



Special Magistrate Administrative Division

Mailing Address Only  
315 Court Street  
Clearwater, Florida 33756

## Terms and Definitions

*Abandoned* means any building or structure that is not lawfully occupied or inhabited as evidenced by, but not limited to, overgrown and/or dead vegetation; electricity, water or other utilities turned off or otherwise nonoperational; stagnant swimming pool; statements by neighbors, passers-by, delivery agents or government agents; or other conditions that would indicate the property is not lawfully inhabited.

*Accessory structure* means a structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises, including a pool or spa.

*Alter or alteration* means any change or modification in construction or occupancy.

*Apartment* means a room or a suite of rooms occupied, or which is intended or designed to be occupied, as the home or residence of one individual, family, or household, for housekeeping purposes.

*Apartment House* means any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied, as the home or residence of more than two families living independently of each other and doing their own cooking in such building, and shall include flats and apartments.

*Applicable Governing Body* means a city, county, state, state agency, or other political government subdivision or entity authorized to administer and enforce the provisions of this article, as adopted or amended.

*Approved* means approved by the housing official.

*Attic Story* means any story situated wholly or partly in the roof so designated, arranged, or built as to be used for business, storage, or habitation.

*Board* shall mean the Board of County Commissioners of Pinellas County.

*Building* means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, together with its premises. The term "building" shall be construed as if followed by the words "or part thereof."

*Code Enforcement Officer / Code Inspector* means any authorized agent or employee of the county or municipality whose duty it is to assure code compliance.

*Dilapidated Dwelling or Structure* means a dwelling, dwelling unit, multiple dwelling, apartment, or mobile home, including, among others, garages, sheds, and similar accessory structures, which by reason of inadequate maintenance, dilapidation, obsolescence or abandonment is unsafe, insanitary, or which constitutes a fire hazard or is otherwise dangerous to human life and is no longer adequate for the purpose for which it was originally intended. It is the intent of this definition to include any and all structures as may legally come within the scope of the definition of structure as set forth in this section.

*Dwelling* means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, whether or not such building is occupied or vacant, including mobile homes, provided that temporary housing as defined in this section shall not be regarded as a dwelling.

*Dwelling Unit* means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating, whether such unit is occupied or vacant.

*Enforcement Board* means a local government code enforcement board.

*Enforcing Department* shall mean any administrative department or division of Pinellas County charged by Pinellas County ordinance or administrative assignment to enforce any particular code or ordinance in force in Pinellas County.

*Exit Corridor* means any corridor or passageway used as an integral part of the exit system. That portion of a corridor or passageway which exceeds the allowable distance of travel to an exit becomes an exit corridor or passageway.

*Exit Passageway* means an enclosed hallway or corridor connecting a required exit to an open and safe area at ground level.

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

*Family* means one or more persons living together, whether related to each other by birth or not, and having common housekeeping facilities.

*Floor area* means the total area of all habitable space in a building or structure.

*Florida Bar* shall mean the Mandatory bar association regulating the practice of lawyers admitted to practice law in the State of Florida by the Supreme Court of Florida.

*Foreclosed Property* means property that is in the foreclosure process or property that has been foreclosed upon and purchased and retained by the mortgagee.

*Foreclosure* means the judicial process initiated by the recording of a lis pendens or by filing a formal legal complaint by which a property, placed as security for a mortgage loan, is to be sold at an auction to satisfy a debt upon which the borrower has defaulted. This definition shall include all processes, activities and actions, by whatever name associated with the described process.

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

*Grade*, with reference to a building, means when the curb level has been established, the mean elevation of the curb level opposite those walls that are located on, or parallel with and within 15 feet of, street lines; or, when the curb level has not been established, or all the walls of the building are more than 15 feet from street lines, grade means the average of the finished ground level at the center of all walls of a building.

*Habitable Room* means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.

*Housing Official* means the officer or other person charged with the administration and enforcement of this article, or a duly authorized representative.

*Infestation* means the presence, within or around a dwelling, of any insects, rodents, or other pests.

*Inner Court* means an open unoccupied space bounded by the walls of the building but located within the exterior walls of the building.

*Landlord* means the owner or lessor of a dwelling unit.

*Local Governing Body Attorney* means the legal counselor for the county or municipality.

*Major Violation* means a defect that exists on premises which is immediately dangerous to the health, safety or welfare of the occupants, passersby or persons in contiguous areas.

*Minor Violation* means a defect that exists on premises which in its present state of disrepair, deterioration or abandonment and does not constitute an immediate hazard to the health, safety and welfare of the public.

*Mortgagee* means the lender or creditor responsible for initiating the foreclosure process, including but not limited to service companies, trustees, lenders in a mortgage agreement, or any agent or employee of said parties. This includes any company, trust or entity in which the mortgagee has a financial interest.

*Mortgagee in Possession* means a mortgagee who has lawfully acquired actual possession of the mortgaged premises for purpose of enforcing the security on such property.

*Multiple Dwelling* has the same meaning as Apartment house.

*No Contest / Nolo Contendere* – A plea of "No Contest" or "Nolo Contendere" shall be deemed an admission of a violation.

*Nuisance* means any one or combination of the following:

1. Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the state or ordinances of the county, including this article;
2. Any attractive nuisance which may prove detrimental to the health or safety of children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to: Abandoned wells, shafts, basements, pools or spas, excavations, abandoned iceboxes, refrigerators, motor vehicles and any structurally unsound fences or structures; lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors;
3. Physical conditions dangerous to human life or detrimental to health;
4. Insanitary conditions or anything offensive to the senses or dangerous to health;
5. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings; and
6. Fire hazards.

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

*Operator* means any person who has charge, care or control of a building in which dwelling units or rooming units are let.

*Owner* means the holder of the title in fee simple and any person, group of persons, company, association, or corporation in whose name tax bills on the property are submitted. It shall also mean any person who, alone or jointly or severally with others:

1. Shall have legal title to any dwelling or dwelling unit with or without accompanying actual possession thereof; or
2. Shall have charge, care or control of any dwelling or dwelling unit as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, assignee of rents, lessee, or other person in control of a building, or their duly authorized agents. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant thereto, to the same extent as if that person were the owner. It is the duly authorized agent's responsibility to notify the actual owner of the reported infractions of this article pertaining to the property which apply to the owner.

*Person* shall mean any real person, trust, corporation, estate, or other legal entity recognized by the laws of the State of Florida.

*Physical Value* means the actual cost of replacement of a building or structure with similar materials erected in a like manner to the original construction. The term "physical value" could also mean the fair market value or the appraised value of a building or structure, exclusive of land value.

*Plumbing* means the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: Sanitary drainage or storm drainage facilities; the venting system and the public 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 stormwater, liquid waste, or sewerage; and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

*Premises* means a lot or parcel of land, including the buildings or structures thereon.

*Public Areas*, as used in this article, means an unoccupied open space adjoining a building and on the same property.

*Repair* means the replacement of existing work with the same kind of material used in the existing work; or the reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

*Repeat Violation* means a violation of a provision of a code or ordinance by a person who has been previously found through a code enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within 5 years prior to the violation, notwithstanding the violations occur at different locations.

*Required* means required by some provision of this article.

*Residential Occupancy* are Buildings in which families or households live or in which sleeping accommodations are provided, and all dormitories, shall be classified as "residential occupancy." Such buildings include, among others, the following: dwellings, multiple dwellings, and lodging houses.

*Rooming Unit* means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

*Rooming House* means any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

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

*Special Magistrate* shall mean qualified individuals under this section, appointed by the Board and delegated the authority to hear and decide alleged violations of the codes and ordinances enacted or adopted by Pinellas County which may be prosecuted pursuant to the standards and procedures set forth in this article.

*Special Magistrate Administrative Division* shall mean the department or division designated by the county administrator to handle the secretarial, filing, record retention, scheduling, noticing and other coordinating and support functions related to this article.

*Stairway* means one or more flights of stairs and the necessary landings and platforms connecting them to form a continuous and uninterrupted passage from one story to another in a building or structure.

*Story* means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

*Structure* means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term "structure" shall be construed as if followed by the words "or part thereof."

*Substandard Dwelling or structure* means a dwelling, dwelling unit, multiple dwelling, apartment, apartment house, or any other space used or intended to be used as a habitable living space in any building or structure, which does not meet the basic minimum requirements of this article for such use.

*Supplied* means paid for, furnished or provided by, or under the control of, the owner or operator.

*Temporary Housing* means any tent, trailer, or other structure used for human shelter which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

*Unsafe Building* means any dilapidated dwelling or structure as defined in this article.

*Valuation or Value*, as applied to a building, means the estimated cost to replace the building in kind. Value may also mean the fair market value or appraised value of a building or parcel of land.

*Ventilation* means the process of supplying and removing air by natural or mechanical means to or from any space.

*Violator* shall mean the holder of legal title to parcel(s) of property where code violations are alleged by an Enforcing department.

*Walls: Bearing Wall* means a wall which supports any vertical load in addition to its own weight. *Exterior Wall* means a wall, bearing or nonbearing, which is used as an enclosing wall for a building but which is not necessarily suitable for use as a party wall or fire wall. *Foundation Wall* means a wall below the first floor extending below the adjacent ground level and serving as support for a wall, pier, column or other structural part of a building.

*Yard* means an open unoccupied space, on the same lot with a building, extending along the entire length of a street, or rear or interior lot line.