) Wind sash. Window sashes of every dwelling or dwelling unit, shall be properly fitted and weathertight within the window frame.
- (9) Doors. Every interior door of every dwelling or dwelling unit, shall fit reasonably well within its frame, be maintained in good condition, be equipped with proper hardware, and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks, as intended by the manufacturer of the attachment hardware. Every closet door shall be such that children can open the door from within the closet. Every lavatory door shall be provided a lock which shall be designed to permit the opening of the locked door from the outside in an emergency.
- (10) Kitchen. Every kitchen of every dwelling or dwelling unit, shall have storage space or cabinet space for the safe and sanitary storage of food and associated goods, utensils and equipment.

Such space shall be adequate for the occupancy of the dwelling or dwelling unit and shall be in good condition.

- (11) Sanitary conditions. The interiors of every dwelling or dwelling unit shall be kept free from any nuisance condition as defined in this article.

(h) Means of escape.

- (1) Generally. In dwellings or dwelling units of two rooms or more, every sleeping room and every habitable area shall have not less than one primary means of escape and one secondary means of escape.

Exception. A secondary means of escape shall not be required where one of the following conditions is met:

- a. The bedroom or living area has a door, stairway, or ramp leading directly to the outside of the building at or to grade level.
- b. The unit is protected throughout by an automatic sprinkler system approved by the Hillsborough County Fire Marshal.

- (2) Means of escape. The primary means of ingress/egress, in one and two family dwellings, shall be through a door or door/stairway providing a means of unobstructed travel to the outside of the building at street or ground level. The secondary means of escape shall be one of the means provided in Subsection (h)(2)a through c of this section. No bedroom or living room area shall be accessible by only a ladder or folding stairs or through a trap door.

- a. A door, stairway, passage, or hall providing a way of unobstructed travel to the outside of the dwelling at street or ground level that is independent of and remote from the primary means of escape.
- b. A passage through an adjacent non-lockable space, independent of and remote from the primary means of escape, to any approved means of escape.
- c. An outside window or door operable from the inside without the use of tools, keys or special effort and shall provide a clear opening of not less than 5.7 square feet. The width shall not be less than 20 inches, and the height shall not be less than 24 inches. The bottom of the opening shall not be more than 44 inches above the floor. The window or door shall be within 240 inches of grade, or shall open onto an exterior balcony.

- (3) Path of travel. No required path of travel to the outside from any room shall be through another room or apartment not under the immediate control of the occupant of the first room or his family, nor through a lavatory or other space subject to locking. No door in the path of travel of a means of escape shall be less than 28 inches in width or less than 78 inches in height. No stove or heater shall be so located as to block escape in case of fire arising from malfunctioning of the stove or heater. The use of double cylinder dead bolt locks which require a key on both sides shall not be permitted on exterior doors required for egress, when such door is the only means of egress to the exterior of the dwelling within that same room.

- (4) Burglar bars. It shall be required that burglar bars that cover any primary or secondary means of egress of a dwelling, dwelling unit, or habitable room shall be equipped with quick release mechanisms or that the burglar bars be openable without the use of a key or other tool.

(i) Fire safety.

- (1) Smoke detectors. Operational smoke detectors shall be required outside the sleeping areas of all dwellings or dwelling units, and shall be installed in accordance with the National Fire Protection Association's National Fire Alarm Code, as amended.
- (2) Fire extinguishers. Fire extinguishers shall be required to be provided for all dwelling units that contain two or more units. The required fire extinguishers shall be installed in accordance with the standards of the Hillsborough County Fire Marshal as contained in Hillsborough County Ordinance No. 87-40, as amended.

(j) Protective railings.

- (1) Generally. Every handrail and guard, on the exterior or interior of any dwelling, or dwelling unit, shall be firmly fastened and capable of supporting normally imposed loads and shall be constructed of rigid materials and maintained in sound and sturdy condition.
- (2) Handrails. Every exterior flight of stairs having four or more risers shall have a handrail on both sides of the stairs. Every interior flight of stairs having more than four risers shall have a handrail on at least one side of the stairs. Handrails shall not be less than 30 inches high or more than 38 inches high measured vertically to the top of the rail from the leading edge of the tread. Handrails shall be continuously graspable along their entire length. Open handrails shall have balusters or ornamental patterns such that a six-inch-diameter sphere cannot pass through any opening. No protrusions or projections which might engage loose clothing shall be permitted.
- (3) Guards. Every open portion of a landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Guards shall not be less than 38 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Open guards and handrails shall have balusters or ornamental patterns such that a six-inch-diameter sphere cannot pass through any opening. No protrusions or projections which might engage loose clothing shall be permitted.

Exception. Guards shall not be required where exempted by the Florida Building Code.

(k) Required space and occupancy limitations.

- (1) Required space; dwellings. Every dwelling unit or dwelling shall contain at least 150 square feet of habitable floor space for the first occupant and at least 100 additional square feet of habitable floor area per additional occupant.
- (2) Sleeping areas. In every room occupied for sleeping purposes in any dwelling or dwelling unit, there shall be at least 70 square feet for the first two occupants and at least 50 square feet of floor area per additional occupant.
- (3) Lavatory area. In lavatories required by this article, the water closet, tub or shower, shall be located in a room which affords privacy to the user, having a minimum floor space of 30 square feet.
- (4) Minimum room widths. A habitable room, other than a kitchen, shall not be less than seven feet in any plan dimension. Kitchens shall have a clear passageway of not less than three feet between counter fronts and appliances or counter fronts and walls.
- (5) Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, lavatories, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet.

Exceptions:

- a. In one- and two-family dwellings, beams or girders spaced not less than four feet on center and projecting not more than six inches below the required ceiling height.
- b. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet, eight inches, with not less than six feet, four inches of clear height under beams, girders, ducts and similar obstructions.
- c. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet or more shall be included.

- (6) Occupancy of basements. No basement shall be used as a habitable room or dwelling unit unless:
 - a. Walls and floors are impervious to leakage of underground and surface water and are insulated against dampness; and
 - b. Total window area in each room shall be equal to at least the minimum window area size as required in this section. Said window area shall be located entirely above ground, except where there is another device which affords adequate ventilation.
- (l) Mobile homes.
 - (1) Generally. In addition to the requirements of Section 8-114 and this section, it shall be required that all mobile/manufactured homes be equipped with tie downs, piers, bases, anchors and specified associated equipment and devices, installed in accordance with the provisions the rules of the Florida Department of Highway Safety and Motor Vehicles in subtitle 15C of the Florida Administrative Code.

(Ord. No. 09-63, § 11, 11-6-2009)

Sec. 8-116. - Property standards.

- (a) Accumulations. All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition. It shall be unlawful for any owner, occupant, tenant, lessee, or other person responsible for the condition of property to permit or maintain, or for any person to cause, an accumulation of rubbish, waste, trash, or debris, yard waste, exposed salvageable material, or other manmade materials upon any lot, tract, or parcel of land where the effect of such accumulation is to cause or create:
 - (1) A visual nuisance or other unsightly condition visible from adjoining public or private property;
 - (2) An actual or potential haven or breeding place for snakes, rats, rodents, or other vermin of like or similar character;
 - (3) An actual or potential breeding place for mosquitoes;
 - (4) A fire hazard to adjacent properties;
 - (5) A hazard to traffic at road intersections or rights-of-way within the county; or
 - (6) A nuisance as defined by law or other unsanitary condition.
- (b) Overgrowth. It shall be unlawful for any owner, lessee or occupant of any premises, lot, plot or tract of land to allow, permit or maintain at any time upon any such premises, lot, plot or tract of land, any weeds, grass or underbrush of a height exceeding ten inches within 200 feet of any building, structure, recreational area or street right-of-way.

Exceptions:

- (1) Agricultural properties where the vegetative growth supports the agricultural use on the property.
- (2) Lands protected by local, State or federal law.
- (c) Nuisance conditions. All exterior property areas and premises shall be free from any nuisance condition as defined by this article. Nothing shall be placed, constructed, or maintained on any premises that shall in any way constitute a nuisance or fire hazard. No unsightly or unsanitary accumulation which actually harbors or is likely to harbor rodents, insects, reptiles or any poison or germ carriers shall be permitted to exist.
- (d) Fences. All fences, whether required or not, shall be maintained in sound structural condition, and free from defect which may cause injury.

- (e) Vehicles. All inoperable vehicles, as defined by this Code, including inoperable domestic vehicles, recreational vehicles, water vehicles, commercial vehicles, and non-motorized vehicles, which are stored outside of a completely enclosed building, shall be prohibited. Hobby vehicles, when stored outside of a building, shall be maintained in a usable condition.
- (f) Exceptions. On properties where zoning regulation allows for the storage of inoperable, junk or derelict vehicles, this section shall not apply.

(Ord. No. 09-63, § 12, 11-6-2009)

Sec. 8-117. - Swimming pools.

- (a) Generally. Swimming pool fencing and barrier requirements shall apply to all swimming pools without regard to when such pools were constructed or erected. The requirements contained in article are intended for and shall be enforced upon each individual premises.
- (b) Enclosures.
 - (1) Private pools. Private swimming pools, hot tubs and spas shall be enclosed with approved chain metal fencing or an approved barrier having the following characteristics:
 - a. The barrier must be placed around the perimeter of the pool and must be separate from any fence, wall, or other enclosure surrounding the yard unless the fence, wall, or other enclosure meets the barrier requirements of this section and all doors and windows providing direct access from the dwelling to the pool shall be equipped with exit alarms as described in Subsection (d) of this section.
 - b. Where a wall of a dwelling serves as part of the barrier, all doors and windows providing direct access from the home to the pool shall be equipped with an exit alarm as described in Subsection (d) of this section.
 - c. The barrier must be a minimum of 48 inches in height above the finished ground level measured on the side of the barrier away from the pool.
 - d. The maximum vertical clearance between grade and the bottom of the barrier shall be four inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier may be at ground level or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches.
 - e. The barrier may not have any gaps, openings, indentations, protrusions, or structural components that could allow a young child to crawl under, squeeze through, or climb over the barrier. Openings in the barrier shall not allow passage of a four-inch diameter sphere.
 - f. Maximum mesh size for chainlink fences shall be a 2.25-inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches.
 - g. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches.
 - h. For a barrier made up of horizontal and vertical members, the spacing of the vertical members shall not exceed four inches, and horizontal members shall be installed on the pool side of the fence.
 - i. The barrier must be placed sufficiently away from the water's edge to prevent a young child or medically frail elderly person who may have managed to penetrate the barrier from immediately falling into the water.

- j. A barrier may not be located in a way that allows any permanent structure, equipment, or similar object to be used for climbing the barrier.
 - k. Access gates, when provided, shall comply with the requirements of Subsection (b)(1)a through j of this section and shall be equipped with a self-closing and self-latching locking device. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least three inches below the top of the gate and the gate and barrier shall have no opening greater than 0.5 inch within 18 inches of the release mechanism, or shall be a top pull style safety latch. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches from the gatepost.
 - l. For waterfront lots, fencing shall not be required on the portion of the lot which borders the water body as long as the barrier is constructed so that the pool is inaccessible by land.
 - m. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier which meets the requirements of Subsection (b)(1)a through j of this section. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four-inch diameter sphere.
- (2) Public pools. Public swimming pools shall be required to have such a barrier, as described in Subsection (a) of this section, except that the barrier shall not be less than six feet in height.
- (c) Barrier protrusions or indentations. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
 - (d) Exit alarms. Exit alarms shall comply with Underwriters Laboratories Standard 2017 that has a minimum sound pressure rating of 85 dBA at ten feet and is either hard-wired or of the plug-in type. The exit alarm shall produce a continuous audible warning when the door and its screen are opened. The alarm shall sound immediately after the door is opened and be capable of being heard throughout the house during normal household activities. The alarm shall be equipped with a manual means to temporarily deactivate the alarm for a single opening. Such deactivation shall last no more than 15 seconds. The deactivation switch shall be located at least 54 inches above the threshold of the door. Exit alarms shall not be required on screened or protected windows having a bottom sill height of 48 inches or more measured from the interior finished floor at the pool access level, windows facing the pool on the floor above the first story, screened or protected pass-through kitchen windows 42 inches or higher with a counter beneath, or doors providing direct access from the home to the pool which are equipped with a self-closing, self-latching device with positive mechanical latching/locking installed a minimum of 54 inches above the threshold.
 - (e) Drain covers. All swimming pools shall be equipped with securely attached suction drain covers or grating.
 - (f) Sanitation. Every swimming pool shall be maintained and operated in a clean, safe and sanitary manner at all times.

(Ord. No. 09-63, § 13, 11-6-2009)

Sec. 8-118. - Administration.

- (a) Enforcement. The provisions of article shall be enforced as follows:
 - (1) By Hillsborough County through the prosecution of violations in the name of the State pursuant to the authority granted by F.S. § 125.69, as amended; or

- (2) By the Hillsborough County Code Enforcement Board/Special Magistrate pursuant to the authority granted by F.S. Ch. 162, as amended and Hillsborough County Ordinance No. 10-27, as amended.
- (b) Repairs. If the Hillsborough County Code Enforcement Board/Special Magistrate determines that a violation of this article presents a serious threat to the public health, safety, and welfare or if a violation of this article is irreparable or irreversible in nature, the Code Enforcement Official is authorized to make all reasonable repairs which are required to bring the property into compliance and to charge the violator with the reasonable cost of the repairs. The Code Enforcement Official is not required to make all reasonable repairs which are required to bring the property into compliance. The Code Enforcement Official will give priority to repairs necessary to address violations that pose a serious threat to the public health, safety and welfare.
- (c) Severability. If any section, phrase, sentence, or portion of this article is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section, phrase, sentence, or portion shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(Ord. No. 09-63, § 14, 11-6-2009)

Secs. 8-119—8-149. - Reserved.