

ORDINANCE NO. 21-33

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 18, ARTICLE II, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN RELATING TO THE BUILDING CODE TO CREATE REGULATIONS FOR TEMPORARY ROOF COVERINGS FOR ALL BUILDINGS AND STRUCTURES WITHIN THE CITY; PROVIDING FOR A PROCESS FOR GRANTING EXCEPTIONS AND RELIEF FROM THE REQUIREMENTS RELATING TO TEMPORARY ROOF COVERINGS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Garden ("City") desires to limit the number of and govern the frequency at which tarps and other temporary roof coverings may be placed upon buildings and structures located within the jurisdictional limits of the City; and

WHEREAS, the City understands that it must strike an appropriate balance between private property rights, emergency situations, material and labor shortages, and periods of financial need with the competing interests relating to increased property values, aesthetics, and safety; and

WHEREAS, the City desires to impose reasonable limitations on the placement of tarps and other temporary roof coverings subject to extensions of time based on the criteria set forth herein.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

SECTION 1: Recitals. The preceding whereas clauses represent the legislative findings of the City Commission of the City of Winter Garden and are incorporated herein by this reference.

SECTION 2: City Code Amendment. Chapter 18, Article II, Division 3 of the City of Winter Garden Code is amended to add a new section 18-63, which shall read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; and all other provisions shall remain unchanged):

DIVISION 2. – BUILDING CODE

* * *

Secs. 18-63. – Temporary roof coverings.

(a) Generally. Temporary roof coverings, including but not limited to, tarps and other emergency coverings located on all buildings and structures within the city, shall be removed within six (6) months from the date of the event necessitating the utilization of such coverings. It is the intent of this section that damaged roofs be repaired or replaced within that same time period. Notwithstanding the preceding, all tarps and emergency coverings shall be and remain in good condition and without holes, rips, tears, excessive wear, staining, or other defects.

(b) Extensions of time. Owners and/or lessees of buildings and structures desiring additional time to comply with this section shall make written request to the city's building official prior to the expiration of the six (6) month period provided in subsection (a). Such request shall include, at a minimum, the address of the property, the reasons justifying the request, the requested length of time for the temporary covering to remain, and any actions taken by the owners and/or lessees to make the necessary repairs to the structure or building that have required the utilization of temporary roof coverings. The city's building official or his/her designee may approve reasonable extension requests of the six (6) month time limitation for good cause based upon the building official or his/her designees' determinations as to the good faith attempts of the owners and/or lessees to correct or repair the building or structure, the length of the extension sought, existing or anticipated emergency conditions and weather events, labor and material shortages, and the financial ability or inability of the owners and/or lessees' to make the repairs or replacements required.

Secs. 18-64—18-90. – Reserved.

SECTION 3: Codification. Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 4: Conflicts. In the event of a conflict or conflicts between this Ordinance and other ordinances, this ordinance shall control to the extent such conflict exists.

SECTION 5: Severability. It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining provisions of this Ordinance shall survive and remain effective despite such invalidity or unconstitutionality.

SECTION 6: Effective Date. This Ordinance shall become effective immediately upon adoptions by the City Commission of the City of Winter Garden, Florida.

FIRST READING: OCTOBER 14, 2021

SECOND READING: OCTOBER 28, 2021

ADOPTED this 28TH day of OCTOBER, 2021, by the City Commission of the City of Winter Garden, Florida.



CITY COMMISSION
CITY OF WINTER GARDEN


John Rees, Mayor/Commissioner

ATTEST:


Angela Grummage, City Clerk