Sec. 22-32. - Administrative amendments to Florida Building Code, Chapter 1, "Administration."

(a) The city hereby amends and supplements Chapter 1 of the Florida Building Code by the adoption or deletion of the following sections of said chapter. Chapter 1, as hereby amended and supplemented and as set forth below, shall be in full force and effect within the city:

101.3.3 Permitting and Inspection. The inspection or permitting of any building, system or plan by any jurisdiction, 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. No jurisdiction nor any involved employee thereof shall be liable in tort for damages for any defect 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.

101.4.2.3.2 Unsafe buildings. Unsafe buildings shall be abated as set forth in section 22-36 of the City Code of Ordinances.

101.4.2.5 Deleted.

101.4.8 Appendices. Appendices A through E are hereby adopted and incorporated into this code.

102 BUILDING DIVISION

102.1 Establishment. There is hereby established a division to be called the building division and the person in charge to be known as the building official.

102.2 Employee qualifications.

102.2.1 Building official qualifications. The building official shall be licensed as a building code administrator by the State of Florida. The building official shall be appointed or hired by the city and shall be bound by the applicable personnel rules of the city, if an employee, or by the terms of the contract appointing him or her, if an independent contractor.

102.2.2 Employee qualifications. The city may appoint or hire such number of officers, inspectors, plans examiners, assistants and other employees as shall be authorized from time to time. A person shall not be appointed or hired as an inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner in the appropriate trades as established by the State of Florida.

103 POWERS AND DUTIES OF
BUILDING OFFICIAL

103.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such

interpretations, policies and procedures shall be in compliance with the intent and purpose of this code, and shall not have the effect of waiving requirements specifically provided for in this code.

103.2 Right of entry.

103.2.1 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, the building official shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, the building official 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.

103.2.2 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.

103.3 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. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

103.4 Revocation of permits.

103.4.1 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 a material fact in the application or plans on which the permit or approval was based.

103.4.2 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.

103.5 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 PERMITS

104.1.1 When required. Any owner, authorized agent, or contractor who desires 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 electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work. Permit applicants shall be properly qualified under the laws regulating the certification and licensing of contractors, or be exempt therefrom. A permit shall be required for, but not limited to, the following as determined by the building official:

Buildings/Structures - Construct, erect, enlarge, alter, move, remove, relocate, demolish or change the occupancy of any building, or portion thereof.

Service Systems - Install, enlarge, alter, repair, improve, remove, convert or replace any electrical, gas, mechanical, or plumbing system work or cause the same to be done.

Roofing - Install, replace, or resurface roofing, or make repairs.

Windows & Doors - Install or replace windows or doors including frames, shutters, awnings, canopies, or similar items.

Barriers & Signs - Erect or replace fences, walls, signs, or sign structures.

Antennas, Mast or Poles - Install or replace masts, towers for television or radio receiving-transmitting antenna extending more than 10 ft above the last anchorage, satellite dish antennas, flag poles, exterior lighting or similar items.

Pools - Install swimming pool, wading pool, or spas, above or below ground, unless otherwise exempted.

Fuel Tanks - Install or replace gasoline, fuel, oil, bottled gas, oxygen, nitrous oxide, or similar liquid or gaseous storage tanks, pumps, and related equipment, above or below ground in a capacity of more than 5 gallons.

Surfaces - Construct, replace or resurface asphalt or concrete driveways, parking areas, hardstands, or sidewalks.

Marine Facilities - Install or replace docking mooring facilities for private or commercial watercraft, groins, sea walls, jetties, revetments, or similar structures and facilities related thereto.

Fire Prevention/Suppression - Install, replace, or relocate fire sprinkler, fire alarm, smoke detection, or similar fire prevention and protection systems and related equipment or appurtenances.

EXCEPTIONS:

Ordinary minor repairs, installation or replacement may be made with the approval of the building official without a permit. Installation shall be done in accordance with the manufacturer's specification when not in conflict with this or the technical Codes.

Exemption from the 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 or the technical codes or any other laws or ordinances of the applicable governing body.

Building. Building permits may not be required for replacement or repair work having value of less than $1,000.00, providing, however, that such work will not effect the structural integrity, fire rating, exit access or egress requirements. In the case of roofing repairs a permit may not be required for work having a value of less than $500.00.

Mechanical. Permits may not be required for the following mechanical work:

1. any portable heating appliance.

2. any portable ventilation equipment.

3. any portable cooling unit.

4. any 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. any portable evaporative cooler.

7. any self-contained refrigeration system containing 10 lb or less of refrigerant and actuated by motors of 1 horsepower or less.

8. Replacement components like originals upon approval of building official.

Electrical, Gas & Plumbing. In a 1 & 2 Family Dwelling, a permit may not be required for the following:

1. Repair, installation or replacement of common household fixtures to existing energy supply lines and outlets. Existing energy supply lines shall not be altered or extended.

2. Repair or replacement of common household electrical switches and outlets on the load side of the electrical source.

3. Repair, installation or replacement of common household plumbing fixtures to existing supply lines and outlets. Existing supply lines shall not be altered or extended. This does not include water heaters.

4. Replacement components like originals upon approval of building official.

104.2.1.2 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.

104.2.1.3 Quality Of Plans. Plans shall be drawn to a minimum 1/8 th inch scale upon substantial paper, cloth or other acceptable medium. The building official may establish, through city policy, standards for plans and specifications, in order to provide conformity to its record retention program. This policy may include such things as minimum size, shape, contrast, clarity, or other items related to records management.

104.2.4 Site Drawings. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official may require a boundary line survey, or other survey, prepared by a qualified surveyor whenever the boundary lines cannot be determined in the field.

104.4.5 Special Foundation Permit. When an application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the building official may, at his or her discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his or her own risk and without assurance that a permit for the remainder of the work will be granted or that corrections will not be required in order to meet provisions of the technical codes.

104.5.1 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 become invalid 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. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing to the building official and justifiable cause demonstrated. Extensions shall be in writing by the building official if granted.

104.5.2 Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations supervise such work. In addition, the architect and engineer shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his or her stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person not properly licensed as an engineer or architect conducting plans review is qualified as a plans examiner under part XII of Chapter 468, Florida Statutes, and that any person not properly licensed as an engineer or architect conducting inspections is qualified as a building inspector under Part III of Chapter 468, Florida Statutes.

104.6.2 Work Commencing Before Permit Issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees, plus penalty fees up to 300 percent of the usual permit fee, as decided by the building official.

104.6.4 Building Permit Valuation. 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, overhead and profit.

105 INSPECTIONS

105.1 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 or she shall inspect all buildings, structures, electrical, gas, mechanical

and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He or she shall make a record of every such examination and inspection and of all violations of the technical codes.

105.2 Manufacturers And Fabricators. When deemed necessary by the building official, he 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.

105.3 Resident Inspection Services. The building official may make, or cause to be made by others, the inspections required by this section 105. He or she may accept reports of inspectors of recognized inspection services, provided that after investigation he 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 or Type II construction

2. for all major structural alterations

3. where the concrete design is based on compressive strength (fc) in excess of 3,000 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 inspector shall be present at all times that work is in progress on the structural frame. Such inspector shall be a registered architect, or engineer, or other person licensed under Chapter 468, Florida Statutes. Such inspectors shall be responsible for compliance with this Code and shall submit weekly progress reports of the daily inspections to the building official.

At the completion of the construction work or project, such inspector 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.

105.6 Required inspections. The building official upon notification from the permit holder or his 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 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 survey may be required before inspection is approved.

BUILDING

2. Framing inspection: To be made after the roof, all framing, fire blocking and bracing is in place, all concealing 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 (including truss layout)
• framing/trusses/bracing/connectors
• draft stopping/fire blocking
• curtain wall framing
• energy insulation
• accessibility

SITE DEBRIS

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean, such that accumulation of construction debris must not remain on the property for a period of time exceeding fourteen (14) days.

2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

105.14 Failure To Obtain Required Inspections. The cost of investigations, testing, certification or additional fees shall be borne by the applicant. In addition, the building official may refuse to issue a building permit or issue a permit with specific conditions if the local authorized hearing board, through a public hearing which affords due process, has found the contractor guilty of a willful building code violation, fraud or disregard for inspection requirements, and limit permitting privileges.

107 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.

108 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 provisions of this code.

109 VIOLATIONS AND PENALTIES

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, removed or demolished a building, structure, electrical, gas mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, 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 this code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state law.

(Code 1957, § 6-2; Ord. No. 2621, § 1(6-2), 12-15-93; Ord. No. 2722, § 1, 11-20-96; Ord. No. 2876, § 1, 10-4-00; Ord. No. 2971, § 2, 6-16-04)