

ORDINANCE NO. 2009-03

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA RELATING TO BUILDING CODES AND THE ADOPTION OF THE 2007 EDITION OF THE FLORIDA BUILDING CODE AS REQUIRED BY STATE STATUTE; ADOPTING A LOCAL ADMINISTRATION SECTION AS PROVIDED FOR IN THE STATE BUILDING CODE BASED UPON THE BUILDING CODE ADVISORY BOARD OF PALM BEACH COUNTY MODEL; AMENDING SEC. 18.31 (b) (1) and (2) REGARDING THE ADOPTION OF THE GROUP OF CODES KNOWN AS THE 2007 FLORIDA BUILDING CODE, INCLUDING THE BUILDING CODE, THE NEC ELECTRICAL CODE, THE FLORIDA FIRE PREVENTION CODE, THE PLUMBING CODE, THE FUEL GAS CODE AND THE MECHANICAL CODE; REPEALING AND READOPTING SEC. 18.32, WELLINGTON BUILDING CODE ADMINISTRATIVE CODE, IN ITS ENTIRETY; AMENDING SEC. 18.33 AMENDMENTS TO THE FLORIDA BUILDING CODE TO REFERENCE THE CHANGED SECTION REFERENCES OF THE STATE BUILDING CODE AND ADOPTING A WINDSPEED MAP; REPEALING CHAPTER 32 "FLOODS" IN ITS ENTIRETY; ENACTING A NEW ARTICLE III "FLOOD DAMAGE PREVENTION"; PROVIDING FOR CODIFICATION; PROVIDING AN ADOPTION DATE; AND, PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 553 Florida Statutes was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code, to be called the Florida Building Code; and

WHEREAS, The Florida Building Commission has produced an updated version of the Florida Building Code titled the Florida Building Code 2007 for implementation; and

WHEREAS, The Florida Building Code 2007 consists of a single set of documents that apply to the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures, or facilities in this state and to the enforcement of such requirements and which will allow effective and reasonable protection for public, safety, health and general welfare for all the people of Florida at the most reasonable cost to the consumer; and

WHEREAS, the Florida Legislature has adopted legislation implementing the Florida Building Code 2007 Edition effective January 1, 2009; and

WHEREAS, it is the intent of the Legislature that municipalities shall have the power to inspect all buildings, structures, and facilities within their jurisdictions in the interest of protecting the public health, safety, and welfare pursuant to Chapter 166.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, that:

SECTION 1. Chapter 18, “Buildings and Building Regulations”, Article II “Technical Codes”, Section 18-31 “Village Building Codes” of the Village of Wellington’s Code of Ordinances is hereby amended to read as follows:

ARTICLE II. TECHNICAL CODES

Sec. 18.31. Village building codes.

(a) *Authority.* This chapter is promulgated pursuant to Chapter 553, Florida Statutes.

(b) *Codes adopted by reference.* The building official shall enforce the following, which are adopted by reference and as may be amended by this article.

- (1) The group of codes known as the Florida Building Code 20047.
 - a. Building.
 1. NEC Electrical Code.
 2. Florida Fire Prevention Code.
 - b. Plumbing.
 - c. Fuel gas.-
 - d. Mechanical.
- (2) International Property Maintenance Code, 20036 edition as published by the International Code Council, Inc.

Section 2. Chapter 18 “Buildings and Building Regulations”, Article II, “Technical Codes” of the Village of Wellington’s Code of Ordinances is hereby amended by repealing Section 18-32 “Wellington Building Code Administrative Code” in its entirety and enacting a new Section 18-32 “Wellington Building Code Administrative Code” to read as follows:

Sec. 18-32. Wellington Building Code Administrative Code.

The purpose of the Wellington Building Code Administrative Code is to provide for a means of properly enforcing the codes adopted by reference in Section 18-31.

CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Florida Building Code* hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures as herein amended by the Village of Wellington.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the *Florida Building Code, Residential*.
2. Existing buildings undergoing repair, alterations or additions and change of occupancy shall comply with the *Florida Building Code, Existing Building*.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. Appendices specifically adopted are Appendix G – Flood Resistant Construction.

101.3 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters, code officials, and emergency responders during emergency operations.

101.3.1 Quality Control. Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.

101.3.2 Permitting and Inspections. The permitting and inspection of any building, system, or plan by Village of Wellington, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system, or plan, or their adequacy. Village of Wellington shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system, or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting. Further, no Building Department employee shall be liable in tort for damage from such conditions, in accordance with Section 768.28(9)(a) *Florida Statutes*, as may be amended.

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.9 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Electrical. The provisions of Chapter 27 of the *Florida Building Code, Building* shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.2 Gas. The provisions of the *Florida Building Code, Fuel Gas* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.3 Mechanical. The provisions of the *Florida Building Code, Mechanical* shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating,

heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.4.4 Plumbing. The provisions of the *Florida Building Code*, Plumbing shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.5 Existing Buildings. The provisions contained within the 2006 International Property Maintenance Code as published by the International Code Congress shall establish the minimum standards for maintenance of; interior and exterior structure, required light and ventilation, required space and maximum number of occupants, minimum plumbing requirements, minimum heating requirements, minimum electrical system requirements and other requirements applicable to all structures currently in existence within the Village of Wellington.

101.4.6 Fire prevention. For provisions related to fire prevention, refer to the Florida Fire Prevention Code. The Florida Fire Prevention Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.7 Energy. The provisions of Chapter 13 of the *Florida Building Code*, Building shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.8 Accessibility. For provisions related to accessibility, refer to Chapter 11 of the *Florida Building Code*, Building.

101.4.9 Manufactured buildings. For additional administrative and special code requirements, see section 428, *Florida Building Code*, Building, and Rule 9B-1 F.A.C.

SECTION 102 APPLICABILITY

102.1 General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. 102.1.1 The *Florida Building Code* does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the *Florida Building Code*. Additionally, a local code enforcement agency may not administer or enforce the *Florida Building Code*, Building to prevent the

siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

102.2 Building. The provisions of the *Florida Building Code* shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in Chapter 34 of this code and the *Florida Building Code, Existing Building*. The following buildings, structures and facilities are exempt from the *Florida Building Code* as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

- (a) Building and structures specifically regulated and preempted by the federal government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.
- (e) Mobile or modular structures used as temporary offices, except that the provisions of Part V (Section 553.501-553.513, *Florida Statutes*) relating to accessibility by persons with disabilities, and permits shall be required for structural support and tie down, electrical supply, and all utility connections to such mobile or modular structures.
- (f) Those structures or facilities of electric utilities, as defined in Section 366.02, *Florida Statutes*, which are directly involved in the generation, transmission or distribution of electricity.
- (g) Temporary sets, assemblies or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.
- (h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing or other nonwood features.
- (i) Service provider water, sewer, storm, gas, cable, telephone, or other similar utility systems are exempt to the point of service connection for the building or structure.

102.2.1 In addition to the requirements of Section 553.79 and 553.80, *Florida Statutes*, facilities subject to the provisions of Chapter 395, *Florida Statutes* (Hospital Licensing and Regulation), and Part II of Chapter 400, *Florida Statutes* (Nursing Homes), shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of Chapter 395, *Florida Statutes*, and Part II of Chapter 400, *Florida Statutes*, and the certification requirements of the federal government.

102.2.2 Buildings or structures for residential uses moved into or within a county or municipality shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

1. The building or structure is structurally sound and in occupiable condition for its intended use;
2. The occupancy use classification for the building or structure is not changed as a result of the move;
3. The building is not substantially remodeled;
4. Current fire code requirements for ingress and egress are met;
5. Electrical, gas and plumbing systems meet the codes in force at the time of original construction and are operational and safe for reconnection; and
6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the applicable *Florida Statutes* for all buildings or structures of the same residential occupancy class.
7. The requirements of *Florida Building Code*, Existing Building are also satisfied.

102.2.3 The building official shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled. The cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

102.2.4 This section does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Financial Services to inspect state-owned buildings and boilers.

102.2.5 Upon request of the owner or owner's representative Building Official may promulgate rules granting to the owner of a single-family residence one or more exemptions from the *Florida Building Code* relating to replacing nonstructural components of building systems in the residence. Such request shall be submitted in writing to the Building Official

102.2.6 This Code does not apply to swings and other playground equipment accessory to a one- or two-family dwelling.

Exception: Electrical connection to such playground equipment.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.5 Reserved.

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, or *the Florida Fire Prevention Code*, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

102.7 Relocation of manufactured buildings.

1. Relocation of an existing manufactured building does not constitute an alteration.
2. A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the *Standard Building Code* (prior to March 1, 2002), the wind speed map of the *Standard Building Code* shall be applicable. If the existing building was manufactured in compliance with the *Florida Building Code* (after March 1, 2002), the wind speed map of the *Florida Building Code* shall be applicable.

SECTION 103 BUILDING DEPARTMENT

103.1 Establishment. There is hereby established a department to be called the building department and the person in charge shall be known as the building official. All code officials employed by the department shall be certified in accordance with Chapter 468, Part XII, *Florida Statutes*

103.2 Employee Qualifications

103.2.1 Building official's qualifications. The building official shall have at least ten years combined experience as an architect, engineer, construction code official, contractor or construction superintendent with at least five years of such experience in supervisory positions. The building official shall be certified as a building official or building code administrator by the State of Florida

103.2.2 Chief inspector qualifications. The building official, with the approval of the governing authority, may designate chief inspectors to administer the provisions of the Building, Electrical, Gas, Mechanical, and Plumbing Codes. Each chief inspector shall have at least ten years combined experience as an architect, engineer, construction code official, contractor or construction superintendent with at least five years of such experience in supervisory positions.

103.2.3 Plans examiner and inspector qualifications. The building official, with the approval of the applicable governing authority, may appoint or hire such number of officers, plans examiners, inspectors, assistants and other employees as shall be authorized from time to time. A person shall not be appointed or hired as a plans examiner or inspector of construction who has not had at least five years experience as a building inspector, engineer, architect, or as a superintendent, foreman, or competent mechanic in charge of construction, in the corresponding trade. The plans examiners and inspectors shall be certified, through the State of Florida for the appropriate trade.

103.2.4 Deputy building official qualifications. The building official may designate as a deputy an employee in the department who shall, during the absence or disability of the building official, exercise all the powers of the building official. The deputy building official shall have the same qualifications listed in 103.2.1.

103.4 Liability. Any current or former officer or employee, or member of the Construction Board of Adjustment and Appeals, charged with the enforcement of this code and acting for the applicable governing authority in the discharge of its duties, shall not thereby

render himself/herself personally liable, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties. Any suit brought against any current or former officer or employee or member because of such act performed in the enforcement of any provision of this code shall be defended by the agency or applicable governing authority until the first termination of the proceedings.

SECTION 104 DUTIES AND POWERS OF THE BUILDING OFFICIAL

104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official is further authorized to render interpretations of this code, which are consistent with its spirit and purpose.

104.2 Reserved.

104.3 Reserved.

104.4 Reserved.

104.5 Reserved.

104.6 Right of entry.

104.6.1 Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code. If such building or premises are occupied, he/she shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

104.26.2 When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.

104.7 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the building official.

104.8 Reserved.

104.9 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

104.9.1 Used materials and equipment. The use of used, recycled, or reclaimed materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

104.10 Reserved.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the SFPE *Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings*, or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

104.11.3 Accessibility. Alternative designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with Section 11-2.2.

SECTION 105 PERMITS

105.1 Required. Any contractor, owner, or agent authorized in accordance with *Florida Statute 489* who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

105.1.1 Annual facility permit. In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical, plumbing or interior nonstructural system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, component replacement of service systems or manufacturing equipment installations/relocations. The building official shall be notified of major changes and shall retain the right to make inspections at the work sites as deemed necessary. An annual facility permit shall be assessed an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have reasonable access to such records upon request. The building official is authorized to revoke or withhold the issuance of the future annual permits if code violations are found to exist.

105.1.3 Food permit. As per Section 500.12, *Florida Statutes*, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code. Permits shall not be required for the following:

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. The installation, replacement, removal or metering of any load management control device.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. The replacement of common household plumbing fixtures to existing supply lines and outlets. This does not include water heaters.

Electrical:

1. Repair or replacement of like common household electrical fixtures, switches, and outlets on the load side of the electrical source.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official. Prior notification shall be given to the building official including the work address, nature of emergency and scope of work.

105.2.2 Minor repairs. Ordinary minor repairs or installation of replacement parts may be made with the prior approval of the building official without a permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

105.2.3 Reserved.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building department for that purpose. Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of Section 713.135(5) and (6), *Florida Statutes*. Each application shall be inscribed with the date of application, and the code in effect as of that date. For a building permit for which an application is submitted prior to the effective date of the *Florida Building Code*, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the

requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for permits, the building official shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

105.3.1.1 If a state university, state community college or public school district elects to use a local government's code enforcement offices, fees charged by counties and municipalities for enforcement of the *Florida Building Code* on buildings, structures, and facilities of state universities, state colleges and public school districts shall not be more than the actual labor and administrative costs incurred for plans review and inspections to ensure compliance with the code.

105.3.1.2 No permit may be issued for any building construction, erection, alteration, modification, repair or addition unless the applicant for such permit provides to the enforcing agency which issues the permit any of the following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, *Florida Statutes*:

1. Electrical documents for any new building or addition for which the electrical system costs more than \$50,000. or requires an aggregate service capacity of 600 amperes (240 volts) or more on a residential electrical system or 800 amperes (240 volts) or more on a commercial or industrial electrical system.

4.2.Plumbing documents for any new building or addition for which the plumbing system costs more than \$50,000 or requires a plumbing system with more than 250 fixture units.

2.3.Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. A Contractor I, Contractor II or Contractor IV, certified under Section 633.521, *Florida Statutes*, may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.

3.4.Heating, ventilation and air-conditioning documents for any new building or addition for which the system costs more than \$50,000 or requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one, two, three or four-family structure.

An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, *Florida Statutes*, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of \$50,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

Example 1: When a space has two 10-ton systems with each having an independent duct system, the contractor may design these two systems since each unit (system) is less than 15 tons.

Example 2: Consider a small single-story office building which consists of six individual offices where each office has a single 3-ton package air conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air-conditioning work is \$47,000 and the office building accommodates fewer than 100 persons. Because the six mechanical units are connected to a common water tower this is considered to be an 18-ton system. It therefore could not be designed by a mechanical or air conditioning contractor.

NOTE: It was further clarified by the Commission that the limiting criteria of 100 persons and \$50,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4-5. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000. Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and sealed such document as provided in Section 471.025, *Florida Statutes*.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed expired six months after the date of filing, or for any six month period of abandonment or suspension during the application process, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing a minimum 10 days prior to the expiration date and justifiable cause demonstrated. All requests for extension of time shall be assessed a fee equal to the minimum plan review fee. Expired applications shall be subject to destruction in accordance with state law. There may be fees or requirements from other government agencies for permit application extensions and renewals.

105.3.3 An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair or addition unless the permit either includes on its face or there is attached to the permit the following statement: "NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies or federal agencies."

105.3.4 A building permit for a single-family residential dwelling must be issued within 30 working days of application therefore unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the *Florida Building Code* or the enforcing agency's laws or ordinances.

105.3.5 Identification of minimum premium policy. Except as otherwise provided in Chapter 440, *Florida Statutes*, Workers' Compensation, every employer shall, as a

condition to receiving a building permit, show proof that it has secured compensation for its employees as provided in Section 440.10 and 440.38, *Florida Statutes*.

105.3.6 Asbestos removal. Moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement: State law requires asbestos abatement to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

105.4 Conditions of the permit.

105.4.1 Permit intent. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction or violations of this code. Every permit issued shall expire unless the work authorized by such permit is commenced within 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the work is commenced.

105.4.1.1 If work has commenced and the permit is revoked, becomes null and void or expires because of lack of progress or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work.

105.4.1.2 If a new permit is not obtained within six months from the date the initial permit became null and void, the building official is authorized to require that any work which has been commenced or completed be removed from the building site. Alternately, a new permit may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new permit.

105.4.1.3 Work shall be considered to be in active progress when the permit has received an approved inspection within six months. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial

injunction, order or similar process. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 90 days each. The extension shall be requested in writing and justifiable cause demonstrated, prior to expiration.

105.4.1.4 Approval or denial of an extension request shall be in writing and signed by the building official. The applicant is required to pay a fee of 30 percent of the original permit or the minimum base fee whichever is greater, for this time extension. There may be fees or requirements from other government agencies for permit extensions and renewals.

105.4.1.5 Every building permit issued shall be valid for a maximum period of two years from the date of original issuance regardless of any extensions granted in section 105.4.1.3 Any building permit work that has not received a certificate of occupancy or certificate of completion within two years from the date of original issuance shall be considered expired. If a new building permit is not obtained in accordance with section 105.4.1.2 herein, within 30 days of the expiration of the expired building permit, the construction shall be subject to unsafe structure abatement proceedings.

105.5 Revocation of permits

105.5.1 Misrepresentation of application. The building official may revoke a permit or approval, issued under the provisions of this code, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

105.5.2 Violation of code provisions. The building official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code.

105.6 Reserved.

105.7 Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project.

105.8 Notice of commencement. As per Section 713.135, *Florida Statutes*, when any person applies for a building permit, the authority issuing such permit shall print on the face of each permit card in no less than 18-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

105.9 Asbestos. The enforcing agency shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of Section 469.003, *Florida Statutes*, and to notify the Department of Environmental Protection of his or her intentions to remove asbestos, when applicable, in accordance with state and federal law. Refer to Section 105.3.6 "Asbestos Removal" for additional requirements.

105.10 Certificate of protective treatment for prevention of termites. Duplicate treatment certificates shall be provided as each required protective treatment is completed, supplying one copy for the person the permit is issued to and another copy for the building permit files. The treatment certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval. For a bait system, see Section 1816.1.7 of the *Florida Building Code* for contract document requirements.

105.11 Notice of termite protection. A permanent sign which identifies the termite treatment provider and need for reinspection and treatment contract renewal shall be provided. The sign shall be posted near the water heater or electric panel.

105.12 Work starting before permit issuance. Upon written request and written approval of the building official, the scope of work delineated in the building permit application and plan may be started prior to the final approval and issuance of the permit, provided any work completed is entirely at risk of the permit applicant and the work does not proceed past the first required inspection. This provision is only for the *Florida Building Code*, all other Agency approvals necessary for construction must be secured prior to this provision being applied.

105.13 Phased permit approval. After submittal of the appropriate construction documents, the building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes.

105.14 Permit issued on basis of an affidavit. The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part III

of Chapter 468, *Florida Statutes* or is exempt as stated in Part XXXII of Chapter 471 and 481, *Florida Statutes*.

SECTION 106 CONSTRUCTION DOCUMENTS

106.1 Submittal documents. Construction documents, a statement of special inspections and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a design professional where required by the statutes. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a design professional. Electronic media documents shall be submitted in the approved format when required by the building official.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

If the design professional is an architect or engineer legally registered under the laws of this state regulating the practice of architecture as provided for in Chapter 481, *Florida Statutes*, Part I, or engineering as provided for in Chapter 471, *Florida Statutes*, then he or she shall affix his or her official seal to said drawings, specifications and accompanying data, as required by *Florida Statute*. If the design professional is a landscape architect registered under the laws of this state regulating the practice of landscape architecture as provided for in Chapter 481, *Florida Statutes*, Part II, then he or she shall affix his or her seal to said drawings, specifications and accompanying data as defined in Section 481.303(6)(a)(b)(c)(d), *FS*.

106.1.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents shall be submitted in the approved format when required by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official (see also Section 106.3.5).

106.1.1.1 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

106.1.1.2 Roof assembly documents. For roof assemblies required by the code, the construction documents shall illustrate, describe and delineate the type of roofing system, materials, fastening requirements, flashing requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate compliance with the wind criteria required for the specific site or a statement by an architect or engineer for the specific site must be submitted with the construction documents.

106.1.2 Additional data. The building official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the building official to be prepared by an architect or engineer shall be affixed with their official seal, signature and date as state law requires.

106.1.3 Quality of building plans. Building plans shall be drawn to a minimum 1/8 inch scale upon substantial paper, cloth or other acceptable medium. The building official may establish through departmental policy, standards for plans and specifications, in order to provide conformity to its record retention program. This policy may include such things as minimum and maximum sizes, shape, contrast, clarity, electronic format or other items related to records management.

106.2 Reserved.

106.3 Examination of documents. The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Exceptions:

1. Building plans approved pursuant to Section 553.77(5), *Florida Statutes*, and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly (including utility crossover connections) and construction at the site are subject to local permitting and inspections.
2. Industrial construction on sites where design, construction and fire safety are supervised by licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval by the building official, from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

106.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be ~~approved~~ endorsed, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

106.3.2 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

106.3.3 Product approvals. Those products which are regulated by DCA Rule 9B-72 shall be reviewed and approved in writing by the designer of record prior to submittal for jurisdictional approval.

106.3.4 Design professional in responsible charge.

106.3.4.1 Reserved.

106.3.4.2 Reserved.

106.3.4.3 Certifications by contractors authorized under the provisions of Section 489.1 15(4)(b), *Florida Statutes*, shall be considered equivalent to sealed plans and specifications by a person licensed under Chapter 471, *Florida Statutes*, or Chapter 481 *Florida Statutes*, by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind-resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one and two-family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under Chapters 471,481 or 489, *Florida Statutes*.

106.3.5 Minimum plan review criteria for buildings. The examination of the documents by the building official shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; and all exterior elevations:

Commercial Buildings:

Building

1. Site requirements:
 - Parking
 - Fire access
 - Vehicle loading
 - Driving/turning radius
 - Fire hydrant/water supply/post indicator valve (PIV)
 - Set back/separation (assumed property lines)
 - Location of specific tanks, water lines and sewer lines
2. Occupancy group and special occupancy requirements shall be determined.
3. Minimum type of construction shall be determined (see Table 503).
4. Fire-resistant construction requirements shall include the following components:
 - Fire-resistant separations
 - Fire-resistant protection for type of construction
 - Protection of openings and penetrations of rated walls
 - Fire blocking and draftstopping and calculated fire resistance
5. Fire suppression systems shall include:
 - Early warning smoke evacuation systems
 - Schematic fire sprinklers
 - Standpipes
 - Preengineered systems
 - Riser diagram
6. Life safety systems shall be determined and shall include the following requirements:
 - Occupant load and egress capacities

- Early warning
- Smoke control
- Stair pressurization
- Systems schematic
- 7. Occupancy load/egress requirements shall include:
 - Occupancy load
 - Gross
 - Net
 - Means of egress Exit access
 - Exit
 - Exit discharge
 - Stairs construction/geometry and protection
 - Doors
 - Emergency lighting and exit signs
 - Specific occupancy requirements
 - Construction requirements
 - Horizontal exits/exit passageways
- 8. Structural requirements shall include:
 - Soil conditions/analysis
 - Termite protection
 - Design loads
 - Wind requirements
 - Building envelope
 - Structural calculations (if required)
 - Foundation
 - Wall systems
 - Floor systems
 - Roof systems
 - Threshold inspection plan
 - Stair systems
- 9. Materials shall be reviewed and shall at a minimum include the following:
 - Wood
 - Steel
 - Aluminum
 - Concrete
 - Plastic
 - Glass
 - Masonry
 - Gypsum board and plaster
 - Insulating (mechanical)
 - Roofing
 - Insulation
- 10. Accessibility requirements shall include the following:
 - Site requirements
 - Accessible route
 - Vertical accessibility
 - Toilet and bathing facilities
 - Drinking fountains
 - Equipment
 - Special occupancy requirements

- Fair housing requirements
- 11. Interior requirements shall include the following:
 - Interior finishes (flame spread/smoke development)
 - Light and ventilation
 - Sanitation
- 12. Special systems:
 - Elevators
 - Escalators
 - Lifts
- 13. Swimming pools:
 - Barrier requirements
 - Spas
 - Wading pools

Electrical

1. Electrical:
 - Wiring
 - Services
 - Feeders and branch circuits
 - Overcurrent protection
 - Grounding
 - Wiring methods and materials
 - GFCIs
2. Equipment
3. Special occupancies
4. Emergency systems
5. Communication systems
6. Low voltage
7. Load calculations

Plumbing

1. Minimum plumbing facilities
2. Fixture requirements
3. Water supply piping
4. Sanitary drainage
5. Water heaters
6. Vents
7. Roof drainage
8. Back flow prevention
9. Irrigation
10. Location of water supply line
11. Grease traps
12. Environmental requirements
13. Plumbing riser

Mechanical

1. Energy calculations
2. Exhaust systems:
 - Clothes dryer exhaust
 - Kitchen equipment exhaust

Specialty exhaust systems

3. Equipment
4. Equipment location
5. Make-up air
6. Roof-mounted equipment
7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory

Gas

1. Gas piping
2. Venting
3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shutoffs

Demolition

1. Asbestos removal

Residential (one- and two-family)

1. Site requirements
 - Set back/separation (assumed property lines)
 - Location of septic tanks
2. Fire-resistant construction (if required)
3. Smoke detector locations
4. Egress
 - Egress window size and location stairs construction requirements
5. Structural requirements shall include:
 - Wall section from foundation through roof, including assembly and materials connector tables
 - Termite protection
 - Design Loads
 - Wind requirements
 - Building envelope
 - Structural calculations (if required)
 - Foundation
 - Wall systems
 - Floor systems
 - Roof systems
6. Accessibility requirements: show/identify accessible bath

7. Electrical:
Electric service riser with wire sizes, conduit detail and grounding detail. Complete load calculations, Panel schedules
8. Mechanical
Energy calculations, Equipment and location, Duct systems
9. Plumbing
Plumbing riser
10. Gas (relocation of section only)
Gas piping
Venting
Combustion air
Chimneys and vents
Appliances
Type of gas
Fireplaces
LP tank location
Riser diagram/shutoffs

Swimming Pools

- Barrier requirements
- Spas
- Wading pools

Exemptions.

Plans examination by the building official shall not be required for the following work:

1. Replacing existing equipment such as mechanical units, water heaters, etc.
2. Minor electrical, plumbing and mechanical repairs
3. Annual maintenance permits
4. Manufactured buildings plan except for foundations of buildings which are constructed on site.

106.4 Amended construction documents. Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the reviewed construction documents shall be resubmitted for review as an amended set of construction documents.

106.5 Retention of construction documents. One set of official construction documents shall be retained by the building official as required by *Florida Statutes*.

106.6 Reserved.

SECTION 107 TEMPORARY STRUCTURES AND USES

107.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall

not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

107.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

107.3 Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in Chapter 27 of the *Florida Building Code, Building*.

107.4 Termination of approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 108 FEES

108.1 Prescribed fees. A permit shall not be issued until fees authorized under Section 553.80, *Florida Statutes*, have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems has been paid.

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

108.3 Building permit valuations. If, in the opinion of the building official, the claimed valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates, and/or bona fide signed contracts (excluding land value) to meet the approval of the building official. For permitting purposes, valuation of buildings and systems shall be total replacement value to include structural, electric, plumbing, mechanical, interior finish, normal site work (excavation and backfill for buildings), architectural and design fees, marketing costs, overhead and profit; excluding only land value. Valuation references may include the latest published data of national construction cost analysis services (Marshall-Swift, Means, etc.), as published by International Code Congress.

108.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty fee in addition to the required permit fees, as set in approved schedule of fees.

108.5 Reserved.

108.6 Reserved.

SECTION 109 INSPECTIONS

109.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

109.1.1 Manufacturers and fabricators. When deemed necessary by the building official, he/she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

109.2 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

109.2.1 Existing building inspections. Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He/she may inspect the buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, before, during and upon completion of the work for which a permit was issued. He/she shall make a record of every such examination and inspection and of all observed violations of the technical codes. Additional regulations in *Florida Building Code, Existing Building* may apply.

109.3 Required inspections. The building official upon notification from the permit holder or his or her agent, shall make the following inspections, and such other inspections as deemed necessary, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. A complete survey, or special purpose survey may be required before an inspection is approved.

A. Building

1. **Foundation inspection.** To be made after trenches are excavated and forms erected and shall at a minimum include the following building components:
 - Stem-wall
 - Monolithic slab-on-grade
 - Piling/pile caps

- Footers/grade beams
2. **Framing inspection.** To be made after the roof, all framing, fireblocking and bracing is in place, all concealed wiring, all pipes, chimneys, ducts and vents are complete and shall at a minimum include the following building components:
 - Window/door framing
 - Vertical cells/columns
 - Lintel/tie beams
 - Framing/trusses/bracing/connectors (including truss layout drawings)
 - Draft stopping/fire blocking
 - Curtain wall framing
 - Energy insulation
 - Fire resistant joints and penetrations, as required (relocated from below)
 - Lath, as required (relocated from below)
 - Verify rough opening dimensions are within tolerances.
 - Accessibility.
 3. **Sheathing inspection.** To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:
 - Roof sheathing
 - Wall sheathing
 - Sheathing fasteners
 - Roof/wall dry-in.
 - Gypsum board, as required
 - Sheathing/cladding inspection
 4. **Roofing inspection.** Shall at a minimum include the following building components:
 - Dry-in
 - Insulation
 - Roof coverings (including in-progress)
 - Flashing
 5. **Final inspection.** To be made after the building is completed and ready for occupancy.
 6. **Swimming pool inspection.**
 - First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete.
 - Perimeter piping inspection/pressure test to be made prior to backfill and preparation of the pool deck (if any).
 - Light niche/wet niche inspection. To inspect the bonding of underwater light fixtures prior to filling the pool with water.
 - Pool deck inspection to be made prior to placing concrete in the pool deck with all required bonding connections completed.
 - Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

- In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 424.2.17.
- Final electric inspection to be made prior to filling the swimming pool with water.
- Final permanent barrier inspection to be made prior to filling the swimming pool with water.

7. Demolition inspections.

- First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations.
- Final inspection to be made after all demolition work is completed.

8. **Manufactured building inspections.** The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility crossovers; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the *Florida Building Code*. Additional inspections may be required for public educational facilities (see Section 423.27.20).

9. Where impact-resistant coverings are installed to meet requirements of this code, the building official shall schedule adequate inspections of impact-resistant coverings to determine the following:
- The system indicated on the plans was installed.
 - The system is installed in accordance with the manufacturer's installation instructions and the product approval.

B. Electrical

1. **Underground inspection.** To be made after trenches or ditches are excavated, conduit or cable is installed, and before any backfill is put in place.
2. **Rough-in inspection.** To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.
3. **Low Voltage.** To be made for security, alarm, elevator, and special uses prior to being covered from view.
4. **Power release inspection.** To be made after all electrical equipment, devices, and fixtures are in place and properly connected or protected, prior to the release of an electrical meter for the purpose of testing the electrical system.
5. **Final inspection.** To be made after the building is complete and the structure is ready for occupancy.

C. Plumbing

1. **Underground inspection.** To be made after trenches or ditches are excavated, piping is installed, and before any backfill is put in place.

2. **Rough-in inspection.** To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.
3. **Final inspection.** To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See Section 312 of the *Florida Building Code, Plumbing* for required tests.

D. Mechanical

1. **Underground inspection.** To be made after trenches or ditches are excavated, underground duct and fuel piping is installed, and before any backfill is put in place.
2. **Rough-in inspection.** To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
3. **Final inspection.** To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

E. Gas

1. **Rough piping inspection.** To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
2. **Final piping inspection.** To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
3. **Final inspection.** To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

109.3.1 Reserved.

109.3.2 Reserved.

109.3.3 Reinforcing steel and structural frames. Reinforcing steel or structural frame work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official. Certification that field welding and structural bolted connections meet design requirements shall be submitted to the building official, upon request.

109.3.4 Termites. Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.6, Section 2304.13

or Section 2304.11.6, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the building official has been received (also refer to Sections 105.10 and 105.11).

109.3.5 Shoring. For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida licensed professional engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the threshold building inspector.

109.3.6 Threshold building.

109.3.6.1 The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the building official, the architect or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

109.3.6.2 The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification or number-of-stories criteria which would result in classification as a threshold building under s. 553 .71(7), may designate such building as a threshold building, subject to more than the minimum number of inspections required by the *Florida Building Code*.

109.3.6.3 The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed or registered under Chapter 471, *Florida Statutes*, as an engineer or under Chapter 481, *Florida Statutes*, as an architect.

109.3.6.4 Each enforcement agency shall require that, on every threshold building:

109.3.6.4.1 The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the enforcement agency in substantially the following form: "To the best of my knowledge and belief, the above described construction of all structural load-bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the enforcement agency."

109.3.6.4.2 Any proposal to install an alternate structural product or system to which building codes apply shall be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency's recorded set of permit documents.

109.3.6.4.3 All shoring and reshoring procedures, plans and details shall be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor.

109.3.6.4.4 All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with this section and Chapter 633, *Florida Statutes*.

109.3.6.5 No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in Section 489.105(3)(a), *Florida Statutes*, or to a licensed building contractor, as defined in Section 489.105(3)(b), *Florida Statutes*, within the scope of her or his license. The named contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building permit was issued.

109.3.6.6 The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, Section 553.73, *Florida Statutes*, without duplicative inspection by the building department. The building official is responsible for ensuring that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*, or certified as a special inspector under Chapter 471 or 481, *Florida Statutes*. Inspections of threshold buildings required by Section 553.79(5), *Florida Statutes*, are in addition to the minimum inspections required by this code.

109.3.7 Reserved.

109.3.8 Other inspections services. The building official may make, or cause to be made by others, the inspections required by Section 109. He/she may accept reports of inspectors of recognized inspection services, provided that after investigation he/she is satisfied as to their qualifications and reliability. A certificate called for by any provision of the technical codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service. The building official may require the owner to employ an inspection service in the following instances:

1. For buildings or additions of Type I construction
2. For all major structural alterations
3. Where the concrete design is based on compressive strength (f 'c) in excess of 3000 pounds per square inch
4. For pile driving
5. For buildings with area greater than 20,000 square foot
6. For buildings more than 2 stories in height
7. For buildings and structures of unusual design or methods of construction

Such inspectors shall be adequately present at all times work is underway on the structural elements of the building. Such inspectors shall be a registered architect, or

engineer, or a person licensed under Chapter 468, Part XII, *Florida Statutes*. Such inspectors shall submit weekly progress reports including the daily inspections to the building official, and including a code compliance opinion of the Resident Inspector.

At the completion of the construction work or project, such inspectors shall submit a certificate of compliance to the building official, stating that the work was done in compliance with this code and in accordance with the permitted drawing. Final inspection shall be made by the building official before a Certificate of Occupancy or Certificate of Completion is issued; and confirmation inspections may be made at any time to monitor activities and resident inspectors.

109.3.9 Reserved.

109.3.10 Inspections prior to issuance of Certificate of Occupancy or Completion.

The building official shall inspect or cause to be inspected, at various intervals, all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the Certificate of Occupancy or Certificate of Completion. In performing inspections, the building official shall give first priority to inspections of the construction, addition, or renovation to, any facilities owned or controlled by a state university, state community college or public school district.

109.4 Impact of construction. All construction activity regulated by this code shall be performed in a manner so as not to adversely impact the condition of adjacent property, unless such activity is permitted to affect said property pursuant to a consent granted by the applicable property owner, under terms or conditions agreeable to the applicable property owner. This includes, but is not limited to, the control of dust, noise, water or drainage run-offs, debris, and the storage of construction materials. New construction activity shall not adversely impact legal historic surface water drainage flows serving adjacent properties, and may require special drainage design complying with engineering standards to preserve the positive drainage patterns of the affected sites. Accordingly, developers, contractors and owners of all new residential development, including additions, pools, patios, driveways, decks or similar items, on existing properties resulting in a significant decrease of permeable land area on any parcel or has altered the drainage flow on the developed property shall, as a permit condition, provide a professionally prepared drainage plan clearly indicating compliance with this paragraph. Upon completion of the improvement, a certification from a licensed engineer shall be submitted to the inspector in order to receive approval of the final inspection.

109.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

109.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the written release of the building inspector. The building inspector, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this

code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building inspector.

SECTION 110 CERTIFICATES OF OCCUPANCY AND COMPLETION

110.1 Certificate of Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy therefore as provided herein. Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the building official.

110.2 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a Certificate of Occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

110.3 Temporary/partial occupancy. A temporary/partial Certificate of Occupancy or Certificate of Completion may be issued for a portion or portions of a building that may safely be occupied prior to final completion of the building. The building official may require, once all life safety issues have been complied with, an applicant to provide adequate cash surety for unfinished work or revision of plans until a permanent Certificate of Occupancy or Certificate of Completion is granted. The purpose of the cash surety is to insure completion of work under this permit. Such cash surety shall be equal to one hundred ten percent (110%) of the estimated value of the remaining work, including labor and material, as determined by the design professional. The design professional shall submit a signed and sealed document attesting to the amount required to cover the cash surety. If work has not been completed and all finals requested within 90 days of issuance of the initial Temporary/Partial Certificate of Occupancy or Certificate of Completion, the

jurisdiction retains the right to have the applicant surrender the cash surety. The jurisdiction then may use the surety to finish the remaining work. The surety shall be in the form of cash money, certified check, or cashiers check. Surety shall be returned upon approval of all final inspections and upon written request that has been approved by the building official. This provision is only for the *Florida Building Code*, all other Agency approvals necessary for construction must be secured prior to this provision being applied.

110.4 Certificate of Completion. Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a Certificate of Completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a Certificate of Occupancy.

110.5 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 111 SERVICE UTILITIES

111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official and a certificate of occupancy or completion is issued. The servicing utility company shall not connect the power supply until notified by the building official.

111.2 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy.

111.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes, in case of emergency where necessary to eliminate an immediate hazard to life, property, or unsafe condition. The building official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure, or service system shall be notified in writing, as soon as practical thereafter.

SECTION 112 TESTS

The building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or agent, by an approved testing laboratory or other approved agency.

SECTION 113 VIOLATIONS

Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, without full compliance with applicable codes, laws, ordinances, rules and regulations, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of applicable codes, laws, ordinances, rules and regulations is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws. Nothing in this section shall prevent the authority having jurisdiction from imposing fines, liens, or seek injunction relief, or exercising other enforcement powers as permitted by law. Code enforcement and penalties of 162 *Florida Statutes* Part I shall be authorized if building work begins without payment of all required fees, and for the purposes of enforcing this code, code officials licensed under Florida Statute 468 Part XII are deemed "Code Inspectors", as defined in Florida Statute 162.04.

SECTION 114 STOP WORK ORDER

114.1 Stop work orders. Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner, shall immediately cease.

114.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

114.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 115 UNSAFE STRUCTURES AND EQUIPMENT

115.1 Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide

adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with this Code. The extent of repairs shall be determined by the building official.

When the building official determines that an unsafe building, structure or service system cannot be reasonably repaired in accordance with this or the technical codes, it shall be demolished in accordance with this section.

115.1.1 When the building official determines a building, structure, electrical, gas, mechanical or plumbing system or portion thereof is unsafe, as set forth in this Code he/she shall, in accordance with established procedure for legal notices, give the owner, agent or person in control of such building, structure, electrical, gas, mechanical or plumbing system written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building, structure, electrical, gas, mechanical or plumbing system or portion thereof.

115.1.2 If necessary, such notice shall also require the building, structure, electrical, gas, mechanical, plumbing systems or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the building official. The building official shall cause to be posted at each entrance to such building a notice stating: THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or its officers, agents, or other servants, to remove such notice without written permission of the building official, or for any person to enter the building, or use such systems except for the purpose of making the required repairs or of demolishing same.

115.1.3 The owner, agent or person in control shall have the right to appeal from the decision of the building official, as provided hereinafter, and to appear before the Construction Board of Adjustments and Appeals at a specified time and place to show cause why he should not comply with said notice.

115.1.4 In case the owner, agent, or person in control cannot be found within the stated time limit, or, if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish, and remove said building, structure, electrical, gas, mechanical or plumbing system or portion thereof, the building official, after having ascertained the cost, shall cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof, to be demolished, secured, or required to remain vacant or unused.

115.1.5 The decision of the building official shall be final in cases of emergency, which, in the opinion of the building official, involve imminent danger to human life or health, or the property of others. He/she shall promptly cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof to be made safe or cause its removal. For this purpose he/she may at once enter such structure or land on which it stands, or

abutting land or structures, with such assistance and at such cost as he may deem necessary. He/she may order the vacating of adjacent structures and may require the protection of the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

115.1.6 Costs incurred under 104.5.4 and 104.5.5 shall be charged to the owner of the premises involved. If charges are not paid within a ten (10) day period following the billing notification sent by certified mail, the owner of the premises will be charged in the following manner:

1. The building official shall assess the entire cost of such vacation, demolition, or removal against the real property upon which such cost was incurred, which assessment shall include but not be limited to all administrative costs, postal expenses, newspaper publication, and shall constitute a lien upon such property superior to all others except taxes.
2. The Village Clerk shall file such lien in the County's Official Record Book showing the nature of such lien, the amount thereof and an accurate legal description of the property, including the street address, which lien shall be effective from the date of filing and recite the names of all persons notified and interested persons. After three (3) months from the filing of any such lien which remains unpaid, the governing body may foreclose the lien in the same manner as mortgage liens are foreclosed. Such lien shall bear interest from date of abatement of nuisance at the rate of 10 percent per annum and shall be enforceable if unsatisfied as other liens may be enforced by the governing agency.

SECTION 116 CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

116.1 Establishment The establishment, powers, membership, terms, quorum and voting of the Construction Board of Adjustment and Appeals are set forth in Article VI, Division 7, Sections 2-327 through 2-330 of the Village of Wellington Code of Ordinances. Additionally the following shall apply:

116.1.1 Secretary of board. The building official or his/her authorized representative shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

116.2 Powers. The Construction Board of Adjustments and Appeals shall have the power, as further defined in 112.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

116.3 Additional Powers. The Construction Board of Adjustments and Appeals shall also constitute the local board authorized under FS 489.113(4)(b) to hear complaints against state licensed contractors brought forward by the Building Official, or by Village citizens, with the power to deny, suspend or revoke the authority to obtain a permit or

permits, if the local construction regulation board has found such contractor, through the public hearing process, to be guilty of fraud or a willful building code violation within the Village of Wellington.

116.4 Appeals

116.4.1 Decision of the building official. The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

116.4.2 Variances. The Construction Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

116.4.2.1 Conditions of the variance. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

116.4.3 Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision. Appeals shall be in a form acceptable to the building official.

116.4.4 Unsafe or dangerous buildings or service systems. In the case of a building, structure or service system, which in the opinion of the building official, is unsafe,

unsanitary or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.

116.5 Procedures of the board.

116.5.1 Rules and regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.

116.5.2 Decisions. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

SECTION 117 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

Section 3. – Chapter 18 “Buildings and Building Regulations”, Article II “Technical Codes” Section 18-33 “Amendments to the Florida Building Code is hereby amended to read as follows:

Sec. 18-33. Amendments to the Florida Building Code.

Section 1609.3. of the Florida Building Code-Building, Chapter 16 Structural Loads is amended to read:

1609.3 Basic wind speed. The basic wind speed in miles per hour, for the development of wind loads, shall be determined from Palm Beach County Basic Wind Speed Map dated October 15, 2007 as depicted on map Figure 1609 and is hereby added to this code.

Section 4. That Chapter 32 “Floods” of the Village of Wellington’s Code of Ordinances is hereby repealed in its entirety.

Section 5. That Chapter 18 “Buildings and Building Regulations” is hereby amended by enacting a new Article III, “Flood Damage Prevention” is enacted to read as follows:

ARTICLE I. IN GENERAL

Secs. 32-1--32-20. Reserved.

ARTICLE II. FLOOD DAMAGE PREVENTION

Sec. 18-40. Findings of fact.

The village council finds and declares that:

- (1) The areas of special flood hazard for the village are subject to periodic inundation which may result in loss of life and property, may be a health and safety hazard, may cause disruption of commerce and governmental services, may cause extraordinary public expenditures for flood protection and relief, and may be an impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Sec. 18-41. Purpose of article.

It is the purpose of this article to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of floodwaters.
- (4) Control filling, grading, dredging, and other development which may increase erosion or flood damage.
- (5) Prevent or regulate the construction of flood barriers which may unnaturally divert floodwaters or which may increase flood hazards to other lands.

Sec. 18-42. Objectives.

The objectives of this article are:

- (1) To protect human life and health.
- (2) To minimize expenditure of public money for costly flood control projects.

- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (4) To minimize prolonged business interruptions.
- (5) To minimize danger to public facilities and utilities such as water and gas mains.
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.
- (7) To insure that potential homebuyers are notified that property is in a flood area.
- (8) To insure eligible homeowners may purchase flood hazard insurance.

Sec. 18-43. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Addition (to an existing building) means an extension or increase in the floor area or height of a building or structure by other than a firewall. Any extension or increase in floor area or height that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Appeal means a request for a review of the building official's interpretation of any provision of this article or a request for a variance.

Area of shallow flooding means a designated AO zone on the flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard means the land in the floodplain within the village subject to a one percent or greater chance of flooding in any given year.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation and BFE means the elevation above mean sea level, as shown on the FIRM and FHBM.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Development means any manmade change to improved or unimproved real property, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, permanent storage of materials or equipment.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation, perimeter walls, pilings, columns, posts, piers, shear walls, or breakaway walls.

Elevation means the height of the finished floor, grade, or other object in relation to mean sea level. (NGVD)

Existing construction means any structure for which the start of construction commenced before October 1, 1999.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or from the unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of the village, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special hazard have been defined as zone A.

Flood insurance rate map (FIRM) means an official map of the village on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the applicable risk premium zones.

Flood insurance study means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, the flood boundary floodway map, and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Habitable floor means any floor usable for living purposes, including working, eating, sleeping, cooking, or recreation, or a combination thereof, such as, but not limited to, bedrooms, living rooms, laundry rooms, bathrooms, workshops, dens, and studies. The term does not include a floor used only for storage or vehicle parking purposes.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Lowest floor means the lowest floor of the lowest enclosed area (including a basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities; structures regulated by the Florida Department of Highway Safety and Motor Vehicles Division of Motor Vehicles, Bureau of Mobile Homes and Recreational Vehicles Construction, and the Department of Housing and Urban Development. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved.

Market value of the structure means the appraised value of the structure, not including land, driveways, sidewalks, landscaping, swimming pools, and other similar improvements not related to the basic structure, prior to the start of repair or improvement, or in the case of damage, prior to the damage occurring.

Mean sea level means the average height of the sea for all stages of the tide. It is used as reference for establishing various elevations within the floodplains. For purposes of this article, the term is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic Vertical Datum (NGVD) as corrected in 1929, means a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction: Structures for which the start of construction commenced on or after October 1, 1999. The term also includes any subsequent improvements to such structure.

Nonconforming structure means a structure in any area of special flood hazard within the village which is not elevated or flood-proofed to National Flood Insurance Program standards, as set forth in 44 CFR 59 and 60, built prior to the effective date of this article [Ordinance No. 99-14].

Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start of construction means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial damage or substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facility or infrastructure.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during the life of a building in which the cumulative cost equals or exceeds 50 percent of the market value of the building. The market value of the building is (1) the appraised value of the building prior to the state of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the building official and which are solely necessary to assure safe living conditions.

Variance: A grant of relief from the requirements of this chapter that permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

Village engineer means the engineer of the village.

Sec. 18-44. Interpretation of article.

In the interpretation and application of this article, all provisions shall be considered as minimum requirements and deemed to neither limit nor repeal any other powers granted under state laws.

Sec. 18-45. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easement, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 18-46. Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based upon scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not be deemed to create liability on the part of the village or any officer or employee thereof for any flood damages that may result notwithstanding reliance on this article or any administrative decision made thereunder.

Sec. 18-47. Penalties for violation of chapter.

A failure to comply with the provisions of this chapter or any of its requirements, including conditions and safeguards established in connection with grants of variances, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon a finding of such violation, be fined not more than \$500.00 and shall pay all costs and expenses in the case. Each day a violation continues

shall be considered a separate offense. Nothing contained in this section shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 18-48. Lands to which this article applies.

This article shall apply to all areas of special flood hazard within the village.

Sec. 18-49. Adoption of maps and study.

Federal Emergency Management Agency maps entitled "Flood Insurance Rate Map and Floodway," dated October 15, 1982, or as may be amended by FEMA, with the accompanying maps and other supporting data thereto, are adopted by reference and declared to be part of this article.

Sec. 18-50. Development permit required.

(a) A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

(b) No structure or land shall be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable regulations.

Sec. 18-51. Administration, permit procedures, duties of building official.

A. Designation of building official. The building official is hereby appointed to administer and implement the provisions of this chapter.

B. Permit procedures. An application for a development permit shall be made to the building official or village engineer, as may be applicable, on forms furnished by him or her prior to any development activities, and shall include, but not be limited to, plans drawn to scale showing the nature, location, dimensions, and elevations of the property; existing or proposed structures; fill; storage of materials or equipment; drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(1) *Application stage.*

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all structures.
- b. Elevation in relation to mean sea level to which any nonresidential structure will be flood proofed.
- c. Certificate from a state registered professional engineer or architect that a nonresidential flood-proofed structure will meet the flood proofing criteria contained in this chapter.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- e. For all additions to or alterations of any structure, an appraisal of the market value of the structure from an MAI (Member, Appraisal Institute) or SREA (Senior Real Estate Appraiser) designated appraiser may be provided, along with information showing all costs involved in the proposed work, including, but not

limited to, materials and labor. If an appraisal is not provided, the appraisal of the value of the structure as determined by the county property appraiser will be used.

f. For all additions to or alterations of any nonconforming structure, information showing all of the costs of the proposed work shall be provided to the building official.

g. Elevation certificate of the property showing lowest floor of existing buildings and grade elevations duly certified by a state registered land surveyor.

- (2) *Construction stage.* Provide a floor elevation or flood-proofing certification after the lowest floor is completed, in relation to mean sea level. The certification shall be prepared by or under the supervision of a state-registered land surveyor or, when flood proofing is utilized for a particular building, the certification shall be prepared by or under the supervision of a state registered professional engineer or architect, and shall be certified and sealed. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The building official shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project.

C. Duties of the building official and/or village engineer. The duties of the building official and/or village engineer shall include, but not be limited to:

- (1) Reviewing all development permit applications to ensure that the permit requirements of this chapter have been satisfied.
- (2) Advising applicants that additional federal or state permits may be required and, if specific federal or state permit requirements are known, requiring that copies of such permits are provided and maintained on file with the development permit.
- (3) Notifying adjacent communities and the state assistance office for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submitting evidence of such notification to the Federal Emergency Management Agency.
- (4) Ensuring that maintenance is provided within the altered or relocated portion of a watercourse so that the flood-carrying capacity is not diminished.
- (5) Verify and record a certification of the actual elevation (in relation to the mean sea level) of the lowest floor, including the basement, of all new or substantially improved structures, when located in a special flood hazard area.
- (6) Verify and record a certification of the actual elevation to which the new or substantially improved structures have been flood proofed, when located in a special flood hazard area.

- (7) When flood proofing is utilized for a particular structure, obtaining a certification from a state registered professional engineer or architect, when located in a special flood hazard area.
- (8) Making any interpretations that may be needed as to the exact location of boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The Building Official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.
- (9) Obtaining, reviewing, and reasonably utilizing any base flood elevation and floodway data available from a federal, state, or other source whenever base flood elevation data or floodway data have not been provided as required in order to administer the provisions of this ordinance.
- (10) Maintaining all records pertaining to the administration of the provisions of this chapter.
- (11) Promulgating administrative policies and procedures for determining eligible and ineligible costs for construction or renovation of a structure in the floodplain, consistent with this chapter and applicable state and federal law.

Sec. 18-52. Variances from article.

(a) The construction board of adjustment and appeals shall hear and decide appeals from decisions of the building official pursuant to this article and requests for variances from the requirements of this article. A decision of the board shall be final, subject to judicial review by common law certiorari in circuit court.

(b) In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this article, and:

- (1) The danger that material may be swept onto other lands to the injury of others.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the owner.
- (4) The importance of the services provided by the proposed facility to the community.
- (5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility.
- (6) The availability of alternative locations not subject to flooding or erosion damage for the proposed use.
- (7) The compatibility of the proposed use with existing and anticipated development.

- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- (9) The safety of access to the property in times of flood for emergency and non-emergency vehicles.
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, and the effects of wave action, if applicable, expected at the site.
- (11) The costs of providing governmental services during and after-flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(c) Conditions for variances:

- (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (2) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in unnecessary and exceptional hardship on the property, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of a nuisance, cause fraud on or victimization of the public, or a conflict with existing local laws or ordinances.
- (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Any applicant receiving a variance shall be given written notice specifying the difference between the base flood elevation and the elevation that the building is built and statement that the flood insurance cost will most likely increase commensurating with the increased risk resulting from the reduced elevation.
- (5) Upon consideration of the factors listed above, and the purposes of this article, the board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this article.
- (6) The building official shall maintain the records of all appeal actions and shall report any variances to the Federal Emergency Management Agency upon request.

Sec. 18-53. Provisions for flood hazard reduction.

A. General standards. In all areas of special flood hazard, the following standards are required, and compliance with those standards relating to structural stability shall be certified by an engineer or architect registered in this state:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-

top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at or above the base flood elevation or shall be designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) New and replacement water supply systems shall be designed to minimize or eliminate the infiltration of floodwaters into the system.
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate the infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (9) Any alteration, repair, reconstruction, or improvements to a structure that is in compliance with the provisions of this article shall meet the requirements of new construction as contained in this article.

B. Specific standards. In all areas of special flood hazard, the following standards are required:

- (1) *Residential construction (A zone).* New construction or substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated at or above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movement of floodwaters shall be provided in accordance with the standards set forth in subsection (b)(3) of this section.
- (2) *Nonresidential construction (A zone).* New construction or substantial improvement of any commercial, industrial or nonresidential structure shall have the lowest floor, including the basement, elevated at or above the level of the base flood elevation. Structures located in all A zones may be flood-proofed in lieu of being elevated, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A state-registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the building official as set forth in section 32-32.

- (3) *Elevated buildings (A zone)*. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by the foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

Designs for complying with this requirement shall either be certified by a state registered professional engineer or architect or meet the following minimum criteria:

- a. Provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- (4) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation except as may be required by other codes, or where there is a more practical location consistent with the intent of another code, and approved by the building official.
 - (5) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), and entry to the living area (stairway or elevator).
 - (6) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

C. Standards for manufactured homes.

- (1) All manufactured homes placed, or substantially improved, on individual lots or parcels must meet all the requirements for new construction, including elevation and anchoring.

D. Floodways. Located within areas of special flood hazard are areas designated as floodways. Because the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential, the following standards shall apply:

- (1) Encroachments, including fill, new construction, substantial improvements, and other developments are prohibited unless certification, with supporting technical data, by a state-registered professional engineer is provided demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

(3) The placement of manufactured homes is prohibited.

Sec. 18-54. Subdivision proposals.

All proposed subdivisions and other proposed developments consisting of at least 50 lots or five acres, or both, shall be reviewed by the village engineer to determine that the following requirements have been or will be satisfied:

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed so as to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided so as to reduce exposure to flood hazards.
- (4) Base flood elevation data shall be provided for subdivision proposals and proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of 50 lots or five acres.

Sec. 18-55. Areas of shallow flooding (AO zones).

Located within the areas of special flood hazards are areas designated as shallow flooding areas. Because these areas have special flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate, the following standards are required:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including the basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including the basement, shall be elevated at least two feet above the highest adjacent grade.
- (2) All new construction and substantial improvements of nonresidential structures shall:
 - a. Have the lowest floor, including the basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including the basement, shall be elevated at least two feet above the highest adjacent grade; or
 - b. Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.


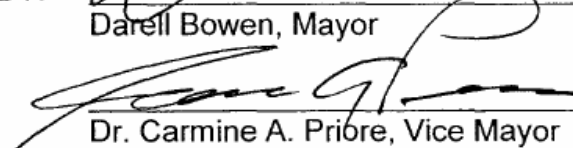
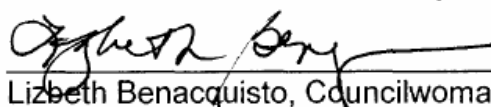
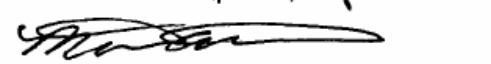
SECTION 6: All Ordinances or part of Ordinances in conflict be and the same are hereby repealed.

SECTION 7: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid such decision shall not affect the validity of the remainder of this Ordinance.

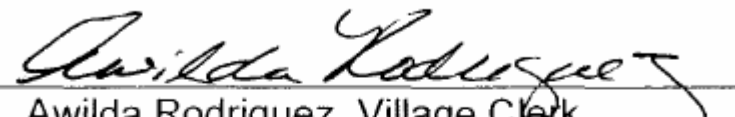
SECTION 8: This Ordinance shall become effective immediately upon adoption of the Village Council of the Village of Wellington following second reading.

PASSED this 13th day of January, 2009, upon first reading.

PASSED AND ADOPTED on this 27th day of January, 2009, on second and final reading.

VILLAGE OF WELLINGTON		FOR	AGAINST
BY:	 Darell Bowen, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	 Dr. Carmine A. Priore, Vice Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	 Lizbeth Benacquisto, Councilwoman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	 Matt Willhite, Councilman	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ATTEST:

BY: 
Awilda Rodriguez, Village Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: 
Jeffrey S. Kurtz, Village Attorney

Figure 1609

