

MEMORANDUM

TO: Howard Tipton, Town Manager

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

Report Date: January 25, 2023

Meeting Date: February 6, 2023

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

Recommended Action

Forward Ordinance 2022-21 to the March 6, 2023 Regular Meeting for second reading and public hearing.

Background

Ordinance 2022-21 is a staff recommended update to the Town's Property Maintenance Standards Code (Town Code Chapter 104). The update would primarily be accomplished by the adoption of a model code, developed by the International Code Council (ICC) and referred to as the International Property Maintenance Code (IPMC). The proposed approach would be consistent with numerous jurisdictions around the state and country, adopting the IPMC by reference (copy attached), with amendments, as detailed further below.

The Town Commission (Commission) held two Regular Workshop discussions of this approach on November 14, 2022 and January 23, 2023. At the January 23, 2023 Regular Workshop, the Commission recommended forwarding Ordinance 2022-21 to this meeting for 1st Reading. The Commission had two recommended changes to the ordinance on the related provisions addressing Rubbish and Garbage.

The first change was associated with the length of time that trash and recycling containers are allowed to remain out by rights-of-ways for collection. Staff had previously recommended a change to the current allowances for containers to be out for pick-up for up to 48 hours. With trash and recycling pickups occurring 3-times a week (Mondays, Wednesdays, and Thursdays), containers could be left out collectively up to 6 days of the week without being in violation of current Code. The Commission was not comfortable with reducing the length of time to setting out containers to no earlier than 5:00 p.m. the day before and removing the containers no later than 10:00 a.m. the day after collection and recommended restoring allowances to up to 48 hours to allow for a variety of circumstances where the otherwise somewhat arbitrary times may not be able to be met. Sec. 104.04(C)(1) has therefore been changed to indicate that containers may be placed out the day before collection and removed by the day after collection, without specific times, which would restore the current allowance of up to 48 hours.

The second change was to the related subject, where staff had recommended that containers be required to be kept fully closed, when garbage or recycling is not being deposited, and that containers could not be so full as to prevent their closing. This was

intended to address previously raised concerns about open trash containers being both an attractive nuisance and a food source for predatory animals that can impact nesting sea life. The Commission had concerns about impacts to recycling containers, which can have large-sized items that make it difficult to secure a cover and concerns about the ability to enforce such a standard. Sec. 104.04(C)(3) has therefore been changed to encourage, rather than require, close-fitting covers. A statement has also been added regarding the intent of the close-fitting covers.

No other changes were made to Ordinance 2022-21.

As a reminder, the Town's Property Maintenance Standards Code (Town Code Chapter 104) 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. The current Town Code (last updated in 2012) is based on this original 2003 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. This code also goes through a continuous review and updating process, similar to other ICC derived model Codes such as the Florida Building Code, every 3 years.

Ordinance 2022-21 would incorporate the adoption of the 2021 edition of the International Property Maintenance Code (IPMC) by reference. While there are not major differences between the 2003 and 2021 versions, the most current version reflects over 20 years of updates and evolution in construction, maintenance, and legal standards.

In addition, the adoption of the 2021 IPMC would address new property maintenance subject areas which were not in previous or the current version of the Town Code. The following subjects will be able to be enforced if egregious conditions that can impact the health and safety are evident at properties (Note: These subjects 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.

As discussed previously, Staff recommends adoption of the IPMC, by reference (copy attached), with certain amendments, as detailed in Ordinance 2022-21. These amendments reflect property maintenance subjects that are unique to the Town, are addressed in the current Town Code and 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.

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.

Staff Recommendation

Forward Ordinance 2022-21 to the March 6, 2023 Regular Meeting for second reading and public hearing.

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