

1957

Tentative Minimum Housing Standards Ordinance for the City of Orlando, Florida

City Council of the City of Orlando Florida

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TENTATIVE

An ordinance establishing Minimum Housing Standards in the City of Orlando, Florida, for the protection of the public health, safety, morals and welfare of the people.

WHEREAS, there are, or may be, buildings or structures used or maintained for human habitation, which are, or may become in the future, substandard with respect to structure, equipment or maintenance and further that such conditions together with inadequate provision for light and air, insufficient protection against fire hazards, lack of proper heating, insanitary conditions and overcrowding constitute a menace to the health, safety, morals, welfare and reasonable comfort of its citizens, and

WHEREAS, it is further found and declared that the existence of such conditions, factors or characteristics will, if not remedied, create slum and blighted areas requiring large scale clearance and further, that in the absence of corrective measures, such areas will experience a deterioration of social values, a curtailment of investment and tax revenue and an impairment of economic values, and

WHEREAS, it is further found and declared that the establishment and maintenance of Minimum Housing Standards are essential to the prevention of blight and decay and the safeguarding of public health, safety, morals and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AS FOLLOWS:

SECTION 1. PURPOSE OF ORDINANCE

The purpose of this ordinance is to protect the public health, safety, morals and welfare of the people of the City of Orlando, Florida, by establishing minimum standards governing the condition, occupancy and maintenance of dwellings, dwelling units and premises; establishing minimum standards governing utilities, supplied facilities and other physical components and conditions essential to make dwellings, dwelling units and premises safe, sanitary and fit for human habitation; fixing certain responsibilities and duties of owners, operators, agents and occupants of dwellings, dwelling units and premises; authorizing and establishing procedures for the inspection of dwellings, dwelling units and premises and the condemnation and vacation of those dwellings, dwelling units and premises unfit for human habitation; and

fixing penalties for the violations of the provisions of this ordinance.

SECTION 2. SCOPE OF ORDINANCE

Every portion of a building or premises, used or intended to be used for any dwelling purpose, except temporary housing, shall comply with the provisions of this ordinance, irrespective of when such building shall have been constructed, altered or repaired; and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises, for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this ordinance.

This ordinance establishes minimum standards but does not replace, repeal or modify standards otherwise established for construction, replacement or repair of buildings or structures except such as are contrary to the provisions of this ordinance.

SECTION 3. DIFINITIONS

For the purpose of this ordinance words used in the present tense include the future, the singular number includes the plural and the plural includes the singular. Words and terms are as defined in the latest revised Southern Standard Building Code and also those defined as follows.

The definition of the following words shall be the same as found in the Southern Standard Building Code:

Approved	Dwelling	Owner
Basement	Grade	Person
Building	Habitable Room	Structure
Cellar	Multiple Residence	

Board of Housing Appeals shall mean the Board established by Section 16 hereof.

Dwelling Unit shall mean 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.

Extermination. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods.

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Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Temporary Housing. Any trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utility system for more than thirty (30) days. Any trailer or other structure occupied for more than thirty (30) days shall meet all requirements of this ordinance.

Workmanlike State of Maintenance and Repair shall mean in such a state so as to comply with all codes and ordinances pertaining to construction of buildings and installation of utilities.

Meaning of Certain Words. Whenever the words "dwelling", "dwelling unit", "premises" are used in this ordinance, they shall be construed as tho they were followed by the words "or any part thereof".

SECTION 4. MINIMUM STANDARDS FOR LIGHTING

A. ELECTRIC OUTLETS

Every habitable room shall have adequate permanent electric outlets and/or fixtures properly connected to adequate source of electric power.

Every bathroom, shower room, toilet room, laundry room, furnace room and public hall located in a structure used for human habitation shall have permanently installed electric fixtures. Every such outlet and fixture shall be installed in accordance with the requirements of the Electrical Code of the City of Orlando, Florida.

B. NATURAL LIGHT IN HABITABLE ROOMS

Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area for every habitable room shall be not less than ten (10) per cent of the floor area of such room. If the only window is the skylight type, the minimum total window area shall be not less than fifteen (15) percent of the total floor area of such room, except where other means of artificial lighting are approved. 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.

C. LIGHT IN NON-HABITABLE SPACE

Every public stair, hall, cellar and basement, located in a structure used for human habitation, shall have either adequate natural or artificial light available at all times. The natural or artificial lighting available shall not be less than three (3) foot candles (3 lumens) measured in the darkest portions of normally traveled passage ways and stairs.

SECTION 5. MINIMUM STANDARDS FOR VENTILATION

A. VENTILATION IN HABITABLE ROOMS

Every habitable room shall be ventilated by either openable windows equal to fifty (50) per cent of the required window area facing open space or by equivalent acceptable mechanical ventilation.

B. VENTILATION IN BATHROOMS

Every bathroom, shower room, toilet room shall be adequately ventilated either by openable windows, the total of which shall not be less than one and one-half ($1\frac{1}{2}$) square feet facing open space or by other methods giving equivalent ventilation.

SECTION 6. MINIMUM STANDARDS FOR HEATING

Every habitable dwelling unit shall be weather proof and in a condition to be adequately heated.

SECTION 7. MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

A. POTABLE WATER SUPPLY

Every habitable dwelling unit shall be supplied with a potable water supply, approved by the State Board of Health.

B. HOT WATER

Every habitable dwelling unit shall have an adequate supply of running hot water, properly connected in accordance with the Orlando Plumbing Code.

C. SEWERAGE

In every habitable dwelling unit all plumbing fixtures shall be properly installed, properly connected in accordance with the Orlando Plumbing Code to the water supply and sewer systems and maintained in good working order.

D. SUPPLIED FACILITIES

Every habitable dwelling unit shall contain a sink, tub or shower, lavatory and water closet.

SECTION 8. MINIMUM SPACE REQUIREMENTS

A. SLEEPING ROOMS

Every sleeping room for one occupant shall have at least seventy (70) square feet of floor space or if occupied by more than one person, at least fifty (50) square feet per occupant.

B. SIZE OF DWELLING UNIT

The total of all habitable rooms in a dwelling unit shall be such as to provide at least one hundred and fifty (150) square feet of floor space for the first occupant and one hundred (100) square feet of floor space per additional occupant, except every dwelling unit shall contain not less than 500 square feet of living area.

C. MINIMUM HEIGHT OF HABITABLE ROOMS

Every habitable room shall be not less than seven and one-half (7½) feet in height from the floor to the ceiling thruout one-half of the area of such room. Any portion of room having a ceiling height of less than five (5) feet shall not be considered in computing the total floor area for such room.

SECTION 9. EGRESS

Every habitable dwelling unit shall be provided with safe and unobstructed exits to reduce danger in case of fire.

SECTION 10. INFESTATION

As protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall be equipped with screens, and every window or other device with openings to outdoor space used or intended to be used for ventilation shall likewise be equipped with screens.

Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents, shall be permanently equipped with screens or such other device as will effectively prevent their entrance.

There shall be no standing pools of water which might provide a breeding place for mosquitoes.

Dwellings shall be free from rodents and other vermin at all times.

SECTION 11. RESPONSIBILITY OF OCCUPANT

The responsibilities of the occupant are as follows:

To keep dwelling and premises he controls and occupies in a clean and sanitary condition.

To dispose of rubbish and garbage in a clean and sanitary manner as prescribed by city ordinances or regulations.

To hang screens provided by the owner except where owner has agreed to supply such services.

To keep plumbing fixtures therein in a clean and sanitary condition and to exercise reasonable care in the proper use and operation thereof.

To exterminate in the following cases:

- (a) Occupant of single dwelling is responsible for extermination of any insects, rodents or other pests therein or on premises.
- (b) Occupant of a dwelling unit in a multiple unit structure is responsible for extermination of any insects, rodents or other pests, if his unit is the only unit infested.

Notwithstanding the foregoing provisions of this section, whenever infestation is caused by the failure of the owner to maintain the dwelling in a ratproof or reasonably insect proof condition, the occupant is not responsible for extermination of any insects, rodents or other pests therein.

SECTION 12. RESPONSIBILITIES OF OWNER

The responsibilities of the owner are as follows:

To let no dwelling to any one for occupancy unless it meets minimum standards set forth herein.

To have dwelling in clean, sanitary, habitable condition, to free from infestation before renting and to clean, repair and exterminate if needed to meet aforesaid requirements before offering for rent.

To provide screens to be hung.

To exterminate in the following cases:

- (a) When infestation exists in two or more units of dwelling structures.
- (b) When infestation exists in shared or public areas of multiple unit structures.
- (c) When infestation exists in single unit of multiple unit structure or in single unit structure when infestation is due to failure of the owner to maintain the dwelling in a ratproof and reasonably insect proof condition.

SECTION 13. CONDITIONS OF STRUCTURE

All dwellings structures shall be watertight, weatherproof, rodent and insect proof and in good repair.

Every foundation, exterior wall and roof shall be watertight, weathertight and rodent proof, shall adequately support the building at all times and shall be in workmanlike state of maintenance and repair.

Every interior partition, wall, floor and ceiling shall be tight, capable of affording privacy and maintained in a workmanlike state of repair and in a clean and sanitary condition.

All rainwater shall be so drained and conveyed from every roof and the lot shall be so graded and drained as not to cause dampness in the walls, ceiling, floors or basement of dwelling.

Every window, exterior door and basement hatchway shall be weathertight, watertight and rodent proof; and shall be maintained in a sound condition and repair.

Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and it shall be maintained in sound condition and repair.

Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in a sanitary working condition, free from defect, leaks and obstruction.

Every toilet, bathroom and kitchen floor shall be constructed and maintained so as to be impervious to water and such floor shall be kept in a clean and sanitary condition.

Every supplied facility, piece of equipment or utility which is required under this ordinance shall be so constructed and installed that it will function safely and effectively and shall be maintained in good working condition.

SECTION 14. INSPECTION AND ENFORCEMENT

A. HOUSING SURVEYS

The Inspection Department and/or the Planning and Zoning Department shall be authorized to make surveys in any area of the city to determine the condition of structures used for human habitation, the extent of deterioration, lack of facilities and maintenance, unsafe and insanitary conditions, the extent of overcrowding, land use and other relevant factors.

B. INSPECTION OF DWELLING

The Building Official or his designated representative shall be authorized, upon showing proper identification, to enter any dwelling, dwelling unit or premises at any reasonable time during the day or at such other time as may be necessary in an emergency, for the purpose of making inspections to determine the condition of dwellings, dwelling units and premises in order to safeguard the health, safety, morals and welfare of the public.

C. SERVICE OF NOTICES AND ORDERS

Whenever at least five residents of the city charge that any dwelling is unfit for human habitation or whenever the Building Official or his designated representative determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, he shall give notice in writing to the person or persons responsible for such violation. Such notice shall:

- (a) Include a description of the real estate sufficient for identification.
- (b) Include a statement of the reason or reasons why the notice is being issued.
- (c) Time stipulation for compliance.
- (d) Inform the violator of his right to petition for a hearing before the Board of Housing Appeals and specify that such petition must be received within 20 days after the notice was served.
- (e) Be served upon the owner or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such violator if a copy thereof is delivered to him personally or by registered mail but if the whereabouts of such person is unknown and the same cannot be ascertained by the Building Official in the exercise of reasonable diligence and the Building Official shall make affidavit to that effect, then the serving of such notice or order may be made publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the City of Orlando. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the notice or order. Such notice may include an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance and with rules and regulations adopted pursuant thereto.

D. FINAL ORDER

Any notice of violation shall automatically become a final order if written request for a hearing is not filed in the office of the Building Official within twenty (20) days after receipt of said notice.

E. EMERGENCY POWERS

The Building Official is hereby granted certain emergency powers. Whenever he finds that a condition exists which requires immediate action to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person on whom such an order is directed shall comply therewith immediately but upon a petition shall be afforded a hearing by the Board of Housing Appeals as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this ordinance have been complied with, the Board shall continue such order in effect or modify it or revoke it.

F. AGENCY TO ABATE HAZARDS IN EMERGENCIES

(To be filled in by City Attorney)

G. DEMOLITION AS COMPLIANCE

Any owner of a building, receiving a notice of violation stating that such building does not comply with the provisions of this ordinance, may demolish said building and such action shall be deemed compliance.

H. REINSPECTION

At the end of the period specified in the notice of violation, or any extension thereof, it shall be the duty of the Building Official or his designated representative, to make a reinspection of the dwelling, dwelling unit or premises and if compliance has not been established, appropriate legal action shall be instituted.

I. EXTENSION OF COMPLIANCE TIME.

The Building Official may extend the compliance time where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent immediate compliance.

SECTION 15. DESIGNATION OF UNFIT DWELLING UNITS

A. UNFIT DWELLING UNITS

Any dwelling or dwelling unit having the following defects, may be designated by the Building Official as unfit for human habitation and may so placard it.

1. The structure lacks illuminations, ventilation, sanitation, heat, inadequate or unsafe wiring or other facilities adequate to protect the health and safety of the occupants or the public.

2. The structure is damaged, decayed, dilapidated, insanitary, unsafe or vermin infested in such manner as to create a serious hazard to the health and safety of the occupants or the public.

3. The structure, because of the location, general conditions, state of the premises or number of occupants, is so insanitary, unsafe, overcrowded or otherwise detrimental to health and safety that it creates a serious hazard to the occupants or the public.

4. The structure, because of the failure of the owner or occupant to comply with such notices or orders issued pursuant to this ordinance, is unfit for human habitation.

B. NOTICE OF INTENT TO VACATE

Whenever the Building Official determines that a dwelling unit is unfit for human habitation as provided in "A" above, he shall include such findings within the notice of violation provided for in Section 14 C hereof relating to Notices and Orders and he shall also include a statement of his intent to vacate and placard the dwelling unit if compliance with the provisions of the notice of violation has not been secured.

C. ORDER TO VACATE

Whenever a notice of violation, as provided in Section 14 C. hereof, has not been complied with or a hearing in the violation has not been invoked as provided for in Section 16. hereof, the Building Official may order the dwelling or dwelling unit to be vacated. A copy of such notice to vacate shall be served on the owner or occupant as provided for in Section C. thereof.

D. VACATED DWELLING MADE SECURE

The owner, agent or operator of any dwelling which has been designated as unfit for human habitation and vacated, shall make such dwelling safe and secure in whatever manner the Building Official shall deem necessary. Any vacant building, open at the doors and windows, if unguarded, shall be deemed dangerous to human life and a nuisance within the meaning of this provision.

E. NOTICE OF INTENT TO DEMOLISH

Whenever the Building Official designates a building unfit for human habitation, as provided in this ordinance, and determines that the cost necessary to correct the violation is not reasonably related to the value of the building, he shall include within the notice of violation a statement of his intent to order the demolition of the structure. A copy of such notice shall be served on the owner, occupant, lessee, or mortgagee. The owner may demolish the structure or correct the violation regardless of cost, provided the requirements of the Building Code are satisfied.

SECTION 16. BOARD OF HOUSING APPEALS

A. BOARD OF HOUSING APPEALS

There is hereby created and established a Board of Housing Appeals, hereinafter referred to as the Board, which shall consist of the Building Official and five members appointed by the mayor and approved by the City Council. All appointed members shall be property owners and residents of the city and they shall not receive any remuneration for their services. Two members shall be appointed for two year terms and three for three year terms, who may be reappointed at the expiration of their terms; all future appointments shall be for two year terms. The appointed members shall not be candidates for public office at the time of their appointment and if later they become such they must retire from the Board. A vacancy shall be filled by the mayor for the unexpired term of the member whose term becomes vacant. The members shall be removable for cause by the appointing authority upon written charges and after a public hearing.

The Board shall meet within ten days after its appointment and shall elect a chairman from among its membership; the elected member shall be chairman until the expiration of his term. A vice-chairman shall also be elected; his duties are to

assume the responsibility of the chairman in the latter's absence. The duties of the chairman are to preside over the hearings and to question the petitioner; the chairman may vote on all matters. The rules of evidence prevailing in Courts of Law and Equity shall not be controlling on hearings. The Building Official shall serve as the permanent secretary of the Board but he shall not vote on any matter. The Board shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this ordinance.

The Building Official shall call meetings and shall notify Board members. The Board shall hear appeals in open meetings. The presence of three members shall constitute a quorum and the concurring vote of three members shall be necessary to reverse or modify any order or notice of the Building Official. The proceedings at such hearing, including the findings and decisions of the Board shall be summarized, reduced to writing and entered as a matter of public record in the office of the Building Official.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board; provided that such person shall file in the office of the Building Official a written petition requesting such hearing and setting forth a statement of the grounds therefor within twenty (20) days after the date the notice was served. Within ten days after receipt of the petition the Building Official shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should be modified or withdrawn. The hearing before the Board shall be commenced not later than thirty (30) days after the date on which the petition was filed; provided that upon written application of the petitioner to the Board, the date of the hearing may be postponed beyond the thirty (30) days if the petitioner shows good and sufficient reason why it should be postponed. Any notice served automatically becomes an order if a written petition for hearing is not filed in the office of the Building Official within twenty (20) days after the notice is served.

B. HEARINGS

After such hearings, the Board shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of the ordinance and of the rules and regulations adopted pursuant thereto have been complied with. The Board may also modify any notice so as to authorize a variant from the provisions of this ordinance, when because of special conditions, a literal enforcement of the provisions of this ordinance will result in practical difficulty or unnecessary hardship; provided that the spirit of this ordinance will be observed, public health and welfare secured and substantial justice done. The Board may also extend the time specified for compliance if the case warrants. If the Board sustains or modifies such notice, it shall be deemed to be an order and the violator shall comply with all provisions of such order within the afore specified length of time.

C. APPEAL TO CITY COUNCIL

Any person or persons, jointly or severally, aggrieved by the decision of the Board, or any taxpayer or any officer, department, board or bureau of the municipality may seek a review of the decision of the Board, before the City Council. Petition for review shall be filed with the City Clerk and a copy filed with the Building Official.

SECTION 17. CONFLICT WITH OTHER ORDINANCES

Where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, electrical, plumbing, fire, safety or health ordinance or any code or other regulation of the City of Orlando, the provision which establishes the highest standard shall prevail.

SECTION 18. CONFLICT OF PERMITS AND LICENSES

All departments, officials and employees of the City of Orlando who have the duty or the authority to issue permits or licenses in regard to the construction, installation, repair, use or occupancy of dwellings and dwelling units shall conform to the provisions of this ordinance, no permit or license shall be issued if such would be in conflict with this ordinance except as provided in Section 17 above.

SECTION 19. SEVERABILITY

If any section or provision of this ordinance should be held invalid for any reason whatsoever, such invalidity shall not affect the remaining portions of this ordinance, which shall remain in full force and effect and the provisions of this ordinance are declared to be severable.

SECTION 20. PENALTY

Any person who violates any of the provisions of this chapter, or any rule, regulation, order or decision made under this chapter shall upon conviction be punished as provided in Section 1.08 of the Code of the City of Orlando, Florida.