

ORDINANCE #2017-2106

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA; AMENDING CHAPTER SIX OF THE CITY CODE, BUILDINGS AND BUILDING REGULATIONS, BY AMENDING SUBSECTIONS (3) AND (21) OF SECTION 6-124, STRUCTURAL ELEMENTS, TO ADDRESS RESIDENTIAL EXTERIOR MAINTENANCE; AMENDING SUBSECTION (B) OF SECTION 6-129, MAINTENANCE OF RESIDENTIAL OCCUPANCIES, TO ADDRESS RESIDENTIAL EXTERIOR MAINTENANCE; PROVIDING FOR INCLUSION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under section 2(b), Article VIII of the Florida Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, there are residential dwellings within the City that are used for human habitation which are, or may become in the future, substandard due to a lack of maintenance and progressive deterioration; and

WHEREAS, the City's Code Enforcement Officers and Residential Rental Inspector have observed poorly-maintained roofs, gutters, driveways, walkways and other exterior surfaces on the residential properties they inspect but find that the Code does not adequately identify and address the substandard conditions they observe; and

WHEREAS, if not remedied, that existence of such substandard residential dwellings and conditions will create slum and blighted areas; and

WHEREAS, the City Council desires to prevent the growth of slum and blight in the community, and to preserve and enhance residential uses, neighborhoods and property values; and

WHEREAS, Chapter 166, Florida Statutes, authorizes the City Council acting for the City of New Port Richey, Florida, to adopt Ordinances and Resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of Ordinances in accordance with law; and

WHEREAS, the State of Florida Comprehensive Plan set forth in section 187.201(4)(b)(3), Florida Statutes, provides that it is the policy of the State to increase the supply of safe, affordable, and sanitary housing; and

WHEREAS, section 83.51, Florida Statutes, generally provides that the landlord of certain kinds of residential rental units shall comply with the requirements of applicable building, housing, and health codes and where there are no such applicable codes, landlord shall maintain structural components of a unit in good repair and capable of resisting normal forces and loads; and

WHEREAS, this Ordinance is in the best interests of the health, welfare, and safety of the citizens of the City of New Port Richey, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA, AS FOLLOWS:

SECTION I. Subsections (3) and (21) of Section 6-124, Structural elements, of the New Port Richey Code of Ordinances are hereby amended to read as follows:

- (3) *Roofs.* Roofs shall be maintained in a safe manner, free of debris and rubbish, and have no defects which might admit rain or cause dampness in the walls or interior portion of the building. No roof may be tarped for longer than three (3) consecutive months. Tarps must be maintained in good condition and must be completely secured to the structure. For purposes of this provision, a roof tarp that is removed and then reinstated or replaced within three (3) weeks of such removal shall be considered a continuous period of tarping and such removal shall not be construed as extending or interrupting the maximum time a roof may be tarped pursuant to this section.
- (21) *Sidewalks and driveways.* All private sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, ~~and maintained free from hazardous conditions, and shall be~~ pressure-washed or otherwise cleaned whenever the surfaces accumulate buildups of mildew, mold, dirt, soot or other removable accumulations.

SECTION II. Subsection (b) of Section 6-129, Maintenance of residential occupancies, of the New Port Richey Code of Ordinances is hereby amended to read as follows:

- (b) All residential occupancies shall comply with the following minimum standards:
- (1) *General maintenance.* The exterior of every residential occupancy, and each accessory structure located on the lot or parcel on which the residential occupancy is located, shall be maintained in a good state of repair and all surfaces other than roofs shall be ~~maintained kept painted or whitewashed, or otherwise covered with permanently colored siding,~~ for purposes of preservation and good appearance. All exterior surfaces shall be maintained free of broken glass, loose or rotting shingles and clapboards, crumbling stone or brick, peeling, blistering or chalking paint and other conditions reflective of deterioration or inadequate maintenance. Broken glass in any windows shall be promptly replaced with glass provided, however, that temporary coverings of wood shall be permitted to prevent intrusion of the elements pending repair of the broken glass.
 - (2) *Maintenance of ~~painted or whitewashed~~ all surfaces.* All exterior ~~painted or whitewashed~~ surfaces of each residential occupancy and all structures accessory thereto shall be maintained such that the surfaces:
 - a. Are ~~maintained repainted or re-whitewashed,~~ in whole or in part as necessary to cure the deteriorating condition, whenever ~~the painted or whitewashed~~ surfaces begin to blister, peel, chalk or otherwise deteriorate in a noticeable manner; and
 - b. Are pressure washed or otherwise cleaned whenever ~~the painted or whitewashed~~ surfaces accumulate buildups of mildew, moss, mold, dirt, soot or other removable accumulations.
 - (3) *Maintenance of roofs and gutters.* All roofs shall have a covering permitted under applicable building codes that shall at all times be free of holes, cracks, leaks or excessively worn surfaces so as to prevent the entrance of moisture into the structure and so as to provide reasonable durability. Metal roofs showing signs of corrosion, and barrel tile or other tiled roofs showing signs of discoloration, shall be painted with a product approved and recommended by the manufacturer of the roof covering applied in accordance with the specifications of the product manufacturer. ~~Shake shingle~~ All roofs—surfaces showing signs of excessive curling, mildew, moss, rot or other deteriorating conditions shall be repaired, in whole or in part, as necessary to cure the deteriorating condition. Gutters and downspouts shall be maintained in good repair and free from obstructions. Water that is discharged shall not create a public nuisance.

Section III. This Ordinance shall be incorporated into the City of New Port Richey Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alternations, and omissions, not affecting the construction or meaning of this ordinance and the City Code may be freely made.

Section IV. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive,

procedural, or any other reasons, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section V. This Ordinance shall become effective immediately upon its adoption.

The above and foregoing Ordinance was read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this _____ day of _____, 2017 and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this _____ day of _____, 2017.

ATTEST:

By: _____
Judy Meyers
City Clerk

By: _____
Robert Marlowe
Mayor-Council Member

(Seal)

APPROVED AS TO FORM
for the sole reliance of the City of New Port Richey

By: _____
Timothy P. Driscoll, City Attorney