

ORDINANCE NO. 09-2004

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 7, ARTICLE VIII, "HOUSING CODE", DIVISION 3, SECTION 7-97 ENTITLED "DEFINITIONS" TO PROVIDE ADDITIONAL DEFINITIONS; AMENDING SECTION 7-98 ENTITLED "GENERALLY" TO RENAME AS "PURPOSE AND AUTHORITY" AND ADD ADDITIONAL PROVISIONS PERTAINING TO HOUSING GENERALLY; AMENDING ARTICLE VIII, DIVISION 4, SECTION 7-100 ENTITLED "MINIMUM REQUIREMENTS FOR LIGHT AND VENTILATION" TO REVISE AND UPDATE LIGHT AND VENTILATION REQUIREMENTS; AMENDING SECTION 7-103 ENTITLED "MINIMUM DWELLING SPACE REQUIREMENTS" TO RENAME AS "OCCUPANCY LIMITATIONS" AND TO REVISE AND UPDATE OCCUPANCY LIMITATIONS; AMENDING SECTION 7-105 ENTITLED "ROOMING HOUSES" TO ADD ADDITIONAL REQUIREMENTS FOR ROOMING HOUSES; AMENDING SECTION 7-106 ENTITLED "DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE FOR CONDEMNATION" TO RENAME AS "UNSAFE DWELLINGS AND STRUCTURES" AND TO REPEAL EXISTING PROVISIONS AND ADOPT BY REFERENCE THE CONDEMNATION AND ABATEMENT PROCEDURES FOR UNSAFE DWELLINGS AS SET FORTH IN THE FLORIDA BUILDING CODE AND THE STANDARD UNSAFE BUILDING ABATEMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted general provisions pertaining to housing standards, which have been codified at Chapter 7 of the Code of Ordinances; and

WHEREAS, the Town's staff have conducted a study and analysis of the codified provisions of Chapter 7, Article III, "Housing Code" of the Town Code of Ordinances in order to determine which provisions of the Town's Housing Code require amendment, repeal, modification, or revision; and

WHEREAS, Town staff have identified several provisions of the Code which require amendment in order to, among other things, comply with existing statutory and judicial law, revise certain minimum housing standards and regulations; and

WHEREAS, the Town Commission deems it necessary and advisable and in the best interest of the public health, safety and general welfare of the citizens and residents of the Town of Lake Park to provide for the safe housing of residents of the community;

WHEREAS, the Town Commission finds that housing standards and occupancy regulations are needed to provide density control; preserve, and enhance residential neighborhoods as stable places for citizens to live, and to protect the safety and welfare of Town citizens; and

WHEREAS, the Town Commission finds that such regulations are also needed to insure there are adequate public and private facilities, and that dwelling units are of adequate size to accommodate residents; and

WHEREAS, Town staff have recommended to the Town Commission that Chapter 7, Article VIII, Divisions 3 and 4 of the Town's Code be amended; and

WHEREAS, the Town Commission has reviewed the recommendations of the Town staff and has determined that amending Chapter 7, Article VIII, Divisions 3 and 4 of the Town's Code of Ordinances is necessary to further the public's health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE
TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the findings of the Town Commission.

Section 2. Chapter 7, Article VIII, Division 3, Section 7-97 of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended to add the following definitions:

Sec. 7-97. Definitions.

Let for Occupancy or Let shall mean to permit, provide or offer the possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land.

Occupant shall mean any person, over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

Plumbing. The practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances, in connection with any of the following: Sanitary drainage or storm drainage facilities, the venting system and the public and private water supply systems, within or adjacent to any building, structure, or conveyance; also the practice and material used in the installation, maintenance, extension, or alteration of storm water, liquid waste, or sewage, and water supply systems of any premises to their extension with any point of public disposal or other acceptable terminal; shall mean and include all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, water pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothing-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Workmanlike shall mean executed in a skilled, or professional manner, according to generally accepted trade practices; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

Section 3. Chapter 7, Article VIII, Division 3, Section 7-98 of the Code of

Ordinances of the Town of Lake Park, Florida is hereby amended to read as follows:

Sec. 7-98 **Generally** Purpose and Authority

No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, nor shall any vacant dwelling building be permitted to exist which does not comply with the requirements of this Division. The regulations in this Article are intended to reasonably regulate the safety and occupancy of dwelling units. The Town finds that occupancy regulations are needed to provide density control; preserve, and enhance residential neighborhoods as stable places for citizens to live, and to protect the safety and welfare of Town citizens. Such regulations are also needed to insure there are adequate public and private facilities, and that dwelling units are of adequate size to accommodate residents. The regulations in this Article are in pursuance of the authority granted by the Charter and laws of the Town, to maintain the health and cleanliness of the Town and to ensure good sanitary conditions in private premises in the Town by establishing minimum housing standards for habitable buildings within the jurisdiction of the Town. This Article is further declared to be required for reasons of public health, welfare and safety and allows for the inspection of and the condemnation of dwellings unfit for human habitation and for fixing penalties for violations.

Section 4. Chapter 7, Article VIII, Division 4, Section 7-100 of the Code of

Ordinances of the Town of Lake Park, Florida is hereby amended to read as follows:

Sec. 7-100 Minimum requirements for light and ventilation.

~~(a) Windows. Every habitable room shall have at least one (1) window or skylight facing to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be eight (8) percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a 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% of the total floor area of such room.~~

~~(b) Ventilation:~~

~~———— (1) Every habitable room shall have at least one (1) window or skylight which can be easily opened, or such other device as will adequately ventilate the room. The~~

total of openable window area in every habitable room shall equal to at least forty-five (45) percent of the minimum window area size or minimum skylight-type window size, as required, or shall have other approved equivalent ventilation.

~~(2) Year round mechanically ventilating conditioned 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.~~

~~c) Bathroom. Every bathroom shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an approved ventilating system.~~

~~(d) Electric lights and outlets. Where there is electric service available to the building structure, every habitable room or space shall contain at least two separate and remote receptacle outlets. Bedrooms shall have, in addition, at least one (1) wall switch controlled lighting outlet. In kitchens, three separate and remote receptacle outlets shall be provided, and a wall or ceiling lighting outlet controlled by a wall switch shall be provided. Every hall, water closet compartment, bathroom, laundry room, or furnace room shall contain at least one (1) ceiling-mounted or wall mounted lighting outlet. In bathrooms, the lighting outlet shall be controlled by a wall switch. In addition to the lighting outlet in every bathroom and laundry room, there shall be provided at least one (1) receptacle outlet. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.~~

~~(e) Light in public walls and stairways. Every common hall and inside stairway in every building, other than single-family dwellings, shall be adequately lighted at all times with an illumination of at least one (1) footcandle intensity at the floor in the darkest portion of the normally traveled stairs and passageways.~~

(a) Every habitable room in such dwelling shall contain at least two separate wall-type electric outlets, or one such outlet and one supplied ceiling-type electric light fixture; and every bathroom, laundry room, furnace room and common hall shall contain at least one ceiling or wall-type electric light fixture. Every such outlet and fixture shall be in working condition and installed in accordance with the requirements of the electric code of the Town. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight (8%) percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of a room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

(b) Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided

that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot candle (11 lux) at floors, landings and treads.

(c) All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(d) Every habitable room shall have at least one window or skylight opening directly to the outdoors, or to a court, which can easily be opened, or such other device as will adequately ventilate the room. The minimum total operable window area in every habitable room shall be equal to 45 percent of the minimum total window area required in section 21-246. When walls or other portions of structures face a window and are located less than three feet from the window and extend to a level above that of the ceiling of the room so as to be a light obstruction feature, such window shall not be included as contributing to the required minimum total window area.

(e) Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 7-100, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

Section 5. Chapter 7, Article VIII, Division 4, Section 7-103 of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended to read as follows:

Sec. 7-103 ~~Minimum dwelling space requirements:~~ Occupancy Limitations.

~~(a) Required space in a dwelling unit.~~ Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred twenty-five additional square feet of floor area per additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms. Notwithstanding the foregoing, the minimum floor area for a dwelling unit shall not be less than prescribed in Article III, Chapter 32 of the Lake Park Code.

~~(b) Required space in sleeping rooms.~~ In every dwelling unit, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof.

~~(c) Minimum ceiling height~~

~~—— (1) Habitable (space) rooms other than kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than seven (7) feet. Hallways, corridors, bathrooms, water closet rooms and kitchens shall have a ceiling height of not less than seven (7) feet measured to the lowest projection from the ceiling.~~

~~—— (2) If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the room area. No portion of the room measuring less than five (5) feet from the finished floor to the finished ceiling shall be included in any computation of the minimum floor area.~~

~~(d) *Occupancy of dwelling unit below grade.* No basement or cellar space shall be used as a habitable room or dwelling unit unless;~~

~~—— (1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness, and~~

~~—— (2) The total window area in each room is equal to at least the minimum window area size as required in section 7-100(a), and~~

~~—— (3) Such required minimum window area is located entirely above the grade if the ground adjoining such window area, and~~

~~—— (4) The total of openable window area in each room is equal to at least the minimum as required under section 7-100(b)(1), except where is supplied other approved, equivalent ventilation.~~

(a) Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(b) A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and wall.

(c) Habitable spaces, hallways, corridors, laundry areas, bathrooms and toilet rooms shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions to these requirements shall be as follows:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6

feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

3. 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 7 feet (2134 mm) 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 5 feet (1524 mm) or more shall be included.

(d) Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m²) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) of floor area for each occupant thereof.

(e) Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Exceptions to this requirement shall be for those units that contain fewer than two bedrooms.

(f) Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

(g) Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

(h) Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 1.

**TABLE 1
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a,b}	No requirements	120	150
Dining room ^{a,b}	No requirements	80	100
Kitchen ^b	50	50	60
Bedroom	Shall comply with Section 7-103 d thru j		

For SI: 1 square foot=0.093 m²

a. See section 7-103(l) for combined living room/dining room spaces

b. See section 7-103(l) for limitations on determining the minimum occupancy area for sleeping purposes.

(l) The minimum occupancy area required by Table 1 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section (d) thru (g).

(j) Combined living room and dining room spaces shall comply with the requirements of Table 1 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(k) Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

(1) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.

(2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

(3) The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

(4) The maximum number of occupants shall be three.

13. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and service for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

Section 6. Chapter 7, Article VIII, Division 4, Section 7-105 of the Code of

Ordinances of the Town of Lake Park, Florida is hereby amended to add the following:

Sec. 7-105 Rooming houses.

(h) Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

(l) Where bedding, bed linen or towels are supplied, the operator shall maintain the bedding in a clean and sanitary manner, and shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to an occupant.

(j) Every provision of this Article which applies to rooming houses shall also apply to hotels, except to the extent that any such provision may be found to be in conflict with the laws of this state or with the lawful regulations of any state board or agency.

Section 7. Chapter 7, Article VIII, Division 4, Section 7-106 of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended to read as follows:

Sec. 7-106 ~~Designation of unfit dwellings and legal procedure for condemnation.~~
Unsafe dwellings or structures.

~~(a) Dangerous structures. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and declared to be a nuisance and shall be so designated and placarded by the building director:~~

~~—— (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public;~~

~~—— (2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public.~~

~~(b) Form of notice. Whenever the building director has declared a dwelling or multiple dwellings as unfit for human habitation and constituting a nuisance, he or she shall give notice to the owner of such declaration and placarding if the dwelling or multiple dwelling as unfit for human habitation. Such notice shall:~~

~~—— (1) Be in writing;~~

~~—— (2) Include a description of the real estate sufficient for identification;~~

~~—— (3) State the time occupant must vacate the dwelling units;;~~

~~—— (4) State that, if such repairs, reconstruction, alterations, removal, or demolition are not voluntarily completed within the stated time as set forth in the notice, the building director shall institute legal proceedings charging the person, or persons, firm, corporation, or agent with a violation of this code.~~

~~(c) Service of notice. Service of notice to vacate shall be as follows:~~

~~—— (1) By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or~~

~~—— (2) By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon; or~~

~~_____ (3) By posting a copy of the notice in placard form in a conspicuous place on the premises to be vacated.~~

~~(d) Vacating of condemned building. Any dwelling or dwelling unit condemned as unfit for human habitation shall again be used for human habitation until approval is secured and such placard is removed by the building director. The building director shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.~~

~~(f) Removal of placard or notice. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in section 7-106(e).~~

Unsafe buildings or other privately owned structures shall be condemned and/or abated in accordance with the requirements of the Florida Building Code and/or the most current edition of the Standard Unsafe Building Abatement Code, which are hereby incorporated herein by reference.

Section 8. Chapter 7, Article VIII, Division 4, Section 7-107 entitled "Unlawful structures" of the Code of Ordinances of the Town of Lake Park, Florida is hereby created to read as follows:

Sec. 7-107 Unlawful structures

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code or was erected, altered or occupied contrary to law. Such structures are deemed unfit for human occupancy and shall be vacated. Failure of the owner to comply will cause the premises to be condemned and utility services terminated to the property pending compliance with this Chapter.

Section 9. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 10 . Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 11. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 12. Effective Date. This Ordinance shall take effect immediately upon adoption.

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Upon First Reading this 17th day of March, 2004 the foregoing ORDINANCE was offered by Commissioner Balius who moved its approval. The motion was seconded by Commissioner Otterson , and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	X	
VICE MAYOR CHUCK BALIUS	X	
COMMISSIONER PAUL GARRETSON	X	
COMMISSIONER JEANINE LONGTIN	X	
COMMISSIONER BILL OTTERSON	X	

Upon Second Reading this 7th day of April, 2004 the foregoing ORDINANCE was offered by Commissioner ~~Garretson~~ *Balius* who moved its adoption. The motion was seconded by Commissioner *Balius* and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	✓	
VICE MAYOR CHUCK BALIUS	✓	
COMMISSIONER PAUL GARRETSON	✓	
COMMISSIONER JEFF CAREY	✓	
COMMISSIONER ED DALY	✓	

The Mayor thereupon declared Ordinance No.09-2004 duly passed and adopted this 7th day of April, 2004

TOWN OF LAKE PARK, FLORIDA

BY: *Paul Castro*
Mayor Paul Castro



Carol Simpkins
Carol Simpkins, Town Clerk
(Town Seal)

Approved as to form and legal sufficiency:

Thomas J. Baird
Thomas J. Baird, Town Attorney