

## Chapter 14 HOUSING CODE<sup>1</sup>

### ARTICLE I. PROPERTY MAINTENANCE CODE<sup>2</sup>

#### DIVISION 1. ADMINISTRATION

##### Sec. 14-1. General.

- (a) *Title.* These regulations shall be known as the Palm Beach County Property Maintenance Code hereinafter referred to as "maintenance code."
- (b) *Scope.* The purpose of this code is to protect the public health, safety and welfare in all structures, residential and nonresidential, and on all premises by establishing minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators and occupants; regulating the occupancy of structures and premises, and providing for administration, enforcement and penalties.
- (c) *Intent.* This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and/or maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.
- (d) *Existing remedies.* The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe or unsanitary.
- (e) *Workmanship.* All repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner.
- (f) *Application of other codes.* Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all laws, rules and regulations in the county.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

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<sup>1</sup>Cross reference(s)—Unsafe buildings, § 7-246 et seq.; discriminatory housing practices, § 15-42Cross reference(s)—.

State law reference(s)—Home rule powers of chartered counties, Fla. Const., Art. VIII, § 1(g).

<sup>2</sup>Editor's note(s)—Ord. No. 03-051, §§ 2 and 3, adopted September 23, 2003, amended the Code by repealing former art. I, §§ 14-1Editor's note(s)—14-7, and adding new material which the editor has designated as art. I. Former art. I pertained to the housing code in general, and derived from Ord. No. 78-1, adopted February 7, 1978.

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## Sec. 14-2. Required maintenance.

All structures, buildings, equipment, systems, devices and safeguards required by this code or another existing or previous statute or code for the structure or premises when erected or altered shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

## Sec. 14-3. Duties and powers of the Code Official.

- (a) *General.* The Code Official shall be responsible for enforcement of all of the provisions of this code.
- (b) *Notices and orders.* The Code Official shall issue all necessary notices or orders to ensure compliance with the code.
- (c) *Right of entry.* The Code Official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions. If entry is refused or not obtained, the Code Official is authorized to pursue recourse as provided by law.
- (d) *Access by owner or operator.* Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.
- (e) *Interpretive authority.* The Code Enforcement Director shall have power as necessary in the interest of public health, safety and general welfare, to interpret and implement the provisions of this code.
- (f) *Restriction of employees.* An official or employee connected with the enforcement of this code, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, maintenance of the premises, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12; Ord. No. 2018-013, § 1, 8-14-18)

## Sec. 14-4. Violations.

- (a) *Unlawful acts.* It shall be unlawful for any person, firm or corporation to maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any premises, property, structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the Code Official, or to remove or deface a placard or notice posted under the provisions of this code.
- (b) *Enforcement.* The provisions of this code shall be enforced by:
  - (1) Special magistrate pursuant to the authority granted by F.S. § 162.01 et seq., as may be amended;
  - (2) The Board of County Commissioners through its authority to enjoin and restrain any person violating the code;
  - (3) Palm Beach County through the prosecution of violations in the name of the State of Florida pursuant to the authority granted by F.S. § 125.69, as may be amended. The Code Enforcement Director may pursue these or any other enforcement remedies available to and applicable to the county;

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- (4) Article 10 of the Palm Beach County Unified Land Development Code; or
  - (5) Chapter 8.5, the Citation System Ordinance.
- (c) *Transfer of ownership.* If the owner of property that is subject to an enforcement proceeding before an enforcement board, special magistrate, or court transfers ownership of such property between the time the initial notice or pleading was served and the time of the hearing, such owner shall:
- (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
  - (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
  - (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
  - (4) File a notice with the Code Enforcement Official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five (5) days after the date of the transfer.

A failure to make the disclosures described in subsections (1), (2), and (3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

**Secs. 14-5—14-20. Reserved.**

*DIVISION 2. DEFINITIONS*

**Sec. 14-21. General.**

- (a) *Scope.* Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.
- (b) *Interchangeability.* Words stated in the present tense include the future; words stated in the masculine gender include feminine and neuter; the singular number includes the plural and the plural the singular.
- (c) *Terms defined in other codes.* Where terms are not defined in this code and are defined in the building, electrical, plumbing or mechanical codes, or the United Land Development Code adopted by the county, such terms shall have the meanings ascribed to them as in those codes.
- (d) *Terms not defined.* Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.
- (e) *Parts.* Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

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## **Sec. 14-22. General definitions.**

*Abate.* To remove, put an end to or reduce in amount, degree or intensity.

*Adjacent.* Next to, adjoining or contiguous.

*Alteration.* Any change or modification in construction or occupancy.

*Approved.* Approved by the Code Enforcement Director.

*Basement.* That portion of a building which is partly or completely below grade.

*Bathroom.* A room containing plumbing fixtures including a bathtub or shower.

*Boarding house.* A dwelling, or part thereof, in which lodging is provided by the owner or operator to three (3) or more boarders.

*Building.* Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

*Building code.* The Florida Building Code.

*Code official.* The Code Enforcement Director or any duly authorized representative.

*Condemn.* To adjudge unfit for occupancy.

*Construction documents.* All the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

*Department.* The county department of planning, zoning and building.

*Developed.* Containing a building, structure, paving, or other improvements. The term developed excludes underground utilities, pipes, wires, cables, culverts, conduits, or other similar improvements or facilities and plantings.

*Exterior.* The outside surfaces of a building and open space on the premises.

*Exterior property.* The open space on the premises and on adjoining property under the control of owners or operator of such premises.

*Extermination.* The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

*Family.* Either a single person occupying a dwelling unit and maintaining a household, including not more than one (1) boarder, roomer, or lodger as herein described; or two (2) or more persons related by blood, marriage, or adoption occupying a dwelling, living together and maintaining a common household, including not more than one (1) such boarder, roomer, or lodger; or not more than four (4) unrelated persons occupying a dwelling, living together and maintaining a nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use. A common household shall be deemed to exist if all members thereof have access to all parts of the dwelling.

*Floor area.* The total gross area of all habitable space in a building or structure measured to the outside of exterior walls.

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

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*Habitable space.* Space in a residential structure or unit for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

*Infestation.* The presence, within or contiguous to, a structure, building or premises of insects, rats, vermin or other pests.

*Inoperable vehicle.* One which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or in a state of being incapable of being moved under its own power.

*Let for occupancy or let.* To permit, provide or offer possession or occupancy of a 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 of contract for the sale of land.

*Lot.*

- (1) The smallest division of land identified as a single unit of ownership for conveyance and legal development purposes, and delineated by a closed boundary, which is either:
  - a. Depicted on a recorded plat;
  - b. Depicted on a survey, map, or drawing for which an affidavit or waiver or affidavit of exemption has been recorded; or
- (2) The total area of abutting lands joined pursuant to a recorded unity of title shall be deemed a single lot for the purposes of this Code. As used herein, the term shall be synonymous with the terms "plot," "parcel," or "tract" when referring to lands within a closed boundary not further divided by one (1) or more interior property lines.

*Native vegetation.* Any plant species with a geographic distribution indigenous to all or part of the State of Florida. Plant species that have been introduced into the State of Florida by man are not native vegetation.

*Nonresidential.* Activity that occurs in any building, structure or open area which is not used primarily as a private residence or dwelling.

*Occupancy.* The purpose for which a building or portion thereof is utilized or occupied.

*Occupant.* Any person living or sleeping in a building; or having possession of a space within a building, including employees.

*Openable area.* That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*Operator.* Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

*Owner.* The title-holder of a freehold estate, as appears by deed of record. It shall not include lessees, reversioners, remainderman, or mortgagees.

*Person.* An individual, corporation, partnership or any other entity or group acting as a unit.

*Plumbing.* The practice, materials and fixtures utilized 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 or private water supply systems, within or adjacent to any building, structure, or conveyance; also the practice and materials used in the installation, maintenance, extension or alteration of the storm water, liquid waste, or sewage, and water supply systems of any premises to their connection with any point of public disposal.

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*Plumbing fixture.* A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water there from; or discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

*Premises.* A lot, plot or parcel of land including any structures thereon, regardless of whether vacant or occupied.

*Registered design professional.* An architect or engineer, registered or licensed to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws in the State of Florida.

*Repair.* The reconstruction or renewal of any part of any existing building for the purpose of its maintenance.

*Rubbish.* Combustible and noncombustible waste materials, except garbage; including paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, trash and debris and other similar materials and shall include the residue from the burning of wood, coal, coke and other combustible materials.

*Rubble and debris.* Waste materials resulting from the construction or demolition of structures or buildings. This shall include construction material left or abandoned on site.

*Street.* A strip of land, owned privately or publicly, which affords legal access to abutting land and is designated for vehicular traffic. "Street" includes a road, thoroughfare, parkway, avenue, boulevard, expressway, lane, throughway, place, and square, or however otherwise designated.

*Structure.* That which is built or constructed or a portion thereof, including the term building.

*Tenant.* A person, corporation, partnership, entity or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

*Toilet room.* A room containing a water closet or urinal but not a bathtub or shower.

*Tree.* A woody perennial plant commonly with a single stem and having a minimum diameter at breast height (DBH) of three (3) inches, having a more or less defined crown that usually grows to at least four (4) meters or thirteen (13) feet in height at maturity.

*Uncultivated vegetation.* Living plants allowed to grow in an uncontrolled manner or not cared for or maintained on a regular basis. Neither native vegetation in its natural state nor mangroves subject to Article 14 of the Unified Land Development Code shall be considered uncultivated vegetation.

*Vacant lot.* Premises upon which a home or principal structure has been demolished and not redeveloped or has not been developed or redeveloped since July 28, 1986. A vacant lot shall not include a preserve area, conservation easement, or natural area when managed in accordance with best management practices.

*Vegetation.* Plant life including groundcover, grasses, herbs, vines, shrubs and trees.

*Ventilation.* The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

*Waste.* Discarded material including but not limited to garbage, rubbish, yard trash, litter, noncombustible refuse and industrial waste.

*Workmanlike.* Executed in a skilled manner; e.g. generally plumb, level, square, in line, undamaged, and without marring adjacent work.

*Yard.* Any area that lies between the principal building or buildings and the nearest lot line.

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*Yard trash.* Abandoned vegetation from landscaping, maintenance or land clearing operations, including but not limited to tree and shrub trimmings, grass clippings, palm fronds, tree limbs, tree stumps, and similar materials.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12; Ord. No. 2018-013 , § 2, 8-14-18)

**Secs. 14-23—14-30. Reserved.**

***DIVISION 3. GENERAL REQUIREMENTS***

**Sec. 14-31. General.**

- (a) *Scope.* The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.
- (b) *Responsibility.* The owner or occupant of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy premises which do not comply with the requirements of this chapter.
- (c) *Vacant structures and premises.* All vacant structures and premises shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a deteriorating problem or adversely affect the public health, safety or welfare.
  - (1) The exterior of all vacant structures shall be maintained in a manner required of occupied structures as provided in this code: window areas shall be maintained with appropriate glass and glazing treatment; exterior doors shall be water- and weather-tight; and walls and roof areas shall be maintained in a clean, safe and intact condition, and water- and weather-tight.
  - (2) In cases where the property owner presents proof of two (2) instances of vandalism or unauthorized entry resulting in violations of subparagraph (1) above, within any three-month period, the property owner may secure the structure by boarding up all exterior openings in lieu of replacing broken, shattered and/or broken windows or glass doors with new glass or glazing treatments. Such proof may consist of county sheriff reports and/or affidavits from at least two (2) neighbors. When a vacant structure is boarded, the boards shall be white or match the exterior color of the structure.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 09-009, § 1, 5-19-09; Ord. No. 2018-013 , § 3, 8-14-18)

**Sec. 14-32. Exterior premises.**

- (a) *Sanitation.* All exterior premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior premises which such occupant occupies or controls in a clean and sanitary condition.
- (b) *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking lots, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of section 13-34(g).
- (c) *Excessive growth of grass, weeds and low-growing vegetation.*
  - (1) Grass, weeds and low-growing vegetation shall be maintained as follows:

Table 14-32(c)

Lot and Use	Size of Lot	Maximum Maintenance Height
Vacant—Residential and Non-Residential	One-half acre or less	18 inches on the entire lot.
Vacant—Residential and Non-Residential	Greater than one-half acre	18 inches on the first 25 feet measuring from property line or pod line of the lot on any side of the lot adjacent to a developed lot.
Developed or Partially Developed—Residential and Non-Residential	One-half acre or less	7 inches on the entire lot.
Developed or Partially Developed—Residential and Non-Residential	Greater than one-half acre	7 inches on the first 25 feet measuring from property line or pod line of the lot on any side of the lot adjacent to a developed lot.
Golf Course—Inactive or Abandoned (Prior to Redevelopment)	Any size	7 inches on the first 25 feet measuring from property line or pod line of the lot and 18 inches on the remainder of the lot.

- (2) Maintenance of grassed areas and low-growing vegetation shall include weeding, watering, fertilizing, pruning, mowing, edging or any other actions needed consistent with acceptable horticultural practices.
  - (3) All noxious weeds are prohibited. Noxious weeds shall not include cultivated flowers and gardens or native vegetation.
  - (4) *Vacant lots with pending redevelopment permits.* A property owner shall initiate redevelopment of a vacant lot within one hundred twenty (120) days of demolition or shall actively proceed in good faith to redevelop based on submittal of a building permit application or other applicable development permit application. The applicant shall submit evidence demonstrating good faith efforts to redevelop within one hundred twenty (120) days of completion of the demolition or shall submit a Planting Plan within thirty (30) days of the expiration of the one hundred twenty-day period. The property owner shall execute an affidavit in conjunction with the demolition permit on a form established by the Zoning Division, indicating his or her acknowledgement of these requirements and an agreement to be bound by them. The requirements of Table 14-32(c) and sections 14-32(c)(1), (2) and (3) shall not apply while redevelopment is proceeding in accordance with this paragraph.
  - (5) Table 14-32(c) and sections 14-32(c)(1),(2) and (3) shall not apply to vacant premises not developed or redeveloped since July 28, 1986.
- (d) *Vegetation.* The following vegetation is prohibited:
- (1) All diseased or damaged limbs or foliage that present a hazard.
  - (2) Vegetation that constitutes a fire hazard.
  - (3) Vegetation that impedes or obstructs adequate view of an intersection, traffic sign, railroad crossing or traffic from any street, road or highway.
- (e) *Accessory structures.* All accessory structures, including detached garages, fences, walls, and swimming pools shall be maintained in a structurally sound condition and in good repair.
- (1) *Water clarity in swimming pools.* Water clarity shall be maintained so that the water is clear and free from algae.



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(2) *Swimming pool barriers.* A swimming pool shall have a pool barrier that meets the requirements of the Florida Building Code pool barrier requirements in effect at the time of construction of the pool, or, if constructed before such requirements went into effect, shall have a barrier that meets all of the following minimum requirements:

- a. The barrier must be at least four (4) feet high on the outside.
- b. The barrier may not have any gaps, openings, indentations, protrusions, or structural components that could allow a young child to crawl under, squeeze through, or climb over the barrier.
- c. The barrier must be placed around the perimeter of the pool and must be separate from any fence, wall, or other enclosure surrounding the yard unless the fence, wall, or other enclosure or portion thereof is situated on the perimeter of the pool, is being used as part of the barrier, and meets the barrier requirements of this section. A wall of a dwelling may serve as part of the barrier if it does not contain any door or window that opens to provide direct access from the home to the swimming pool.
- d. The barrier must be placed sufficiently away from the water's edge to prevent a young child or medically frail person who may have managed to penetrate the barrier from immediately falling into the water. Sufficiently away from the water's edge shall mean no less than twenty (20) inches from the barrier to the water's edge.

(f) *Demolition.* Whenever a structure is demolished, the slab foundation and other structural features of the demolished structure must be removed from the premises.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 09-009, § 2, 5-19-09; Ord. No. 2012-008, § 2, 5-15-12; Ord. No. 2018-013, § 4, 8-14-18)

### **Sec. 14-33. Exterior of structure or building.**

- (a) *General.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- (b) *Exterior painting.* All wood and metal surfaces including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.
- (c) *Street numbers.* One (1) address sign shall be required for each principal building or use on premises showing the numerical address designation on the premises upon which they are maintained or multi-unit buildings which utilize a roadside marquee/signboard, the full building address shall be posted on such marquee/signboard. The address shall be posted in a color contrasting that of the marquee/signboard or building a minimum of four (4) inches for residential and six (6) inches for commercial structure, and of sufficient size to be plainly visible and legible from the roadway. When the building utilizes multiple addresses, such as multiple occupant mercantile buildings, the address range shall be posted as indicated above.
- (d) *Structural members.* All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (e) *Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of vermin.
- (f) *Exterior walls.* All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

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- (g) *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates an adjacent public nuisance.
  - (h) *Decorative features.* All cornices, belt courses, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
  - (i) *Overhang extensions.* All canopies, marquees, signs, metal awnings, fire escapes, stand pipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
  - (j) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch, balcony, railings and all other appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
  - (k) *Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.
  - (l) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
  - (m) *Window and doorframes.* Every window, door and frame shall be kept in sound condition, good repair and weather tight.
    - (1) *Glazing.* All glazing materials shall be maintained free from cracks and holes.
    - (2) *Openable window.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
  - (n) *Doors.* All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

#### **Sec. 14-34. Interior of structure or building.**

- (a) *General.* The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two (2) or more dwelling units or two (2) or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.
- (b) *Structural members.* All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.
- (c) *Interior surfaces.* All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.
- (d) *Lead-based paint.* Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain lead levels equal to or greater than one (1) milligram per square centimeter or in excess of one-half (0.50) percent lead by weight shall be maintained in a condition

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free from peeling, chipping and flaking paint or removed or covered in an approved manner. Any surface to be covered shall first be identified by approved warnings as to the lead content of such surface.

- (e) *Stairs and railings.* All interior stairs and railings shall be maintained in sound condition and good repair.
- (f) *Stairs and walking surfaces.* Every stair, ramp, balcony, porch, deck or other walking surface shall be maintained structurally sound and be capable of supporting the imposed loads.
- (g) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

### **Sec. 14-35. Rubbish and garbage.**

- (a) *Accumulation of rubbish or garbage.* It shall be unlawful for the owner or occupant of a building, structure or property to utilize the premises of such property for the open storage of any motor vehicle which is inoperable and in a state of disrepair, appliances, glass, building material, construction debris, automotive parts, tires, vegetative debris, garbage, trash or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such items as listed above.

*Exception:* Open storage shall be allowed where provided for in the Palm Beach County Unified Land Development Code and during active construction activity under a valid building permit.

- (b) *Disposal of rubbish.* Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner.
- (c) *Disposal of garbage.* Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing it in a garbage disposal facility or garbage or rubbish storage container.
  - (1) *Containers.* The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

### **Sec. 14-36. Extermination.**

*Infestation.* All structures shall be kept free from insect and vermin infestation. All structures in which insects or vermin are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

- (1) *Owner.* The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
- (2) *Single occupant.* The occupant of a single-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises except where vermin or insect infestations are caused by defects in the structure, in which case the owner shall be responsible for extermination.
- (3) *Multiple occupancy.* The owner of a structure containing two (2) or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination within the structure and in the public or shared areas of the structure and exterior property.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12; Ord. No. 2018-013, § 5, 8-14-18)

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**Secs. 14-37—14-40. Reserved.**

## *DIVISION 4. RESIDENTIAL REQUIREMENTS*

### **Sec. 14-41. General.**

- (a) *Scope.* In addition to the general requirements in division 3, the provisions of this article shall apply to all structures used for residential uses.
- (b) *Responsibility.* The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this article.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

### **Sec. 14-42. Light.**

- (a) *Habitable spaces.* Every habitable space shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be eight (8) percent of the floor area of such room, except in kitchens and bathrooms where artificial light is provided in accordance with the provisions of the building code. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the 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) *Other spaces.* 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.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

### **Sec. 14-43. Ventilation.**

- (a) *Habitable spaces.* Every habitable space shall have at least one (1) operable window that can be easily opened. The total operable area of the window in every room shall be equal to at least forty-five (45) percent of the minimum glazed area required in subsection 14-42(a).
  - (1) *Screens.* Every door, window and other outside opening utilized or intended for ventilation purposes serving any structure containing habitable rooms, shall have approved, tightly fitting screens of not less than 16 mesh per inch.
- (b) *Bathrooms and toilet rooms.* Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by section 404.1, except that a window shall not be required in spaces equipped with a mechanical ventilation system that complies with the following:
  - (1) Air exhausted by a mechanical ventilation system from a bathroom shall be exhausted to the exterior and shall not be re-circulated to any space, including the space from which such air is withdrawn.

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(c) *Cooking facilities.* 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.

(d) *Clothes dryer exhaust.* Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions and/or code.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

#### **Sec. 14-44. Occupancy limitations.**

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

(b) *Access from sleeping rooms.* Sleeping rooms shall not constitute the only means of access to other sleeping rooms or habitable spaces.

Exception: Dwelling units that contain fewer than two (2) bedrooms.

(c) *Area for sleeping purposes.* Every habitable room used for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor area for each occupant thereof. Exception: Shelters, hospitals and similar uses shall be exempt.

(d) *Water closet accessibility.* Every bedroom shall have access to at least one (1) water closet and one (1) lavatory without passing through another bedroom.

(e) *Prohibited occupancy.* Kitchens, nonhabitable spaces and interior public areas shall not be used for sleeping purposes.

(f) *Minimum ceiling heights.* In residential units habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms, non-habitable basement areas shall have a clear ceiling height of not less than seven (7) feet.

Exceptions:

(1) In one- and two-family dwellings, beams or girders spaced not less than four (4) feet on center projecting not more than six (6) inches below 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 six (6) feet eight (8) inches with not less than six (6) feet four (4) inches 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 seven (7) feet over not less than one-third of 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 five (5) feet or more shall be included.

(g) *Minimum room widths.* A habitable room, other than a kitchen, shall not be less than seven (7) feet in any dimension. Kitchens shall have a clear passageway of not less than three (3) feet between counter fronts and appliances, counter fronts and walls.

(h) *Food preparation.* 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 services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

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## Sec. 14-45. Plumbing facilities and fixture requirements.

(a) *Dwelling units and rooming houses.*

- (1) *Dwelling units.* Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located.
- (2) *Rooming houses.* At least one (1) water closet, lavatory and bathtub or shower shall be supplied for each four (4) rooming units.

(b) *Toilet rooms.*

- (1) *Privacy.* Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior.
- (2) *Location.* Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one (1) flight of stairs and shall have access from a common hall or passageway.

(c) *Plumbing fixtures.*

- (1) *General.* All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
- (2) *Fixture clearances.* Plumbing fixtures shall have adequate clearances for usage and cleaning.

(d) *Water system.*

- (1) *General.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixtures shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot and cold running water.
- (2) *Contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
- (3) *Supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks. Water supply to a residential structure shall not be obtained from another residential unit.
- (4) *Water heating facilities.* Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F. (43 degrees C.). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(e) *Sanitary drainage systems.*

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- (1) *General.* All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
  - (2) *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
- (f) *Storm drainage.* Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a nuisance.
- (Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

## **Sec. 14-46. Mechanical and electrical requirements.**

- (a) *Heating facilities.*
- (1) *Facilities required.* Heating facilities shall be provided in structures as required by this section.
  - (2) *Residential buildings.* Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of sixty-five (65) degrees Fahrenheit (eighteen (18) degrees Celsius) in all habitable rooms, bathrooms and toilet rooms.
  - (3) *Room temperature measurement.* The required room temperatures shall be measured at a point three (3) feet above the floor and three (3) feet from the exterior walls.
- (b) *Mechanical equipment.*
- (1) *Mechanical equipment.* All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
  - (2) *Cooking and heating equipment.* All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained in good repair, free from leaks and obstructions.
  - (3) *Flue.* All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.  
Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.
  - (4) *Clearances.* All required clearances to combustible materials shall be maintained.
  - (5) *Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.
  - (6) *Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment.
- (c) *Electrical facilities.*
- (1) *Facilities required.* Every occupied building and work area shall be provided with an electrical system in compliance with the requirements of this section.
  - (2) *Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the codes applicable in the county.
  - (3) *Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.
- (d) *Electrical equipment.*

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- (1) *Installation.* All electrical equipment, wiring and appliances shall be property installed and maintained in a safe and approved manner.
  - (2) *Receptacles.* Every habitable space in a dwelling shall contain at least two (2) separate and remote receptacle outlets. Every laundry area shall contain at least one (1) grounded-type receptacle. Every bathroom shall contain at least one (1) receptacle.
  - (3) *Lighting fixtures.* Every public hall, interior stairway, water closet compartment, bathroom laundry room, furnace room and the like, shall contain at least one (1) electric lighting fixture.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

**Secs. 14-47—14-50. Reserved.**

***DIVISION 5. NONRESIDENTIAL REQUIREMENTS***

**Sec. 14-51. Scope.**

In addition to the general requirements in chapter 3, the provisions of this chapter shall apply to all structures except for residential one- or two-family dwellings.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

**Sec. 14-52. Common areas.**

- (a) *Common halls and stairways.* Every common hall and stairway shall be lighted at all times with at least a sixty-watt standard incandescent light bulb or equivalent for each two hundred (200) square feet of floor area, provided that the spacing between lights shall not be greater than thirty (30) feet. Every exterior stairway shall be illuminated with a minimum of one (1) footcandle at floors, landings and treads.
- (b) *Other spaces.* 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.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

**Sec. 14-53. Process ventilation.**

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

**Sec. 14-54. Plumbing facilities and fixture requirements.**

- (a) *Employee's facilities.* A minimum of one (1) water closet, one (1) lavatory and one (1) drinking facility shall be available to employees.



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- (1) *Drinking facilities.* Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet room or bathrooms.
  - (b) *Hotels.* Where private water closets, lavatories, and baths are not provided, one (1) water closet, one (1) lavatory and one (1) bathtub or shower having access from a public hallway shall be provided for each ten (10) occupants.
  - (c) *Toilet rooms.*
    - (1) *Privacy.* Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior.
    - (2) *Location.* Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one (1) flight of stairs and shall have access from a common hall or passageway.
  - (d) *Plumbing fixtures.*
    - (1) *General.* All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
    - (2) *Fixture clearances.* Plumbing fixtures shall have adequate clearances for usage and cleaning.
  - (e) *Water system.*
    - (1) *General.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixtures shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot and cold running water.  
  
Exception: Non-residential structures may only provide cold running water, unless required by another code or ordinance.
    - (2) *Contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
    - (3) *Supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
  - (f) *Sanitary drainage systems.*
    - (1) *General.* All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
    - (2) *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
  - (g) *Storm drainage.* Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

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## Sec. 14-55. Mechanical and electrical requirements.

- (a) *Mechanical equipment.* All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
- (1) *Cooking and heating equipment.* All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained in good repair, free from leaks and obstructions.
  - (2) *Flue.* All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.  
Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.
  - (3) *Clearances.* All required clearances to combustible materials shall be maintained.
  - (4) *Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.
  - (5) *Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment.
- (b) *Electrical facilities.*
- (1) *Facilities required.* Every occupied building shall be provided with an electrical system in compliance with the requirements of this section.
  - (2) *Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the adopted guidelines of the county.
  - (3) *Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.
- (c) *Electrical equipment.*
- (1) *Installation.* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
  - (2) *Lighting fixtures.* Every public hall, interior stairway, water closet compartment, bathroom laundry room, furnace room and the like, shall contain at least one (1) electric lighting fixture.
- (d) *Elevators, escalators and dumbwaiters.*
- (1) *General.* Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards.
  - (2) *Elevators.* In buildings equipped with passenger elevators, at least one (1) elevator shall be maintained in operation at all times when the building is occupied.  
  
Exception: Buildings equipped with only one (1) elevator shall be permitted to have the elevator temporarily out of service for testing, servicing, or repair.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

## Secs. 14-56—14-60. Reserved.

***DIVISION 6. LOT CLEARING AND NUISANCE ABATEMENT REQUIREMENTS AND PROCEDURES<sup>3</sup>***

**Sec. 14-61. Definitions.**

See section 14-22, General definitions.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 05-061, § 1, 12-6-05; Ord. No. 2012-008, § 2, 5-15-12; Ord. No. 2018-013, § 6, 8-14-18)

**Sec. 14-62. Nuisances declared.**

It is hereby declared and determined by the board of county commissioners of Palm Beach County, Florida, that the following shall each individually, or in any combination, be considered nuisances when existing upon a lot in the unincorporated area of the county.

- (1) Accumulations of waste, yard trash, or rubble and debris;
- (2) Accumulations of waste, yard trash, or rubble and debris that may harbor vermin or poisonous snakes or that may contain pools of water that may serve as breeding grounds for insects or other disease vectors;
- (3) Failure to maintain grass, weeds and low growing vegetation in accordance with section 14-32(c);
- (4) *Schinus terebinthifolius* (commonly known as Brazilian Pepper) bushes or trees;
- (5) Uncultivated vegetation that constitutes a fire hazard;
- (6) Vegetation, whether or not cultivated, that impedes or obstructs adequate view of intersections, traffic signs, railroad crossings or traffic from any street, road, or highway;
- (7) Any standing dead trees in close proximity to a developed lots or rights-of-way;
- (8) Swimming pools that do not meet the water clarity requirements of section 14-32(e)(1) or the safety barrier requirements of section 14-32(e)(2); or
- (9) Any premises being inhabited by or providing for vermin, insects, reptiles or other wild animals.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 05-061, § 2, 12-6-05; Ord. No. 2012-008, § 2, 5-15-12; Ord. No. 2018-013, § 7, 8-14-18)

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<sup>3</sup>Editor's note(s)—Ord. No. 2012-008, § 2, adopted May 15, 2012, changed the title of div. 6 from "Lot Clearing Requirements and Procedures" to "Lot Clearing and Nuisance Abatement Requirements and Procedures."

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### **Sec. 14-63. Nuisance to be abated.**

It is further determined by the Board of County Commissioners that any nuisance declared by this section which is found upon a lot in the unincorporated area of the county shall be abated in the following manner:

- (1) If the nuisance consists solely of accumulations of waste, yard trash, or rubble and debris as provided in section 14-62(1) or (2), it shall be abated in its entirety.
- (2) If the nuisance consists solely of grass, weeds and low growing vegetation as provided in section 14-62(3) the nuisance shall be abated as provided in section 14-32(c).
- (3) If the nuisance consists of *Schinus terebinthifolius* (commonly known as Brazilian Pepper) bushes or trees as provided in section 14-62(4) or uncultivated vegetation that constitutes a fire hazard as provided in section 14-62(5), the nuisance shall be abated in its entirety.
- (4) If the nuisance consists of the obstruction of adequate view of intersections, crossings, or traffic signs as provided in section 14-62(6), the nuisance shall be abated in accordance with the provisions of Article 7 of the Unified Land Development Code, or, when not provided in that section, the nuisances shall be abated so as to afford a clear unobstructed view.
- (5) If the nuisance consists of dead trees, only those standing dead trees located in an area that, if they fell, would likely cause damage to adjacent developed lots, sidewalks, or rights-of-way, must be removed.
- (6) If the nuisance consists of an infestation of vermin or insects, a swimming pool without an adequate safety barrier, or a swimming pool without proper water clarity, as provided in section 14-62(8) and (9), the nuisance shall be considered a threat to public health safety and welfare and shall be abated in its entirety.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12; Ord. No. 2018-013 , § 8, 8-14-18)

### **Sec. 14-64. Procedure for enforcement.**

- (a) To the extent permitted by law, the department is empowered to enter upon and inspect lots on which a nuisance is suspected to exist. If inspection reveals the presence of a nuisance, the department shall notify the owner that a nuisance exists which is a violation of this chapter. The notice shall:
  - (1) Advise the owner of the right to a hearing as provided in section 14-65;
  - (2) Advise the owner that unless the owner files a timely request for hearing pursuant to section 14-65, the owner shall be deemed to have waived the right to contest the notice of violation;
  - (3) Specify what corrective action must be taken;
  - (4) State that a failure to abate the nuisance will result in the department abating it, the cost of which action shall be assessed against the lot;
  - (5) Advise the owner that the assessment will be recorded as a lien against the lot if not timely paid within twenty (20) business days of receipt of the notice of assessment, which will accrue interest at the maximum rate allowed by law;
  - (6) Advise the owner that the assessment shall be declared delinquent if not paid by the following September 1 and placed on the tax roll as a non-ad valorem assessment; and

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- (7) State the potential for the property to be sold and conveyed by tax deed if the tax certificate is not redeemed by payment of the non-ad valorem assessment in full, plus interest, as required by Florida law.

Notice shall be delivered to the owner by certified mail, return receipt requested, sent to the address listed in the Palm Beach County Property Appraiser's database and on the ad valorem tax roll. For certified mail, notice is received on the date the owner or the owner's agent initials or otherwise indicates receipt of the notice on the return receipt. In the event that certified mail delivery cannot be accomplished, and after reasonable search by the department for such owner, or if the notice is not accepted or is returned to the department, the notice shall be posted on the lot and the notice shall be deemed received on the date posted.

The appeal forms required in section 14-65 shall be included in the notice, along with a statement that such must be used to appeal the administrative determination. The owner shall have thirty (30) days from the date notice is received to abate the nuisance.

- (b) If an appeal is timely filed, enforcement action shall proceed as provided in section 14-65.
- (c) If no appeal is timely filed as provided herein, the department shall, upon the expiration of the notification period, reinspect the lot to determine whether or not the nuisance has been abated. If the department determines that the lot still harbors a nuisance, it shall cause its abatement according to the provisions of this part. To accomplish that goal, the department or its agents are authorized by the board of county commissioners to enter upon the lot and to take steps reasonably necessary to effect abatement.
- (d) Nothing in this part shall prevent the department from pursuing enforcement of this article through other processes.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12; Ord. No. 2018-013 , § 9, 8-14-18)

### **Sec. 14-65. Appeal procedures.**

Within twenty five (25) days after the initial notice of a nuisance is sent by the department as provided in section 14-64, the lot owner may make written request to the department for a hearing before a special magistrate to show that the condition alleged in the notice does not exist, or to show that the condition does not constitute a nuisance. Notice of the right to a hearing shall be included in the initial notice to the lot owner. The owner's request for a hearing shall be submitted upon forms to be provided by the department, and shall be accompanied by payment in the amount of two hundred dollars (\$200.00) made payable to Palm Beach County, which amount shall constitute a fee necessary to defray the costs to the county for processing and administering the appeal. Failure to timely file an appeal or to appear before the special magistrate shall be deemed a waiver of the lot owner's rights to appeal the administrative action. A county code enforcement division special magistrate shall hear the appeal on its regularly scheduled agenda or the appeal may be specially set by the department. The department shall give the lot owner seeking an appeal written notice of the date and location of the scheduled hearing. At the hearing, the county and the lot owner may introduce such evidence as is relevant. The hearing shall be conducted in accordance with the rules of procedure as set forth in Resolution R-99-2057, as may be amended from time to time. The decision of the county special magistrate shall be final. If the appeal is unsuccessful, the special magistrate may provide the owner a reasonable period of time to correct the violation before the department is authorized to effect the abatement and to assess all costs of abatement against the lot as provided in this part.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

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### **Sec. 14-66. Special assessment imposed.**

In the event that an appeal is not timely made after notice is received and the violation is not remedied or a timely appeal is made but is unsuccessful and the violation is not remedied, the department may enter upon the lot to take steps reasonably necessary to effect abatement. The costs incurred by the county to effect abatement shall be assessed against the lot as authorized by this part. All assessments shall be paid in full no later than the close of business on the twentieth business day after the owner has received notice of the assessment. Thereafter, the unpaid amount of the assessment will accrue interest at the maximum rate allowed by law.

(Ord. No. 2012-008, § 2, 5-15-12)

### **Sec. 14-67. Notice of assessment.**

Upon completion of the actions undertaken by the county to effect abatement, the department shall notify in writing the owner that a special assessment has been imposed on the lot. The notice shall be delivered to the owner in the manner set forth for delivery of the notice of violation in section 14-64. The notice of assessment shall set forth the following:

- (1) A description of the nuisance(s), a description of the actions taken by the county to abate the nuisance(s), and notification that the property has been assessed for the costs incurred by the county to abate the nuisance.
- (2) The aggregate amount of such costs and an itemized list of such costs.
- (3) The intent of the county to record the assessment as a lien against the lot if not timely paid within twenty (20) business days of receipt of the notice of assessment, which will accrue interest at the maximum rate allowed by law.
- (4) The intent of the county to declare the assessment delinquent if not paid by the following September 1 and to place the assessment on the tax roll as a non-ad valorem assessment.
- (5) The potential for the lot to be subject to the sale of a tax certificate, bearing interest by law at a rate as high as eighteen (18) percent per annum, if the non-ad valorem assessment is not paid as part of the tax bill on the lot.
- (6) The potential for the lot to be sold and conveyed by tax deed if the tax certificate is not redeemed by payment of the non-ad valorem assessment in full, plus interest, as required by Florida law.

(Ord. No. 2012-008, § 2, 5-15-12; Ord. No. 2018-013 , § 10, 8-14-18)

### **Sec. 14-68. Collection of non-ad valorem assessment.**

- (a) The Board elects to use the uniform method to impose and collect non-ad valorem assessments against properties on which violations of this part have occurred. The Board has adopted Resolution 2011-1833, which declares its intent to use the uniform method of collecting non-ad valorem assessments as provided in F.S. § 197.3632.
- (b) All assessments imposed pursuant to this part that are not paid by the following September 1 will be included in the combined notice of ad valorem taxes and non-ad valorem assessments as provided in F.S. § 197.3635. Non-ad valorem assessments collected pursuant to this part are subject to all collection provisions in F.S. § 197.3632, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.

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(Ord. No. 2012-008, § 2, 5-15-12)

**Sec. 14-69. Alternative method to collect assessment.**

In lieu of using F.S. § 197.3632, the county may elect to collect an assessment imposed pursuant to this part by any other method authorized by law.

(Ord. No. 2012-008, § 2, 5-15-12)

**Secs. 14-70—14-80. Reserved.**

***ARTICLES II—IV. RESERVED<sup>4</sup>***

**Secs. 14-81—14-241. Reserved.**

***ARTICLE V. AFFORDABLE HOUSING<sup>5</sup>***

**Sec. 14-242. Short title; applicability.**

This article shall be known and cited as the Palm Beach County Affordable Housing Ordinance. This Article shall be applicable within the unincorporated areas of Palm Beach County, and in all municipalities that have not adopted an ordinance in conflict herewith.

(Ord. No. 2017-017, § 1, 5-16-17)

**Sec. 14-243. Authority.**

This article is adopted pursuant to the authority granted to charter counties under Article VIII, Section 1(g) of the Florida Constitution, F.S. Ch. 125, and Article 1 of the Palm Beach County Home Rule Charter.

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<sup>4</sup>Editor's note(s)—Ord. No. 03-051, § 2, amended the Code by repealing former arts. II—IV, §§ 14-21—14-27, 14-41Editor's note(s)—, 14-56—14-61, 14-76—14-80, 14-91, 14-101—14-118, 14-141—14-144, 14-156—14-161, 14-176—14-182, 14-196, 14-211, 14-212, and 14-226—14-231. Former art. II pertained to administration, and derived from Ord. No. 781, adopted February 7, 1978. Former art. III pertained to technical requirements, and derived from Ord. No. 78-1, adopted February 7, 1978. Former art. IV pertained designation of unsafe or unfit dwellings, and derived from Ord. No. 78-1, adopted February 7, 1978; and Ord. No. 98-9, adopted 17, 1998.

<sup>5</sup>Editor's note(s)—Ord. No. 2017-017, §§ 1—7, adopted May 16, 2017, repealed the former art. V, §§ 14-242Editor's note(s)—14-248, and enacted a new art. V as set out herein. The former art. V pertained to similar subject matter and derived from Ord. No. 93-8, §§ I, III—VIII, adopted May 18, 1993; Ord. No. 94-1, § 1, adopted January 18, 1994; Ord. No. 94-24, §§ 1, 2, adopted October 18, 1994; Ord. No. 95-22, § 1, adopted June 20, 1995; Ord. No. 01-026, § 1, adopted June 19, 2001; Ord. No. 03-026, § 1, adopted July 15, 2003; Ord. No. 08-018, §§ I—VIII, adopted July 22, 2008.

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(Ord. No. 2017-017, § 2, 5-16-17)

**Sec. 14-244. Policy and purpose.**

It is the policy of the Board of County Commissioners and the purpose of this article to:

- (1) Provide the necessary means to alleviate housing cost burden and help meet the county's needs with respect to affordable housing.
- (2) Recognize that decent, safe, affordable, appropriate and sanitary housing is directly linked to a healthy economy and healthy families and meaningful environmental program as well as to other government functions such as education, criminal justice, and social services.
- (3) Invest in the preservation and revitalization of our neighborhoods, the development of healthy, safe and viable sustainable communities, and the security of having a quality environment which allows individuals and families to live within the community.
- (4) Further the framework begun in the county's comprehensive plan housing element, which establishes county housing policy to address the current and future housing needs of the residents of the county.
- (5) Increase the availability of affordable housing units by combining local resources and cost-saving measures into a local housing partnership and using private and public funds to reduce the cost of housing.
- (6) Promote leveraging of public and private monies to provide affordable housing to eligible persons.
- (7) Aid in achieving the intent of the local housing assistance program (LHAP) while providing for:
  - a. Protection of natural resources;
  - b. Enhancement of the viability of public transit, pedestrian circulation, and nonmotorized modes of transportation;
  - c. Community development and economic growth; and
  - d. A strong sense of community through increased social and economic integration.

(Ord. No. 2017-017, § 3, 5-16-17)

**Sec. 14-245. Definitions.**

As used in this article, unless the context otherwise indicates:

*Adjusted gross income* means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under Section 62 of the Internal Revenue Code.

*Administrative expenses* means those expenses directly related to implementation of the local housing assistance plan and local housing assistance program and shall not include the reimbursement of costs which were previously borne by another funding source which could continue to be available at the time the local housing assistance plan is submitted.

*Affordable* means that monthly rents or monthly mortgage payments including taxes and insurance do not exceed thirty (30) percent of that amount which represents the percentage of the median annual gross income for the households as indicated in F.S. § 420.9071(19), (20), (28). However, it is not the intent to limit an individual household's ability to devote more than thirty (30) percent of its income for housing, and housing for which a



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household devotes more than thirty (30) percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the thirty (30) percent benchmark.

*Board* means Board of County Commissioners of Palm Beach County, Florida.

*CAH* means Commission on Affordable Housing, an advisory board appointed by the Board of County Commissioners.

*Community-based organization* means a nonprofit organization that has among its purposes the provision of affordable housing to persons who have special needs or have very low income, low income, or moderate income within a designated area, which may include a municipality, a county, or more than one (1) municipality or county, and maintains, through a minimum of one-third ( $\frac{1}{3}$ ) representation on the organization's governing board, accountability to housing program beneficiaries and residents of the designated area. A community housing development organization established pursuant to 24 C.F.R., Section 92.2 and a community development corporation created pursuant to F.S. Ch. 290 are examples of community-based organizations.

*DES* means the Palm Beach County Department of Economic Sustainability.

*Eligible municipality* means a municipality that is eligible for federal community development block grants as an entitlement community identified in 24 C.F.R., Section 570, Subpart D, Entitlement Grants, or a nonentitlement municipality that is receiving local housing distribution funds under an interlocal agreement that provides for possession and administrative control of funds to be transferred to the nonentitlement municipality. An eligible municipality that defers its participation in community development block grants does not affect its eligibility for participation in the State Housing Initiatives Partnership Program.

*Eligible person or eligible household* means one (1) or more natural persons or a family determined by the county or eligible municipality to be of very low income, low income, or moderate income according to the income limits adjusted to family size published annually by the United States Department of Housing and Urban Development based upon the annual gross income of the household.

*Eligible sponsor* means a person or a private or public for-profit or not-for-profit entity that applies for an award under the local housing assistance plan for the purpose of providing eligible housing for eligible persons.

*Fund* means the Robert Pinchuck Memorial Affordable Housing Trust Fund.

*HOME Program* means the United States Department of Housing and Urban Development Program created under Title II of the National Affordable Housing Act (the Home Investment Partnership).

*Local Housing Assistance Plan (LHAP)* means a concise description of the local housing assistance strategies and local housing incentive strategies adopted by local government resolution with an explanation of the way in which the program meets the requirements of F.S. §§ 420.907—420.9079, and corporation rule.

*Local housing assistance strategies* means the housing construction, rehabilitation, repair, or finance program implemented by a participating county or eligible municipality with the local housing distribution or other funds deposited into the local housing assistance trust fund.

*Local housing distribution* means the proceeds of the taxes collected under F.S. Ch. 201, deposited into the local government housing trust and distributed to counties and eligible municipalities participating in the State Housing Initiatives Partnership Program pursuant to F.S. § 420.9073, as may be amended.

*Local housing incentive strategies* means local regulatory reform or incentive programs to encourage or facilitate affordable housing production, which include at a minimum, assurance that permits for affordable housing projects are expedited to a greater degree than other projects, as provided in F.S. § 163.3177(6)(f)3; an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption; and a schedule for implementing the incentive strategies. Local housing incentive strategies may also include other regulatory reforms, such as those enumerated in F.S. § 420.9076, or those

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recommended by the affordable housing advisory committee in its triennial evaluation of the implementation of affordable housing incentives, and adopted by the local governing body.

*Local housing partnership* means the implementation of the local housing assistance plan in a manner that involves the applicable county or eligible municipality, lending institutions, housing builders and developers, real estate professionals, advocates for low-income persons, community-based housing and service organizations, and providers of professional services relating to affordable housing. The term includes initiatives to provide support services for housing program beneficiaries such as training to prepare persons for the responsibility of homeownership, counseling of tenants, and the establishing of support services such as day care, health care, and transportation.

*Low-income persons or low-income household* means one (1) or more natural persons or a family that has a total annual gross household income that does not exceed eighty (80) percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the nonmetropolitan median for the state, whichever amount is greatest. With respect to rental units, the low-income household's annual income at the time of initial occupancy may not exceed eighty (80) percent of the area's median income adjusted for family size. While occupying the rental unit, a low-income household's annual income may increase to an amount not to exceed one hundred forty (140) percent of eighty (80) percent of the area's median income adjusted for family size.

*Moderate-income persons or moderate-income household*, pursuant to F.S. § 420.9071(20), as may be amended, means one (1) or more natural persons or a family that has a total annual gross household income that does not exceed one hundred twenty (120) percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the nonmetropolitan median for the state, whichever is greatest. With respect to rental units, the moderate-income household's annual income at the time of initial occupancy may not exceed one hundred twenty (120) percent of the area's median income adjusted for family size. While occupying the rental unit, a moderate-income household's annual income may increase to an amount not to exceed one hundred forty (140) percent of one hundred twenty (120) percent of the area's median income adjusted for family size.

*Persons with special needs* means an adult person requiring independent living services in order to maintain housing or develop independent living skills and who has a disabling condition as defined in F.S. § 420.0004(7); a young adult formerly in foster care who is eligible for services under F.S. § 409.1451(5); a survivor of domestic violence as defined in F.S. § 741.28; or a person receiving benefits under the Social Security Disability Insurance (SSDI) program or the Supplemental Security Income (SSI) program or from veterans' disability benefits.

*SHIP* means State Housing Initiatives Partnership Program administered by the State of Florida.

*Very-low-income persons or very-low-income household* means one (1) or more natural persons or a family that has a total annual gross household income that does not exceed fifty (50) percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the nonmetropolitan median for the state, whichever is greatest. With respect to rental units, the very-low-income household's annual income at the time of initial occupancy may not exceed fifty (50) percent of the area's median income adjusted for family size. While occupying the rental unit, a very-low-income household's annual income may increase to an amount not to exceed one hundred forty (140) percent of fifty (50) percent of the area's median income adjusted for family size.

(Ord. No. 2017-017, § 4, 5-16-17)

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### **Sec. 14-246. Creation of the Robert Pinchuck Memorial Affordable Housing Trust Fund.**

- (a) *Establishment.* There is hereby established a separate trust fund to be named the "Robert Pinchuck Memorial Affordable Housing Trust Fund." There shall be two (2) categories of funds maintained within the Fund—SHIP Program funds and other funds appropriated and designated by the Board.
- (b) *General Provisions.*
  - (1) Amounts on deposit in the Fund shall be invested in the State Board of Administration's local government surplus fund trust fund established pursuant to F.S. Ch. 218, Part IV. All investment earnings shall be retained in the Fund and used for the purposes thereof.
  - (2) Until utilized for the purposes thereof, SHIP Program monies in the Fund shall be held in trust by the County solely for use pursuant to the Local Housing Assistance Plan (LHAP), approved by the Board. All local housing assistance program income, including investment earnings, shall be retained in the fund and used for the purposes thereof.
  - (3) The County agrees that the Fund shall be separately stated as a special revenue fund in the county's audited financial statements. Copies of such audited financial statements shall be forwarded to the Florida Housing Finance Corporation as soon as such statements are available.
- (c) *SHIP Program Funds.*
  - (1) All monies received from the state pursuant to the State Housing Initiative Partnership (SHIP) Act and any other funds received or budgeted to provide funding for the local housing assistance plan shall be deposited into the affordable housing trust fund. Administration of the SHIP Program funds shall comply with rule 67-37.005, Florida Administrative Code, as may be amended, and shall be subject to the requirements of the SHIP Program contained in F.S. § 420.9075(4), as may be amended.
  - (2) Expenditures other than for the administration and implementation of the Local Housing Assistance Plan (LHAP) shall not be made from SHIP Program funds and all expenditure of funds must be made to promote affordable housing in Palm Beach County.
  - (3) Monies from the Fund shall be used to increase the supply of safe, sanitary and affordable housing pursuant to F.S. § 420.9075, as may be amended. The affordable housing trust fund may be used to provide assistance to eligible persons funded through strategies detailed in the Local Housing Assistance Plan (LHAP).

(Ord. No. 2017-017, § 5, 5-16-17)

### **Sec. 14-247. Creation of the Commission on Affordable Housing.**

- (a) *Establishment.* The Commission on Affordable Housing is hereby created and established.
- (b) *Affordable Housing Advisory Committee.* The Commission on Affordable Housing (CAH) shall serve as the Affordable Housing Advisory Committee required by F.S. § 420.9076, shall serve as required by the county's comprehensive plan, housing element, and as required by F.S. § 420.9076, as may be amended. The members of the Advisory Committee shall be appointed by resolution of the Board of County Commissioners.
- (c) *Composition.* The CAH shall be comprised of citizens, all of whom shall be appointed by the Board of County Commissioners in accordance with F.S. § 420.9076, as may be amended. All appointments are at large.
- (d) *Conditions of Membership.* Conditions of Membership shall be in accordance to Resolution 2013-0193 or as amended of which the current resolution shall govern:

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- (1) All members must be residents of the County at the time of appointment and while serving on the CAH.
  - (2) County employees, except commissioner aides, may not be appointed to the CAH.
  - (3) The term of membership shall be for three (3) years. A vacancy occurring during the term shall be filled for the unexpired term. No member can serve more than three (3) consecutive terms.
  - (4) A member of the CAH shall be automatically removed for lack of attendance. Lack of attendance is defined as failure to attend at least three (3) consecutive or a failure to attend more than one-half ( $\frac{1}{2}$ ) of the meetings scheduled during a calendar year. Participation for less than three-quarters ( $\frac{3}{4}$ ) of a meeting shall be the same as failure to attend a meeting. Removals shall be entered into the minutes of the next regularly scheduled meeting of the CAH. Members removed under this provision shall not continue to serve and such removal shall create a vacancy. Furthermore, members removed may not be reconsidered for membership on the CAH for at least one (1) year from the effective date of the removal.
  - (5) Members shall not be prohibited from qualifying as a candidate for elected office.
  - (6) Travel reimbursement is limited to expenses incurred only for travel outside the county necessary to fulfill CAH member responsibilities when sufficient funds have been budgeted and are available and upon the approval of the Board. No other expenses are reimbursable except documented long distance telephone calls to DES.
  - (7) Members shall be governed by the applicable provisions of the Palm Beach County Code of Ethics as codified in Sections 2-254 through 2-260 of the Palm Beach County Code.
- (e) *County Support.* Staff, administrative and facility support for the CAH shall be provided by the Board of County Commissioners as determined by the County Administrator.
- (f) *Role and Responsibilities.* The CAH shall function as outlined in F.S. § 420.9076, or as amended of which the current statute shall govern, or at the request of the Board of County Commissioners.
- (1) Triennially, the CAH shall review the established and proposed policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the county and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.
  - (2) Recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions or approval of developments related to affordable housing; or at a minimum, the CAH shall make recommendations on, and triennially evaluate the implementation of affordable housing incentives in the following areas:
    - a. The expedited processing of permits or development orders for affordable housing projects.
    - b. The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment.
    - c. The allowance of flexibility in densities for affordable housing.
    - d. The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons and moderate-income persons.
    - e. The allowance of affordable accessory residential units in residential zoning districts.
    - f. The reduction of parking and setback requirements for affordable housing.
    - g. The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

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- h. The modifications of sidewalk and street requirements for affordable housing.
  - i. The establishment of additional processes by which the county considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
  - j. The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
  - k. The allowance of affordable accessory residential units in residential zoning districts.
  - l. The support of development near transportation hubs and major employment centers and mixed-used developments.
- (3) The CAH recommendations may also include other affordable housing incentives identified by the CAH and as identified by the comprehensive plan.
  - (4) The CAH shall make affordable housing incentive recommendations approved by a majority of its membership at a public hearing. Notice of the time, date, and place of the public hearing of the CAH to adopt affordable housing incentive recommendations shall be published in a newspaper of general paid circulation in the county. Such notice shall contain a short and concise summary of the affordable housing incentive recommendations to be considered by the CAH. The notice shall also state the public place where a copy of the tentative CAH recommendation can be obtained by interested persons. The CAH shall submit the adopted affordable housing incentive recommendations to the board for their consideration in the affordable housing incentive plan no later than December 31 triennially.
  - (5) The CAH shall submit an annual report to the board as is required of all advisory boards and shall submit a triennial report as required by F.S. § 420.9076.
  - (6) The CAH shall perform such duties as required by F.S. § 420.9076, as may be amended.
- (g) *Authority.* The CAH may perform duties in accordance with F.S. § 420.9076, or at the request of the Board of County Commissioners.
  - (h) *Meetings.* The CAH shall meet bi-annually or on as as-needed basis. A quorum must be present for the conduct of all CAH regular meetings. A majority of the members appointed shall constitute a quorum. All regular meetings shall be governed by Robert's Rules of Order. Reasonable public notice of all meetings shall be provided, and all such meetings shall be open to the public at all times in accordance with Resolution No. R2013-0193, as amended.
  - (i) *Chair and Vice-Chair.* A chair and vice-chair shall be elected by a majority vote of the CAH and shall serve for one (1) term. The duties of the chair shall include:
    - (1) Presiding at CAH meetings.
    - (2) Establishing committees, appointing committee chairs and charging committees with specific tasks.The vice-chair shall perform the duties of the chair in the chair's absence, and such other duties as the chair may assign. If a vacancy occurs in the office of the chair, the vice-chair shall become the chair for the unexpired term. If a vacancy occurs in the office of vice-chair, the CAH will elect another member to fill the unexpired term of the vice-chair.

(Ord. No. 2017-017, § 6, 5-16-17)

### **Sec. 14-248. Local housing assistance plan.**

- (a) *Establishment.* The Local Housing Assistance Plan (LHAP) is hereby created and established.

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- (b) *Local Housing Assistance Plan.* The County shall use the funds received from the state pursuant to the State Housing Initiative Partnership Act to implement the local housing assistance program.
  - (c) *Distribution of monies.* The funds shall be distributed in accordance with requirements outlined in F.S. § 420.9075, and the County's approved Local Housing Assistance Plan (LHAP).
  - (d) *Compliance.*
    - (1) The County shall comply with all rules and regulations of the Florida Housing Finance Corporation in connection with required reporting by the County of compliance with its Local Housing Assistance Plan.
    - (2) The Local Housing Assistance Plan shall include all other lawful objectives not previously listed if said objectives have been adopted into the Local Housing Assistance Plan in the manner provided for by F.S. §§ 420.907—420.9079, and rule 91-37, Florida Administrative Code.
  - (e) *Designation of Responsibility for Administration and Implementation.* The Department of Economic Sustainability (DES) shall be responsible for implementation and administration of the Local Housing Assistance Plan in compliance with F.S. § 420.9072, and other duties as assigned by the County Administrator.

(Ord. No. 2017-017, § 7, 5-16-17)