

M E M O R A N D U M

TO: Tom Harmer, Town Manager

From: Allen Parsons, AICP
Director, Planning, Zoning & Building Department

Report Date: October 17, 2022

Meeting Date: January 23, 2023

Subject: Proposed Ordinance 2022-21, Amending and Replacing Chapter 104, Property Maintenance Code

Recommended Action

Forward Ordinance 2022-21 to the February 6, 2023 Regular Meeting for first reading.

Background

The Town of Longboat Key last adopted its Property Maintenance Standards Code (Town Code Chapter 104) in 2012, and Code Enforcement activity of property maintenance related minimum standards have been guided by this Code since that time. The Town has relied on Chapter 104 to set forth minimum property maintenance standards by which all property within the Town must be maintained. This includes minimum exterior property, pools/spas/hot-tubs, interior/exterior structure, rubbish/brush/garbage, pests/mosquitos and lot maintenance standards. Enforcement processes are further described in Chapter 33 of the Town Code, which establishes the Code Enforcement and the Code Citation processes.

Town staff is recommending the adoption of the 2021 Edition of the International Property Maintenance Code (IPMC). This document is produced by the International Code Council (ICC), which provides the model codes for the Florida Building Code, and for most building construction standards in the United States. In the early 2000s, the ICC began work on the IPMC and published its first model Code in 2003. Over time, many jurisdictions in Florida, and around the Country, have adopted the IPMC in its entirety, or with amendments. The differences between the existing Property Maintenance Standards Code and the IPMC are not significant from a practical standpoint. However, the IMPC does represent a significant improvement as to how it is organized and in how it is coordinated with the Florida Building Code. The IPMC also reflects over 20 years of updates and evolution in construction, maintenance, and legal standards.

The adoption of the IPMC would address new property areas which were never introduced in previous versions of the Town Code. The following areas of concern are addressed in the IPMC, and are in accordance with currently adopted Florida Fire Prevention Codes and Florida Building Codes:

- Lighting
- Ventilation
- Occupancy Limitations

- Plumbing Facilities and Fixtures
- Mechanical and Electrical
- Fire Safety

Staff recommends adoption of the IPMC, by reference (attached), with amendments, as detailed in the attachments. These amendments reflect our unique experience in the Town along with maintaining a number of provisions that are not addressed in the IPMC including:

- 104.04(A)(1) – Overgrowth. (renamed from “Duty to Keep Premises Cleared”)
- 104.04(A)(2) – Brush. (definition of Brush added into the Chapter)
- 104.04(A)(3) – Erosion
- 104.04(A)(4) – Seawalls
- 104.04(B)(2) – Fence or wall
- 104.04(C) (1-3) – Rubbish and garbage. (new time requirement for containers allowed to be by the road; a new provision has been added to keep containers closed)
- 104.04(D)(1) – Mosquito breeding sites

In addition, the following new Sections, which are not included in the current Property Maintenance Standards or addressed in the IPMC, are proposed to be added:

- 104.04(A)(5) – Construction equipment and machinery
- 104.04(B)(1) – Exterior surfaces
- 104.04(B)(3) – Structures over water
- 104.04(B)(4) – Mobile homes
- 104.06(A)(1) – Yard irrigation system
- 104.06(A)(2) – Wells
- 104.99 – Enforcement and penalty

The amendments will not affect our Code Enforcement processes including notice, hearing, and appeals processes; and would not affect legal precedent derived from many years of history enforcing our Property Maintenance Standards. Through the ICC, the IPMC is updated every three years, as is done with the Florida Building Code. This will provide staff a more routine review and allow for regular updates in the future, if the Town Commission deems appropriate.

The Planning staff worked with the Town Attorney to draft Ordinance 2022-21. Staff is of the opinion that these higher standards will allow for better enforcement of both our current requirements and a reasonable aesthetic set of expectations for structures and for properties. Ordinance 2022-21 is expected to help maintain and improve the community and protect the Town’s property values.

Proposed Ordinance 2022-21, Amending and Replacing Ch. 104, Property Maintenance Code
January 23, 2023

Staff Recommendation

Forward Ordinance 2022-21 to the February 6, 2023 Regular Meeting for first reading.

Attachments

- A. Ordinance 2022-21 (Available in Town Clerk's Office)
- B. International Property Maintenance Code (2021 Version) (Available in Town Clerk's Office)
- C. PowerPoint Presentation (Available in Town Clerk's Office)

End of Agenda Item