

**Leon County, FL - Code of Ordinances** ([https://library.municode.com/fl/leon\\_county/codes/code\\_of\\_ordinances](https://library.municode.com/fl/leon_county/codes/code_of_ordinances))

## Sec. 5-2.14. - Compliance with standards required.

Any person locating or placing in use a mobile or manufactured home on any site within the unincorporated limits of the county shall comply with the standards herewith established and all other applicable statutes, ordinances and rules of the state, the county or the United States.

- (a) Any new single-family or duplex manufactured home which is manufactured in this state, or manufactured outside this state but sold or offered for sale in this state, must be constructed to meet the Manufactured Home Construction and Safety Standards, promulgated by the department of housing and urban development, pursuant to the Manufactured Housing Improvement Act. Such standards must include, but need not be limited to, standards for body and frame construction and the installation of plumbing, HVAC, and electrical systems.
- (b) Only mobile homes as defined in section 5-2.13 originating within Leon County can be relocated within Leon County and must receive an inspection per International Property Maintenance Code section 108 requirements before a permit can be requested. Any mobile home meeting the definition in section 5-2.13 shall not be relocated from another county in Florida or another state.

( Ord. No. 21-01 , § 1, 1-26-2021)

**LaBelle, FL - Code of Ordinances** ([https://library.municode.com/fl/labelle/codes/code\\_of\\_ordinances](https://library.municode.com/fl/labelle/codes/code_of_ordinances))

## Sec. 5-101. - Property maintenance code adopted.

A certain document, three (3) copies of which are on file in the office of the clerk of the City of LaBelle, being marked and designated as the International Property Maintenance Code, 2003 Edition, as published by the International Code Council, be and is hereby adopted as the property maintenance code of the City of LaBelle, in the State of Florida, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collections of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the clerk of the City of LaBelle are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 5-102 of this article.

(Ord. No. 2003-23, § 1, 7-10-03)

**Apopka, FL - Code of Ordinances** ([https://library.municode.com/fl/apopka/codes/code\\_of\\_ordinances](https://library.municode.com/fl/apopka/codes/code_of_ordinances))

Sec. 18-108. - The International Property Maintenance Code adopted.

- (a) The current edition of the ICC International Property Maintenance Code adopted by reference as if set out at length herein is on file in the building division.
- (b) No person shall violate any of the provisions of the publication adopted by reference in subsection (a) of this section.
- (c) If there shall be any conflict between the provisions of the publication adopted by reference in subsection (a) of this section and the provisions of this chapter, the provisions of this chapter shall prevail.

(Code 1993, § 22-100; Ord. No. 2159, § 5, 4-21-2010)

Sec. 18-109. - Amendments.

- (a) The identified sections of the edition of the International Property Maintenance Code, which is on file in the city clerk's office, shall hereby be revised as follows, where applicable:

Remove: [NAME OF JURISDICTION].

Insert: "The City of Apopka, Florida" where found throughout the IPMC.

Remove: [JURISDICTION TO INSERT APPROPRIATE SCHEDULE].

Insert: Fees as adopted.

Fee Schedule

Class I: \$50.00, non-health and/or life-threatening violations.

Class II: \$150.00, health and/or safety violations.

Class III: \$200.00, imminent danger and/or life-threatening violations.

- (b) Any person found by competent jurisdictional authority of violating any provision of this article shall be guilty of violating a duly adopted ordinance of the city, and shall be punished by a fine of not less than \$50.00 per day and not to exceed \$200.00 per day. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 112.4	Remove:	[AMOUNT]	[AMOUNT]
	Insert:	\$50.00	\$200.00
Section 302.4	Remove:	(jurisdiction to insert height in inches)	
	Insert:	12 inches	
Section 304.14	Remove:	[DATE]	[DATE]

	Insert:	January 1 (of any given year)	December 31 (of any given year)
Section 602.3	Remove:	[DATE]	[DATE]
	Insert:	October 1 (of any given year)	March 31 (of any given year)
Section 602.4	Remove:	[DATE]	[DATE]
	Insert:	October 1 (of any given year)	March 31 (of any given year)

(Code 1993, § 22-101; Ord. No. 2159, § 5, 4-21-2010)

**Boca Raton, FL - Code of Ordinances** ([https://library.municode.com/fl/boca\\_raton/codes/code\\_of\\_ordinances](https://library.municode.com/fl/boca_raton/codes/code_of_ordinances))

## Sec. 19-13. - Property maintenance.

The International Property Maintenance Code, 2012 Edition, shall apply to all existing residential and non-residential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

(Ord. No. 5455, § 2, 5-22-18)

**Lake Helen, FL - Code of Ordinances** ([https://library.municode.com/fl/lake\\_helen/codes/code\\_of\\_ordinances](https://library.municode.com/fl/lake_helen/codes/code_of_ordinances))

1.10.03 - International Property Maintenance Code.

The International Property Maintenance Code, as amended is hereby adopted as fully as if incorporated and set forth at length in this Article and incorporated by reference.

**Orange County, FL - Code of Ordinances** ([https://library.municode.com/fl/orange\\_county/codes/code\\_of\\_ordinances](https://library.municode.com/fl/orange_county/codes/code_of_ordinances))

Sec. 9-1. - Definitions.

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

*Building codes board of adjustments and appeals ("BCBAA")* shall mean the entity created by the board of county commissioners ("BCC") to carry out those duties as described in this chapter relating to the areas of expertise particular to all the applicable technical codes.

*Building official* shall mean the person appointed by the county mayor, or a duly appointed designee, to enforce the provisions of this chapter, except as otherwise noted herein. The building official shall cause to be kept a record of all permits issued, plans reviewed, inspections made, notices served, and fees collected by the division of building safety, defined in section 9-3 herein.

*Code enforcement division manager* shall mean the person who is charged with the duty and responsibility of administering and enforcing the International Property Maintenance Code, as adopted herein, or a duly authorized representative.

*General contractor* shall mean the contractor with the main responsibility for the project under contract, who hires all of the subcontractors and suppliers for a project.

*Specialty contractor* shall mean any person, firm, or corporation who by contract with any general contractor, builder, owner-builder or owner of commercial, residential, or other buildings, assumes responsibility, charge, and direction of the performance of construction work requiring special skills.

(Code 1965, § 6-1; Laws of Fla. ch. 67-1828, § 1; Ord. No. 81-10, § 1, 4-21-81; Ord. No. 87-25, § 1, 7-21-87; Ord. No. 91-2, § 2, 1-15-91; Ord. No. 92-36, § 6, 11-10-92; Ord. No. 93-02, § 4, 1-19-93; Ord. No. 93-25, § 2, 9-28-93; Ord. No. 2000-04, § 2, 2-15-00; Ord. No. 2001-26, § 1.(A., B.), 12-18-01; Ord. No. 2005-13, § 1(A), 10-4-05; Ord. No. 2009-12, § 1, 4-28-09; Ord. No. 2015-06, § 1, 2(A), 6-16-15)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

Sec. 9-277. - 2012 edition of the International Property Maintenance Code, adopted.

- (a) *Adopted.* Subject to the administrative and technical amendments set forth in subsection (b) below, the 2012 International Property Maintenance Code, published by the International Code Council, is hereby adopted as the Orange County Property Maintenance Code and shall be the governing law relative to structures and premises as defined herein.
- (b) *Amendment.* The 2012 International Property Maintenance Code is hereby amended in that wherever the words "code official" are found, the words "Code Enforcement Division manager" shall be substituted. In addition, wherever the terms "ICC Electrical Code," "International Building Code," "International Existing Building Code," "International Fire Code," "International Mechanical Code," "International Plumbing Code," and "International Zoning Code" are found in the 2012 edition of the International Property Maintenance Code, the Code is amended by substituting "Orange County Electrical Code, Article III of Chapter 9 of the Orange County Code,"

"Florida Building Code, Building," "Florida Building Code, Existing Building," "Florida Fire Prevention Code," "Florida Building Code, Mechanical," "Florida Building Code, Plumbing," and the Orange County Zoning Code, Chapter 38 of the Orange County Code," respectively.

(Ord. No. 2015-06, § 1, 2(C), 6-16-15)



**Plant City, FL - Code of Ordinances** ([https://library.municode.com/fl/plant\\_city/codes/code\\_of\\_ordinances](https://library.municode.com/fl/plant_city/codes/code_of_ordinances))

## Sec. 30-62. - Public nuisances prohibited.

The following are prohibited and declared to be public nuisances:

- (a) The existence of weeds, grass, undergrowth or other plant material to a height exceeding ten inches upon any lot, tract or parcel of land, improved or unimproved, within 200 feet of any building, structure, recreational area or street right-of-way. This section shall not apply to (a) agricultural properties where the vegetative growth supports the agricultural use on the property; (b) vegetation which is protected by local, state or federal laws or regulations and is being maintained in accordance with said laws or regulations; and (c) permitted stormwater management systems operated and maintained in accordance with its permit and applicable regulations.
- (b) Stagnant or insufficiently treated water, in a pool, pond or container of any kind, which has water in which algae is allowed to grow or in which mosquitos or other insects are able to breed.
- (c) A violation of Section 30-107, Plant City Code, regarding the storage of garbage, refuse and/or rubbish on private property.
- (d) Dead or diseased trees upon any lot, tract or parcel of land, improved or unimproved.
- (e) Swimming pools that are not completely surrounded by a fence or barrier as required in the International Property Maintenance Code, as adopted in Section 78-900, Plant City Code.
- (f) Colonies of bees or wasps on private property. This Section shall not apply to honeybees which are regulated under F.S. ch. 586 by the Florida Department of Agriculture and Consumer Services.
- (g) Any conduct so designated as a nuisance by statute, including, but not limited to, those types of conduct described in F.S. ch. 823.

(Code 1977, § 72.03; Ord. No. 8-2009, § 1, 3-9-2009; Ord. No. 15-2010, § 2, 5-10-2010; Ord. No. 06-2014, § 2, 5-12-2014; Ord. No. 22-2014, § 2, 11-10-2014)

**State Law reference**— Sanitary nuisance defined, F.S. § 386.01; nuisances injurious to health defined, F.S. § 386.041; mosquito control, F.S. ch. 388; public nuisances, F.S. ch. 823.

## Sec. 78-900. - Adoption of the International Property Maintenance Code.

Except as otherwise provided in this article, the 2003 edition of the International Property Maintenance Code, as published by the International Code Council, Inc., a copy of which is on file with the city clerk, is hereby adopted as the property maintenance code of the city.

(Ord. No. 4-2005, § 1, 3-28-2005)

## Sec. 78-901. - Application of other codes.

Section 102.3 of the International Property Maintenance Code shall be amended to read as follows:

*Sec. 102.3 Application of other codes and regulations.*

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Florida Building Code. The Property Maintenance Code, as adopted herein, is supplementary to existing regulations and does not, and shall not be construed to, repeal or modify any other provisions of the Plant City Code or the Florida Building Code.

(Ord. No. 4-2005, § 1, 3-28-2005)

Sec. 78-902. - Provisions specifically not adopted.

The following sections of the International Property Maintenance Code are specifically not adopted: Sections 103, 104.2, 107, 108, 110, 111 and 201.3.

(Ord. No. 4-2005, § 1, 3-28-2005)

**Winter Haven, FL - Code of Ordinances** ([https://library.municode.com/fl/winter\\_haven/codes/code\\_of\\_ordinances](https://library.municode.com/fl/winter_haven/codes/code_of_ordinances))

## Sec. 5-71. - International Property Maintenance Code adopted.

The International Property Maintenance Code, 2009 edition, as published by the International Code Council, Inc. is hereby adopted and incorporated by reference as the minimum property maintenance standards of the city subject to and including by reference such additions and amendments that may be adopted by the city by ordinance.

(Ord. No. O-10-15, § 3, 8-23-10)

## Sec. 5-72. - Conflicts.

In the event of a conflict between the provisions of the International Property Maintenance Code, adopted by the provisions of this article, and the provisions of the Code of Ordinances, the Code of Ordinances shall prevail.

(Ord. No. O-10-15, § 4, 8-23-10)

## Sec. 5-73. - Modifications, amendments, deletions.

The International Property Maintenance Code, 2009 edition, incorporated by reference in section 5-71 is modified as specified hereunder:

- (a) *Section 101.1* is amended to read:

101.1 Title.

These regulations shall be known as the Minimum Property Maintenance Standards of the City of Winter Haven, hereinafter referred to as "this code".

- (b) *Section 102.1* is amended to read:

102.1 General.

Where there is a specific conflict between a general requirement of this code and a specific requirement of this code, the specific requirement shall govern. Where differences occur between provisions of this code, and any referenced standard in this code, this code shall generally govern, except that Chapter 553, Florida Statutes, the Florida Building Code and all referenced standards in the Florida Building Code shall control all matters relating to building construction, repair and remodeling and the Florida Fire Prevention Code/Florida Life Safety Code shall control all matters relating to fire safety. Where, in a specific case, different sections of this code specify different requirements, the most restrictive will govern.

- (c) *Section 102.3* is amended to read:

102.3 Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Chapter 553, Florida Statutes and any applicable building codes, including, but not limited to, the Florida Building Code. Nothing in this code shall be construed to cancel,

modify or set aside any of the provisions of Chapter 553, Florida Statutes or any applicable building codes to a particular project, including, but not limited to, the Florida Building Code or any referenced standard therein.

(d) *Section 102.6* is amended to read:

102.6 Historic Buildings.

The provisions of this code shall not be mandatory for existing buildings or structures that are designated as historic by the National Park Service and listed on the National Register of Historic Places when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety, and welfare.

(e) *Section 102.7* is amended to read:

102.7 Referenced codes and standards.

The codes and standards referenced throughout this code shall be considered part of this code and are accordingly adopted and incorporated herein by reference to the prescribed extent of such reference. Where differences occur between provisions of this code and the referenced standards, the more stringent standard shall apply.

(f) *Section 102.8* is amended to read:

102.8 Requirements not covered by code.

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health, and general welfare, not specifically covered by this code shall be determined by the Code Official using the following:

- (1) Reference to the manufacturer's suggested guidelines or instructions for installation and use;
- (2) Reference to the Florida Building Code or any other applicable building code;
- (3) Reference to primary law (including federal, state, and local sources);
- (4) Reference to any generally accepted practice in the industry, occupation, or general use for which the existing fixture, structure or equipment is primarily designated for, or for which the public health, safety, and welfare requires; or
- (5) Reference to any other suitably acceptable source of custom or practice reasonably accepted by society and sufficiently reliable in nature such that the requirement would be generally known and accepted in the community.

The Code Official, upon observing a deficiency in a requirement necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health, and general welfare, shall, in addition to regular enforcement protocol, issue along with the first notice a written determination including the basis for requirement and the necessary steps to correct the deficiency observed to meet the requirement.

(g) *Section 103* is renamed "Code Enforcement Unit"

(h) *Section 103.1* is amended to read:

103.1 Code officials.

Each Code Enforcement Officer of the City is deemed a "Code Official" for purposes of this code. Any notices required to be delivered to the code official under this code shall be delivered to the responsible Code Official for the case.

(i) *Sections 103.2 and 103.3* are deleted.

(j) *Section 103.4* is amended to read:

103.4 Liability.

In accordance with § 768.28(9)(a), Florida Statutes, a City official or employee charged with the enforcement of this code shall not be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function, unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(k) *Section 103.5* is deleted.

(l) *Section 104.1* is amended to read:

104.1 General.

The code official shall enforce the provisions of this code.

(m) *Section 105.1* is amended to read:

105.1 Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of this code, the Development Review Committee shall have the authority to grant modifications to structures for individual cases as may be deemed necessary in its discretion. No modification from the terms of this code shall be issued unless the Development Review Committee finds, based on competent substantial written evidence submitted to the Community Development Department at least seven (7) business days before the day of the scheduled Committee meeting, that all of the following conditions are met:

- (1) The requested modification is in compliance with the intent and purpose of this code;
- (2) The requested modification does not lessen health, life, safety and fire requirements;
- (3) The circumstances giving rise to the requested modification are peculiar to the structure and do not arise from the actions of a structure owner or occupant;
- (4) The requested modification, if approved, will not confer any special privilege that is denied by the provisions of this code to other similarly situated structures;
- (5) Literal interpretation of the provisions of this code would deprive the structure owner or occupant of rights commonly enjoyed by other similarly situated structures; and
- (6) The requested modification, if approved, is the minimum modification that will allow reasonable use of the structure.

All requests for modifications must be submitted to the City in writing. It is the requester's responsibility to include a proper mailing address with the written request for modification.

While it is preferred that the requester provide evidence supporting the modification to the Development Review Committee at the time of making the written request, to ensure that the requester is given adequate opportunity to provide the Development Review Committee with all relevant evidence, the Planning and Community Development Director shall, upon receipt of a request for modification, forward a notice, along with a copy of this Section, to the address supplied by the requester that identifies the Committee meeting date and the deadline for document submittal.

Should a modification to this code be approved, the Development Review Committee shall draft a modification order and shall forward a copy of the modification order to the Code Official for placement in the Code Official's files and a copy of the modification order to the Building Official for placement in the Building Official's files.

Modifications to this code granted by the Development Review Committee are not variances and do not run with the land, and upon the application for a building permit from the City for the subject building, structure or premises by the owner or occupant thereof, such modifications shall cease to be in existence and the subject building, structure or premises must be brought into compliance with this code as a condition of issuance of the permit.

Any aggrieved person adversely affected by a decision of the Development Review Committee made pursuant to this Section shall, within thirty (30) days of rendition of the decision, make appeal to an applicable Court of law in accordance with the Florida Rules of Appellate Procedure by filing with such Court a petition for writ of certiorari. Such an appeal shall be in the nature of that from a final administrative decision.

(n) *Section 105.3* is amended to read:

105.3 Required testing.

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 code official shall have the authority, but not the obligation, to require tests to be made as evidence of compliance at the property owner's expense.

(o) *Sections 105.3.1, 105.3.2 and 105.6* are deleted.

(p) *Section 106.2* is amended to read:

106.2 Enforcement Protocol.

The Code Official shall enforce the provisions of this Code in any manner or protocol available including, but not limited to, issuance of a citation pursuant to § 162.21, Florida Statutes and § 2-201, et seq., Code of Ordinances of the City of Winter Haven, a "Notice of Hearing" pursuant to § 162.12, Florida Statutes and §2-61, et seq., Code of Ordinances of the City of Winter Haven, a "Notice to Appear" pursuant to § 162.23, Florida Statutes, a "Demand for Removal" pursuant to § 12-1, et. seq., Code of Ordinances of the City of Winter Haven, a "Demand for Correction" pursuant to § 106.3 of this code, or referral to the City Attorney for filing a civil enforcement action. The enumeration of remedies and protocols herein does not constrain the Code Official who, as an officer of a Florida municipality endowed with home rule authority, may use any lawful means necessary to bring a code violation into compliance, to restrain, correct, or to prevent illegal occupancy of any building, structure or premises, or to stop an illegal act, conduct, business or utilization of any building, structure or premises.

(q) *Section 106.3* is amended to read:

106.3 Declaration of nuisance; demand for correction.

A violation of any provision of this code is deemed to be a nuisance affecting the public health, safety and welfare, and accordingly, the Code Official is hereby authorized and empowered to notify, in writing, the owner or agent of such owner, of any building, structure or premises within the City, to make such repairs as may be required to abate the nuisance condition and bring such building, structure or premises into compliance. Notice shall be provided to the owner or agent of such owner either (a) in the manner described in § 162.12, Florida Statutes, or (b) in the manner described in § 12-5, Code of Ordinances of the City of Winter Haven.

The notice required to be given herein shall set forth the legal description of the property underlying the building, structure or premises as is set forth in the latest tax roll prepared by the county, and shall specify a reasonable time in which the owner or agent of the owner shall abate the condition and bring such building, structure or premises into compliance. Such notice shall have attached thereto a true copy of this section. Included in the notice shall be a statement informing the owner that all costs incurred by the City in abating the nuisance condition and repairing the condition and bring such building, structure or premises into compliance shall be billed to the property owner.

Upon the failure, neglect or refusal of any owner or the agent of such owner so notified to abate the nuisance condition and make repairs within the reasonable time specified after posting the building, structure or premises, the Code Official is hereby authorized to order the repair of the building, structure or premises and bill the owner for the work.

Any owner aggrieved by the findings and order of the Code Official shall have the right to appeal said decision prior to the expiration of the time within which such owner was given to abate the nuisance. Any appeal taken must be requested, in writing, and timely received by the City Clerk at 451 3rd Street N.W., Winter Haven, Florida. In the event the time for owner to abate the nuisance expires on a weekend, evening or a holiday, the owner shall have until 5:00 p.m. the next business day to file the request for appeal. Such written notice or request may be in any form which clearly notifies the City of the owner's request. The Code Official shall place the appeal on the agenda of the next scheduled Code Enforcement Special Master Hearing or may request a special meeting to hear the appeal. Any appeal shall stay all proceedings in furtherance with the action appealed from until after the hearing is held. At such hearing, the rules of the Special Master concerning appeals shall be followed. It shall be the responsibility of the owner of the property in question to show that the City's actions are without reason. The Special Master shall determine whether the appeal is justified. If not, the City shall proceed with the abatement.

After abatement and billing by the City, where the full amount due the City is not paid by the owner of the building, structure or premises within thirty (30) days after the billing date, the Code Official shall cause to be recorded in the public records of the county, a sworn statement showing the cost and expense incurred for the work and the date, place and property on which such work was done, and the recordation of such sworn statement shall constitute a special assessment lien on the property equivalent to the lien of municipal taxes and taking precedence over all other recorded liens, and shall remain in full force and effect for the amount due on principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such special assessment lien may be foreclosed in the manner provided for by general law.

This provision is supplemental in nature and is not intended to be the exclusive remedy by which this code may be enforced.

(r) *Section 106.4* is amended to read:

106.4 Violation penalties; remedies additional and supplemental.

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, may be prosecuted within the limits provided by general or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Each remedy provided for in this code is an additional and supplemental means of enforcing city codes and ordinances and may be used for the enforcement of this code singularly or in tandem. Nothing contained herein shall prohibit the city from enforcing its codes and ordinances by any other means.

(s) *Section 106.5* is amended to read:

106.5 Abatement of violation.

The imposition of the penalties herein shall not preclude the Code Official from referring a particular case to the City Attorney to institute an appropriate action to restrain, correct, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

(t) *Section 107.1* is amended to read:

107.1 Notices.

Notice of a violation of this code shall be delivered in accordance with the substantive law governing the Code Official's chosen enforcement protocol or protocols.

(u) *Sections 107.2, 107.3 and 107.5* are deleted.

(v) *Section 107.6* is amended to read:

107.6 Transfer of ownership.

It shall be unlawful for the owner of any building, structure or premises who has received a citation, a notice of violation, a demand for removal or a demand for correction to sell, transfer, mortgage, lease, or otherwise dispose of such building, structure, or premises until the provisions of the citation, notice of violation, demand for removal or demand for correction have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of the citation, notice of violation, demand for removal or demand for correction and then provide to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of such citation, notice of violation, demand for removal or demand for correction and fully accepting the responsibility without condition for making the corrections or repairs required thereby.

A true and correct copy of this section shall be attached to all citations, notices of violation, demands for removal and demands for correction issued pursuant to this code, although the failure to attach a copy thereto will not affect the validity of the instrument, nor shall it affect the validity of this section.

Any person violating this section shall be subject to the penalty found in § 1-13, Code of Ordinances of the City of Winter Haven.

(w) *Section 108.1.5* is amended to read:



### 108.1.5 Dangerous structure or premises.

For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous.

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the requirements for existing buildings identified in Chapter 553, Florida Statutes, the Florida Building Code, the Florida Fire Prevention Code or the Florida Life Safety Code.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of lack of sufficient or proper fire-resistance-related construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

(x) *Section 108.2* is amended to read:

### 108.2 Closing of vacant structures.

If a structure is vacant and unfit for human habitation and occupancy, and is not in danger for structural collapse, but is open such that the interior of the structure is easily accessible through open or broken windows, open or broken doors, or missing structural elements, the Code Official is authorized to issue a demand for correction in accordance with § 106.3 of this code.

Alternatively, should the vacant structure:

- (1) pose an imminent danger to the health, safety, and welfare of the general public;
- (2) be occupied periodically by transients or itinerants; or
- (3) be utilized for illegal conduct in violation of any federal, state or local law, the Code Official is authorized to have the structure immediately closed up so as not to be an attractive nuisance by posting a notice at each entrance to the building entitled "Notice of Section 108.2 Closing" and by sealing each accessible entrance. A "Notice of Section 108.2 Closing" shall be in substantially the following form:

"NOTICE OF SECTION 108.2 CLOSING

This vacant structure is uninhabitable and has been closed by Order of the City of Winter Haven Code Enforcement Unit pursuant to Section 108.2(1), (2), and/or (3) of the Minimum Property Maintenance Standards of the City. For information, please call (863) 291-5697."

When the Code Official elects to post a "notice of closing" on a vacant structure at each accessible entrance, in accordance with subsection (1), (2) or (3) above, the Code Official shall send a bill for the City's expense in closing the structure to the owner of the property underlying the structure or the agent of such owner of the property underlying the structure by United States certified mail, return receipt requested. Should the City's bill be returned unclaimed, the City may then post the bill on the closed structure and at a conspicuous location at City Hall for ten (10) days, which, on the tenth day after posting, shall constitute the equivalent of delivery. After billing by the City, if the full amount due the City is not paid by the owner of the structure or the agent of the owner of the structure within thirty (30) days after receipt of the bill or after the expiration of ten (10) days after posting the bill, the Code Official shall cause to be recorded in the public records of the county, a sworn statement showing the cost and expense incurred for the work and the date, place and property on which such work was done, and an affidavit of constructive service by posting, if any, and the recordation of such sworn statement shall constitute a special assessment lien on the property equivalent to the lien of municipal taxes and taking precedence over all other recorded liens, and shall remain in full force and effect for the amount due on principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such special assessment lien may be foreclosed in the manner provided for by general law.

Any owner aggrieved by the findings and order of the Code Official shall have the right to appeal said decision prior to the expiration of the time within which to pay the bill for closing the structure due the City. Any appeal taken must be requested, in writing, and timely received by the City Clerk at 451 3rd Street, N.W., Winter Haven, Florida. In the event the time for owner to pay expires on a weekend, evening or a holiday, the owner shall have until 5:00 p.m. the next business day to file the request for appeal. Such written notice or request may be in any form which clearly notifies the City of the owner's request. The Code Official shall place the appeal on the agenda of the next scheduled Code Enforcement Special Master Hearing or may request a special meeting to hear the appeal. Any appeal shall stay all proceedings in furtherance with the action appealed from until after the hearing is held. At such hearing,

the rules of the Special Master concerning appeals shall be followed. It shall be the responsibility of the owner of the property in question to show that the City's actions are without reason. The Special Master shall determine whether the appeal is justified. If it is determined by the Special Master, based on competent substantial evidence in the record, that the City's actions are without reason, the cost for closing the structure shall be borne by the City.

No structure closed by the City pursuant to this section may be reopened unless said structure is wholly compliant with this code or unless it is shown during a timely appeal after hearing that the City's actions in closing the structure were without reason.

(v) *Section 108.3* is amended to read:

108.3 Notice.

Whenever the Building Official has reason to condemn a structure or equipment under the provisions of this section, a notice of violation shall be posted in a conspicuous place on or about the structure affected by such notice and served on the owners of land, the agent of such owners, or the person or persons responsible for the structure or equipment by United States certified mail, return receipt requested. If the notice pertains to equipment, it shall also be placed on the equipment in violation. The notice shall specify a reasonable time in which the structure or equipment owner or the person or persons responsible for the structure or equipment shall abate the condition and bring such structure or equipment into compliance.

(z) *Section 108.5* is amended to read:

108.5 Prohibited occupancy.

Any occupied structure condemned by the Building Official and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, agent of such owner, or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be subject to the penalty in § 1-13, Code of Ordinances of the City of Winter Haven.

(aa) *Section 108.6* is added to read as follows:

108.6 Boarded up structures.

No vacant structure may be boarded up by its owner for a period of time exceeding one hundred twenty (120) days unless:

- (1) the owner is granted a written waiver signed by the Building Official and the Code Official: or
- (2) the structure has been closed in accordance with § 108.2 of this code.

All vacant structures shall be maintained in accordance with § 304.6 of this code ("Exterior walls"), and all materials used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the rest of the building. Closing a structure in accordance with § 108.2 of this code does not relieve the owner from complying with this provision.

(bb) *Section 109.1* is amended to read:

109.1 Emergency closing.

When,

- (1) in the opinion of the Building Official, there is imminent danger of failure or collapse of a building or structure that endangers life, or
- (2) any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or
- (3) in the opinion of either the Code Official or Building Official, there is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes, or vapors or the presence of toxic fumes, gases or materials or operation of defective or dangerous equipment; both the Code Official and the Building Official are authorized and empowered to order and require the occupants to vacate the premises forthwith. The official ordering the vacation of the premises shall immediately thereafter post, at each entrance to the structure, a notice in substantially the following form:

"DANGER! THIS STRUCTURE IS CLOSED TO THE PUBLIC! DANGER!  
 NOTICE OF EMERGENCY CLOSING  
 IMMEDIATE ORDER OF CLOSURE

This structure is unsafe and has been closed by Order of the City of Winter Haven pursuant to Section 109.1 of the Minimum Property Maintenance Standards of the City. For information, please call the Code Enforcement Unit at (863)291-5697 or the Building Division at (863)291-5695."

Any person ordered to take emergency measures shall comply with such order forthwith. It shall be unlawful for a person to enter a posted structure except for the purpose of securing the structure, making the required inspections and repairs, removing the hazardous condition, or to demolish the structure. Any such person in violation of this provision is subject to the penalty found in § 1-13, Code of Ordinances of the City of Winter Haven and may be immediately removed from the structure by City personnel.

(cc) *Section 109.2* is amended to read:

109.2 Safeguards.

Whenever, in the opinion of the Code Official or Building Official as the situation may require, there is an emergency situation warranting an emergency closing of a structure pursuant to § 109.1(1), (2), or (3) of this code, the City and the official ordering the closing of the structure is authorized to order that work be done in an attempt to secure the structure such that it may be rendered temporarily safe. Neither the City nor the official ordering the closing of the structure however is under any obligation under this Section to perform any work to ensure that the structure is rendered safe. Further, should the City or the official ordering the closing of the structure choose to order that work be done in an attempt to secure the structure, neither the City nor the official ordering the closing of the structure shall be liable for any damage done to the structure during the performance of such safeguard work.

(dd) *Section 109.4* is amended to read:

109.4 Notification of Emergency Closing to City Commission.

The City Manager shall provide the City Commission notice of any emergency closing actions taken by the City pursuant to this Code. The failure to provide such notice shall have no effect on the validity of enforcement actions taken hereunder.

(ee) *Section 109.5* is amended to read:

#### 109.5 Costs of safeguard work.

Costs incurred in the performance of safeguard work shall be paid by the City of Winter Haven, but shall be assessed against the owner of the structure, as a special assessment on the real property underlying the structure, upon a showing at the mandatory hearing described in § 109.6 of this code, by competent substantial evidence, that the safeguard work was required by exigencies of the situation, given the totality of the circumstances.

(ff) *Section 109.6* is amended to read:

#### 109.6 Mandatory Hearing; appeal.

Immediately after closing a structure pursuant to Section 109.1 of this code, the official closing the structure shall request a hearing as soon as possible before the Code Enforcement Special Master for the purpose of reviewing the decision of the official to determine whether it was reasonable under the totality of the circumstances. Such hearing shall be conducted in accordance with the rules for the Special Master and any decision rendered by the Special Master as to the propriety of the closure must be based on competent substantial evidence. Any appeal from the decision of the Special Master under this provision shall be taken by filing a petition for certiorari with the appropriate court under the Florida Rules of Appellate Procedure. The nature of such an appeal shall be from a final administrative order of the City.

(gg) *Sections 110, 111 and 112* are deleted in their entirety.

(hh) *Section 201.3* is deleted.

(ii) *Term Definitions.* Certain term definitions in *Section 202* are revised to read as follows:

- (1) Easement. Deleted.
- (2) Equipment Support. Deleted.
- (3) Strict Liability Offense. Deleted.
- (4) Ultimate Deformation. Deleted.

All term definitions in Section 202 not modified by this subsection shall remain as published in the International Property Maintenance Code, 2009 edition. Terms not defined in Section 202 shall, for purposes of this code, have the corresponding meanings assigned to them by § 21-531 of the City's Code of Ordinances.

(jj) *Section 302.1* is amended to read:

#### 302.1 Sanitation and storage of materials.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

No owner or occupant shall permit old or broken lumber, rusted or unused equipment, discarded refrigerators, discarded stoves, old pipe or other used, discarded and worn, unsightly articles or materials to remain in any yard or open area owned, occupied or in the possession of such person for a period of more than five (5) days.

Further, unless authorized by the zoning category of the property, no owner or occupant of a building, structure or premises may utilize such property for the open storage of abandoned, untagged, or inoperative motor vehicles, iceboxes, refrigerators, stoves, glass, building material rubbish or similar items.

(kk) *Section 302.4* is amended to read:

302.4 Weeds and overgrowth.

All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs: provided that the term weeds shall not include cultivated flowers, cultivated gardens and Central region plants listed on the most current edition of the Florida-Friendly Plant List issued by the University of Florida Institute of Food and Agricultural Sciences, so long as such flowers, gardens and plants are maintained in an aesthetically pleasing manner and do not constitute a dangerous or nuisance condition as determined in the sole discretion of the Code Official; provided further however that all noxious weeds shall be prohibited.

(ll) *Section 304.1.1* is deleted.

(mm) *Section 304.3* is amended to read:

304.3 Premises Identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters. Numbers shall be a minimum of three (3) inches (76.2 mm) high with a minimum one-half (.5) inch (12.7 mm) stroke width.

(nn) *Section 304.14* is amended to read as follows:

304.14 Insect screens.

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per one (1) inch (25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. All screens shall be maintained free from open rips, tears, or other defects.

Exception: Screens shall not be required where other approved means, such as central air conditioning, air curtains, or insect repellent fans are employed.

(oo) *Section 304.15* is amended to read:

304.15 Doors.

All Exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

(pp) *Section 304.19* is created to read:

304.19 Skirting around foundations.

Latticework or similar approved material must be installed along continuous openings on the outside perimeter of buildings with floors elevated above the ground and where more than twelve (12) inches of vertical opening area exists from the ground to the building wall. The installation must be performed in an approved aesthetic manner in accordance with typical construction methods in practice. Existing skirting shall be maintained in good repair and free from broken or missing sections, pieces or cross-members.

(qq) *Section 305.1* is amended to read:

305.1 General.

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(rr) *Section 305.1.1* is deleted.

(ss) *Section 306* is deleted in its entirety.

(tt) *Section 307.1* is amended to read as follows:

307.1 General.

Every exterior and interior flight of stairs shall have handrails and guardrails installed in accordance with Chapter 553, Florida Statutes and applicable portions of the Florida Building Code.

(uu) *Sections 308.2.1* and *308.3.1* are deleted.

(vv) *Section 401.3* is amended to read:

401.3 Alternative devices.

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Florida Building Code shall be permitted.

(ww) *Section 404.1* is amended to read:

404.1 Privacy.

Dwelling units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(xx) *Section 502.3* is deleted.

(yy) *Section 502.5* is amended to read:

502.5 Public toilet facilities.

Public toilet facilities shall be maintained in a safe, sanitary and working condition. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

(zz) *Section 503.2* is amended to read:

503.2 Location.

Toilet rooms and bathrooms serving rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

(aaa) *Section 503.4* is amended to read:

503.4 Floor surface.

Every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

(bbb) *Section 505.1* is amended to read:

505.1 General.

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. In dwelling units, housekeeping units, rooming units and dormitory units all kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with both hot or tempered running water and cold running water.

(ccc) *Section 506.3* is deleted.

(ddd) *Section 602.2* is amended to read:

602.2 Residential occupancies.

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

(eee) *Section 602.3* is amended to read:

602.3 Heat supply.

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to March 30 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

(fff) *Section 602.4* is amended to read:

602.4 Occupiable work spaces.

Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to March 30 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

- (1) Processing, storage and operation areas that require cooling or special temperature conditions.
- (2) Areas in which persons are primarily engaged in vigorous physical activities.

(ggg) *Section 604.2* is deleted.

(hhh) *Sections 604.3.1, 604.3.1.1, 604.3.2, and 604.3.2.1* are deleted.

(iii) *Section 606* is deleted in its entirety.



(jjj) *Section 701* is deleted.

(kkk) *Section 702.1* is amended to read:

702.1 General.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Florida Fire Prevention Code.

(lll) *Section 702.2* is deleted.

(mmm) *Section 702.3* is amended to read:

702.3 Locked doors.

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Florida Building Code.

(nnn) *Section 702.4* is deleted.

(ooo) *Section 703* is deleted.

(ppp) *Section 704.1* is amended to read:

704.1 General.

A person shall not occupy as owner-occupant nor shall let to another for occupancy, any building or structure which is not equipped with adequate fire prevention equipment in accordance with the Florida Fire Prevention Code. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Florida Fire Prevention Code.

(qqq) *Section 704.1.1* is deleted.

(rrr) *Section 704.2* is amended to read:

704.2 Smoke Alarms.

Every dwelling unit shall be provided with an approved listed smoke alarm, installed in accordance with the manufacturer's recommendations and listing. When activated, the device shall provide an audible alarm.

(sss) *Section 704.3* and *704.4* are deleted.

(Ord. No. O-10-15, § 5, 8-23-10; Ord. No. Q-19-20, § 1, 5-28-19)

**Daytona Beach, FL - Code of Ordinances** ([https://library.municode.com/fl/daytona\\_beach/codes/code\\_of\\_ordinances](https://library.municode.com/fl/daytona_beach/codes/code_of_ordinances))

## Sec. 26-292. - 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:]

*International Property Maintenance Code or property maintenance code* refers to the minimum standards for maintenance of residential properties as adopted by the City of Daytona Beach pursuant to Article 19 of the Land Development Code, as it may be amended from time to time.

*Residential rental property* means the contiguous lot or parcel of real property under single ownership on which one or more residential rental units are located.

*Residential rental unit* means any building, structure, living unit, room, enclosure, mobile home, or part thereof, located within the city which is rented or offered for rent as the primary residence of any person, or which is rented or offered for rent to serve or which does serve as the residence of such person for a continuous period of more than 30 days. Residential rental unit does not include living quarters provided by any institution or facility, whether public or private, incidental to the provision of medical, geriatric, educational, counseling, religious, or similar services; a property or unit which is occupied under a contract for sale; transient lodgings occupied for less than a 30-day period and which are not the primary residence of the transient occupant.

(Ord. No. 12-186, § 1, 7-18-2012)

## Sec. 26-294. - License required.

- (a) It shall be unlawful to rent or lease, or offer to rent or lease, any residential rental unit without a current residential rental license for the unit, a copy of which shall be posted or available at the residential rental property.
- (b) No license shall be issued or renewed for a residential rental unit unless the residential rental property and unit are in compliance with the requirements of this article and applicable provisions of the Land Development Code, and International Property Maintenance Code as adopted in Article 19, LDC.

(Ord. No. 12-186, § 1, 7-18-2012)

## Sec. 26-296. - Inspection; issuance of license and renewal.

- (a) Within 15 working days after receipt of a complete application satisfying the requirements above and the application fee, the city shall inspect the residential rental property and units to determine compliance with all applicable provisions of the Land Development Code, including the property maintenance code, and shall issue the license or provide the applicant with written notice of any defects which must be remedied before a license shall issue.
- (b) The license shall be renewed each year in the same manner as, and concurrent with, the business tax receipt renewal as provided in Chapter 90, Article V, of this Code.
- (c) Each residential rental property and unit regulated by this article shall be reinspected every 24 months, contingent upon department resources and the number of units to be inspected. The city shall maintain a reinspection schedule for currently licensed units. In addition, any currently licensed unit or property may be

inspected upon reasonable notice. The property owners or their agents shall notify tenants of planned inspections of their residential rental units.

- (d) A tenant may request an inspection of the residential rental property or unit in which he or she currently resides if violations of the International Property Maintenance Code are suspected.
- (e) This section shall not be interpreted as authorizing the city to conduct an inspection of any residential rental unit without first obtaining either consent to entry for purposes of inspection by a person having lawful possession and control of the premises or obtaining an inspection warrant pursuant to state law. This provision shall not be interpreted as authorizing the city to conduct an inspection of any tenant-occupied rental unit without obtaining either the consent of the tenant or other person in possession, or an inspection warrant.

(Ord. No. 12-186, § 1, 7-18-2012; Ord. No. 14-308, § 1, 10-15-2014)

**Mount Dora, FL - Code of Ordinances** ([https://library.municode.com/fl/mount\\_dora/codes/code\\_of\\_ordinances](https://library.municode.com/fl/mount_dora/codes/code_of_ordinances))

## Sec. 10-21. - Code adopted.

- (a) With the exceptions referenced below, the city hereby adopts the latest edition of the International Property Maintenance Code published by the International Code Council, and incorporates the same by reference as if fully set forth herein. At least three copies of the International Property Maintenance Code, 2006 edition, together with the ordinance from which this section is derived, are on file in the office of the city clerk.
- (b) The following sections of the latest edition of the International Property Maintenance Code are hereby amended as follows:
  - (1) Section 101.1. These regulations shall be known as the Property Maintenance Code of the City of Mount Dora, hereinafter referred to as "this code."
  - (2) Section 102.3, entitled "Application of other codes," is hereby amended to read as follows: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the current edition state building code, Florida Fuel Gas Code, Florida Plumbing Code, Florida Mechanical Code, Florida Residential Code, Florida Existing Building Code and the National Electrical Code NFPA 70. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the City of Mount Dora Land Development Code. All references to the International Model Codes shall be changed to the equivalent currently adopted edition of the Florida Codes.
    - a. International Building Code is the state building code.
    - b. International Plumbing Code is the Florida Plumbing Code.
    - c. International Mechanical Code is the Florida Mechanical Code.
    - d. International Fuel Gas Code is the Florida Fuel Gas Code.
    - e. International Residential Code is the Florida Residential Code.
    - f. International Existing Building Code is the Florida Existing Building Code.
    - g. International Electrical Code is the National Electrical Code NFPA 70.
    - h. International Fire Code is the Florida Fire Prevention Code.
    - i. International Zoning Code is the City of Mount Dora Land Development Code.
  - (3) Section 103.1 entitled "General," shall read as follows: The city manager shall designate the responsibility for enforcement of this Code.
  - (4) Section 103.2, entitled "Appointment," shall read as follows: The code inspector shall be appointed by the city manager.
  - (5) Section 103.5, entitled "Fees," is hereby deleted in its entirety.
  - (6) Section 106.2, entitled "Notice of violation," is hereby deleted in its entirety.
  - (7) Section 106.3, entitled "Prosecution of violation," is hereby deleted in its entirety.
  - (8) Section 107, entitled "Notices and order," is hereby deleted in its entirety.
  - (9) Section 109, entitled "Emergency measures," is hereby deleted in its entirety.
  - (10) Section 110, entitled "Demolition," shall read as follows:
    - a. Section 110.01 General. Demolition and condemnation of unfit or unsafe dwellings or structures shall be in compliance with the provisions of Ordinance No. 2007-938, as codified, and with any subsequent

amendments thereto.

- b. Section 110.2 Salvage materials. When any structure has been ordered demolished and removed, the city or any contractor authorized by the city, shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.
  - c. Remaining subsections of section 110 of this Code are hereby deleted.
- (11) Section 111, entitled "Means of appeal," of this Code is hereby deleted in its entirety.
  - (12) Section 201.4, entitled "Terms not defined," is hereby amended to read as follows: Words not defined herein or in the referenced Florida Codes shall have meanings defined in Webster's Third New International Dictionary of the English Language, Unabridged.
  - (13) Section 302.4, entitled "Weeds," shall read as follows: All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
  - (14) Section 304.14, entitled "Insect screens," shall read as follows: Yearround, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved, tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 millimeters), and every screen door used for insect control shall have a self-closing device in good working condition. (Dwellings with central air conditioning system are exempt from insect screening.)
  - (15) Section 308.5, entitled "Occupant," is hereby deleted in its entirety.
  - (16) Section 404.2, entitled "Minimum room widths," shall be amended to read as follows: A habitable room, other than a kitchen, shall not be less than seven feet (2,134 millimeters) in any plan dimension. For purposes of this code, the term "habitable room" does not include space occupied by built-in equipment, including, but not limited to, wardrobes, cabinets, closets, utility spaces, storage areas, appliances, and other similar areas. Kitchens shall have a clear passageway of not less than three feet (914 millimeters) between counterfronts and appliances or counterfronts and walls.
  - (17) Section 404.4.1, entitled "Room area," shall read as follows: Every living room shall contain at least 120 square feet, and every bedroom shall contain at least 70 square feet of habitable floor area. Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of habitable floor area for each occupant. For purposes of this subsection, the term "occupant" is defined as a person 18 years or older. Also, for purposes of this code, the term "habitable floor area" does not include space occupied by built-in equipment, including, but not limited to, wardrobes, cabinets, closets, storage, or appliances, and other similar areas. At the time of the enactment the ordinance from which this section is derived, dwelling units with bedrooms less than 70 square feet may be occupied by no more than one occupant per substandard sized bedroom.
  - (18) Section 404.4.5, entitled "Other requirements," is hereby deleted in its entirety.
  - (19) Section 602.3, entitled "Heat supply," shall read as follows: Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof, shall supply heat to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

(20) Supplemental code. The provisions of this code shall be supplemental to all other codes and other ordinances of (Code 1969, § 7½-1; Code 1995, § 22.290; Ord. No. 605, § 1, 1-5-1993; Ord. No. 944, § 2, 9-18-2007; Ord. No. 973, § 1, 12-18-2007; Ord. No. 1010, § 2, 7-1-2008)

Sec. 10-111. - 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:

*Change in occupancy* means any change in occupancy of the majority of adult occupants of a dwelling.

*Inspection checklist* means the residential rental dwelling compliance checklist prepared by the city manager, or designee, consistent with the general principals and guidelines of the International Property Maintenance Code, as adopted by the city.

*Local agent* means any person or firm who has charge, care or control of a building, or part thereof, in which rental dwelling units are maintained.

*Property owner* means any person, agent, operator, firm, corporation, partnership, association, property, maintenance group, or fiduciary having equal, equitable, or other interest in real property; or recorded in the official records as holding title to the property; or otherwise having control of the property, including the local agent or the guardian of the estate of any such person and the executor or administrator of such person's estate. When used in this article prescribing any activity or imposing a penalty, the term "property owner," as applied to partnerships and associations, shall mean each partner and as applied to corporations, the officers thereof.

*Rental dwelling unit* means a structure or part of a structure used as a home, residence or sleeping place that is occupied by one or more tenants for which the owner is receiving, or is entitled to receive, rent or compensation in any other form. The term "rental dwelling unit" does not include properly approved and licensed bed and breakfasts, hotels, motels, medical and educational institutions, assisted living facilities, or other rental dwelling units exempt under the provisions of this article.

*Special magistrate* means a person designated by the city council pursuant to applicable provisions of this Code, as amended from time to time, who is hereby given authority to hear violations and appeals as specified in this article.

*Vacancy* means any change in the occupancy of the majority of a rental dwelling unit. The term "vacancy" may be used interchangeably with the term "change in occupancy."

(Code 1995, § 22.720; Ord. No. 955, § 3, 10-2-2007; Ord. No. 2017-05, § VII, 3-7-2017)

Sec. 10-113. - Rental license application; exemptions from licensing and inspections.

- (a) The owner of each existing rental dwelling unit existing as of the effective date of the ordinance from which this article is derived, unless the dwelling has a valid license, shall file an application for a rental dwelling unit license for each rental dwelling unit on a form prescribed by the city. In the case of a property owner making application for a multi-unit building consisting of five or more rental dwelling units (for example, apartment complexes) at one location, only one application per building shall be filed; however, the license fee shall be determined by the number of rental dwelling units. In addition, the owner of each rental dwelling unit constructed or converted to rental use after the effective date of the ordinance from which this article is derived shall file an application for a rental dwelling unit license on a form prescribed by the city prior to any initial occupancy.
- (b) An agent may apply for a rental license upon exhibiting a sworn statement from the property owner, provided

that the written authorization acknowledges receipt of a copy of this article and acknowledges that failure to abide by this article or other applicable codes and ordinances may result in a lien upon other property of the owner.

(c) Exemptions. No rental license or inspection is required of any:

- (1) Property owner who occupies a single-family dwelling unit, so long as a tenant lives with the owner;
- (2) Rented duplex or triplex, triplex, or quadraplexes units in which the property owner resides within the attached on-site dwelling unit; or
- (3) Residential units required to be inspected on a periodic basis for compliance with state or federal housing standards (for example, apartment complexes); provided, however, that the property owner must submit to the city a certificate of inspection or other documentation verifying the compliance with said standards; furthermore, nothing herein shall prohibit the city from conducting a complaint-driven or inspector-initiated inspection of such dwelling unit.

Nothing in these exemptions otherwise excuses property owners from compliance with the International Property Maintenance Code or any other applicable codes or ordinances.

(Code 1995, § 22.740; Ord. No. 955, § 5, 10-2-2007; Ord. No. 2017-05, § VII, 3-7-2017)

**Leesburg, FL - Code of Ordinances** ([https://library.municode.com/fl/leesburg/codes/code\\_of\\_ordinances](https://library.municode.com/fl/leesburg/codes/code_of_ordinances))

## Sec. 7-16. - Building code adopted.

The 2017 Sixth Edition of the Florida Building Code, effective as of December 31, 2017, is adopted as the Building Code for the City of Leesburg, Florida. It is comprised of the following elements:

- (1) Florida Building Code.
- (2) Florida Building Code—Residential.
- (3) Florida Building Code—Accessibility.
- (4) Florida Building Code—Energy Conservation.
- (5) Florida Building Code—Existing Buildings.
- (6) Florida Building Code—Mechanical.
- (7) Florida Building Code—Plumbing.
- (8) Florida Building Code—Fuel Gas.
- (9) 2014 National Electric Code.
- (10) Florida Fire Prevention Code.
- (11) 2015 International Property Maintenance Code.

## Modifications

1. 101.2 Exceptions (3) Existing buildings undergoing repair, alterations, or additions and change of occupancy shall comply with the Florida Building Code, Existing Building.
2. 101.2.2 Florida Building Code, Residential Construction standards or practices which are not covered by Florida Building Code, Residential volume shall be in accordance with the provisions of Florida Building Code, Building.
3. 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.
4. 101.3.2 Warranty and Liability. The permitting, plan review or inspection of any building, system or plan by this 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. This jurisdiction 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.
5. 101.4.4 Property maintenance. The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.
6. 102.2 (e) Mobile or modular structures used as temporary offices, except that the provisions of Part II (Section 553.501-553.513, Florida Statutes) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. Permits shall be required for structural support and tie down, adjacent ramp and steps, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.
7. 102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this



shall not have the effect of making void or illegal any of the other parts or provisions.

8. 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, the Florida Building Code, Existing Building, International Property Maintenance Code and the Florida Fire Prevention Code.
9. 102.6.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the Florida Fire Prevention Code, International Property Maintenance Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.
10. 103.1 Creation of enforcement agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the building official. All code officials appointed by the department shall be certified in accordance with Chapter 468, Part XII, Florida Statutes.
11. 103.2 Appointment. The building official shall be appointed by the chief appointing authority of the jurisdiction.
12. 103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official. For the maintenance of existing properties, see the International Property Maintenance Code.
13. 103.4 Restrictions on employees. An officer or employee connected with the department, except one whose only connection is as a member of the board established by this code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, within the jurisdiction of the department, unless he is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with his duties or conflict with the interest of the department.
14. SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL
15. 104.1 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. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.
16. 104.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.
17. 104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612.

18. 104.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with code.
19. 104.4 Inspections. The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
20. 104.5 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
21. 104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.
22. 104.7 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per FS 119.
23. 104.8 Liability. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.
24. 104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.
25. 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.
26. 104.9.1 Used materials and equipment. The use of used 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.
27. 104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon

- application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.
28. 104.10.1 Flood hazard areas. The building official shall coordinate with the floodplain administrator to review requests submitted to the building official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.
29. 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, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.
30. 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.
31. 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.
32. 104.12 Requirements not covered by code. Any requirements necessary for 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 other technical codes, shall be determined by the building official.
33. 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 or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the local floodplain management ordinance. Permits shall not be required for the following:
34. Building:
1. One-story detached accessory structures to detached one- and two-family dwellings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m<sup>2</sup>), and do not have electric, plumbing, or mechanical elements installed. Note: Zoning Approval still

required.

2. Residential Fences without concrete/masonry construction or columns, not over 6 feet (1829 mm) high, and with no electrical fixtures. Note: Zoning Approval still required.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to a single detached one- and two-family dwellings.
12. Window fabric awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Groups R-3 and U occupancies.
13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
14. The construction, alteration or repair performed by the property owner upon his or her own personal residence (the residence the owner lives in) for a freestanding deck not exceeding thirty (30) inches above grade, or an attached/detached accessibility ramp (not exceeding a slope of one (1) unit vertically to twelve (12) units horizontally) that does not exceed a one hundred twenty-square foot footprint for the owner's personal use.
15. Tents or other temporary structures for assembly or commercial use that are less than 200 square feet and do not have electric or plumbing added.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

35. 105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

- 105.3.1.2 add Example 2, Note 5. Electrical documents. See Florida Statutes 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the thresholds of 105.3.1.2 are required to be designed by a Florida Registered Engineer. Additionally for electric, the system requires an electrical system with a value of over \$125,000; or requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system; NOTE: It was further clarified by the Commission that the limiting factor of 240 volt or over is required to be designed by an Engineer.
36. 105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, 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 and justifiable cause demonstrated.
37. 105.3.8 Public right of way. A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way permit from the authority having jurisdiction over the street, alley or public lane
38. 105.3.9 Special foundation permit. When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the Building Official may, at his discretion, issue a special permit for the foundation only. The holder of such special permit is proceeding at their own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the technical codes or that all construction may be required to be removed and the site returned to its original condition if the application for a permit is ultimately denied.
39. 105.4 Conditions of the permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.
40. 105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced the permit holder and property owner shall be responsible to either complete all work in accordance with the permitted plans and inspection or remove any partially completed work in a safe and code compliant manner. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the building official.
41. 105.5.1 For the purposes of this subsection, a closed permit shall mean a permit for which all requirements for completion have been satisfied or a permit that has been administratively closed by the building official.
42. 105.5.2 For the purposes of this subsection, an open permit shall mean a permit that has not satisfied all requirements for completion as defined in 105.5.1.1.

43. 105.5.3 The building official is authorized to administratively close expired or inactive trade permits after six (6) years of expiration when no safety hazard exists and no code violations have been previously identified.
44. 105.5.4 Closing out or resolving open or expired permits shall be the responsibility of the permit applicant and the property owner. Failure to close out or resolve open permits may be reported to the proper authority by the building official.
45. 105.6.1 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.
46. 105.6.2 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.
47. 105.10 add For a bait system, see Section 1816.1.7 of the Florida Building Code for contract document requirements.
48. 107.2.1 add Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.
49. 107.2.1.1 Design Professional. The Building Official shall be allowed to require details, computation, 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 licensed in the state of Florida, and shall be affixed with their official seal and original hand signature(s) via paper permits, or valid, unlocked digital signature via electronic permits, as required by Florida Statutes.
50. 107.2.2.1 Structural and fire resistance integrity. Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of required fire-resistant wall, floor or partition will be made for electrical, gas, mechanical, plumbing and communication conduits, pipes, and systems. Such plans shall also indicate in sufficient detail how the fire integrity will be maintained where required fire-resistant floors intersect the exterior walls and where joints occur in required fire resistant construction assemblies.
51. 107.2.3.1 Hazardous occupancies. The Building Official may require the following:
  1. General Site Plan. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities, per hazard class of hazardous materials stored.
  2. Building floor plan. A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.

52. 107.3 Exception 2, add by appropriately licensed design and inspection professionals and which contain adequate fire departments and rescue squads is exempt, subject to approval by the building official, from review of plans inspections, providing the appropriate licensed design and inspection professionals certify that applicable code standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors
53. 107.3.4 Design professional in responsible charge. Where it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.
54. 107.3.4.1 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official.
55. 107.3.5 Minimum Plan Review Building 9, add Building envelope portions of the Energy Code (including calculation and mandatory requirements). Plumbing add 15. Building envelope portions of the Energy Code (including calculation and mandatory requirements). Residential 6 add Termite protection, Design loads, Wind requirements, Building envelope, Foundation, Wall systems, Floor systems, Roof systems. Residential add 9. Residential Energy Code submittal (including calculation and mandatory requirements). Manufactured buildings add Site requirements, Setback/separation (assumed property lines), Location of septic tanks (if applicable), Steps and skirting plans per code, Structural, Wind zone, Anchoring, Blocking (based on manufacturer's floor and blocking plans for new or F.A.C. 15C for used buildings), Plumbing List potable water source and meter size (if applicable), Mechanical, Exhaust systems, Clothes dryer exhaust, Kitchen equipment exhaust, Electrical exterior disconnect location
56. 109.4 Work Commencing before permit issuance add or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.
57. 109.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.
58. 109.6 Refunds. The building official is authorized to establish a refund policy.
59. 110.1.1 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.
60. 110.1.2 Inspection service. The building official may make, or cause to be made, the inspections required by

Section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

61. 110.3 Required inspections.

Building modify to Foundation inspection. To be made after trenches are excavated, any required reinforcing steel is in place, forms erected and shall at a minimum include the following building components: ·Stem-wall · Monolithic slab-on-grade · Piling/pile caps · Footers/grade beams. 1.1. Slab Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor. A foundation/Form board survey prepared and certified by a registered surveyor may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection. 1.2. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification shall be submitted to the Authority having Jurisdiction. 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 the rough electrical, plumbing, heating wires, pipes and ducts are approved and shall at a minimum include the following building components: · Window/door framing- Window U-factor/SHGC as indicated on approved calculations · Vertical cells/columns-Lintel/tie beams ·Framing/ trusses/ bracing/ connectors (including truss layout and engineered drawings) · Draft stopping/fire blocking · Curtain wall framing · Energy insulation (Insulation R-factor as indicated on approved calculations) · Accessibility · Verify rough opening dimensions are within tolerances- Window/door buck attachment. 2.1. Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal Includes wall and ceiling insulation. 2.2. Lath and gypsum board inspection for fire-resistance-rated or shear assemblies. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished. 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-Continuous air barrier-Exterior Siding/Cladding · Sheathing fasteners · Roof/wall dry-in. NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material. 4. Roofing inspection. Shall at a minimum be made in at least two inspections and include the following building components: ·Dry-in·Insulation · Roof coverings (including In Progress as necessary)-Insulation on roof deck (according to submitted energy calculation)-Flashing. 4.1. Re-Roof sheathing inspection. An affidavit with a notarized signature of a state or locally licensed roofing contractor for the installation of additional sheathing fasteners as required by the Existing Building Code may be accepted at the discretion of the building official.



5. Final inspection. To be made after the building is completed and ready for occupancy. 5.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the authority having jurisdiction.

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 shell. Steel reinforcement inspection, Underground electric inspection, Underground piping inspection, including a pressure test, Underground electric inspection under deck area (including the equipotential bonding), Underground piping inspection under deck area, Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place, Safety Inspection; Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed, Final pool piping, Final Electrical inspection, 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 454.2.17.of this code.

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 453.27.20 of this code).

9. Where impact resistant coverings or impact resistant systems are installed, the building official shall schedule adequate inspections of impact resistant coverings or impact resistant systems 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.

Mechanical add include mechanical provisions of the energy code and approved calculations provisions.

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 during the course of the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean and in a safe condition at all times.
  2. All debris shall be kept in such a manner as to prevent it from being spread by any means.
62. 110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on

the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

63. 110.3.2 Concrete slab and under-floor inspection.
64. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
65. 110.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification shall be submitted to the building official.
66. 110.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
67. 110.3.5 Lath, gypsum board and gypsum panel product inspection. Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.  
  
Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.
68. 110.3.10 Final inspection. The final inspection shall be made after all work required by the building permit is completed.
69. 110.3.10.1 Flood hazard documentation. If located in a flood hazard area, shall be submitted to the building official prior to the final inspection.
70. 110.3.10.2 Energy Code documentation. If required by energy code path submittal, confirmation that commissioning result requirements have been received by building owner.
71. 110.4 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.
72. SECTION 113 BOARD OF APPEALS
73. 113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.
74. 113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.
75. 113.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.
76. SECTION 114 VIOLATIONS
77. 114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

78. 114.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the same.
79. 114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.
80. 114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.
81. SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT
82. 116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.
83. 116.2 Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.
84. 116.3 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.
85. 116.4 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.
86. 116.5 Restoration. Where the structure or equipment determined to be unsafe by the building official is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of Section 105.2.2 and the Florida Building Code, Existing Building.

(Ord. No. 98-07, §§ 1, 2, 1-26-98; Ord. No. 09-55, § I, 10-12-09; Ord. No. 12-31, § I, 5-14-12; Ord. No. 16-10, § I, 3-14-16; Ord. No. 20-01, § I(Exh. A), 1-13-20)

- (a) Procedure for demolition of unsafe structures. The following procedure shall govern the identification, investigation, and potential demolition of structures determined to be unsafe within the City of Leesburg, except in situations where the building official determines that a building or structure presents an immediate threat to the public health, safety and welfare, in which event the building official may proceed with corrective action, including demolition, under the authority provided by the International Property Maintenance Code, the Florida Building code, and the other codes adopted in section 7-16 of this Code of Ordinances.
- (1) The process of code enforcement against unsafe structures may be initiated by the building official based on citizen complaint, by referral from other city personnel or departments, or by the building official on his own initiative.
  - (2) Once a structure has come to the attention of the building official which he or she believes may be potentially hazardous or unsafe, the building official shall determine the identity of the fee owner(s) of the underlying real property and also of anyone who has a mortgage, lien or other record interest in the property. The building official shall obtain a title search from the city attorney or another source to verify ownership, encumbrances and other record interests.
  - (3) Once the building official has determined the identities of the property owners and others entitled to notice, written notice shall be given to each such person or entity, informing them of the fact the structure has been found to be potentially unsafe, and granting them sixty (60) days to bring the structure into compliance or make arrangements with the building official for other corrective action acceptable to the building official in the sound exercise of his discretion as governed by applicable codes and ordinances. Such notice shall be sent by both regular first class U.S. Mail, and by certified mail-return receipt requested. In addition, as to any recipients of notice with addresses lying inside the municipal limits of the City of Leesburg, whose receipt of the certified mail was not confirmed, an attempt shall be made to hand deliver the notice to those recipients by the Building Official, his designee, or an officer of the Leesburg Police Department. The notice shall include the street address and legal description of the property, a brief statement of the reasons why the building official has determined that the structure may be unsafe, a citation to the section or sections of the Code applicable to the particular violations found to exist on the property, and a statement of the appeal rights of the recipient, and how and when to exercise those rights. Appeals from any determination made by the building official under this section shall be filed with the building official no later than thirty (30) days after the date of the notice sent pursuant to this subsection, and shall be heard and decided by the board of adjustments and appeals.
- [(4)] If the conditions which led to issuance of the initial notice have not been resolved and no arrangements satisfactory to the building official have been made to alleviate those conditions by the end of the sixty (60) day notice period, no appeal has been filed, and if the code enforcement special magistrate has not previously found the property to be in violation of applicable codes such that it constitutes an unsafe structure or building, the case shall be referred to the board of adjustments and appeals for a public hearing on the question of whether the determination of the building official that the building or structure is unsafe, and should be demolished, is correct and appropriate. All parties with an interest in the real property shall receive notice of this hearing as provided in the preceding subsection, and shall have standing to participate in the hearing. No such hearing shall be required if there has been an appeal filed which was decided in favor of the building official, or if the special magistrate has at any time in the past determined that the building or structure is unsafe and in violation of applicable codes.
- [(5)] The board of adjustments and appeals shall issue written findings as to whether it is appropriate to move forward with the demolition of the building or structure, taking into account the condition of the building or

structure; its effect on its environs; the willingness and ability of the property owner to accomplish the demolition of the structure or other necessary corrective action; the degree to which the property owner or others having an interest in the property responded to the violation notices and cooperated in the efforts of the city to alleviate the unsafe conditions on site; the feasibility and cost of any necessary demolition; any historical or cultural significance of the structure, as demonstrated by evidence presented at the hearing; whether the city, or some other party, has a need or an interest in acquiring the property for productive use and as a consequence whether the city should consider acquiring title to it by lien foreclosure if possible; and such other factors as the board may deem relevant in any particular case. If the board recommends against demolition it shall state its reasons and also suggest what other methods it would deem appropriate to remedy the unsafe conditions.

[(6)] A copy of the written findings of the board of adjustments and appeals shall be sent by first class U.S. Mail, to each recipient of the initial notice. If the board recommends demolition, the building official shall proceed as expeditiously as possible to implement that recommendation. If corrective work short of demolition is proposed by the board in its findings, the building official shall investigate the feasibility of proceeding with such work and shall take any steps necessary, short of demolition, to alleviate any immediate threat to the public health, safety and welfare, caused by the condition of the building or structure.

- (b) If after following the procedures outlined previously in this section, or in cases where the procedure is not utilized because of an immediate threat to the public health, safety and welfare, the building official proceeds with corrective work or demolition of an unsafe building or structure, once the demolition or corrective work is completed, the building official shall forward to the city attorney an itemization of all costs associated with the enforcement proceeding, such as but not limited to staff time spent on investigation and enforcement, notification costs, expenses incurred to repair or demolish the structure, and costs of investigating other aspects of the property in accordance with the procedures established herein, costs for mailing and service of notices, costs associated with staff and committee investigations and reports, and actual costs of demolition. The city attorney shall file a lien against the property for the costs of the enforcement proceeding. Such lien shall be recorded in the public records of Lake County, Florida, against the real property on which the unsafe building or structure is or was situated. The city manager is hereby designated as the appropriate person to sign such liens and satisfactions or releases thereof. All such liens shall bear interest at the rate of twelve (12) percent per annum until paid and shall take priority over all other interests in the property other than the lien for ad valorem taxes, including but not limited to the interests of the fee owner, any holder of a mortgage against the property (whether or not of a purchase money nature), any holder of a construction lien, judgment lien or other lien or encumbrance against the property. Such liens shall have a duration of twenty (20) years commencing as of the date they are recorded in the public records of Lake County, Florida. At its option, at any time during the duration of the lien, the city may elect to foreclose the lien through judicial proceedings in the manner in which a mortgage against real property is foreclosed. Authorization from the city commission, by resolution, shall be obtained before the filing of any action to foreclose a lien imposed under this section of the City Code.

(Ord. No. 16-10, § X, 3-14-16)

**Editor's note**— Ord. No. 16-10, § X, adopted March 14, 2016, amended § 7-200 in its entirety to read as herein set out. Former § 7-200, pertained to enforcement procedure and cost recovery, and derived from Ord. No. 00-25, § I, adopted June 26, 2000.

Sec. 7-281. - International Property Maintenance Code.

- (a) *Adopted.* The International Property Maintenance Code, 2012 edition, published by the International Code

Council as amended, is adopted as the Property Maintenance Code for the City of Leesburg, Florida, comprised more specifically of the International Property Maintenance Code, 2012 edition, Florida Building Code - Residential, Building Code - Accessibility, Building Code - Energy, and Building Code - Existing, each of which is adopted by reference, and incorporated into this Code as fully as if set out in full herein. The property maintenance code is hereby adopted as the property maintenance code to provide standards to safeguard life or limb, health, property, and public welfare by regulating, governing, and controlling the conditions and maintenance of all property, buildings, and structures within this jurisdiction and to provide for a just, equitable, and practicable method whereby buildings or structures, which from any cause endanger the life, limb, morals, property, safety, or welfare of the general public or their occupants, may be repaired, vacated, or demolished. The minimum requirements and standards of the International Property Maintenance Code, 2012 edition, as amended, will become effective January 1, 2015.

- (b) *[Modifications]*. Sections 101. through 701. of the International Property Maintenance Code, 2012 edition, is hereby added and amended in its entirety to the Leesburg Code of Ordinances as the property maintenance code, and shall, after the effective date of the ordinance from which this article derived, read as set forth below:

*101.2. Amendments, additions, and deletions to the 2012 International Property Maintenance Code.* The following sections and subsections of the property maintenance code adopted in this article shall be amended, added, or not adopted by the city as follows. All other sections or subsections of the 2012 International Property Maintenance Code shall remain the same.

*101.3. Title.* These regulations shall be known as the Property Maintenance Code of the City of Leesburg, Florida, hereinafter referred to as "this code."

*102.4. Application of other codes.* Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Property Maintenance Code, 2012 edition, Florida Building Code - Residential, Building Code - Accessibility, Building Code - Energy, and Building Code - Existing, Mechanical, Building Code - Plumbing, Building Code - Residential, Building Code - Accessibility, Building Code - Energy, Building Code - Existing, Fire Prevention Code, Fuel Gas Code, and Electrical Code, Nothing in this code shall be construed to cancel, modify or set aside any provision of the Ordinances of Leesburg, Florida.

*103.1 Deleted.*

*130.2 Appointment.* The City Manager shall designate the Chief Property Maintenance Official and Inspectors "Code Officials" that are the code officials to enforce the provisions of this code.

*103.3 Deleted.*

*103.4 Liability.* The "Code Officials", Special Magistrate, or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection by the city's insurance pool and any immunities and defenses provided by other applicable state and federal laws and be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

*103.5 Fees.* The fees for building permits, activities, and services performed by the department in carrying out its responsibilities under this code shall be as established by Resolution of the City Commission.

*110.1 Demolition general.* The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than twelve months, the code official shall order the owner to demolish and remove such structure. The structure must remain secured during the 12-month time period.

*111.1 General.* Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Adjustment provided that a written application for appeal is filed within 20 days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The City Commission is additionally charged with the review of all proposed changes to the Property Maintenance Code. The Board of Adjustment shall have no authority relative to the interpretation of the administrative provisions of this code nor shall the Board of Adjustment be empowered to waive requirements of this code.

*111.2 Appointment of Special Magistrate.* The Leesburg Special Magistrate shall rule on matters pertaining to violations of this Code. The Magistrate shall be appointed by the City Commission.

*111.4 Open hearing.* All hearings before the Magistrate and Board of Adjustment shall be open to the public. The appellant or alleged violator, as the case may be, the appellant's or violator's representative, the code official, and any person whose interests are affected shall be given an opportunity to be heard.

*112.4 Failure to comply.* 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 code violations and/or administrative citations through the code enforcement process.

*113.1 Special assessment.* The code official shall cause an account to be kept against each lot or parcel of the cost to the city for the correction and control of any vegetation nuisance during the growing season of each year, for the cost of demolition and removal where the owner fails to comply with a demolition order, for the abatement of an unsafe condition which the owner fails to comply, and for the costs of emergency repairs. The costs shall be certified to the City Finance Director on or before August 1 of each year.

*113.2 Estimate of assessment.* The Finance Director shall prepare an estimate of the assessment against each lot or parcel for the correction and control of any vegetation nuisance for the preceding growing season, demolition, abatement of unsafe conditions, and emergency repairs, including therein the expense of levying such special assessment against each lot or parcel. Such estimates shall be submitted to the City Commission.

*113.3 Assessment hearing.* Upon the filing of the assessment roll with the Finance Director, the City Commission shall fix a time and place of hearing upon the assessment, not less than 20 days from the date of filing thereof. The Finance Director shall thereupon publish a notice of the time and place of hearing in the official newspaper one week prior to the date set for the hearing. The notice shall in general terms describe the improvement for

which the special assessment is levied, the date of filing of the assessment roll, the time and place of the hearing thereon, and that the roll will be open for public inspection at the office of the city Finance Director and shall refer to the special assessment roll for further particulars. In addition to the publication of the notice of hearing, the Finance Director shall mail a copy of the notice by first class mail, addressed to the owner of any property to be assessed for the improvements, at the address as shown by the records of the finance director. The mailings shall be at least one (1) week prior to the date set for the hearing. The owner of any lot or parcel of land against which a special assessment is to be so levied, or its occupant or person in charge, may appear before the council at such meeting to protest such assessment and to give reasons why such assessment should not be levied. Upon the day so named, the council shall meet, and if they find the estimate correct and the actions of the code official resulting in the estimate to be in accordance with the provisions of this article, they shall approve the assessment by resolution and file such assessment roll with the Finance Director; or, if not correct, they shall correct or modify the estimate, approve the assessment as corrected or modified, and file such assessment roll with the Finance Director; or, if not in accordance with the provisions of this article, shall disapprove such assessment. From the date of the approval and filing of such assessment roll with the Finance Director, the assessment shall be and become a special lien against the various pieces of property described in the assessment roll and shall be collected in a like manner as special assessments for public improvements.

*201.3 Terms defined in other codes.* Where terms are not defined in this code and are defined in the Florida Building, Plumbing, Mechanical, Fuel, Residential and Existing codes, Florida Fire Prevention Code, Ordinances of Leesburg, Florida, such terms shall have the meanings ascribed to them as stated in those codes.

*302.4 Weeds.* All premises and exterior property shall be maintained free from all actively growing plants declared to be statewide noxious weeds the State of Florida, all actively growing weeds declared by the City of Leesburg and by the county to be locally noxious, and all other non-woody plants growing in the city to a greater height than eight inches, are noxious, dangerous, and unhealthful, and are hereby declared to be a nuisance. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees and shrubs provided. This does not apply to vegetation that is being grown as a crop, livestock pasture, wildflower display gardens, right-of-way of rural section roads, if the vegetation has been designated by the Director of Parks and Recreation as a natural area or native planting, or unimproved developments except for a 25-foot mowed buffer adjacent to the right-of-way.

*302.4.1 Duty to correct.* The occupant, person in charge, or owner of any lot or parcel of land in the city shall keep such lot, to include any abutting city right-of-way except as provided herein, free of such nuisance vegetation by cutting, spraying, or removal, as may be appropriate. The code official has the authority to require compliance with this article on all property. The code official shall cause public notice to be given requiring all lots or parcels of land in the city to be kept free from all vegetation declared by Section 302.4 to be a nuisance. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice, the owner or agent shall be subject to code enforcement/administrative citations in accordance with the Leesburg Code Ordinances. The notice shall provide that all vegetation determined to be a nuisance and left uncorrected shall be cut, sprayed or removed by the city, and the cost thereof shall be billed to the property owner. If the bill is left unpaid the cost will be assessed against that property, to include the cost of levying such special assessment. The notice shall be by general public notice, published in the official newspaper once a week for two consecutive weeks, with a copy mailed to the owner or other person in charge of the property at the address listed on the tax roll, and shall be deemed sufficient to allow those actions authorized by this Chapter.



*302.4.2 Correction by city.* If the occupant, person in charge, or owner of any lot or parcel of land fails to correct any such vegetation nuisance as required within ten days of the last publication of the general notice, as set forth in Section 302.4.1, the code official shall cause such vegetation to be cut, sprayed or removed, and for such purpose the person allowed to do the work shall be allowed to enter upon any lot or parcel of land. No person shall intentionally interfere or attempt to interfere with the cutting, spraying, or removal of such vegetation.

*302.8 Motor vehicles.* Abandoned and inoperative vehicles shall be regulated by Article III of Chapter 25 of the Ordinances of City of Leesburg, Florida.

*302.9 Defacement of property.* Placement of graffiti shall be regulated by the Ordinances of City of Leesburg, Florida.

*303.1 Swimming pools.* Swimming pools shall be maintained in a safe, clean and sanitary condition and in good repair.

*303.2 Enclosures.* Private swimming pools, hot tubs, and spas containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (137 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

*304.1 Exterior of structures-General.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare as per sections 304.1.1. through 304.19. of the 2012 IPMC, as amended.

Exception: Section 304.1.3. is covered in other sections of the Code of Ordinances.

*304.14 Insect screens.* During the period from April 1 to September 30, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

401 through 601 shall apply to residential rentals, commercial, and industrial properties.

(Ord. No. 14-38, §§ I, II, 11-24-14)

**Fort Pierce, FL - Code of Ordinances** ([https://library.municode.com/fl/fort\\_pierce/codes/code\\_of\\_ordinances](https://library.municode.com/fl/fort_pierce/codes/code_of_ordinances))

Sec. 103-179. - Survey; procurement of numbers by owner; installation.

- (a) There shall be assigned by the planning director or his designee to each house and other residential or commercial building located on any street in the city its respective number under the uniform system provided for in this article, whereupon the owner, occupant or agent thereof shall place or cause to be placed upon each house or building controlled by him the number assigned.
- (b) Such number shall be installed within ten days after the assignment and/or notice thereof. Assignment and/or notice shall be sent via regular U.S. mail and/or certified mail with a return receipt sent to the owner of record in the current county tax rolls. An authorized employee shall execute an affidavit of mailing which shall constitute evidence of mailing via regular U.S. mail for purposes of providing proof of notice for purposes of this section.
- (c) The number shall be procured and paid for by the property owner. The number used shall meet the requirements set forth in chapter 3 of the International Property Maintenance Code as adopted by the city and incorporated by reference herein. If the proper number is not placed on the building as required within the ten days specified herein, from the date of assignment or notice, the code enforcement department shall enforce compliance through the applicable code enforcement provisions for the violation as provided in section 103-172.
- (d) The number shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street line. Whenever any building is situated more than 50 feet from the street line, then the numbers shall be placed near the walk, driveway or common entrance to such building and upon a post, mailbox or other appropriate place so as to be easily discernible from the sidewalk.

(Code 1960, § 24-38; Code 1983, § 5-73; Ord. No. 16-025, § 2, 1-3-2017)

Sec. 103-338. - Adoption.

Provisions of the International Property Maintenance Code (IPMC) as published by the International Code Council, as set forth in section 103-339, are adopted and stand incorporated by reference herein and stand as the property maintenance ordinance and housing code for the city. Amendments to the applicable provisions of the International Property Maintenance Code are hereby adopted for use herein without the need for subsequent ratification.

(Code 1983, § 5-364; Ord. No. 16-025, § 7, 1-3-2017)

Sec. 103-339. - Definitions, scope and application.

- (a) Terms within these code provisions shall be defined in accordance with chapter 2 of the International Property Maintenance Code, except as provided otherwise within this Code or by state or federal law.
- (b) Chapter 1, part 1 of the IPMC entitled "Scope and Application" is hereby adopted and specifically incorporated herein by reference.
- (c) Chapter 1, part 2, of the IPMC entitled "Administration and Enforcement" is hereby adopted and specifically incorporated herein by reference. The provisions of the IPMC shall be administered and enforced in accordance with applicable provisions established in chapter 1, article II of this Code and this chapter.
  - (1) Chapter 1, part 2, section 111 "Means of Appeal," is specifically excluded. Any person directly affected by the enforcement of the provisions of the city property maintenance ordinance and housing code has the right to

request a hearing pursuant to chapter 1, article II of the Code of Ordinances.

(d) The provisions of chapter 3, section 302 are adopted with the following exceptions:

- (1) Section 302.4 "Weeds," is specifically excluded. All landscape overgrowth shall be abated in accordance with the provisions of chapter 30 of this Code.
- (2) Section 302.8 "Motor Vehicles," is specifically excluded. Non-operative vehicle nuisances shall be abated in accordance with the provisions for the same within chapter 30 of this Code.

(e) All sections of the IPMC which are not specifically excluded are incorporated herein by reference and shall be subject to enforcement year-round.

(Code 1983, § 5-365; Ord. No. 16-025, § 8, 1-3-2017; Ord. No. 19-010, § 6, 3-18-2019)

#### Sec. 111-52. - Unsafe structures.

In the event the code compliance official determines that any structure within a designated historic site or historic district is unsafe pursuant to the International Property Maintenance Code, as adopted by the city, such official shall immediately notify the historic preservation board with a copy of any findings. Where reasonably feasible within applicable laws and regulations, the department of code enforcement shall endeavor to encourage repair of the structure rather than its demolition and shall take into consideration any comments and recommendations by the board. The board may take appropriate action to encourage preservation of any such structure.

(Code 1983, § 23-64; Ord. No. K-72, § 2, 4-16-2001)

#### Sec. 117-3. - Administration and enforcement.

(a) *General.* The requirements of this chapter shall be administered and enforced by the city manager or his designee.

(b) *Removal of signs.*

(1) *Vacant premises.* A sign shall be removed by the property owner or lessee of the premises when the establishment which it advertises is no longer active or shall replace the sign face with an opaque, blank face on both sides. Upon the premises becoming vacant, the owner or lessee thereof shall remove and keep the windows clean and free from any lettering or advertising signs of the previous business or profession. Signs painted on or affixed to such premises advertising a previous business or profession shall be removed or completely obliterated after the premises becomes vacant. If the owner or lessee fails to remove any such signs, or to modify the sign face as aforesaid, the owner shall be given 30 days' written notice to remove it. Upon failure to comply with said notice, the sign shall be declared a nuisance and abated in accordance with section 24-22.

(2) *Maintenance.* All signs and advertising structures regulated by this chapter shall be maintained in accordance with the provisions of chapter 5. The owner or lessee of any sign that is unsightly because of a deterioration or lack of maintenance shall be notified in writing and allowed 30 days to correct said violations. Upon failure to comply with said notice, the sign shall be declared a nuisance and abated in accordance with section 24-22.

(3) *Nuisance; abatement.* Any sign which is erected, used or maintained in violation of this chapter is hereby declared to be a public and private nuisance and shall be forthwith removed, obliterated or abated in accordance with section 24-22. For such purpose city staff or duly contracted vendor may enter upon private

property without incurring any liability therefor. However, if any such sign bears the name of the owner thereof, and said owner holds an unexpired permit issued under this chapter, the said owner shall be given written notice of the violation in accordance with the provisions of section 24-22.

- (c) *Emergency removal.* In cases where it reasonably appears that there is imminent danger to life or safety of any person unless a sign located on public or private property is immediately altered, repaired or removed, the sign is hereby declared unsafe. All such unsafe signs are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the International Property Maintenance Code, subject to all amendments, modifications or deletions, or other local ordinance, including article II of chapter 24.

(Code 1960, § 23A-9; Code 1983, § 15-3; Ord. No. J-128, § 1, 12-19-1994; Ord. No. J-201, § 2, 8-20-1996; Ord. No. 17-019, § 1, 6-19-2017)

**Sebastian, FL - Code of Ordinances** ([https://library.municode.com/fl/sebastian/codes/code\\_of\\_ordinances](https://library.municode.com/fl/sebastian/codes/code_of_ordinances))

## Sec. 26-34. - Unsafe Structures Abatement Code.

- (a) Unsafe buildings and structures shall be abated according to the provisions of the International Property Maintenance Code 2012 editions, promulgated by the International Code Council, Inc., subject to all amendments, modifications, or deletions hereinafter contained.

**26-34.01. Title.**

- (a) *Title.* These regulations shall be known as the Unsafe Structures Abatement Code of the City of Sebastian, hereinafter referred to as "this code."
- (b) *Scope.* The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.
- (c) *Intent.* This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions and change of occupancy in existing buildings shall comply with the Florida Existing Building Code.
- (d) *Severability.* If a 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.

**26-34.02. Applicability.**

- (a) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.
- (b) *Maintenance.* Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.
- (c) *Application of other codes.* Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Florida Existing Building Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the standard codes adopted by the City of Sebastian.
- (d) *Existing remedies.* The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

- (e) *Workmanship.* Repairs, maintenance work, alterations or installations which are caused directly or indirectly by enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with manufacturer's instructions.
- (f) *Historic buildings.* The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.
- (g) *Requirements not covered by code.* Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.
- (h) *Other laws.* The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

#### **26-34.03. Definitions.**

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

#### **26-34.04. General definitions.**

*Anchored.* Secured in a manner that provides positive connection.

*Approved.* Approved by the building official.

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

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

*Bedroom.* Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

*Building official.* The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

*Detached.* When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

*Deterioration.* To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

*Dwelling unit.* A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Easement.* That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a lot or lots.

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

*Guard.* A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

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

*Imminent danger.* A condition which could cause serious or life-threatening injury or death at any time.

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

*Labeled.* Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

*Let for occupancy or let.* To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

*Neglect.* The lack of proper maintenance for a building or structure.

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

*Occupant.* Any individual living or sleeping in a building, or having possession of a space within a building.

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

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

*Owner.* Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

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

*Pest elimination.* The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

*Premises.* A lot, plot or parcel of land, easement or public way, including any structures thereon.

*Public way.* Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

*Rooming house.* A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

*Rooming unit.* Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

*Sleeping unit.* A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

*Strict liability offense.* An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

*Structure.* That which is built or constructed or a portion thereof.

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

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

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

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

*Yard.* An open space on the same lot with a structure.

#### **26-34.05. Duties and powers of the building official.**

- (a) *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. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.
- (b) *Inspections.* The building official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a Florida Licensed Architect or Engineer. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
- (c) *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the building official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the building official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.
- (d) *Identification.* The building official or appointee shall carry proper identification when inspecting structures



or premises in the performance of duties under this code.

**26-34.06. Violations.**

- (a) *Unlawful acts.* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.
- (b) *Notice of violation.* The building official shall serve a notice of violation or order in accordance with section 26-34.07.
- (c) *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with section 26-34.07 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the building official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (d) *Violation penalties.* Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be subject to prosecution in accordance with state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- (e) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

**26-34.07. Notices and orders.**

- (a) *Notice to person responsible.* Whenever the building official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in sections 26-34.07(b) and 26-34.07(c) to the person responsible for the violation as specified in this code. Notices for unsafe structure procedures shall also comply with section 26-34.08(h).
- (b) *Form.* Such notice prescribed in section 26-34.07(a) shall be in accordance with all of the following:
  - 1. Be in writing.
  - 2. Include a description of the real estate sufficient for identification.
  - 3. Include a statement of the violation or violations and why the notice is being issued.
  - 4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the building or structure into compliance with the provisions of this code.
  - 5. Inform the property owner of the right to appeal.
  - 6. Include a statement of the right to file a lien in accordance with section 26-34.06(c).
- (c) *Method of service.* Such notice shall be deemed to be properly served if a copy thereof is:
  - 1. Delivered personally to the owner;
  - 2. Sent by certified or first-class mail addressed to the last known address of the owner, according to the official records of the Indian River County Property Appraiser or
  - 3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

- (d) *Penalties.* Penalties for noncompliance with orders and notices shall be as set forth in section 26-34.06(d).
- (e) *Transfer of ownership.* It shall be unlawful for the owner of any building or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such building or structure to another until the provisions of the compliance order or notice of violation have been complied with, unless such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the building official and shall furnish to the building official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

#### **26-34.08. Unsafe structures and equipment.**

- (a) *General.* When a structure or equipment is found by the building official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be declared unsafe pursuant to the provisions of this code.
- (b) *Unsafe structures.* An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that it is not capable of resisting winds or similar loads as required by the Florida Building Code or partial or complete collapse is possible.
- (c) *Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
- (d) *Structure unfit for human occupancy.* A structure is unfit for human occupancy whenever the building official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the Florida Building Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- (e) *Unlawful structure.* An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under the standard codes of the City of Sebastian, or was erected, altered or occupied contrary to law.
- (f) *Unsafe structure or premises.* For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered unsafe:
  1. Any door, aisle, passageway, stairway, exit or other means of egress that does not provide a safe path of travel in case of fire or panic.
  2. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirements established by the Florida Building Code for new buildings or it is likely to partially or completely collapse, or to become detached or dislodged.

3. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting wind loads as required by the Florida Building Code for new buildings.
  4. Any building or structure, or any portion thereof, is clearly unsafe or unsanitary for its use and occupancy.
  5. Any building or structure that is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
  6. Any building or structure that has been constructed, exists or is maintained in violation or prohibition of any specific requirement applicable to such building or structure by the standard codes of the city, county or state law to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
  7. A building or structure, used or intended to be used for dwelling purposes, that because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- (g) *Closing of vacant structures.* If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post an unsafe structure placard on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the building official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.
- (h) *Notice.* Whenever the building official has declared a structure or equipment unsafe under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with section 26-34.07(c). If the notice pertains to equipment, it shall also be placed on the unsafe equipment. The notice shall be in the form prescribed in section 26-34.07(b).
- (i) *Placarding.* Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the building official shall post on the premises or on defective equipment a placard bearing the word "Unsafe" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
- (j) *Placard removal.* The building official shall remove the unsafe placard whenever the defect or defects upon which the unsafe condition and placarding action were based have been eliminated. Any person who defaces or removes an unsafe placard without the approval of the building official shall be subject to the penalties provided by this code.
- (k) *Prohibited occupancy.* Any occupied structure declared unsafe and placarded by the building official shall be vacated as ordered by the building official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall permit anyone to occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.
- (l) *Abatement methods.* The owner, operator or occupant of a building, premises or equipment deemed unsafe by the building official shall abate or cause to be abated or corrected such unsafe conditions either by repair,

rehabilitation, demolition or other approved corrective action.

- (m) *Record.* The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

#### **26-34.09. Emergency measures.**

- (a) *Imminent danger.* When, in the opinion of the building official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the building official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The building official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Building Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.
- (b) *Temporary safeguards.* Notwithstanding other provisions of this code, whenever, in the opinion of the building official, there is imminent danger due to an unsafe condition, the building official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the building official deems necessary to meet such emergency.
- (c) *Costs of emergency repairs.* Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction may institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.
- (d) *Hearing.* Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

#### **26-34.10. Demolition.**

- (a) *General.* The building official shall order the owner of any premises upon which is located any structure, which in the building official judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the building official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.
- (b) *Notices and orders.* All notices and orders shall comply with section 26-34.07.
- (c) *Failure to comply.* If the owner of a premises fails to comply with a demolition order within the time prescribed, the building official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a tax lien upon such real estate.
- (d) *Salvage materials.* When any structure has been ordered demolished and removed, the governing body or

other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

**26-34.11. Swimming pools, spas and hot tubs.**

- (a) *Swimming pools.* Swimming pools, spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.
- (b) *Barriers.* Residential swimming pools, hot tubs and spas, containing water more than 24 inches in depth, shall have pool barriers as set forth in section 26-138.

(Ord. No. O-12-08, § 1, 8-22-12)

**Daytona Beach Shores, FL - Code of Ordinances**

([https://library.municode.com/fl/daytona\\_beach\\_shores/codes/code\\_of\\_ordinances](https://library.municode.com/fl/daytona_beach_shores/codes/code_of_ordinances))

Sec. 19-23. - Uninhabitable, dilapidated, unsafe or unsanitary buildings or structures.

- (a) A building or structure shall be uninhabitable, dilapidated, unsafe or unsanitary when:
- (1) An order has been issued by the city under its codes or ordinances finding that a public nuisance exists; and
  - (2) The building or structure is found to have one or more of the following characteristics:
    - a. It is vacant, unguarded and open at doors or windows;
    - b. There is a deleterious accumulation of debris;
    - c. Its condition creates hazards with respect to means of egress and fire protection as provided for the particular occupancy;
    - d. There is a falling away, hanging loose or loosening of any siding, block, brick, or other building material;
    - e. There is deterioration of the building or structure or structural parts;
    - f. It is partially destroyed;
    - g. There is an unusual sagging or leaning out of plumb of the building or structure or any parts of the building or structure and such effect is caused by deterioration or over-stressing;
    - h. The electrical or mechanical installations or systems create a hazardous condition;
    - i. An unsanitary condition exists by reason of inadequate or malfunctioning sanitary facilities or waste disposal systems;
    - j. Combustible material is located on the property in an unsafe manner;
    - k. It is in substantive non-compliance with the International Property Maintenance Code as enacted by the city.
    - l. The certificate of occupancy for one or more buildings on the property has been suspended or revoked by the city's building official.
- (b) A building or structure found to be uninhabitable, dilapidated, unsafe or unsanitary as provided in this section shall be subject to demolition.
- (c) The city shall implement the provisions of the adopted International Property Maintenance Code, as enacted by the city, in conjunction with the provisions of this ordinance.
- (d) The city may sell any material salvaged from any demolished building or structure and any other property contained therein or thereupon and credit the proceeds against the cost of demolition or removal, or where an independent contractor is employed to demolish or remove any such building or structure, to convey such material or property to the contractor as compensation or partial compensation for such demolition or removal. Should the proceeds from the disposition of such materials or property exceed the cost of such demolition or removal, such excess shall be used, applied, or paid over in accordance with the written directions of the parties entitled thereto.
- (e) The city manager is authorized to expend such funds as may be necessary to carry out the provision of this ordinance. Nothing contained herein shall require the city council to appropriate or the city manager expend any funds to carry out the purpose of this ordinance. The authority granted herein is permissive and shall not be construed to impose an obligation on the city to condemn any building or structure.
- (f) Nothing herein precludes exercise of emergency powers by the city otherwise available in the face of imminent

threat to public safety.

- (g) The provisions of this ordinance shall not be deemed to repeal or modify any provision of a city code or ordinance relating to condemning of buildings and structures but the provisions herein shall be supplemental and in addition to the powers that may be exercised by the city through its city council or its officers and employees.

( Ord. No. 2019-09, § 3, 9-19-19; Ord. No. 2019-14, § 3, 1-14-20)

Sec. 5-6.2. - Code enforcement enhancement program; support codes.

- (a) The City of Daytona Beach Shores hereby adopts the International Property Maintenance Code®, 2018 edition, as published by the International Code Council, as it may be amended from time to time, subject to the conditions set forth in this section and all references to the local jurisdiction shall be to the City of Daytona Beach Shores.
- (b) The general purpose of the adoption of the International Property Maintenance Code® is to facilitate its application is making determinations of compliance for vacant properties as set forth in section app. G, § 14-61.1 of this ordinance.
- (c) With regard to any conflict between the International Property Maintenance Code® and the City Code and Florida Statutes, the local and State law provisions shall prevail and apply.
- (d) When a provision of the International Property Maintenance Code® requires the establishment of a regulatory standard or the establishment of a local fee; the standard set forth in the City Code or the fee adopted by the City Council shall be applicable. By way of example, Section 302.4 of the International Property Maintenance Code® relates to weed growth and, thus, the standard set forth in section 13-5 of the City Code relating to and restricting the growth of weeds would be applicable. When a standard is not prescribed in the City Code as to a particular matter, the provision shall not be enforced by the City.
- (e) With regard to processes and procedures, the processes and procedures set forth in F.S. ch. 162, and the provisions of the City Code shall control and be applicable.

( Ord. No. 2019-09, § 5, 9-9-19; Ord. No. 2019-14, § 5, 1-14-20)

**Editor's note**— Ord. Nos. 2019-09, adopted Sept. 9, 2019, and 2019-14, adopted Jan. 14, 2020, allowed for the codification of section five of said ordinance, but did not designate a Code section. Its designation as App. G, § 5-6.2, was at the discretion of the editor.

**Atlantic Beach, FL - Code of Ordinances** ([https://library.municode.com/fl/atlantic\\_beach/codes/code\\_of\\_ordinances](https://library.municode.com/fl/atlantic_beach/codes/code_of_ordinances))

Sec. 2-147. - Jurisdiction.

- (a) The special magistrate(s) shall have the jurisdiction and authority to hear and decide alleged violations of the following:
- (1) City of Atlantic Beach Code of Ordinances, pursuant to Chapter 162, Florida Statutes and the provisions of this Code, each as may be amended; and
  - (2) State of Florida Building Code, administration section of Chapter 553, Florida Statutes, as adopted by the State of Florida and by the city;
  - (3) International Property Maintenance Code as adopted by the city;
  - (4) All other local codes and ordinances as allowed by Chapter 162, Part 1, Florida Statutes, Local Government Code Enforcement Boards, as it may be amended from time to time.
- (b) The jurisdiction of the special magistrate shall not be exclusive. Any alleged violation of any of the provisions of subsection (a) may be pursued by appropriate remedy in court at the option of the administrative official whose responsibility it is to enforce that respective code or ordinance.

(Ord. No. 5-19-68, § 1(Exh. A), 2-11-19)

Sec. 6-16. - Adoption of Florida Building Code.

There is hereby adopted, subject to any modifications, changes and amendments set forth in this article, and for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as The Florida Building Code established by Florida Statutes Chapter 553, Part VII, as amended from time to time so that the latest edition of the Florida Building Code shall apply and the International Property Maintenance Code, most recent edition, of which not less than three (3) copies have been and are now filed in the office of the city clerk, and the same are adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling in the construction of all buildings and other structures within the city.

(Ord. No. 25-02-32, § 2, 11-11-02; Ord. No. 25-08-38, § 1.A.(1), 2-25-08)

Sec. 6-17. - Same—Amendments.

The Florida Building Code adopted by section 6-16 is hereby modified, changed and amended to include the following:

(a) *Building department.*

- (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.
- (2) *Designation of administrator, deputy, inspectors; conflicts of interest.*
  - a. The building official, inspection division, development services department, is hereby designated as the administrative authority responsible for interpretation and enforcement of the provisions of this chapter and the Florida Building Code, with the exception of Chapters 9 and 36, which are assigned to the fire chief for enforcement in its entirety.
  - b. The administrative authority shall be referred to as the building official.



- c. The building official may appoint such number of officers, inspectors, assistants, and other employees authorized from time to time. The minimum qualification requirements for each employee so authorized established by the personnel rules and regulations and the official position descriptions of the city.
  - d. The building official may designate as his deputy an employee in the division who shall, during the absence or disability of the building official, exercise all powers of the building official.
- (3) *Restrictions on employees.* An officer or employee connected with the department, except one whose only connection is as a member of the board established by this code, shall not be financially interested in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. The officer or employee shall not engage in any other work which is inconsistent with his duties or conflict with the interests of the department.
- (4) *Records.* The building official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.
- (5) *Liability.* Any officer or employee, or member of the board of adjustments and appeals, charged with the enforcement of this code, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself 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 his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of this code shall be defended by the department of law until the final termination of the proceedings.
- (6) *Reports.* The building official shall submit annually a report covering the work of the building department during the preceding year. He may incorporate in said report a summary of the decisions of the board of adjustments and appeals during said year.
- (b) *Powers and duties of the building official.*
- (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.
- (2) *Right of entry.* 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 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.
- 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.

- (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 his or her agent or person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, a building official shall not be required to give a written notice prior to stopping the work.
- (4) *Revocation of permits.*
- a. *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 misrepresentations as to the material fact in the application or plans on which the permit or approval was based.
  - b. *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.
- (5) *Unsafe building or structure.* For the purpose of this Code, any building or structure which has any or all of the conditions or defects hereinafter described, shall be deemed a public nuisance and an unsafe, substandard, and dangerous building, provided that such conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered or to the extent that such building or structure creates a substantive adverse effect to the surrounding neighborhood, business environment or property values. Such structures and buildings shall be abated in accordance with the procedures of the 2006 International Property Maintenance Code.
- a. Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
  - b. Whenever the stress in any material, member, or portion thereof, due to all dead and live loads, is more than one and one-half (1½) times the working stress allowed in the Florida Building Code, for new buildings of similar structure, purpose or location.
  - c. Whenever any portion thereof has been damaged by fire, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Florida Building Code, for new buildings of similar purpose, or location.
  - d. Whenever any portion or member or appurtenance thereof is likely to fail or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
  - e. Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-third ( 1/3 ) of that specified in the Florida Building Code, for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the said Florida Building Code for such buildings.
  - f. Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of similar new construction.
  - g. Whenever the building or structure, or any portion thereof, is likely to partially or completely collapse because of:
    1. dilapidation, deterioration, or decay;

2. faulty construction;
  3. the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building;
  4. the deterioration, decay or inadequacy of its foundation.
- h. Whenever, for any reason, the building or structure, or any portion thereof is manifestly unsafe for the purpose for which it is being used.
  - i. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third ( 1/3 ) of the base.
  - j. Whenever the building or structure, exclusive of the foundation shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
  - k. Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become:
    1. an attractive nuisance to children;
    2. a harbor for vagrants, criminals; or
    3. as to enable persons to resort thereto for the purpose of committing unlawful acts.
  - l. Whenever any building or structure has been constructed, or exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of Atlantic Beach, as specified in the Florida Building Code, or International Housing Code relating to the condition, locations, or structure of buildings.
  - m. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has any nonsupporting part, member or portion less than thirty-three (33) percent, or in any supporting part, member or portion less than fifty (50) percent of the (1) strength, (2) fire-resisting qualities or characteristics, or (3) weather-resistant qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.
  - n. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction, or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by a State of Florida Health Official to be unsanitary, unfit for human habitation, or in such conditions that is likely to cause sickness or disease.
  - o. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
  - p. Whenever any building or structure has been neglected or been allowed to deteriorate to such an extent that it has a blighting influence on the surrounding neighborhood. Such condition should be determined by common, reasonable observation of the building structure's exterior cladding.
- (6) *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.

## Sec. 6-120. - Adoption.

There is hereby adopted, basic minimum housing standards deemed essential for safe, healthful living, that certain code known as the International Property Maintenance Code, most current edition, published by the Southern Building Code Congress International, Inc.

(Ord. No. 25-89-21, § 1, 6-12-89; Ord. No. 25-92-23, § 1, 11-9-92; Ord. No. 25-96-28, § 1(6), 4-22-96; Ord. No. 25-98-30, § 1, 6-22-98; Ord. No. 25-08-38, § 1.A.(4), 2-25-08)

## Sec. 6-121. - Amendments.

The following sections of the IPMC [International Property Maintenance Code] are hereby revised as follows:

- (a) *Section 101.1 Title.* Insert: "The City of Atlantic Beach."
- (b) *Section 102.3 Application of other codes.* Amend to delete International Building Code, International Fuel Gas Code, International Mechanical Code and the ICC Electrical Code and replace with "State of Florida Building Codes and the National Electrical Code."
- (c) *Section 103 Title.* Amend to read: "Building Department and Code Enforcement Division."
- (d) *Section 103.1 General.* Amend to read: "The building department and code enforcement division shall be designated to enforce the provisions of this code."
- (e) *Section 103.5 Fees.* Delete this section.
- (f) *Section 110.1 General.* Delete "for a period of two years" and replace with "6 months."
- (g) *Section 110.3 Failure to comply.* Add sentence to state: "All administrative costs to the City of Atlantic Beach shall be considered when determining total cost of demolition."
- (h) *Section 111.1 Application for appeal.* Amend to read: "Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Special Magistrate, provided that a written application of appeal is filed within 20 days after the day of the decision, notice or order was served."
- (i) *Section 302.4 Weeds.* In the first sentence, delete "(jurisdiction to insert height in inches)" and substitute "12 inches."
- (j) *Section 304.14 Insect Screens.* In the first sentence, delete "[date] to [date]" and substitute "March 1 to December 1."
- (k) *Section 602.3 Heat Supply.* In the first sentence, delete "[date] to [date]" and substitute "November 1 to March 31."
- (l) *Section 602.4 Occupiable workspaces.* In the first sentence, delete "[date] to [date]" and substitute "November 1 to March 31."

(Ord. No. 25-08-40, § 1, 8-25-08; Ord. No. 5-19-68, § 3, 2-11-19)

## Sec. 24-173. - Neighborhood preservation and property maintenance standards.

- (a) *Purpose and intent.* The City of Atlantic Beach is composed predominantly of older residential subdivisions and neighborhood scale commercial businesses serving these neighborhoods. It is in the public interest of the city to foster diverse and stable neighborhoods and to implement strategies in support of related objectives and policies as expressed within the city's adopted comprehensive plan. The purpose and intent of these regulations

is to provide minimum standards for the acceptable conditions of properties and structures within the city and to assist in the implementation of the International Property Maintenance Code, which is adopted as article VIII within chapter 6 of this Municipal Code of Ordinances.

- (b) *Appropriate maintenance and upkeep.* All areas of a lot and structures that are visible from a street or a neighboring property shall be maintained in an acceptable manner, which shall be defined by the following characteristics:
- (1) Lots are maintained free of litter, trash, debris, discarded belongings, automotive parts and old tires, construction materials, and broken and abandoned items.
  - (2) Dead shrubbery or landscaping is removed from lots, and where a resident is unable to maintain a lawn or landscaping, dirt or sand areas are contained in some manner so as to prevent dirt or sand from blowing or washing on to adjacent properties, the street or the city's stormwater system.
  - (3) Broken or missing glass in windows or doors is replaced with glass, and where windows or doors are visible from the street, these are not covered with wood, fiberglass, metal, cardboard, newspaper or other similar materials, except for a temporary time period as needed to make proper repairs or to protect windows from wind-borne debris during a storm.
  - (4) Trim work, eaves, soffits, gutters, shutters, and decorative features are not broken and are securely attached as intended.
  - (5) Household items of any type that are customarily intended to be used and maintained within the interior of a residence are not stored or discarded in any location on a lot that is visible from a street. Similarly, within the rear or side yards of a lot, such items are not stored in a manner or amount such that an unsightly nuisance to neighboring properties or an environment that attracts rodents, insects, or other animals and pests is created.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10; Ord. No. 90-19-240, § 3(Exh. A), 7-8-19)

**Titusville, FL - Code of Ordinances** ([https://library.municode.com/fl/titusville/codes/code\\_of\\_ordinances](https://library.municode.com/fl/titusville/codes/code_of_ordinances))

## Sec. 6-109. - International Property Maintenance Code adopted.

- (a) The property maintenance code entitled "International Property Maintenance Code" is hereby adopted by reference as the property maintenance code of the city and all provisions therein are made a part of this chapter the same as if they were set forth herein in full; provided, however, that when the provisions of the International Property Maintenance Code conflict with the provisions of this chapter and/or other provisions of the City of Titusville Code of Ordinances, the more restrictive provision shall apply, except as noted herein. Further provided that all property within the corporate limits of the city shall comply with the provisions of the International Property Maintenance Code unless exempt by such code. One (1) copy of such code is on file in the office of the city clerk or building official.
- (b) The intent of the property maintenance code shall be to establish the minimum regulations governing the conditions and maintenance of all property, building and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as the property maintenance code.
- (c) The latest publication of the International Property Maintenance Code, as it may change from time to time, as published by the International Code Council, Inc., with appendices, standards, requirements and penalties provided in such code are hereby adopted by reference as the property maintenance code of the city. All references to the property maintenance code, which are found in the City of Titusville Code of Ordinances, shall refer to the edition of the International Property Maintenance Code, adopted in this section. Nothing in this code is intended to prevent the use of systems, methods or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by this code, providing technical documentation is submitted to the authority having jurisdiction to demonstrate equivalency and the system, method or device is approved for the intended purposes.
- (d) The following sections of the International Property Maintenance Code are hereby revised as follows:
- (1) That Sections 103.1, 103.2, 103.3, 103.4, and 103.6 are hereby deleted and the existing City Codes and Ordinances shall apply and prevail.
- (2) That Sections 106.2, 106.3 and 106.4 are hereby deleted and the existing provisions of the Code of Ordinances shall prevail, and which are as follows:
- Sec. 31-66. Powers and duties.* The Code Enforcement Board shall have such duties, responsibilities and powers as set forth in and shall be governed in all respects by Florida Statutes, Chapter 162, as presently enacted and as amended from time to time by the State Legislature.
- Sec. 31-67. Appointments and terms of office.*
- (a) The Code Enforcement Board shall consist of seven (7) members appointed by the City Council.
- (b) Members of the Board shall be registered voters and residents of the City of Titusville for at least one (1) year, and whenever possible, include an architect, a business person, an engineer, a general contractor, a subcontractor and a realtor.
- (c) Appointments to the Board shall be made for a term of three years. Each member may be reappointed to successive terms without limitation. The City Council shall fill any vacancy occurring on the Board and

such appointment shall be for the unexpired term of the vacancy.

- (d) Members of the Board may be removed at the discretion of the City Council. If any member of the Board is convicted of a felony his position on the Board shall be forfeited immediately and his seat vacated. The seat of any member who is absent from three (3) or more meetings during any period of six (6) successive months shall be vacated, unless such absences are officially excused by a majority of the Board members.
- (e) During the January meeting of the Board and on a biannual basis beginning January of 1987, the Board all by majority vote of the membership elect a Chairman and Vice-Chairman.
- (f) The conduct of the hearing and the enforcement procedure shall be in accordance with Chapter 162, Florida Statutes, as amended.

*Sec. 31-68. Organization and hearings.*

- (a) The Board shall meet on the second Monday of each month. Additionally, if the Code Inspector has reason to believe a violation presents a serious threat to the public health, safety and welfare, the Code Inspector with concurrence of the Administrator, may immediately notify the Enforcement Board and request a hearing.
- (b) Minutes shall be kept of all hearings and all hearings and proceedings shall be open to the public. The City Council shall provide clerical staff, administrative personnel and legal counsel, as may be reasonably required by the Code Enforcement Board for the proper performance of its duties.
- (c) All notices required by this chapter shall be provided to the alleged violator by certified mail, return receipt requested, or by hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body, or by leaving the notice at the alleged violator's usual place of residence with any person residing therein who is above fifteen (15) years of age and informing such person of the contents of such notice. At the option of the Code Enforcement Board, notice may additionally be served by publication or posting.
- (d) All testimony shall be under oath and shall be recorded. Formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings.
- (e) At the conclusion of the hearing, the Enforcement Board shall issue Findings of Fact, based on evidence of record and conclusion of law and shall issue an Order. The Order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the Order is not complied with by said date.
- (f) If the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the enforcement board even if the violation has been corrected prior to the board rehearing, and the notice shall so state.

*Sec. 31-69. Administrative fines and liens.*

- (a) The Enforcement Board, upon notification by the Code Inspector that an Order of the board has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine.
- (b) The order of the board may require the violator to pay a fine, not to exceed two hundred fifty dollars (\$250.00) per day, for each day that the violation continues past the date set in the order for compliance. In the case of a repeat violation the board may order the repeat violator to pay a fine not to exceed five hundred dollars (\$500.00) a day, for each day the repeat violation continues past the date of notice to the

violator of the repeat violation. If a finding of violation or repeat violation has been made, then a hearing shall not be necessary for the issuance of an order imposing the fine. A certified copy of an order imposing a fine may be recorded in the public records of Brevard County, Florida; and once recorded, it shall constitute a lien against the property upon which the violation was found to exist, and upon any other real or personal property owned by the violator, and upon petition to the circuit court it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed otherwise to be a judgment of the court except for enforcement purposes. The lien shall be superior to all other liens or encumbrances, including prior recorded mortgages or judgments and only inferior to liens for taxes. A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose the lien, whichever occurs first. After three (3) months from the filing of any such unpaid lien, the board may authorize the city attorney to foreclose upon the lien. The duration and effect in such lien shall be consistent with Florida law, which is a period of twenty (20) years.

(1) In determining the amount of the fine, if any, the Enforcement Board shall consider the following factors:

- (aa) The gravity of the violation;
- (bb) Any actions taken by the violator to correct the violation; and
- (cc) Any previous violations committed by the violator.

(2) The Enforcement Board may reduce a fine imposed pursuant to this Section.

(c) A certified copy of an Order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator.

(1) A fine imposed pursuant to this chapter shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this Section, whichever occurs first.

(2) After three (3) months from the filing of any such lien which remains unpaid, the Enforcement Board may authorize the local governing body attorney to foreclose on the lien. No lien created pursuant to the provisions of this chapter may be foreclosed on real property which is a homestead under Section 4, Article X of the State Constitution.

(3) The lien shall be superior to all other liens or encumbrances, including prior recorded mortgages or judgments and only inferior to liens for taxes.

(d) Duration of Lien. No lien shall continue for a period longer than twenty (20) years after the certified copy of an Order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee that it incurs in the foreclosure.

(e) The lien may be enforced as authorized by Chapter 162, Florida Statutes (1989), as amended.

(f) An aggrieved party, including the City Council, may appeal a final administrative Order of the Code Enforcement Board to the Circuit Court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

(3) That *Sections 107.1, 107.2, 107.3 and 107.4* are hereby deleted and the existing provisions of the Code of Ordinances shall apply to notices and orders. [See Section (d)(2) above]



- (4) That *Section 109.5*, entitled *Cost of Emergency Repairs*, is amended to read as follows:

*109.5 Cost of Emergency Repairs.* Costs incurred in the performance of emergency work shall be paid by the jurisdiction, subject, however, to the provision as provided for by applicable law that the City may seek reimbursement from the property owner or the person creating the need for the emergency repair and the cost incurred by the City may be recovered and the City may impose a lien upon said property for said costs. The lien shall be superior to all other liens or encumbrances, including prior recorded mortgages or judgments and only inferior to liens for taxes. In the event the owner or person creating the need for the emergency repairs, fails and refuses to pay or reimburse the City for the costs, then in that event, the City is authorized to foreclose said lien in accordance with the provisions as provided for by law for foreclosure of municipal liens, and the City may recover its reasonable attorney's fees and costs.

- (5) That *Section 110.3*, entitled *Failure to Comply*, is amended to read as follows:

*110.3 Failure to Comply.* If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or through contract, or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate from which the structure is located and a lien shall be imposed against said property. The lien shall be superior to all other liens or encumbrances, including prior recorded mortgages or judgments and only inferior to liens for taxes. In the event the City finds it necessary to foreclose said lien, the City is entitled to recover its reasonable attorney's fees and costs for foreclosing said lien and the foreclosure procedure shall be as authorized by law for foreclosure of municipal liens.

- (6) That *Section 111*, entitled *Means of Appeal*, shall remain in force and effect, except that the process for an appeal shall be governed by the process and procedures as provided for in the Code of Ordinances for the Board of Adjustment and Appeals and the membership of the Board of Adjustment and Appeals, the notices, meeting process and procedures, decisions, shall govern the means of appeal for purposes of Section 111 of the Code of Ordinances, which reads as follows:

*Sec. 31-51. Powers and duties.*

- (a) The Board of Adjustments and Appeals shall have the power to hear and decide appeals of any decision, order, requirement or an interpretation of an administrative official of these regulations, including but not limited to the following:

- (1) Zoning of land and water use (Chapter 59);
- (2) Subdivision regulations (Chapter 51);
- (3) Protection of potable water well fields, the regulation of areas subject to seasonal and periodic flooding, drainage and stormwater management and the protection of environmentally sensitive lands (Chapter 35);
- (4) Signage;
- (5) The provision of public facilities and service concurrent with the impacts of development, and;
- (6) The provision of safe and convenient on-site traffic flow, including vehicle parking (Chapter 39).

- (b) The Board shall also hear and decide appeals and variances regarding the following:

- (1) Building code, electrical code, International Property Maintenance Code, fire prevention code, gas code, housing code, mechanical code, motion picture theaters ordinance, plumbing code, streets regulations, swimming pool regulation, as provided for in the Code of Ordinances, Volumes I, and II.

- (2) Hear and decide requests for variance from these regulations in accordance with the procedures set for Article VIII of these regulations.
  - (3) Hear and decide conflicts between the minimum building code and minimum safety code as authorized by Florida Statutes Section 553.73 including any conflicts between the local building official and local fire official concerning the application or interpretation of the minimum building code and minimum safety code.
- (c) Appeals, variances and interpretations, shall not extend to decisions of an administrative official relating to public projects; or public policy decisions made by the City Council.

*Sec. 31-52. Appointment and terms of office.*

- (a) The Board of Adjustments and Appeals shall be composed of five (5) regular members and two (2) alternates. All members shall be residents of the City of Titusville for at least one (1) year and be a registered voter. Members of the Board shall consist of the following:
- (1) At least three (3) of the regular members of the Board shall be persons with the following expertise/experience in at least one of the following disciplines:
    - a. A licensed architect, engineer, landscape architect or surveyor;
    - b. A general or building contractor;
    - c. A person associated with the building trades industries;
    - d. A person having an education degree (bachelor or master degree) in urban planning or with a current American Institute of Certified Planner certification;
    - e. A person with a minimum of ten (10) years experience in land development or urban planning field.
  - (2) The other two (2) remaining members of the Board and the two (2) alternates may be appointed from the City citizenship at large.
- (b) All five (5) regular members and the two (2) alternates of the Board shall be appointed by the City Council for two-year terms. There shall be appointed at the second regular meeting in July of each odd-numbered year three (3) regular members and one alternate for two-year terms, and in each even-numbered year, two (2) regular members and one alternate for two-year terms. The term of the members appointed shall commence on August 1, and shall be for a period of two (2) years or until their successors are appointed.
- (c) The City Council shall fill any vacancy occurring on the Board, and such appointment shall be for the unexpired term of the vacancy. The alternate members may serve on the Board in lieu of a regular member when said regular member is unable to attend an official meeting of the Board or when a regular member has a conflict of interest on any item, and said alternate shall serve for the entire meeting.
- (d) Members of the Board may be reappointed to successive terms without limitation.
- (e) Members of the Board may be removed at the discretion of the City Council. If any member of the Board is convicted of a felony his position on the Board shall be forfeited immediately and his seat vacated. The seat of any member who is absent from three (3) or more meetings during any period of six (6) successive months shall be vacated, unless such absences are officially excused by a majority of the Board members.

*Sec. 31-53. Organization and meetings.*

- (a) The Board shall establish rules and regulations of its own procedure not inconsistent with the provisions

of these Land Development Regulations. The Board shall meet on the fourth Wednesday of every month or in any event frequent enough so that business of the Board may be expeditiously completed.

- (b) Minutes shall be kept of all Board meetings.
- (c) The Board shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Chapter 47, Articles VIII and IX of these regulations.
- (d) All meetings of the Board shall be open to the public and the agenda for same shall be available to the public at least twenty-four (24) hours prior to the meeting.
- (e) Board members shall be subject to Chapter 286 F.S., the "Open Meetings Law."
- (f) Four (4) members of the Board shall constitute a quorum. In varying the application of any of the provisions of any City ordinance or in modifying any order of any administrative City official, concurring votes of four (4) members of the Board shall be necessary. If four concurring votes can not be reached, the subject matter before the Board shall be considered denied.
- (g) The procedure for a member to withdraw, abstain or be excused from voting is in accordance with Section 112.3143, Florida Statutes.

*Sec. 31-54. Board of Adjustments and Appeals officers and staff.*

- (a) At its first regular meeting in August, the Board shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as Chairman and preside over the Board's meetings and one member to serve as Vice-Chairman who shall preside in the absence or withdrawal of the Chairman.
- (b) The Chairman shall sign all correspondence for the Board and shall sign all opinions of the Board.
- (c) The Chairman or any member temporarily acting as Chairman may administer oaths to witnesses coming before the Board.
- (d) The Chairman and Vice-Chairman may take part in all deliberations and vote on all issues.
- (e) An official in the employ of the City shall be appointed by the Administrator to act as secretary to the Board and shall be responsible to supply the Board with the proper facilities, agendas, minutes, evidence and information which the Board may request in the performance of their duties. Said secretary shall receive and schedule for hearings all appeals filed, notify the Board of same and coordinate the advertisement of the Board's agenda with the City Clerk, as required, in a locally circulated newspaper.
- (f) The Board, with the prior approval of the City Council, is authorized and empowered to employ such clerks and subordinates, including technical and expert advisors, and to incur such expenses as in its judgment may be necessary, provided that the total expense shall not exceed the amount set apart in the budget of the City for such purpose.
- (g) The Board may, if it is deemed necessary, call upon any City official in the employ of the City or upon other appointed City board(s) for technical advice, information, or recommendations prior to acting on any appeal which may be brought before it.

*Sec. 31-55. Appeal to decision of the Board of Adjustment and Appeals.* Any person substantially effected (as defined in Florida Statutes) by the decision of the Board of Adjustment and Appeals, may appeal such decision to the Circuit Court of Brevard County, Florida. Said decision must be appealed within thirty (30) days after rendered. The decision shall be presumed correct and the appeal shall be a review of the record before the Board of Adjustments and Appeals. The appeal shall not be a trial de novo. The clerk shall prepare

the record in accordance with the Florida Rules of Appellate Procedure. The time periods set forth in the Florida Rules of Appellate Procedure for processing appeals from the County Court to the Circuit Court shall govern appeals from the Board of Adjustments and Appeals to the Circuit Court.

*Secs. 31-56—31-65. Reserved.*

(7) That *Section 302.4*, entitled *Weeds*, is hereby deleted and the provisions contained in Sections 13-26 through 13-32 shall prevail as provided for in the Code of Ordinances of the City of Titusville, and which are as follows: *Sec. 13-26. Conditions constituting menace to public health, welfare enumerated, declared public nuisance.*

- (a) The allowing of debris, rubbish, trash, tin cans, papers, or stagnant water, diseased, dead or damaged trees to accumulate or a dense growth of vines, underbrush, weeds, wild growth and/or grass in excess of twelve (12) inches in height from the ground to exist on any lot, tract or parcel of land which is bordered by other improved property or a dedicated public street on at least two (2) opposite sides and provided that the distance between these opposite sides (measured from lot/property lines) is less than two hundred fifty (250) feet. If the distance between the dedicated public street and/or improved property is greater than two hundred fifty (250) feet, the point of measurement shall be defined as a strip or buffer twenty-five (25) feet wide along the lot/property line of the improved property and/or dedicated street side of the lot, tract, or parcel in question unless the twenty-five-foot strip is not accessible by reason of a fence, ditch, cliff or other impassable obstacle. The condition described in this section along any improved property described in the city to the extent and in the manner that it constitutes or may reasonably become a menace to life, property, the public health, the public welfare; creates a fire hazard; or provides a nest and/or breeding ground for sandflies, mosquitoes, rats, mice, other rodents, snakes, and other types of pests and vermin shall be unlawful and is hereby prohibited and declared to be a public nuisance.
- (b) Placing, discarding or allowing debris, rubbish, trash, tin cans, weeds, noxious plants, sand, leaves or grass on any sidewalk located on the owner's or occupant's lot, and placing, discarding or allowing debris, rubbish, trash, tin cans, weeds or noxious plants, except as provided in chapter 16 for solid waste collection in the planting space between the sidewalk or property line and the street shall be unlawful and is hereby prohibited and declared to be a public nuisance. Such nuisance shall be subject to the notice and remedy provided in sections 13-29 through 13-32. Such unlawful conduct shall be punishable as provided in section 1-15.

*Sec. 13-27. Enforcement.* A property owner who fails to maintain his property as required by section 13-26 shall constitute, a violation of a municipal ordinance and the property owner as a separate and additional remedy may be subject to enforcement and fines pursuant to the city code enforcement board, § 14.01 et seq., Land Development Regulations, Volume II. Repeat violations may be subject to fines up to five hundred dollars (\$500.00) per day.

*Sec. 13-28. Violations.* It shall be unlawful for any person, manager, owner, agent, or renter to allow debris, rubbish, trash, tin cans, papers, stagnant water; diseased, dead or damaged trees to accumulate, or a dense growth of vines, underbrush, weeds, wild growth and/or grass on any lot, tract, or parcel of land in the city, which provides or may provide a nest and/or breeding ground for sandflies, mosquitoes, rats, mice, other rodents, snakes and any other types of pests; or become a menace to life, property, public health, or create a fire hazard. Any person found violating this section, upon conviction, shall be fined as provided in section 1-15.

Sec. 13-29. Notice to property owner to remedy or authorize city to remedy conditions.

- (a) If the city manager finds that debris, rubbish, trash, tin cans, paper or stagnant water, diseased, dead or damaged trees have accumulated or a dense growth of vines, underbrush, weeds, wild growth and/or grass in excess of twelve (12) inches in height from the ground exists on any lot, tract or parcel as aforescribed within the city, to the extent and in the manner that it constitutes or may reasonably become a menace to life, property, the public health, the public welfare; creates a fire hazard; or provides a nest and/or breeding ground for sandflies, mosquitoes, rats, mice, other rodents, snakes and other types of pests and vermin, he shall in writing, direct a notice to the owner of record of such property by certified mail at his last-known mailing address as shown by the records of the tax appraiser of the county advising that the aforementioned debris, rubbish, trash, tin cans, etc., have been found to exist on the property described on such notice and demand that such owner cause such condition to be remedied forthwith, or the city is authorized to have such work done on behalf of the owner at the rates on file in the code enforcement division, and the cost of such work, including an administrative charge of twenty-five dollars (\$25.00) for the first notice concerning such property, thirty-five dollars (\$35.00) for the second notice, fifty dollars (\$50.00) for the third notice, and a fifty-dollar charge for each additional notice thereafter occurring within a one-year period, shall be assessed against the owner and shall automatically become a lien against the property if not paid in the time prescribed in section 13-31. The written notice shall state the specific violation of which the owner is charged and the location where information may be obtained concerning the costs of city lot cleaning.
- (b) If there is an occupied dwelling on the property, a copy of the notice shall be served by an appropriate official of the city, including but not limited to a police officer, upon the occupant of the property, or upon any agent of the owner thereof, or by mailing the notice by registered or certified mail. The mailing of such notice shall be sufficient proof thereof and the delivery of notice to an occupied dwelling shall be equivalent to mailing. If the mailing address of the owner is not known and the property is unoccupied and the owner has no agent in the city, the notice shall be posted upon the property as notice to the owner thereof and a copy posted at an appropriate location at the city hall. The form of notice to be used is provided in section 13-30.

(Code 1963, § 12-28)

Sec. 13-30. Form of notice of public nuisance. The following is the form for the notice of public nuisance:

"NOTICE OF PUBLIC NUISANCE

"Dear \_\_\_\_\_:

RE: [Fill in Legal Description of Lot]

"According to the tax records of the City of Titusville, you are the owner of the above legally described property. Said property was inspected by the City on \_\_\_\_\_, 19\_\_\_\_. This inspection revealed a violation of section 13-26 of the City of Titusville Code of Ordinances dealing with public nuisances. Specifically, the violation noted was:

[Fill in appropriate violation]

"According to the Code of Ordinances of the City of Titusville, the owners of property deemed a public nuisance and so notified herein are required to eliminate the nuisance within ten (10) calendar days.

"The failure to maintain your property in accordance with section 13-26 of the Code, is a violation of the City of Titusville's Ordinances and if not corrected within the time period enumerated above, the violation will be abated by the city and you will be billed for the cost at rates on file with the city and, in the event payment is not made within thirty (30) days, the cost will be assessed against the property as a lien, foreclosure to follow with fees incident to foreclosure.

"As a separate and additional remedy, the violation shall be processed through the City of Titusville Code Enforcement Board, which has authority to impose fines up to \$250.00 per day, and for repeat violations, up to \$500.00 per day.

"Pursuant to the provisions of section 13-31 of the Code of Ordinances of Titusville, Florida, you have the right to appeal the finding that your property has become a nuisance. If you elect to protest the finding that your property is a nuisance, you must file a written appeal with the city clerk of the City of Titusville within ten (10) calendar days from the date of this letter.

"The city regrets having to take a hard line on nuisance abatement. We ask for your assistance in maintaining proper standards for the health, safety, and general welfare for the citizens of Titusville.

\_\_\_\_\_  
Code Enforcement Officer "

*Sec. 13-31. Protest by property owner; council determination final.*

- (a) If the property owner or his duly authorized agent elects to protest the notice as set forth in sections 13-29 and 13-30, he must file a written appeal with the city clerk within ten (10) days of the date of the notice to the owner. The appeal shall be placed on the agenda of the next regular city council meeting and the city council shall determine conclusively whether the condition described in section 13-26 exists. Such determination shall be final. If the owner or duly authorized agent fails to appeal the notice as set forth in sections 13-29 and 13-30 in the time prescribed, the owner or agent shall waive any right to question whether or not the condition as described in the notice to the owner or agent did, in fact, constitute a public nuisance and the owner or agent shall not be entitled to raise that defense in any subsequent foreclosure proceeding or any other proceeding incident to lot cleaning.
- (b) If the city council determines that the situation and condition as set forth herein and in the notice to the owner does not exist, the notice to the owner shall be considered forthwith null and void and of no effect and no action shall be taken by any agency of this city in regard to such condition at that time. If the city council shall determine that the condition described in the notice to the owner does exist, the owner shall have ten (10) days from the date of such determination by the city council to correct such condition.
- (c) If the owner does not appeal such notice or fails to correct such condition within the ten (10) days specified, the city manager shall direct the appropriate agency of the city to correct such condition as outlined in sections 13-29 and 13-30.

*Sec. 13-32. Payment within specified time when conditions remedied by city.*

- (a) If the owner shall not correct or remedy the condition prescribed in the notice and the city takes action pursuant to the notice to have the lot, parcel, or strip of land cleaned, the expenses incurred in remedying the condition shall be computed in accordance with the rates on file in the code enforcement division and a statement of the expenses shall be mailed to the owner of the affected property. In addition to the expense of actually cleaning the lot or strip, the city shall be entitled to include an administrative fee as provided in section 13-29(a).

- (b) If the owner or his agent fails to make payment within thirty (30) days, the expense shall become and automatically constitute a lien upon the property, which shall be payable with interest at the rate of ten (10) percent per annum after thirty (30) days after the statement was mailed to the owner, and which expense and charge shall be a first lien against the property, subject only to the lien of taxes due to the county and state, and of the same character as the city for municipal taxes.
  - (c) Upon failure of the owner of the property, to pay the lien, it will be foreclosed in the same manner as tax liens in favor of the city are foreclosed, or foreclosed in the same manner as mortgages under state law are foreclosed, and it shall be lawful to join in any complaint for foreclosure of any one (1) or more lots or parcels of land. The suit for foreclosure may be brought at any time after the expiration of sixty (60) days after the statement has been mailed to the owner. In addition to the costs and expenses which constituted the lien and the interest accumulated thereon, the city shall be entitled to collect and receive its costs in prosecuting the foreclosure, which costs shall include court costs, reasonable attorneys' fees, abstract costs, publication costs, and such other costs as are assessable in foreclosure actions.
  - (d) Any property owner shall have the right to have a hearing before the city council to show cause, if any, why the expenses and charges should not constitute a lien against the property, provided, however, that the finding by the city council that the condition described herein and notice to the owner thereof exists, shall be final.
- (8) That *Section 302.8, entitled Motor Vehicles*, is hereby deleted and the current provisions of the Code of Ordinances as contained in Sections 13-71 through 13-74 shall prevail as provided for in the Code of Ordinances of the City of Titusville, which provide as follows:

Sec. 13-71. Abandonment of vehicles prohibited. No person shall abandon any vehicle within the city and no person shall leave any vehicle at any place within the city for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

Sec. 13-72. Leaving of wrecked, nonoperating vehicle on street prohibited. No person shall leave any partially dismantled, nonoperating, wrecked or junked vehicle on any street or highway within the city. No vehicle shall be parked on any street, highway or right-of-way within the city unless the vehicle has a current automobile tag.

Sec. 13-73. Wrecked, discarded vehicles; time limit for disposition; exception.

- (a) No person in charge or in control of any property within the city, whether an owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked or dismantled vehicle to remain on such property longer than seventy-two (72) hours. No person shall leave any vehicle on any property within the city for a longer time than seventy-two (72) hours unless the vehicle has a current automotive tag.
- (b) This chapter shall not apply with regard to a vehicle in an enclosed building or carport, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, or a vehicle in an appropriate screened storage space, or depository, maintained in a lawful place and manner in the city.

Sec. 13-74. Impounding of vehicles.

- (a) *Authority of city manager.* The city manager is hereby authorized to remove or have removed any vehicle left at any place within the city which reasonably appears to be in violation of any provisions of this division or lost, stolen or unclaimed. Such a vehicle shall be impounded until lawfully claimed or disposed

of in accordance with this division.

- (b) *Notice.* Whenever the city manager determines that there has been a violation of any provision of this division, then the city manager shall cause a notice to be placed upon such vehicle, in substantially the following form:

"Notice to the owner and all persons interested in the attached property. This property to wit: (setting forth brief description), located at (setting forth brief description of location), is improperly stored and is in violation of (setting forth ordinance regulation violated), and must be removed within 10 days from the date of this notice; otherwise it shall be destroyed by order of the City of Titusville. This order may be appealed by filing a notice of appeal with the city clerk on or before 4 hours from the time said vehicle is ordered to be removed.

"Dated this (setting forth date of posting notice).

"Signed: (setting forth name, title, address and telephone number of City Manager or designated representative)."

If the vehicle in violation of this division is located on any public street or highway, such notice as stated above may require the vehicle to be removed within twelve (12) hours from the placing of the notice on such vehicle, and if it should be determined by the city manager that the location of such vehicle on the public street or highway of the city constitutes a hazard, such vehicle may be, under the circumstances, immediately impounded to protect the health, safety and welfare of the citizens of the community.

- (c) *Appeal.* Any person may postpone the operation of such order of the city manager by filing a notice of appeal with the city clerk on or before four (4) hours from the time such vehicle was ordered to be removed. If such appeal is filed, the city manager shall not take action until such appeal is reviewed by the city council at its next regular council meeting following the filing of the notice of appeal. In the event the appeal is denied, such automobile shall be removed, at the owner's expense, within twenty-four (24) hours after the person making the appeal is notified of the adverse decision by the city council. If the appeal is granted by the city council, the order of the city manager shall be of no force and effect. Appeals to any section of this division may be sought through the city council.
- (d) *Disposition of vehicle.* If the vehicle is not removed in accordance with the notice set forth in subsection (b) above, the city manager may cause the vehicle to be removed and such vehicle may be disposed of in any manner as determined by the city manager, and all proceeds from the disposition of such vehicle shall be retained by the city.
- (e) *Reclaiming vehicle.* The city manager shall cause the vehicle to be retained by the city for a period of twenty (20) days after such vehicle is removed. If, at any time during the twenty-day period after removal, the owner provides proof of ownership (title, registration, a bill of sale) to the city manager and pays the required fee to the city, the owner shall be issued a release which will allow him to pick up the vehicle at the depository where the vehicle has been stored. The owner will be required to remove the vehicle from the depository to a satisfactory place of storage within forty-eight (48) hours. The owner will be required to pay towing and storage fees as set forth by city contract and a twenty-dollar administrative fee.
- (f) *Penalty for obstruction.* Whoever opposes, obstructs or resists the city manager or any person authorized by the city manager in the discharge of his duties, as provided for in this section, upon conviction shall be punished pursuant to section 1-15.
- (g) *Immunity from prosecution.* The city manager or the city shall not be liable for damages caused during



the removal or impounding of any vehicle impounded or disposed of in accordance with the provisions of this division.

(9) That *Section 303.15* is amended to read as follows:

*303.15 Insect screens.* During the entire year, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

(Ord. No. 19-2000, § 1, 5-23-00; Ord. No. 27-2009, § 1, 7-28-09; Ord. No. 16-2015, § 18, 5-12-15)

**Bradenton, FL - Code of Ordinances** ([https://library.municode.com/fl/bradenton/codes/code\\_of\\_ordinances](https://library.municode.com/fl/bradenton/codes/code_of_ordinances))

## Sec. 2-357. - Supplemental enforcement procedures for city codes and ordinances.

- (a) *Supplemental procedures established.* There is hereby established pursuant to § 162.21, Florida Statutes, a collateral and supplemental procedure, process and remedy for the effective enforcement and compliance of all codes and ordinances, or any subsequent amendments thereto, of the city pursuant to the schedule hereinafter set forth, through the issuance of citations by enforcement officers of the city for violation of such codes and ordinances.
- (b) *Code enforcement officers.* As used in this section, "code enforcement officer" means any designated employee or agent of the city whose duty it is to enforce codes and ordinances enacted by the city. The term is synonymous with the term "code inspector" utilized in the city's ordinance establishing a code enforcement board.
- (c) *Designation of certain city employees or agents as code enforcement officers.* City code enforcement officers (CEO) shall be designated and appointed, in writing, by the mayor. The training and qualifications necessary for designation or appointment as a CEO shall be determined by and within the discretion of the mayor. However, those employees of the city who may be designated as, and are qualified as, CEO are hereby declared to include, but are not limited to, code inspectors, law enforcement officers, fire safety inspectors and building inspectors. Designation of an employee as a CEO, other than those employees who are certified law enforcement officers, does not provide the CEO with the power of arrest or subject the CEO to the provisions of §§ 943.085 through 943.255, Florida Statutes.
- (d) *Issuance of citations and procedures:*
- (1) A CEO is authorized to issue a citation to a person when, based upon personal investigation, the CEO has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance of the city and that the county court will hear the charge.
  - (2) Prior to issuing a citation, a CEO shall provide notice to the violator that he has committed a violation of a code or ordinance of the city and shall establish a reasonable time period within which the violator must correct the violation. The designation of a reasonable time period for correction of the violation shall be within the sole discretion of the CEO, taking into consideration and utilizing as factors for such, the nature of the violation, the circumstances surrounding the violation, the efforts necessary to reasonably correct the violation, the length of time the violation has been in effect and whether the violation is a repeat offense. Nevertheless, such time period for correction shall not exceed 30 days. If upon personal investigation, a CEO finds that the violator has not corrected the violation within the time period provided in the notice, a CEO may issue a citation to the violator. A CEO does not have to provide a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if a repeat violation is found or if the CEO has reason to believe that the violation presents a serious threat to the public health, safety or welfare, or if the violation is irreparable or irreversible.
  - (3) A citation issued by a CEO shall be in a form prescribed by the city and shall, as a minimum, contain:
    - a. The date and time of issuance;
    - b. The name and address of the person to whom the citation is issued;
    - c. The date and time the civil infraction was committed;
    - d. The facts constituting reasonable cause;

- e. The number or section of the code or ordinance violated;
- f. The name and authority of the CEO;
- g. The procedure for the person to follow in order to pay the civil penalty or to contest the citation;
- h. The applicable civil penalty, if the person elects to contest the citation (including an administrative fee to be paid to the clerk of the circuit court);
- i. The applicable civil penalty, if the person elects not to contest the citation (including an administrative fee to be paid to the clerk of the circuit court); and
- j. A conspicuous statement that if the person fails to pay the civil penalty or, alternatively, request a hearing, in writing, to contest the citation within 15 days of issuance, (on a form prescribed by the city and approved by the court), or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, a judgment may be entered against the person for an amount up to the maximum civil penalty.

(4) After issuing a citation to the violator, a CEO shall deposit the original citation and one copy of the citation with the county court by filing with the clerk of the circuit court.

(e) *Schedule of violations and penalties.* There is hereby established a "Schedule of Violations and Penalties" to be assessed for citations issued by CEO. A violation of a city code or ordinance listed below and enforced hereunder is a civil infraction. The maximum civil penalty for violation of a code or ordinance listed below shall not exceed \$500.00, not including the administrative fee to be paid to the clerk of the circuit court, which shall be established and authorized for payment and receipt by administrative order. The maximum civil penalty shall not be assessed against a person who has committed a civil infraction identified in the schedule below and does not contest the citation. A person who has been issued a citation by a CEO may contest the issuance of that citation in county court in and for Manatee County. The clerk of the circuit court is hereby authorized to collect said civil penalties, including an administrative fee of \$10.00, as tendered by the violator and remit the tendered sum, less the administration fee (which the clerk of the circuit court shall retain), to the city. The nonsubstantive reference provisions of the schedule relating to the inclusion, identification and referencing of city ordinances and codes may be added, amended and revised from time to time by resolution of the city council.

SCHEDULE OF VIOLATIONS AND PENALTIES

A violation of the below-identified and listed city ordinances and provisions of the Code of Ordinances (City Code) shall be a civil infraction and subject the violator to the following civil penalties as prescribed:

**Section A.**

	Applicable Civil Penalty		
Ordinance/Code Violation Classification	First Offense		*Subsequent Offense
Class I	**N/C	\$ 75.00	\$175.00
	***C	175.00	375.00

Class II	N/C	150.00	250.00
	C	250.00	450.00
Class III	N/C	175.00	300.00
	C	300.00	500.00
Class IV	N/C	200.00	375.00
	C	375.00	500.00

\*Subsequent offenses are defined as being a citation for violating the same ordinance or code provision as originally cited under the first offense.

\*\*Noncontested

\*\*\*Contested

#### Section B.

Ord. Nos.		Code of Ordinances Reference	Description	Class
2591		<u>Ch. 18</u>	International Property Maintenance Code (2006 Edition)	
	IPMC	§ 108.1.4	Alteration of Existing Buildings	IV
		§ 108.1.1	Unsafe Structure	IV
		§ 108.1.2	Unsafe Equipment	IV
		§ 108.1.3	Structure Unfit for Human Occupancy	IV
		§ 302.1	Sanitation	IV
		§ 302.3	Sidewalks and Driveways	I
		§ 302.4	Overgrown Yard	I

		§ 304.3	Premises Identification	I
		§ 502.1	Sanitary Facilities	I
		§ 503.2	Sanitary Facilities Location	I
		§ 505.1	Hot and Cold Water	I
		§ 602.2	Heating Facilities	II
		§ 704.1	Fire Protection	I
		§ 301.3	Vacant Structures and Land	II
		§ 302.9	Defacement of Property	I
		§ 304.13	Windows	I
		§ 605.2	Electrical Lights & Outlets	II
		§ 304.5	Foundation	IV
		§ 304.6	Exterior Walls	II
		§ 304.7	Roofs	II
		§ 702.1	Means of Egress	II
		§ 304.10	Stairs & Porches	II
		§ 304.18.1	Door Locks	II
		§ 303.18.2	Operable Windows	II
		§ 304.14	Screens	II
		§ 304.2	Protective Treatment	I
		§ 302.7	Accessory Structures	II
		§ 305.3	Interior Floors, Walls and Ceilings	II
		§ 305.2	Structural Supports	IV

		§ 404.5	Minimum Dwelling Space Required	II
		§ 307.2	Garbage Disposal	I
		§ 307.1	Care of Premises	I
		§ 308.1	Extermination	II
		§ 504.1	Plumbing Fixtures	I
		§ 303.1	Swimming Pools	II
		§ 303.2	Swimming Pool Enclosures	III
	Minimum Maintenance Standards & Guidelines	§ I	Minimum Maintenance Standards & Guidelines	II
		§ 108.1.1	Unsafe Structures	IV
2627			Land Use Regulations	
2498		<u>Ch.22</u>	§ 489.101 Florida Statutes	
2670		<u>§ 18-31</u>	Permit Required	II
		<u>§ 22-32</u>	Contractor Licensing	II
		§ 18	Failure to Obey a Stop Work Order	II
		<u>§ 38-152</u>	Construction Hours 7:00 a.m. to 6:00 p.m.	I

(f) *Willful refusal to sign or accept a citation.* Any person who willfully refuses to sign and accept a citation issued by a CEO shall be in violation of this section and shall be in violation of and subject to the provisions of § 162.21(6), Florida Statutes and the penalties provided for by law.

(g) *Exclusion of application to certain building codes.* The provisions of this section shall not apply to the

enforcement pursuant to §§ 553.79 and 553.80, Florida Statutes, of building codes adopted pursuant to § 553.73, Florida Statutes, as they apply to construction, provided that a building permit is either not required or has been issued by the city. For the purpose of this section, "building codes" means only those codes adopted pursuant to § 553.73, Florida Statutes.

- (h) *Additional or supplemental means of enforcement.* The provisions of this section are an additional, collateral and supplemental means of enforcing the city's codes and ordinances. Nothing contained in this section shall prohibit the city from enforcing its codes or ordinances by any other lawful means.
- (i) *Providing for the adoption of procedural rules for implementation by resolution.* The city council is specifically authorized hereby to adopt, by resolution, those administrative procedures or rules as necessary to provide for the effective administration and enforcement of the provisions of this section.

(Ord. No. 2537, §§ 1—9, Attachment A, 9-27-95; Ord. No. 2822, § 1, 3-22-06; Ord. No. 3050, § 2.G., 9-11-19)

**Editor's note—** See the note to [§ 2-354](#).

#### Sec. 18-240. - International Property Maintenance Code.

A certain document, three copies of which are on file in the office of the city clerk, being marked and designated as the International Property Maintenance Code®. 2018, as published by the International Code Council. Inc., be and is hereby adopted as the property maintenance code of the city in this state, together with its appendix A; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code and addendum are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions insertions, delegations, deletions and changes prescribed in this section.

(Ord. No. 2591, § 1, 12-7-98; Ord. No. 2821, § 1, 3-22-06; Ord. No. 2906, § 1, 7-15-09; Ord. No. 2936, § 1, 4-11-12; Ord. No. 2972, § 1, 1-3-16; Ord. No. 3021, § 1, 4-11-18)

#### Sec. 18-241. - Revisions.

The following sections of the International Property Maintenance Code are hereby revised as follows:

Section 101.1. General. Insert the City of Bradenton as the jurisdiction.

Section 103.1, 103.2 and 103.3. Department of Property Maintenance and Inspection. Delete Sections 103.1., 103.2., and 103.3 and replace with following: Code Enforcement Division of the City of Bradenton and Code Official shall be charged with the enforcement of this Code in the manner in which other building and safety codes and property codes are enforced in the City. The Code Official may utilize any code enforcement officers and other employees of the City for enforcement of this ordinance and may delegate to such individuals authority to carry out this Code.

Section 112.4 Insert; Seventy-five (\$75.00) Dollars and Two Hundred and Fifty (\$250.00) Dollars.

Section 302.4 Insert 10 inches (254mm). Insert Grass-type ground cover shall not exceed six inches.

Section 304.14 Insert January 1st and December 31st

Section 602.3 Insert October 1st and March 31st

Section 602.4 Insert October 1st and March 31st

(Ord. No. 2591, § 2, 12-7-98; Ord. No. 2821, § 2, 3-22-06; Ord. No. 2906, § 2, 7-15-09; Ord. No. 2936, § 2, 4-11-12)

Sec. 18-242. - Reserved.

**Editor's note**— Ord. No. 2936, § 3, adopted April 11, 2012, repealed the former section 18-242 in its entirety, which pertained to an addendum to the International Property Maintenance Code and derived from Ord. No. 2591, § 3, adopted December 7, 1998, and Ord. No. 2821, § 2, adopted March 22, 2006.

Sec. 18-243. - Clean up of properties used as illegal drug houses.

(1) *General provisions.*

- (a) *Purpose and intent.* The purpose of this section is to reduce public exposure to health risks where trained law enforcement officers or code enforcement officers have determined that hazardous chemicals from a suspected clandestine drug lab site or associated dumpsite may exist. The city council finds that such sites may contain suspected chemicals and residues that place people, particularly children or adults of child bearing age, at risk when exposed through inhabiting or visiting the site, now and in the future.
- (b) *Interpretation and application.* The provisions of this section shall be construed to protect the public health, safety and welfare.

Where the conditions imposed by any provision of this section are either more or less restrictive than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

Should any court of competent jurisdiction declare any section or subpart of this chapter to be invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof, other than the provision declared invalid.

(c) *Definitions.* As used in this section:

- (1) *Administrative officers* means the administrative official of the city or his designee.
- (2) *Child* means any person less than 18 years of age.
- (3) *Chemical dumpsite* means any place or area where chemicals or other waste materials used or produced in a clandestine drug lab have been located.
- (4) *Clandestine drug lab* means the unlawful manufacture or attempt to manufacture controlled substances. Only those labs which law enforcement determine may contain residual contamination that could be harmful to the occupants are subject to this section.
- (5) *Clandestine drug lab site* means any place or are where law enforcement has determined that conditions associated with the operation of a clandestine drug lab exist. A clandestine drug lab site may include dwellings accessory buildings, accessory structures, motor vehicles, a chemical dumpsite or any land.
- (6) *Controlled substance* means a drug, substance or immediate precursor listed in F.S. § 893.033 as may be from time to time amended. The term does not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.
- (7) *Household hazardous wastes* means waste generated from a clandestine drug lab. Such wastes shall be treated, stored, transported or disposed of in a manner consistent with all federal, state and local regulations.
- (8) *Manufacture*, in places other than a pharmacy or a licensed pharmaceutical manufacturing facility, means and includes the production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, packing repacking, tableting, encapsulating, labeling, relabeling,



filling, or by other process, of controlled substances.

(9) *Motor vehicles* shall have the same meaning as in F.S. § 316.003.

(10) *Owner* means any person, firm or corporation who owns in whole or in part, the land, buildings, or structures associated with a clandestine drug lab site or chemical dumpsite.

(11) *Public health nuisance* includes all dwellings accessory structures and buildings associated with a clandestine drug lab site that are potentially unsafe due to health hazards.

(2) *Administration.*

(a) *Law enforcement notice to other authorities.* Law enforcement authorities or code enforcement officers that identify conditions associated with a clandestine drug lab site or chemical dumpsite that place neighbors, visiting public, or present or future occupants of the dwelling at risk for exposure to harmful contaminants and other associated conditions shall promptly notify the appropriate municipal, child protection, and public health authorities of the property location, property owner if known, and conditions found.

(b) *Declaration of property as a public health nuisance.* Any clandestine drug lab site or chemical dumpsite identified by law enforcement authorities or code enforcement officer is hereby declared to be a public health nuisance. Upon identification of such a nuisance, the law enforcement authorities or code enforcement officer shall notify the administrative official.

(c) *Notice of public health nuisance to concerned parties.* Upon receipt of the notification by law enforcement authorities or code enforcement officers the administrative official shall promptly issue a declaration of public health nuisance for the affected property and post a copy of the declaration at the probable entrance to the dwelling or property. The administrative official shall also notify the owner of the property by mail and notify the following parties:

(1) Occupants of the property;

(2) All adjacent property owners and any other neighbors at probable risk;

(3) The city police department;

(4) The primary mortgage holder or holders; and

(5) Other federal, state and local authorities, which are known to have public and environmental protection responsibilities that are applicable to the situation.

(d) *Property owner's responsibility to act.* The administrative official shall also issue an order to abate the public health nuisance and order the owner of the property to do the following:

(1) Cause the immediate vacation by all occupants of those portions of the property, including building or structure interiors, which may place the occupants or visitors at risk.

(2) Contract with appropriate environmental testing and cleaning firms to conduct an on-site assessment, complete clean-up and remediation testing and follow-up testing, and determine that the property risks are sufficiently reduced to allow safe human occupancy of the dwelling.

(3) Provide the administrative official with written documentation of the clean-up process, including a signed, written statement from the environmental testing and cleaning firm that property is safe for human occupancy and that the clean-up was conducted. The owner shall complete the remediation and post-remediation assessment with 90 days from the date of the declaration of public health nuisance.

(e) *Documentation.* Documentation submitted as evidence that the cleanup is complete shall show that the contamination has been reduced to .5 micrograms per 100 CM<sup>2</sup> or less.

(f) *Cleanup contract.* The cleanup contractor shall submit documentation showing laboratory results from a

certified laboratory. A certified laboratory may be any laboratory that is certified by the state or any non-State of Florida laboratory that is certified by that state where it has its place of business. Contractors must use a certified laboratory that analyzes results for the methamphetamine molecule.

- (g) *Property owner's responsibility for costs.* The property owner shall be responsible for all costs of clean-up of the site, including any contractor's fees.
- (h) *City recovery of costs.*
  - (1) If, after service of notice of the declaration of public health nuisance, the property owner fails to arrange appropriate assessment and cleanup, the administrative official is authorized, but not obligated, to proceed to initiate the on-site assessment and clean-up.
  - (2) If the city is unable to locate the property owner within 14 days of the declaration of public health nuisance, the city is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.
  - (3) The city may abate the nuisance by removing the hazardous structure or building, or otherwise.
  - (4) The city shall be entitled to recover all costs of abatement of the public nuisance. The city may recover costs by civil action against the person or persons who own the property or by assessing such costs as a lien or special assessment against the property in the manner liens or special assessments are certified and collected pursuant to City Code provisions or state statutes.
- (i) *Authority of administrative official to modify or remove declaration of public health nuisance.*
  - (1) The administrative official is authorized to modify the declaration conditions or remove the declaration of public health nuisance.
  - (2) Such modifications or removal of the declaration shall only occur after documentation from a qualified environmental or cleaning firm stating that the health and safety risks, including those to neighbors and potential dwelling occupants, are sufficiently abated or corrected to allow safe occupancy of the dwelling.
  - (3) Nothing herein shall prevent the administrative officials from pursuing any remedy available pursuant to chapter 2, article VI, Code enforcement, or chapter 18, article IX, International Property Maintenance Code.
- (3) *Disclosure to buyers and occupants.* No person shall sell or lease real property, which has been the subject of a declaration of a public health nuisance pursuant to this section or has been the site of a known clandestine drug lab without disclosing such declaration or knowledge to the buyer or tenant. Said disclosure shall be made on a form provided by the administrative official.

Disclosure shall not be required once the administrative official has removed the declaration of public health nuisance from the property.

- (4) *Miscellaneous provisions.*
  - (a) The administrative official, with the advice of city law enforcement officers, shall have the authority to promulgate any rules and regulations to enforce this section.
  - (b) In the event that the state or federal government promulgates cleanup guidelines that are more stringent or that pre-empt local regulation, those clean-up guidelines shall prevail.
- (5) *Appeals.* Any person adversely affected by any order of the administrative official pursuant to this section may request a hearing on the matter by submitting a written request to the city council within five days of receipt thereof. The city council shall issue an order either affirming, reversing or modifying the order of the administrative official.

(6) *Violations and penalties.* Any person violating any provision of this section shall be subject to the penalties as set for section 1-15 of the City Code.

(Ord. No. 2946, §§ 1—6, 3-27-13)

**Bushnell, FL - Code of Ordinances** ([https://library.municode.com/fl/bushnell/codes/code\\_of\\_ordinances](https://library.municode.com/fl/bushnell/codes/code_of_ordinances))

## Sec. 8-16. - Building codes adopted.

- (1) The city council for the City of Bushnell does hereby adopt the following building, fire prevention, and maintenance codes and appendices, as presently constituted or hereinafter amended:
  - (a) The Florida Building Code, Building, and all appendices thereto;
  - (b) The Florida Building Code, Residential Code, and all appendices thereto;
  - (c) The Florida Building Code, Fuel Gas, and all appendices thereto;
  - (d) The Florida Building Code, Mechanical, and all appendices thereto;
  - (e) The Florida Building Code, Plumbing, and all appendices thereto;
  - (f) The Florida Building Code, Energy Conservation, and all appendices thereto; and
  - (g) The National Electrical Code, and all appendices thereto.
- (2) The city council adopts the International Property Maintenance Code, as presently constituted or hereafter amended, for the enforcement of the city's building codes and the control and maintenance of property located within the city.
- (3) The building and maintenance codes referenced in this section are incorporated herein by reference.
- (4) The city clerk shall maintain copies of the codes referenced herein at city hall for the use of the citizens and residents of the city.

(Ord. No. 115, § 1, 2-5-75; Ord. No. 81-1, § 2, 3-17-81; Ord. No. 88-12, § 1, 12-5-88; Ord. No. 2012-06, §§ 1, 3—5, 4-2-12)

**Charlotte County, FL - Code of Ordinances** ([https://library.municode.com/fl/charlotte\\_county/codes/code\\_of\\_ordinances](https://library.municode.com/fl/charlotte_county/codes/code_of_ordinances))

## Sec. 2-1-44. - Removal of storm shutters.

No person shall allow unpermitted storm shutters to remain on a residential or commercial structure longer than thirty (30) days after the end of hurricane season which is November 30 of any given year. Shutters which are exempted from this requirement will include permitted storm shutters and plywood window and door coverings secured in a manner which meets International Property Maintenance Code standards located in Appendix A: Boarding Standard or Florida Building Code.

The temporary installation or closure of storm shutters, panels, and other approved hurricane protection devices shall be permitted on emergency escape and rescue openings and egress doors during the threat of a storm. While such protection is provided, at least one (1) means of escape from the dwelling or dwelling unit shall be provided for occupied structures. The means of escape shall be within the first floor of the dwelling or dwelling unit and shall not be located within a garage without a side-hinged door leading directly to the exterior. Occupants in any part of the dwelling or dwelling unit shall be able to access the means of escape without passing through a lockable door not under their control.

This section shall not prohibit an owner from leaving permitted storm shutters, panels or other approved hurricane protection devices on the windows of a structure that is unoccupied.

(Ord. No. 2018-022, § 1(Exh. A), 5-22-18)

## Sec. 3-2-76. - International Property Maintenance Code.

(a) *Adopted.* Subject to the amendments set forth in subsection (b), the 2009 edition of the International Property Maintenance Code, published by the International Code Council, is hereby adopted as the Charlotte County Property Maintenance Code and shall be the governing law relative to structures and premises defined therein and amendments thereto.

(b) *Amendments.* The 2009 Edition of the International Property Maintenance Code is amended to read as follows:  
*Section 101.1 Title.* These regulations shall be known as the International Property Maintenance Code of Charlotte County, hereinafter referred to as "this code."

*Section 102.3 Application of other codes.* Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Florida Building Code as amended.

*Section 102.7 Referenced codes and standards.* The codes and standards referenced in this code shall be those that are listed in Chapter 8, in addition to the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code, the Florida Building Code and the referenced standards, the provisions of the Florida Building Code the Florida Fire Prevention Code and Life Safety Code shall apply.

*Section 103 Department of Property Maintenance Inspection* is deleted in its entirety.

*Section 104.3 Right of entry* is deleted in its entirety.

*Section 106.3 Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be prosecuted by any method allowed by Florida Statutes and the Code of Laws and Ordinances of Charlotte County, Florida.

*Section 107.5 Penalties.* Penalties for noncompliance with orders and notices shall be as set forth in Chapter 162, Florida Statutes and the Code of Laws and Ordinances of Charlotte County, Florida.

*Section 108.7 Record.* The code official shall cause a report to be recorded in the Official Records of Charlotte County on the unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

*Section 110.1 General.* The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction in accordance with the Florida Building Code, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

*Section 111.1 Application for appeal.* Any person directly affected by a decision of the code compliance official or building official applying sections 108, 109, and 110 shall have the right to appeal to the Code Enforcement Special Magistrate, provided that a written application for appeal is filed within 20 days after the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

*Sections 111.2 through Section 111.8* are deleted in their entirety.

*Section 302.4 Weeds* is deleted in its entirety.

*Section 302.8 Motor vehicles.* Excepts as provided for in other regulations, no inoperative or unlicensed motor vehicle, boat, or trailer shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

*Section 304.3 Premises Identification* is deleted in its entirety.

*Section 304.14 Insect Screens.* Throughout the year every openable window in a residential structure and every door, window, and other outside opening required for ventilations of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing devise in good working condition.

*Exception:* Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

*Sections 308.3.1 Garbage facilities and 308.3.2 Containers* are deleted in their entirety.

*Section 606 Elevators, Escalators and Dumbwaiters* is deleted in its entirety.

*Section 701.1 Scope.* The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided. All references to the International Fire Code shall be replaced with the Florida Fire Prevention Code.

*Appendix A Boarding Standard* is hereby adopted in its entirety. All references the International Building Code shall be replaced with the Florida Building Code. Section 11. Section 3-3-4, Adoption of code; exceptions, of Article I, Chapter 3-3 of the Code of Laws and Ordinances of Charlotte County, Florida, is hereby amended as follows:

(Ord. No. 2010-032, §§ 1, 2, 7-13-10; Ord. No. 2012-026, § 13, 11-13-12; Ord. No. 2016-024, § 10, 6-14-16)

Sec. 3-2-117. - Maintenance requirements.

The responsible party shall have the following obligations with respect to maintaining property that is subject to this article:

- (a) Properties shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state, or local law), discarded personal items including, but not limited to, furniture, clothing, appliances, or any other items that give the appearance that the property is abandoned.
- (b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side and rear yard landscaping shall be maintained in accordance with the county's standard at the time registration was required.
- (d) Items considered to be "landscaping" shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf.
- (e) Maintenance shall include, but not be limited to, items such as the following: watering, cutting and mowing of landscaping, removal of yard waste and debris, exterior painting, glass replacement, repairs to a building or other structure, or other acts reasonably necessary to maintain acceptable cosmetic appearance of the property, including any building or structure on the property, and to maintain the structural integrity of any building or structure on the property, and to comply with applicable provisions of the Charlotte County Code and other local, state or federal law, rule or regulation.
- (f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris. Pools and spas shall comply with the enclosure requirements of the International Property Maintenance Code, as may be amended from time to time.
- (g) Failure of the owner or mortgagee or other responsible party to properly maintain the property shall be a violation of the County Code of Ordinances. Enforcement of the provisions of this article shall be accomplished in the same manner as for other violations of the County Code, but such enforcement shall not be the county's exclusive remedy, it being the intent of the county to make use of any and all available remedies under this article or under other provisions of local, state or federal law.

(Ord. No. 2010-031, § 1, 7-13-10)

Sec. 3-2-118. - Security requirements.

- (a) The responsible party shall secure properties subject to this article so they are not accessible to unauthorized persons.
- (b) "Secure", as used in subsection (a) above, means the closing and locking of windows, doors, gates and other openings of such size that may allow access to enclosed areas of the property or to buildings and structures on the property. Walls and fences surrounding the property or any portion of the property shall be maintained in good repair. Broken windows shall be secured by reglazing; boarding of broken windows shall be used only as a temporary corrective measure and shall be secured in accordance with the International Property Maintenance Code. Once a structure is occupied, all boarded openings must be repaired with glazing or new windows and doors.

(Ord. No. 2010-031, § 1, 7-13-10)



**Dade City, FL - Code of Ordinances** ([https://library.municode.com/fl/dade\\_city/codes/code\\_of\\_ordinances](https://library.municode.com/fl/dade_city/codes/code_of_ordinances))

## Sec. 22-61. - Adoption of construction codes by reference.

- (a) The following codes, as subsequently amended and revised hereafter, are adopted by reference and shall regulate construction of every type of building or structure wherever situated in the incorporated areas of the city:
- (1) Florida Building Code (2007) as adopted and subsequently revised and updated by the Florida Building Commission;
  - (2) National electric Code (2008) as adopted and subsequently revised and updated by the National Fire Protection Association; and
  - (3) International Property Maintenance Code (2006) as adopted and subsequently revised and updated.
- (b) The following provisions are adopted as local building regulations:
- (1) *Site drawings.* Drawings shall show the location of the proposed building or structure, every existing building or structure, and all impervious area existing and proposed; the location of all roads and rights-of-way; location of septic, drainfield, and well, where required and applicable; location of all manmade and natural surface waters on the site, and the location of proposed and existing water lines and meters. Site drawings must indicate proposed final grade of the site when completed and show a direction arrow indicating north. Site drawings must be drawn to scale with the scale indicated. The building official may require a boundary line survey, or a flood elevation survey prepared by a qualified surveyor, if the site is within a zone identified as A or V on the flood insurance rate map for the city.
  - (2) *Reinspection fees.* All reinspection or other fees must be paid prior to a final inspection, and an occupancy affidavit must be on file with the building official on structures for which occupancy is sought. Such affidavit shall bear the notarized signature of the general contractor or the owner/builder, as appropriate. Any requirement necessary for the strength or stability of an existing building, proposed building or structure or for the health or safety of the occupants thereof, not specifically covered by this division, shall be determined by the building official.
  - (3) *Exemption from permits.* The following are not required to obtain building permits:
    - a. Residential use accessory storage buildings up to a maximum of 100 square feet in size that are:
      1. Premanufactured and assembled by a recognized manufacturer, requiring only delivery, blocking and tiedowns to utilize; or
      2. Premanufactured by a recognized manufacturer and sold in kit form requiring assembly, blocking and tiedown by the end user. Qualifying kit buildings must be fully premanufactured, requiring no on-site fabrication to assemble. Electrical, plumbing or mechanical installations in any such building shall be properly permitted and inspected.
    - b. Residential use satellite dish antenna installations of dishes not exceeding one meter in diameter.
    - c. Installations of aboveground, temporary swimming pools up to the size of eight feet in diameter and 12 inches in depth, providing no electrically operated filter or other device is utilized.
  - (4) *Minimum elevation.* All residences constructed in the incorporated areas of the city shall be constructed so that the first floor elevation is at least at elevation 78 feet (ASL).
  - (5) *Mandatory heat source.* All residences constructed within the incorporated areas of the city shall have an

approved heat source. The heat source must be in place at the time of final inspection. The term "approved" means nonportable and not plug connected. It must be designed and listed as suitable for space heating and must be mechanically affixed and connected in place.

- (6) *Required inspections.* In addition to the required inspections pursuant to the required inspections section in the building division development handbook, inspections shall include a first-floor framing inspection after the foundation inspection when such floor construction is identified as being within a flood zone and/or of wood construction and more than one story. A first floor framing inspection stamp of the approved construction plans will evidence the fact that this inspection is required. This inspection shall be made prior to any work being done above the first floor level.
  - (7) *Minimum net usable floor area.* All residences constructed within the incorporated areas of the city shall contain a minimum of 300 square feet of net usable floor living area.
  - (8) *Job site nuisance prevention.* It shall be the responsibility of the contractor to ensure each job site has a means to properly contain construction debris, trash and discarded building materials so as to prevent the job site from becoming a nuisance to neighboring property owners. Burial shall not be considered an acceptable method of disposition, and it shall be a violation of this division for any person to bury construction material, lot clearing debris or trash on any job site.
  - (9) *Erosion control and containment.* Permit holders for development involving the alteration of existing grade shall make every effort during construction to prevent erosion and/or the transport and discharge of sediment to wetlands, roadways or adjacent properties until permanent erosion control and containment are in place.
  - (10) *Manufactured home placement in flood zone.* Mobile homes and manufactured homes placement in flood zone A or B shall be elevated so that the lowest floor of the home is at or above the base flood elevation (BFE) and securely anchored to a permanent foundation system. Such foundation system must itself be adequately anchored to resist floatation, collapse and lateral movement, and must be designed and certified to meet these criteria by an architect or structural engineer registered in the state.
- (c) The building official shall have the authority and responsibility for ensuring that aluminum construction is designed and constructed in accordance with accepted and approved engineering. The building official shall be vested with the discretion to determine any requirement necessary for the strength or stability of an existing or proposed building or structure or for the safety or health of the occupants thereof.
  - (d) For the purposes of this section the building official shall be the swimming pool official and shall be included as the authority having jurisdiction for enforcing the National Electrical Code and all other codes adopted in subsection (a) of this section.
  - (e) Any person engaged in the sales, service, installation or modification of liquefied petroleum gas appliances or equipment shall comply with the provisions of F.S. ch. 527; maintain on file with the city building division copies of the current state license, driver's license, certificates of insurance and a current list of employees; and shall pay a fee for the maintenance of such file as adopted by resolution of the city commission.
  - (f) The clerk's office in the city hall and the building construction and code enforcement division in the city hall shall be places at which copies of the codes referred to in this section shall be kept available for public use, inspections and examinations.

(Ord. No. 98-0719, § 6-61, 4-28-1998; Ord. No. 98-0730, § 6-61, 9-24-1998; Ord. No. 2000-0748, § 1(6-61(5), (12)), 2-8-2000; Ord. NO. 2010-30, § 1, 10-12-2010)

**State Law reference—** Minimum required standards, F.S. §§ 553.19, 553.73.



**Dunedin, FL - Code of Ordinances** ([https://library.municode.com/fl/dunedin/codes/code\\_of\\_ordinances](https://library.municode.com/fl/dunedin/codes/code_of_ordinances))

Sec. 34-72. - Pattern of nuisance activity.

- (a) *Nuisance activity*. Nuisance activity means any activities relating to the following violations, whenever engaged in by the property owner, agent, tenant, or invitee of the property owner, agent or tenant:

**Dunedin Land Development Code**

- (1) Chapter 34, article I, section 34-1 - offensive accumulation;
- (2) Chapter 34, article II, section 34-31 - excessive growth of weeds, grasses or turf;
- (3) Chapter 34, article II, section 34-32 - premises to be kept clean of offensive accumulation;
- (4) Chapter 34, article III, section 34-61 - junked, wrecked, abandoned property;
- (5) Chapter 105, division 6, section 105-61.5 - boat parking;
- (6) Chapter 105, division 6, section 105-61.5 - trailer parking;
- (7) Chapter 105, division 6, section 105-61.5 - recreational vehicle parking;
- (8) Chapter 105, division 6, section 105-61.5 - parking on grass;
- (9) Chapter 107, division 4, section 107-41 - noise.

**International Property Maintenance Code**

- (1) Chapter 1, section 108.1.5 - dangerous structure or premises;
- (2) Chapter 3, section 301.3 - vacant structures and land;
- (3) Chapter 3, section 302 - exterior property areas (all subparagraphs);
- (4) Chapter 3, section 303.1 - swimming pools;
- (5) Chapter 3, section 303.2 - enclosures;
- (6) Chapter 3, section 304 - exterior structure (all subparagraphs);
- (7) Chapter 3, section 308 - rubbish and garbage (all subparagraphs).

**Florida State Statutes**

- (1) F.S. § 562.111 - possession of alcoholic beverages by persons under age 21 prohibited;
- (2) F.S. § 767.12 - dangerous dogs;
- (3) F.S. § 784.011 - assault;
- (4) F.S. § 784.041 - felony battery; domestic battery by strangulation;
- (5) F.S. § 784.045 - aggravated battery;
- (6) F.S. § 790.15(1) - discharging firearm in public;
- (7) F.S. § 796.06 - renting space to be used for prostitution;
- (8) F.S. § 796.07 - prostitution;
- (9) F.S. § 800.03 - exposure of sexual organs;
- (10) F.S. § 806.13 - criminal mischief;
- (11) F.S. § 810.02 - burglary;
- (12) F.S. § 810.08 - trespass in structure or conveyance;

- (13) F.S. § 810.09 - trespass on property other than structure or conveyance;
  - (14) F.S. § 812.014 - theft;
  - (15) F.S. § 812.019 - dealing in stolen property;
  - (16) F.S. § 812.13 - robbery;
  - (17) F.S. § 812.173 - convenience business security;
  - (18) F.S. § 823.01 - nuisances;
  - (19) F.S. § 828.12 - cruelty to animals;
  - (20) F.S. § 843.20 - harassment of a participant of a neighborhood crime watch program;
  - (21) F.S. § 856.011 - disorderly intoxication;
  - (22) F.S. § 856.015 - open house parties;
  - (23) F.S. § 856.021 - loitering or prowling;
  - (24) F.S. § 856.022 - loitering or prowling in close proximity to children;
  - (25) F.S. ch. 874 - criminal gang enforcement and prevention;
  - (26) F.S. § 877.03 - breach of the peace; disorderly conduct;
  - (27) F.S. ch. 893 - any offense under the Florida Comprehensive Drug Abuse Prevention and Control Act;
  - (28) Any other offense under state or federal law that is punishable by a term of imprisonment exceeding one year.
- (b) *Pattern of nuisance activity.* Real property shall be deemed to exhibit a pattern of nuisance activity if:
- (1) The sheriff's department has responded to three or more nuisance activities at the property within 30 days;  
or
  - (2) The sheriff's department has responded to seven or more nuisance activities at the property within six months; or
  - (3) The sheriff's department has responded to five or more nuisance activities at a commercial retail business or alcoholic beverage establishment within 30 days or 20 or more nuisance activities at the said properties within six months; or
  - (4) Failure to correct code violations by the time ordered by the code enforcement board in any order entered pursuant to section 22-78 of this Code; or
  - (5) As otherwise provided by this Code.
- (c) *Construction and application.* Pattern of nuisance activity shall not be construed to include:
- (1) A nuisance activity where the property owner, agent, tenant, or invitee of the property owner, agent or tenant is the victim of a crime;
  - (2) A nuisance activity that does not arise from the conduct of the property owner, agent, tenant, or invitee of the property owner, agent or tenant; or
  - (3) A complaint or call for service to which the Sheriff's Department responded and determined that no violation was committed.
- (d) *Separate occurrences.* For purposes of this article, each day that the sheriff's department responds to a nuisance activity at the property shall be a separate occurrence.

(Ord. No. 14-05, § 2, 4-17-2014)

(a) Right-of-Way Standards

1. The owner of record and/or the tenant of any property that abuts the City right-of-way is responsible for the maintenance of any turf, shrubs, or other vegetation that is part of the right-of-ways including visibility at intersections.
2. Vegetation shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free of trash and debris. All plant materials shall be maintained free from physical damage or injury arising from lack of water, chemical exposure, insects, disease, blight or other cause.
3. Vegetation, which is a hazard to public safety, is prohibited in the right-of-way. Hazardous vegetation with pronounced thorns (i.e. Spanish Bayonet, Bougainvillea) shall not be closer than two (2) feet to a sidewalk.
4. Vegetation adjacent to public sidewalks and streets shall not encroach onto the sidewalk except that turf or turf grass and ground cover should be kept trimmed to the edge of the sidewalk or street surface. The branches of trees or other vegetation growing above any sidewalk shall provide a minimum clearance of eight (8) feet above grade.
5. Front yard parking areas adjacent to driveways shall be a pervious surface.
  - (i) Hard surfaces can be pervious concrete, pervious asphalt or pervious brick pavers.
  - (ii) Loose surfaces such as gravel or crushed shell shall require some method of containment such as a four-inch thick and four-inch wide border material of paver block, brick, concrete, composite material or equivalent to prevent float of the loose material.

(b) Vehicle Parking Standards (All Types)

1. Required parking.
  - (i) Every residential house or duplex shall have two required parking spaces, one of which may be inside a garage.
2. No vehicle parking may block a sidewalk.
3. No parking is allowed in or on any City right-of-way sidewalks and curb lawns.
4. Vehicles may be stored (not moved) on the street for a maximum of 72 hours in any 30-day period, however other parking regulations may further restrict this allowance.
5. Residents parking on public streets shall park in front of their own residence on the same side of the street as their property.

(c) Inoperable Vehicles

1. The outdoor accumulation and storage of inoperable, neglected, or discarded vehicles shall be regulated by the standards found in the International Property Maintenance Code (IPMC).

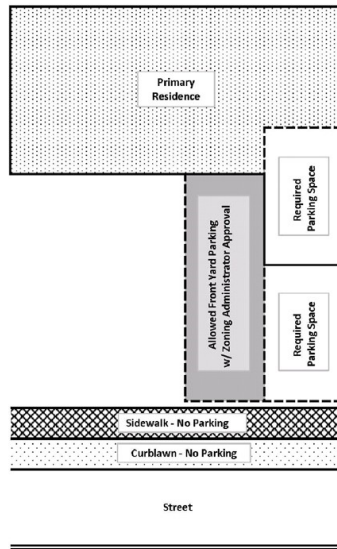
(d) Service and Repair (Automobiles, Trailers, Recreational Vehicles, or Boats)

1. Maintenance of automobiles, trailers, recreational vehicles, or boats not owned by and not registered to the resident of the site is prohibited.
2. One vehicle at a time may be serviced and repaired if:
  - (i) The automobiles, trailers, recreational vehicles or boats is owned by and registered to occupants of the site; and
  - (ii) The service and repair is minor. Minor service and repair includes tune-ups, replacement and servicing of oil and other fluids, and replacement and adjustment of minor parts such as tires, hoses, belts, filters, fuses, and similar items. It does not include: body and fender repair and replacement; painting; engine or

transmission repair, removal or replacement; or any work using welders, torches, or air-driven power tools.

- (iii) All work occurs within a completely enclosed building.
- (iv) Any noise generating activity shall not be heard outside the building.

**Figure 105-27 Residential Parking Standards**



(e) Commercial Vehicle Standards

1. One commercial motor vehicle having a gross vehicle weight rating of not more than 8,500 pounds, not exceeding 22' in length, and not exceeding 8' in height, may be parked in an approved off-street location on a lot in a residential district. Commercial vehicles shall be measured by measuring the outside dimensions of the vehicle, including any attachments or additions.
2. The commercial motor vehicle must be used by the permanent resident of the premises.
3. Max signage allowed - 30 square feet.
4. Uncovered trucks and/or trailers that contain junk, trash or debris shall not be parked in the road, driveway or any other portion of a residential parcel.

(f) Utility Trailers, Boats, Recreational Vehicles and other Recreational Equipment Standards

1. Utility trailers, boats, recreational equipment and recreational vehicles may not be parked or stored in any portion of the front yard to include the buildable area unless actual loading or unloading (4-hour max) is taking place (Exemption - see [§ 105-27.1.1\(G\)](#)).
2. One utility trailer not exceeding eight feet in length or eight feet in height when used in conjunction with the allowed commercial motor vehicle by the resident, may be stored within the secondary front, rear or side yards and shall be effectively screened from adjacent lots and streets by six-foot privacy fencing.
3. Recreational vehicles with no more than two axles may be located in the secondary front yard, side yard or rear yard. For motorized vehicles, this means one front and one rear axle; for non-motorized vehicles, this means no more than two rear axles.
4. Boats and all other recreational equipment not exceeding 25 feet in rated length or 11 feet in height may be located in the secondary front yard, side yard or rear yard. The parking of boats and all other recreational equipment exceeding these size limitations are prohibited in all zoning districts and must be stored in a commercial storage lot.

5. No utility trailers, boats or other recreational equipment and recreational vehicles shall be located between the setbacks established in Chapter 103 Zoning unless screened by a six-foot privacy fence.
  6. All utility trailers, boats, recreational equipment or recreational vehicles stored or located on a residentially zoned lot or parcel shall at all times conform with the following standards:
    - (i) Must be owned by the resident of the property.
    - (ii) Shall be maintained in a neat, clean and presentable manner and the area beneath the equipment shall be kept in a neat condition, and no accumulation of undergrowth, weeds or trash will be allowed.
    - (iii) Stagnant water shall not accumulate inside or on the cover of any recreational equipment.
    - (iv) Shall be in a mobile and usable condition at all times including current tag and registration.
    - (v) Shall not have connections to electricity (except for the purpose of charging batteries), water, gas or sanitary sewer facilities, and at no time may the equipment be occupied or used for living, sleeping or housekeeping purposes.
  7. It shall be unlawful for any utility trailers, boats, recreational vehicle or other recreational equipment to be on any street or right-of-way abutting residentially zoned lots or parcels of property unless actual loading or unloading is taking place.
  8. No utility trailers, boats, recreational vehicle or other recreational equipment may be stored on vacant lots or sites under construction.
  9. This division shall not be deemed to restrict the parking of noncommercial van-type cars, trucks or standard pickup trucks that do not exceed 18' in length or 7' in height.
- (g) Boats, Recreational Equipment and Recreational Vehicle Front Yard Exemption
1. Boats, recreational equipment and recreational vehicles may be parked in allowed front yard parking areas from 6:00 pm on Fridays until 8:00 am on Mondays for the purpose of loading, unloading and cleaning, or by authorization from a City code enforcement inspector. This exemption does not apply to utility trailers.
- (h) Front Yard Standards
1. Front yard restrictions.
    - (i) No more than 35% impervious. No more than 50% of the land area between the front lot line and the front building line may be used for vehicle parking.
    - (ii) No more than two driveways per lot frontage.
    - (iii) Maximum width two-car driveway is 30 feet.
    - (iv) Maximum width circular driveway is 15 feet.
    - (v) Shell, mulch or other loose landscaping used in front yards shall be contained by the property owner. Migration of loose landscaped material into the right-of-way shall be a violation of this code.
    - (vi) For additional front yard parking, residents may improve up to a 9' wide area adjacent to the primary driveway. Parking in any other part of the front yard is prohibited.
  2. The following items are not allowed in front yards:
    - (i) Pools or spas.
    - (ii) Grills, barbeques or fire pits.
    - (iii) Portable tents, pop-up tents, temporary vehicle enclosures, or greenhouses.
    - (iv) Playground equipment and trampolines (exemption: basketball hoops).
    - (v) Assembled seating areas that may be a nuisance to adjacent neighbors (i.e. drinking, music, yelling).



(Ord. No. 15-31, § 1, 1-7-2016)

#### 105-41.9.1 - International Property Maintenance Code Adopted

The 2012 edition of the International Property Maintenance Code, save and except such portions as may hereinafter be amended, of which one copy has been and is filed in the office of the City clerk of the City, and the same are adopted and incorporated as fully as if set forth at length in this section, and from the date on which this chapter shall take effect, the provisions therein shall be controlling in the use, maintenance and occupancy of all buildings, dwelling units and/or structures within the area of jurisdiction of the City.

(Ord. No. 15-31, § 1, 1-7-2016)

**Melbourne, FL - Code of Ordinances** ([https://library.municode.com/fl/melbourne/codes/code\\_of\\_ordinances](https://library.municode.com/fl/melbourne/codes/code_of_ordinances))

Sec. 13.82. - International Property Maintenance Code adopted.

The International Property Maintenance Code, current edition, as published by the International Code Council, is hereby adopted by reference and incorporated herein, as if fully set out.

- (a) The planning and zoning board shall serve as the property maintenance board of adjustment appeals for this code.

(Ord. No. 2001-66, § 2, 12-11-2001; Ord. No. 2003-74, § 12, 9-9-2003; Ord. No. 2015-45, § 13, 9-8-2015)

**South Daytona, FL - Code of Ordinances** ([https://library.municode.com/fl/south\\_daytona/codes/code\\_of\\_ordinances](https://library.municode.com/fl/south_daytona/codes/code_of_ordinances))

Sec. 5-3. - Conformance by buildings either moved into or relocated within the city.

All buildings either moved into or relocated within the city including mobile or manufactured homes, shall be inspected by the building division of the city and, if determined deficient by the building division, brought up to the standards of the appropriate construction codes and ordinances; in addition, appropriate provisions of the International Property Maintenance Code shall be applied. Building permits adequate to cover the scope of work shall be obtained prior to starting any rehabilitation, repair, or installation of work.

(Ord. No. 78-9, § 12, 2-28-78; Ord. No. 82-28, § 1, 9-14-82; Ord. No. 01-09, § 1, 7-10-01; Ord. No. 10-09, § 2, 8-24-10)

Sec. 5-189. - International Property Maintenance Code adopted.

- (a) With the exceptions referenced below, the city hereby adopts the 2009 edition of the International Property Maintenance Code and International Fire Code published by the International Code Council, and incorporates the same by reference, including all codes incorporated therein and including all subsequent editions and revisions which may from time to time be made by the International Code Council. Copies of the International Property Maintenance Code and International Fire Code, together with this ordinance, are on file in the Office of the City Clerk of the City of South Daytona.
- (b) The following sections of the 2009 edition of the International Property Maintenance Code and International Fire Code are hereby amended as follows:
  - (1) IPMC and IFC, Section 101.1. These regulations shall be known as the Property Maintenance Code (IPC), and International Fire Code (IFC), of the City of South Daytona, hereinafter referred to as "this Code."
  - (2) IPMC, Section 102.3 and IFC, Section 102.4 entitled "Application of other codes and application of the International Building Code," is hereby amended to read as follows: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the current edition of the Florida Building Code, Florida Fuel Gas Code, Florida Plumbing Code, Florida Mechanical Code, Florida Residential Code, Florida Existing Building Code and the National Electrical Code NFPA 70. Nothing in this Code shall be construed to cancel, modify, or set aside any provisions of the City of South Daytona's Consolidated Land Development Regulations. All references to the International Model Codes shall be changed to the equivalent currently adopted edition of the Florida Codes:
    - a. International Building Code is Florida Building Code.
    - b. International Plumbing Code is Florida Plumbing Code.
    - c. International Mechanical Code is Florida Mechanical Code.
    - d. International Fuel Gas Code is Florida Fuel Gas Code.
    - e. International Residential Code is Florida Residential Code.
    - f. International Existing Building Code is Florida Existing Building Code.
    - g. International Electrical Code is National Electrical Code NFPA 70.
    - h. International Fire Code is Florida Fire Prevention Code.
    - i. International Zoning Code is City of South Daytona's Consolidated Land Development Regulations.
  - (3) IPMC and IFC, Section 103.1, entitled "General," shall read as follows: The Community Development Department or designee is hereby charged with the primary responsibility of enforcing this Code.

- (4) IPMC and IFC, Section 103.2, entitled "Appointment," shall read as follows: The Code Official shall be appointed by the City Manager or designee.
- (5) IPMC, Section 103.5, entitled "Fees," is hereby deleted in its entirety.
- (6) IPMC, Section 106.2 and IFC, Section 109.2, entitled "Notice of Violation," is hereby deleted in its entirety.
- (7) IPMC, Section 106.3 and IFC, Section 109.2.3, entitled "Prosecution of Violation," is hereby deleted in its entirety.
- (8) IPMC, Section 107, entitled "Notices and Order," is hereby deleted in its entirety.
- (9) IPMC, Section 109, entitled "Emergency Measures," is hereby deleted in its entirety.
- (10) IPMC, Section 110, entitled "Demolition," is hereby deleted in its entirety.
- (11) IPMC, Section 111, entitled "Means of Appeal," of this Code is hereby deleted in its entirety.
- (12) IPMC, Section 201.4 and IFC, Section 201.4, entitled "Terms not Defined," is hereby amended to read as follows: Words not defined herein or in the referenced Florida Codes shall have meanings defined in the Florida Statutes, other documents, manuals, or standards adopted elsewhere in the Code of Ordinances. Words not defined in those documents shall have the meaning stated in the Webster's Ninth New Collegiate Dictionary, as revised.
- (13) IPMC, Section 302.4, entitled "Weeds," shall read as follows: All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches.
- (14) IPMC, Section 304.14, entitled "Insect Screens," shall read as follows: Year-round, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved, tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.
- (15) IPMC, Section, entitled "Occupant," is hereby deleted in its entirety.
- (16) IPMC, Section 404.2, entitled "Minimum room widths," shall be amended to read as follows: A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. For purposes of this Code, "habitable room" does not include space occupied by built-in equipment, including but not limited to wardrobes, cabinets, closets, utility spaces, storage areas, appliances, and other similar areas. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.
- (17) IPMC, Section 404.4.1, entitled "Room Area," shall read as follows: Every living room shall contain at least 120 square feet, and every bedroom shall contain at least 70 square feet of habitable floor area. Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of habitable floor area for each occupant. For purposes of this subsection, "occupant" is defined as a person 18 years or older. Also, for purposes of this Code, "habitable floor area" does not include space occupied by built-in equipment, including but not limited to built-in wardrobes, cabinets, closets, storage, or appliances, and other similar built-in areas.  
  
At the time of the enactment of this Ordinance, dwelling units with bedrooms less than 70 square feet may be occupied by no more than one occupant per substandard sized bedroom.
- (18) IPMC, Section 404.4.5, entitled "Other requirements," is hereby deleted in its entirety.
- (19) IPMC, Section 602.3, entitled "Heat Supply," shall read as follows: Every owner and operator of any building

who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15th to March 15th sufficient to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

- (20) IPMC, Subsection 602.4, entitled "Occupiable Work Spaces," shall read as follows: Indoor occupiable work spaces shall be supplied with heat during the period from November 15th to March 15th sufficient to maintain a temperature of not less than 68 degrees Fahrenheit during the period the spaces are occupied.
- (21) IPMC and IFC, Supplemental Code. The provisions of this Code shall be supplemental to all other codes and other ordinances of the City.
- (22) IPMC, Section 303.1, entitled "Swimming Pools" shall read as follows: Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. Swimming pools and spas shall be kept free of health hazards, including algae and debris accumulation and breeding conditions for mosquitoes.
- (23) IPMC, Section 605.2 Minimum Electrical Equipment. The minimum electrical service and equipment shall be as per the edition of NFPA 70, National Electrical Code that was in effect at the time the subject structure was built but no less than required by NFPA 70, NEC 2008 edition.
- (23) IPMC, Section 605.3, entitled "Luminaries," is hereby deleted in its entirety.
- (24) IPMC, Section 704.3 Power source. The subsection entitled "Exception," is deleted in its entirety.
- (25) IPMC, Section 704.4 Interconnection. The subsection entitled "Exceptions" is deleted in its entirety.

(Ord. No. 78-1, §§ 1, 2, 1-24-78; Ord. No. 79-10, §§ 1, 2, 7-10-79; Ord. No. 82-26, § 1, 9-14-82; Ord. No. 92-18, § 1, 9-14-92; Ord. No. 98-11, § 7, 5-26-98; Ord. No. 08-22, §§ 1, 2, 9-23-08; Ord. No. 10-09, § 2, 8-24-10)

**Editor's note**— Ord. No. 10-09, § 2, adopted Aug. 24, 2010, amended § 5-189 title to read as herein set out. Former § 5-189 title pertained to standard housing code adopted.

#### Sec. 16-19. - Local business tax receipt prerequisites.

As a prerequisite to obtaining an local business tax receipt from the city, the applicant must obtain all applicable federal, state and local licenses, unless the city local business tax receipt is a prerequisite for said local business tax receipt. In addition to the above, the following business are also required to have the following prior to obtaining a local business tax receipt:

- (1) Restaurants, delis, cafes must be inspected by the department of business regulation.
- (2) Grocery stores, convenience stores and similar establishments must be inspected by the department of agriculture and consumer services.
- (3) Day care centers, nursing homes, cafeterias and other institutional facilities must be inspected by the Volusia County Public Health Department.
- (4) Plant nurseries and plant sales facilities must be registered with the Department of Agriculture, Division of Plant Industry.
- (5) Telemarketing and solicitors must be registered or have proof of exemption from the State of Florida, Department of Agriculture and Consumer Services.
- (6) Motor vehicle repair shops must be registered or have proof of exemption from the State of Florida, Department of Agriculture and Consumer Services.
- (7) Hair and nail salons must have cosmetology license; tanning salons must be inspected by the State of Florida,

Department of Health and Rehabilitative Services; and health studios must be registered or have proof of exemption from the State of Florida, Department of Agriculture and Consumer Services.

- (8) Insurance agents/agencies must have a State of Florida license.
- (9) Mortgage brokers/banking services must have State of Florida license.
- (10) Travel agents/agencies must have registered or have proof of exemption from the State of Florida, Department of Agriculture and Consumer Services.
- (11) Auctioneers must have State of Florida license.
- (12) Dealer of new or used motor vehicles, motorcycles, mobile homes and recreational vehicles must have a State of Florida license.
- (13) Rental dwellings.
  - a. *Local business tax receipt required:* It shall be unlawful for any owner of residential property to rent or lease, or offer to rent or lease (throughout this subsection (13) the terms "rent" and "lease" are synonymous; as are the terms "to rent or lease" and "to offer to rent or lease") therein any dwelling or dwelling unit(s), whether single-family, duplex, triplex, multi-family, apartment, condominium, or more than one (1) room, etc., unless a current local business tax receipt therefore has been issued by the city, a copy of which is to be available at the structure in which the dwelling unit(s) is located. There is no requirement for there to be a written lease or any evidence on monetary payment to establish a rental arrangement. A rental arrangement shall be presumed to exist when someone is residing in a residential structure who is not the owner of the property and someone with an ownership interest is also not residing in said structure at the same time. However, the owner can rebut this presumption by providing sufficient evidence to the city to establish that the arrangement between the property owner and the occupant qualifies as a mortgage under F.S. § 697.01. To rebut the presumption that a rental arrangement exists, the property owner must clearly establish to the satisfaction of the city that the arrangement qualifies as a mortgage under F.S. § 679.01.
  - b. *Annual inspection required:* Each dwelling unit licensed [permitted] for rental must pass an annual inspection by a city code inspector(s). The singular for the term "code inspector" or "inspector" includes the plural for purposes of this subsection (13), and the term is gender neutral. The purpose of the annual inspection shall be to determine compliance with the International Property Maintenance Code, other applicable codes, and the supplemental provisions of this subsection (13). Annual inspection of such properties shall be accomplished in a systematic manner according to administratively determined plans and schedules.
  - c. *Exception for owner-occupied dwellings not renting more than one (1) room:* No rental housing local business tax receipt or related annual housing inspection is required of any property owner who occupies a single-family dwelling and rents not more than one (1) room in that building, provided that nothing in this exception otherwise excuses such an owner from compliance with the International Property Maintenance Code or any other applicable code.
  - d. *Local business tax receipt fee:* The rental housing local business tax receipt fee shall be equal to the fee for a home local business tax receipt and a separate such fee shall be charged for each rental dwelling unit irrespective of the number of rental dwelling units under single ownership and irrespective of the number of local business tax receipts held by a particular local business tax receipt holder.
  - e. *Local business tax receipt application:* The owner of record of each dwelling unit which is rented, or offered for rent, with the exception of apartment buildings of four (4) units or more, shall make written

application to the community development department for a rental housing local business tax receipt(s) to engage in the business of renting residential property, setting forth the address, classification (whether single-family, duplex, triplex, multifamily, apartment, condominium, or more than one (1) room) and lessee (if such exists) of each dwelling unit to be licensed [permitted] for rental, on such form or forms as the community development department shall from time to time designate. An agent of one (1) or more owners may apply for multiple local business tax receipts, upon written authorization from each owner represented, provided that such authorization acknowledges receipt of a copy of this subsection (13) and a copy of the International Property Maintenance Code and acknowledges that failure to abide by this subsection (13) or other applicable codes and ordinances may result in a fine and/or a lien upon the property of the owner. A single local business tax receipt is allowed to cover one (1) or more rental dwelling units under single ownership in the same structure however, a separate local business tax receipt fee shall be required for each rental dwelling unit covered and rental housing local business tax receipt.

f. *Special inspection provisions:*

- (i) *Special provisions for properties served with septic tanks.* The city's annual rental housing inspection shall include an assessment of the condition of the septic tank system for any rental property not connected to a public sanitary sewer system. If the code inspector determines that the condition of the septic tank system is inadequate, the property owner shall be required to obtain the services of a licensed [permitted] septic tank contractor to inspect the system and repair or replace it (if necessary).
- (ii) *Special provisions for properties served by private potable water wells.* Every year as part of the annual rental housing inspection, the local business tax receipt holder whose property is subject to inspection but not connected to a public potable water supply system shall provide to the inspector evidence that water from the private potable water source has been tested and found sanitary and potable through a standard and customary bacteriological test done by a state-certified laboratory within three (3) months of the date of inspection. The water sample for testing shall be taken by a qualified employee of the city public works department.
- (iii) *Rights of privacy and freedom from unreasonable search.* Each local business tax receipt holder engaged in the business of renting residential property shall undertake to make such property available for reasonable inspection by the city code inspector to determine compliance with the International Property Maintenance Code, other applicable codes and the supplemental provisions of this article, provided that the city shall at all times honor the rights of the local business tax receipt holder and the lessee, as provided in this subsection:
  - (1) Inspections required under this subsection (13) shall be made only by a code inspector(s) designated by the city manager. No law enforcement officer may accompany a code inspector unless there is probable cause to believe that the inspector's personal safety is at risk during the inspection. No other person may accompany a code inspector without the consent of the local business tax receipt holder or lessee.
  - (2) The code inspector shall make his or her inspections during daylight hours, unless:
    - a) The code inspector has made an appointment for another inspection time, at the request of the lessee, or
    - b) The code inspector has previously attempted two (2) or more times to complete an inspection during daylight hours and has found no adult person on the premises authorized to admit the

inspector.

- (3) At the commencement of each inspection, the code inspector shall present credentials and identification and advise the local business tax receipt holder, lessee, or adult person authorized to admit the inspector that an inspection is required under the provisions of this subsection (13). If need be, the inspector shall provide the referenced occupant or other authorized person with a copy of this subsection (13).
  - (4) If the code inspector is denied admittance by the local business tax receipt holder or lessee, or if the code inspector fails in at least three (3) attempts to complete an inspection of the premises because there was no adult person on the premises to admit him, the inspector shall provide notice of failure of inspection to the local business tax receipt holder by certified mail to the address shown on the local business tax receipt or other legal service. Within ten (10) days after receipt or refusal of such notice, the local business tax receipt holder shall arrange the admittance of the inspector to the certified premises for the completion of the required inspection. If the local business tax receipt holder fails to arrange such admittance, the city council shall revoke the rental housing local business tax receipt and shall notify the local business tax receipt holder of such revocation by certified mail or other legal service. If the local business tax receipt holder thereafter continues to permit the rental of the premises for residential use without inspection, he shall be subject to proceedings before the code enforcement board for violation of this subsection (13) and for any other code violations which may be apparent. Nothing in this paragraph limits any other legal remedy available to the city.
  - (5) Notwithstanding any other enforcement provisions of chapter 16 of this Code, whenever the code inspector notices violations, the local business tax receipt holder shall be cited and enforcement pursued through the code enforcement process.
  - (6) The city shall administratively adopt an official rental housing inspection form, based upon the International Property Maintenance Code, with a checklist of items to be noted by the inspector. This form shall be made available to the public. Any rental housing inspection shall focus upon, but not necessarily be limited to, the items set out on such a checklist.
- g. Emergency inspections and remediation:* Nothing in this subsection (13) limits or supplants the power of the code inspector under the city's ordinances, rules and regulations, and the authority granted under state law, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance as defined under state law or city ordinances, codes or regulations and to abate such a nuisance by any other lawful means or proceedings.
- (14) *Home local business tax receipts.*
- a. Local business tax receipts shall be required for every home occupation authorized in accordance with the provisions of Chapter 16, section 16-11 of the City Code of Ordinances.
  - b. The applicant for a home local business tax receipt must complete and submit to the appropriate city department for processing a special city-provided form entitled "application for home local business tax receipt". In connection therewith, a copy of the business owner's driver's license or other photo identification is required, along with a copy of any certifications or special licenses required for the type of business in question, plus, if applicable, a copy of the fictitious name registration with the State of Florida or a copy of the articles of incorporation. Also, if the home is rented or leased, the applicant must provide a signed letter from the building owner or property manager giving the applicant permission to operate a business office from the residence.



- c. Local business tax receipt fees: The fees for home local business tax receipts shall be as set forth in Appendix South Daytona Local Business Tax Receipt Codes and Fees, of the Consolidated Land Development Regulation Ordinance.
- d. Home occupations are permitted as an accessory use to a dwelling unit in any district where residential uses are permitted subject to certain restrictions. The primary purpose and element of the home occupation must be a "home office"; any related activities must be incidental and secondary to the home office function. Home local business tax receipts shall be annotated with the term "office only" to emphasize the focus described herein.
- e. Home occupations are limited to professional, vocational, business, trade and personal services that do not involve clients, customers, or non-resident employee visiting the premises. They may include off-site sales of customary hobby crafts produced at hobbyist volumes in the home by family members.
- f. Prior to issuance of a home local business tax receipt, any occupation that is deemed by staff to be questionable in nature or that is likely to involve more than telephone, computer, or mail business transactions may be referred to the land development regulation board (LDRB), which will conduct a public hearing according to its established rules. After the public hearing, the LDRB will forward its recommendation to the city council for a final determination.
- g. No home local business tax receipt shall be issued for a taxi service.
- h. The home occupation shall be conducted only by persons who are residents of the dwelling.
  - i. The home occupation shall be conducted only within the principal building, which may include an attached garage—however, the home office itself may not be located in an attached garage. No accessory structure shall be used as part of the home office.
  - j. The home occupation shall not involve outdoor activity, except such incidental actions as coming and going of a vehicle or loading/unloading of same.
- k. A home occupation shall not occupy more than twenty (20) percent of the living area of the residence, not including the area of an attached garage.
- l. No articles, equipment, materials, or supplies used in conjunction with the home occupation shall be stored other than in the principal building so used, except that storage in an attached garage may be allowed if it does not exceed one-third ( 1/3 ) of the area of the garage. Storage in a detached garage may also be allowed if it does not exceed one-third ( 1/3 ) of the area of the garage and provided that space is left for the storage/parking of at least one (1) medium-sized automobile.
- m. The home occupation shall be clearly incidental and subordinate to the residential use of the property, and there shall be no evidence of nonresidential use reflected in the appearance of the dwelling or property.
- n. There shall be no outside storage of supplies associated with the home occupation.
- o. No office equipment or stored materials shall be visible to the public from the street.
- p. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
- q. No equipment or process shall be used which creates excessive noise, vibration, glare, fumes, or odor detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing in the neighborhood.
- r. No home office shall generate traffic on a regular basis greater than that customarily generated by the type of residence involved.
- s. All vehicles, utility trailers, and equipment must be parked in compliance with Section 7.5, Traffic/Parking

Management, at Part B.9, Miscellaneous Parking Regulations, of Article VII, Engineering/Environmental Standards, of the Consolidated Land Development Regulations of the city. Commercial vehicles such as trailers, beach wagons, ice cream trucks, and similar vehicles, whose primary use is for the business shall not be stored at the residence unless they are kept in an enclosed garage or otherwise legally stored in accordance with the aforementioned section 7.5.

- t. No home occupation shall cause an increase in the use of any one (1) or more public utilities (water, sewer, electricity, garbage collection) to the point that the combined total usage for dwelling and home occupation purposes exceeds the customary average for similar type residences within the City of South Daytona.
- u. Any business that involves storage, processes, employees, equipment or any other activity not permitted by this section shall provide proof (notarized statement from property owner/manager, copy of lease, etc.) of a properly zoned and licensed [permitted] business location (not the property for which the subject home local business tax receipt is to be issued) for conducting such activities.
- v. Only if required by state statute, as in the case of a licensed real estate broker, for the purpose of identification, one (1) occupational sign per business location will be allowed, not to exceed two (2) square feet in size. Such a sign shall list only the name of the individual businessperson and the occupation. It must be unlighted and may only be installed on an exterior wall near the entrance of the residence where the occupation is conducted.
- w. No merchandise or articles for sale shall be displayed for advertising purposes and no sign device relative to the sale thereof shall be displayed on the premises.
- x. Generally, the home local business tax receipt program shall adhere to the other provisions of Article II, Local Business Tax Receipts, of Chapter 16, Taxation, of the City Code of Ordinances, except that in the event of a conflict between those provisions and this paragraph (14), this section shall prevail.
- y. The status of any home occupation, as provided for in this paragraph, may, for good cause, be reviewed by the LDRB at any time following the approval of such use by the city, and the city council may, for good cause, revoke the home local business tax receipt at any time after the LDRB review.

(Ord. No. 85-16, § 1, 7-23-85; Ord. No. 85-25, § 4, 12-10-85; Ord. No. 94-10, § 3, 8-23-94; Ord. No. 99-03, § 3, 3-23-99; Ord. No. 99-12, §§ 1, 2, 7-27-99; Ord. No. 02-05, § 3, 7-9-02; Ord. No. 07-03, § 1, 2-13-07; Ord. No. 10-09, § 2, 8-24-10; Ord. No. 17-10, § 1, 10-10-17; Ord. No. 2020-19, § 1, 9-29-20)

**Fellsmere, FL - Code of Ordinances** ([https://library.municode.com/fl/fellsmere/codes/code\\_of\\_ordinances](https://library.municode.com/fl/fellsmere/codes/code_of_ordinances))

## Sec. 18-8. - Savings clause.

The provisions of this article are not intended to repeat similar provisions in the Florida Building Code, any other construction related code adopted herein, including the International Property Maintenance Code and may be applied in lieu thereof, in conjunction therewith, or cumulative thereto at the discretion of the city.

(Ord. No. 09-12, § 3, 10-1-2009)

## ARTICLE V. - INTERNATIONAL PROPERTY MAINTENANCE CODE

## Sec. 18-121. - International Property Maintenance Code adopted.

- (a) The International Property Maintenance Code, most current edition, as published by the International Code Council, is hereby adopted by reference and incorporated herein as if fully set out.

(Ord. No. 09-12, § 3, 10-1-2009)

## Sec. 18-122. - Residential rental properties.

- (a) *Purpose.* The city council finds that establishing this section is necessary to protect the health, safety, and welfare of the public and prevent deterioration and blight conditions that adversely impact the quality of life in the city. This shall be accomplished by requiring rental housing be registered and properly maintained and that substandard housing conditions be identified and corrected. It is the intent and purpose of this section to place the obligation of complying with its requirements upon the owners of the property and the rental housing units subject to this section.
- (b) *Applicability.* The registration provisions of this section shall apply to all rental housing units with the exception of:
- (1) Housing units in hotels, motels, inns, bed and breakfasts, or in similar accommodations that provide lodging for transient guests;
  - (2) Housing units in facilities licensed or required to be licensed under Florida Statutes or subject to another exemption under this section;
  - (3) Housing units in any state licensed hospital, hospice, community-care facility, intermediate-care facility, or nursing home;
  - (4) Housing units in any convent, monastery, or other facility occupied exclusively by members of a religious order or congregation;
  - (5) Emergency or temporary-shelter or transitional housing accommodations;
  - (6) Housing units owned, operated, or managed by a major educational or medical institution or by a third party for the institution; and
  - (7) Housing units that a government entity or housing authority owns, operates or manages; or units exempted from municipal regulation by federal, state, or local law.

Housing units that are unoccupied but otherwise available for rent are subject to the requirements of this section.

- (c) *Rental housing registration, compliance declaration, and renewals.* No one shall rent, subrent, lease, sublease, let, or to any person or entity a rental housing unit without first obtaining and holding a current rental housing registration for the property where the rental housing unit is located. The registration shall identify all rental housing units on the property and shall be the only registration required under this section for the rental housing units on the property. For condominiums and cooperatives, the property required to be registered shall be the individual housing unit being rented and not the entire condominium building, cooperative building, or development. If a property owner owns more than one rental housing unit in a condominium or cooperative building, the owner may submit a single registration application for all units owned in the building.
- (1) Upon adoption of this section, with the exception of rental housing units identified in subsection (b), all properties containing rental housing units shall be registered with the community development department (the "department") by no later than October 1, 2019.
  - (2) All properties with rental housing units constructed or occupied by tenants after October 1, 2019, shall be registered prior to occupancy.
  - (3) A rental housing registration shall be valid for two years from the date the community development department issues the registration.
  - (4) The rental housing registration shall be issued to the property owner identified on the registration application filed with the department.
  - (5) The fees for rental housing registration, renewal, reinstatement shall be adopted by resolution of the city council.
  - (6) The new owner of a registered property shall, within 60 days after the sale is closed on a registered property, update the current registration information and post or deliver the updated registration to the community development department. When property is held in common with multiple owners, the registration shall be updated when more than 50 percent of the ownership changes.
  - (7) An application for a rental housing registration shall be made to the community development department on forms provided by its director ("director"). The application shall include, but is not limited to:
    - a. The address of the property;
    - b. The name, address, and telephone number of the property owners;
    - c. The name, address, and telephone number of the registration applicant if different from the property owners;
    - d. The name, address, and telephone number of the person or entity the tenant is to contact when requesting repairs be made to their rental housing unit, and the contact person's business relationship to the owner;
    - e. A list of all rental housing units on the property, identified by a means unique to each unit, that are or may be available for rent at any time; and
    - f. A declaration of compliance from the owner or owner's agent, declaring that all housing units that are or may be available for rent are listed in the registration application and meet or will meet the standards of the International Property Maintenance Code before the units are rented.
  - (8) A rental housing registration must be renewed according to the following procedures:
    - a. A registration renewal application and the renewal fee shall be submitted at least 30 days before the current registration expires;
    - b. All information required by subsection (c)(7) shall be updated as needed; and,

- c. A new declaration as required by subsection (c)(7)f. shall be submitted.
- (9) Within 30 days after the department issues a rental housing registration, a copy of the current registration shall be delivered by the property owner or owner's agent to the tenants in each rental housing unit or shall be posted by the property owner or owner's agent and remain posted in one or more places readily visible to all tenants. A copy of the current registration shall be provided by the property owner or owner's agent to all new tenants at or before the time they take possession of the rental housing unit.
- (10) If any of the information required by subsection (c)(7) changes during the term of a registration, the owner shall update the information within 60 days of the information changing, on a form provided by the director.
- (d) *Registration denial or revocation.* A rental housing registration may be denied or revoked by the department as follows:
  - (1) A registration or renewal registration application may be denied for:
    - a. Submitting an incomplete application; or
    - b. Submitting a declaration of compliance the owner knows or should have known is false; and
  - (2) A rental housing registration may be revoked for:
    - a. Failing to comply with the minimum standards as required in this section; or
    - b. Failing to update and deliver or post registration information as required by subsection (c)(6); or
    - c. Failing to deliver or post the registration as required by subsection (c)(9).
  - (3) If the community development department denies or revokes a rental housing registration it shall notify the owner in writing by mailing the denial or revocation notice by first-class mail to all owner and agent addresses identified in the registration application. The owner may appeal the denial or revocation by filing an appeal with the city manager within 30 days of the revocation notice being mailed to the owner. Filing a timely appeal shall stay the revocation during the time the appeal is pending before the city manager.
  - (4) If a rental housing registration or renewal is denied or revoked, the registration or renewal shall not be considered by the director until all application or housing deficiencies that were the basis for the denial or revocation are corrected.
- (e) *Inspection and certificate of compliance required.*
  - (1) The community development department shall inspect all properties registered under this section at least once every two years.
  - (2) If the department receives a complaint regarding a rental housing unit regulated under this program, the department shall conduct an inspection of the rental housing unit identified in the complaint. If, after inspecting the rental housing unit that is the subject of the complaint, the department determines the rental housing unit violates the standards in this section, the director may require that any other rental housing units covered under the same registration on the property be inspected.
  - (3) A certificate of compliance shall be issued, based upon the inspector's physical inspection of the interior and exterior of the rental housing units, and the inspection shall be conducted not more than 60 days prior to the certificate of compliance date.
  - (4) The certificate of compliance shall:
    - a. Certify compliance with the standards as required by this section for each rental housing unit that was inspected;
    - b. State the date of the inspection and the name, address, and telephone number of the inspector who performed the inspection;

- c. State the name, address, and telephone number of the property owner or owner's agent; and
  - d. List all units covered by the certificate and indicate which rental housing units listed on the certificate of compliance were inspected.
- (5) For buildings containing more than five rental housing units, 25 percent of the rental housing units, rounded up to the nearest whole number, are required to be inspected, up to a maximum of 25 rental housing units in each development. The units to be inspected shall be at the discretion of the city.
  - (6) If a rental housing unit inspected by the department fails the inspection, the department may require that up to 100 percent of the rental housing units be inspected in the development where the unit that failed inspection is located.
  - (7) A certificate of compliance shall be valid and used for purposes of complying with the inspection provisions of this section for two years from the date the certificate is issued, unless the department determines that the certificate is no longer valid because one or more of the rental units listed in the certificate of compliance no longer meets the standards as required in this section. When the department determines a certificate of compliance is no longer valid, the owner may be required to have all rental housing units on the property inspected, obtain a new certificate of compliance, and pay a new registration fee.
  - (8) Nothing in this section precludes additional inspections conducted at the request or consent of a tenant.
  - (9) The department shall maintain an inspection checklist that shall be made available to all property owners and tenants identifying the items to be inspected as part of this section, such items being required by the International Property Maintenance Code.
  - (10) Regardless of whether a rental housing unit passes an inspection, any deficiencies identified as part of the inspection shall be resolved prior to the next certification of compliance.
- (f) *Notice of inspection to tenants.*
- (1) After the department has received an application for registration of rental housing units, the department shall coordinate with the owner or owner's agent to set a date for the required inspection. The owner or owner's agent shall then post the property or provide written notice to the tenants of the scheduled inspection date, with such notice or posting providing at least two days' advance notice to all tenants residing in the rental housing units to be inspected. The notice shall advise the tenants that:
    - a. The City of Fellsmere or a contracted qualified rental housing inspector will enter the rental housing unit for purposes of performing an inspection according to this section;
    - b. The inspection will occur on a specifically-identified date and at an approximate time;
    - c. A tenant shall not unreasonably withhold consent for the owner, owner's agent, or inspector to enter the property/rental housing unit;
    - d. The tenant has the right to see the inspector's identification before the inspector enters the rental housing unit;
    - e. At any time a tenant may request, in writing to the owner or owner's agent, that repairs or maintenance actions be undertaken in his or her unit; and
    - f. If the owner or owner's agent fails to adequately respond to the request for repairs or maintenance at any time, the tenant may contact the department about the rental housing unit's conditions without fear of retaliation or reprisal.
  - (2) The contact information for the department as well as the right of a tenant to request repairs and maintenance shall be prominently displayed on the notice of inspections provided under this subsection.

(3) The owner or owner's agent shall provide a copy of the notice of inspection to the inspector on or before the date of inspection.

(g) *Violations and enforcement.*

(1) Failure to comply with any provision of this section or rule adopted according to this section is a violation and subject to enforcement as provided for in chapters 1 and/or 2 of this Code.

(2) Upon presentation of proper credentials, the director or duly authorized representative of the director may, with the consent of the owner or occupant of a rental housing unit, or according to a lawfully-issued inspection warrant, enter at reasonable times any rental housing unit subject to the consent or warrant to perform activities authorized by this section.

(3) No provision of or term used in this section is intended to impose any duty upon the city or any of its officers, employees or agents that would subject them to damages in a civil action.

(4) If, after an investigation, the director determines that the standards or requirements of this section have been violated, the director may issue a notice of violation to the owners in accordance with chapters 1 and/or 2.

(h) *Remedy.* The remedy provided in this section is cumulative and is in addition to any other action the city is authorized to take.

(Ord. No. 2017-24, § 2(Exh. A), 1-11-2018)

Secs. 18-123—18-140. - Reserved.

**Gainesville, FL - Code of Ordinances** ([https://library.municode.com/fl/gainesville/codes/code\\_of\\_ordinances](https://library.municode.com/fl/gainesville/codes/code_of_ordinances))

## Sec. 13-17. - Adoption.

With the general and technical local amendments referenced below, the city hereby adopts the 2018 edition of the International Property Maintenance Code (IPMC) published by the International Code Council and incorporates the same by reference as if fully set forth herein. The IPMC is adopted as the city's Property Maintenance Code and shall be the governing law relative to all existing buildings, structures and premises as defined herein. This Property Maintenance Code will apply to every building or structure irrespective of when the building was constructed, altered, or repaired and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or structure, for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this article. This Property Maintenance Code establishes minimum requirements for occupancy and does not replace or modify requirements otherwise established for construction, replacement or repair of buildings except such as are contrary to and less stringent than the provisions of this Property Maintenance Code.

(a) *General amendments.* The IPMC is amended in that:

- (1) Wherever the words "International Building Code" or "International Existing Building Code" are found, the words "Florida Building Code" are substituted.
- (2) Wherever the term "owner-occupant" is found it is deleted.
- (3) Wherever the words "International Fire Code" are found, the words "the current edition of the Florida Fire Prevention Code (FFPC)" are substituted. Any reference to section numbers in the International Fire Code are likewise deleted.
- (4) Wherever the words "International Residential Code" are found they are deleted.

(b) *Technical amendments.* The following sections of the IPMC are amended as follows:

- (1) Section 101.1 titled "Title" is amended to read as follows: These regulations shall be known as the City of Gainesville Property Maintenance Code, hereafter referred to in this Chapter as "this code."
- (2) Section 102.3 titled "Application of other codes" is amended to read as follows: Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Florida Building Code and the Florida Fire Prevention Code as adopted by the City of Gainesville and the State of Florida. If there is inconsistency between this code and the Florida Building Code or Florida Fire Prevention Code, the Florida Building Code or Florida Fire Prevention Code shall prevail.
- (3) Section 103.1 titled "General" is amended to read as follows: The provisions of this code shall be administered by the city manager or such other person or persons designated by the city manager (the "enforcing official"). All inspections, regulations, enforcement and hearings on violations of the provisions of this code, unless expressly stated to the contrary, shall be under the direction and supervision of the enforcing official.
- (4) Section 103.2 titled "Appointment" is deleted in its entirety.
- (5) Section 103.4 titled "Liability" is amended so that the words "member of the board of appeals" are substituted with the words "Code Enforcement Board or Special Magistrate."
- (6) Section 103.4.1 titled "Legal defense" is deleted in its entirety.
- (7) Section 103.5 titled "Fees" is deleted in its entirety.



- (8) Section 106.2 titled "Notice of violation" is deleted in its entirety.
- (9) Section 106.3 titled "Prosecution of violation" is deleted in its entirety.
- (10) Section 106.4 titled "Violation penalties" is amended to read as follows: Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws.
- (11) Section 107 titled "Notices and Orders" is deleted in its entirety.
- (12) Section 108.2 titled "Closing of vacant structures" is deleted in its entirety.
- (13) Section 108.3 titled "Notice" is deleted in its entirety.
- (14) Section 108.4 titled "Placarding" is deleted in its entirety.
- (15) Section 108.4.1 titled "Placard removal" is deleted in its entirety.
- (16) Section 108.5 titled "Prohibited occupancy" is deleted in its entirety.
- (17) Section 108.7 titled "Record" is deleted in its entirety.
- (18) Section 109 titled "Emergency Measures" is deleted in its entirety.
- (19) Section 110 titled "Demolition" is deleted in its entirety.
- (20) Section 111 titled "Means of Appeal" is deleted in its entirety.
- (21) Section 112.1 titled "Authority" is amended to read as follows: Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code, the code official is authorized to issue a stop work order after consultation with the building official.
- (22) Section 112.4 titled "Failure to Comply" shall be deleted in its entirety.
- (23) Section 302.4 titled "Weeds" is amended to specify weeds or plant growth in excess of 12 inches on residential property.
- (24) Section 302.7 titled "Accessory Structures" is amended to read as follows: Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. As used in this section: Fence shall mean a barrier constructed of materials other than masonry, including without limitation, wood, metal, PVC or vinyl, erected for the purpose of protection, confinement, enclosure or privacy. The term "fence" does not include natural barriers, such as, but not limited to, trees, hedges or shrubs. Material(s) of professional grade shall mean materials that are manufactured for use in a fence or wall. Wall shall mean a barrier constructed, in whole or part, of masonry, including without limitation, stone, brick, block or concrete, for the purpose of protection, confinement, enclosure or privacy.
  - (a) Construction.
    - (1) The construction of a wall requires a building permit and is subject to the applicable codes and review procedures of the building department.
    - (2) All fences and walls shall be constructed of uniform, durable, weather-resistant materials of professional grade. Fences constructed of wood shall be treated to resist wood-destroying organisms. Fences constructed of metal, except galvanized metal, shall have a colored finish coat and be treated to resist rust and corrosion.
    - (3) Fences and walls shall be constructed in a safe, sturdy, workmanship-like manner. Horizontal and vertical support posts shall be placed facing the inside of the fenced area, except where the fence is designed such that both sides are finished with alternating vertical fence supports.
    - (4) No fence or wall may be constructed in a location or manner that obstructs the vision triangle contained in the Gainesville Engineering Design and Construction Manual.

- (5) The requirements of this section are minimum requirements and shall not be construed to supersede requirements in the city code of ordinances or in state law, such as height limitations or material requirements in the city land development code or specific requirements for fencing around swimming pools.
- (b) Maintenance.
    - (1) All fences and walls shall be maintained upright and in good condition. For purposes of this section, upright shall mean no vertical structural member shall list or lean to such an extent that a normally vertical structural member shall be more than two inches out of plumb in ten feet or less of vertical distance. For purposes of this section, in good condition means without missing, broken, chipped or cracked elements.
    - (2) Missing elements shall be repaired or replaced with material of professional grade of the same type and quality as the existing fence or wall.
  - (c) Prohibited fences.
    - (1) Fences that are constructed, in whole or in part, of razor wire or barbed wire or similar materials are prohibited in residential zoning districts (as classified in section 30-4.1 of the city land development code.)
    - (2) Fences that are constructed of cloth, fabric or other similar materials, are prohibited; except that such materials of professional grade may be used as a privacy screening in conjunction with a permanent fence or wall.
    - (3) Temporary fences are prohibited; except that temporary fences constructed of materials of professional grade used to protect construction and excavation sites or to protect plants during grading and construction, are allowed for the duration of an active building permit for the fenced site.
  - (d) Nonconformities. Except for fences prohibited by (c), fences on which construction has commenced and walls for which a valid active permit has been issued, on or before October 2, 2008 at 11:59 p.m. and do not conform to the construction requirements in (a) shall be allowed to remain until destroyed or removed, in whole or in part; provided such non-conforming fence or wall otherwise complies with the maintenance requirements in (b). Following destruction or removal, in whole or in part, of any non-conforming fence or wall, any replacement wall or fence shall comply with the requirements of this section.
- (25) Section 303.2 titled "Enclosures" is deleted in its entirety.
  - (26) Section 308.3.1 titled "Garbage facilities" is deleted in its entirety.
  - (27) Section 308.3.2 titled "Containers" is deleted in its entirety.
  - (28) Section 506.3 titled "Grease interceptors" is deleted in its entirety.
  - (29) Section 602.3 titled "Heat supply" is amended to require the supply of heat year-round.
  - (30) Section 602.4 titled "Occupiable work spaces" is amended to require the supply of heat year-round.
  - (31) Section 603.2 titled "Removal of combustion products" is deleted in its entirety.
  - (32) Section 603.3 titled "Clearances" is deleted in its entirety.
  - (33) Section 603.4 titled "Safety controls" is deleted in its entirety.
  - (34) Section 603.5 titled "Combustion air" is deleted in its entirety.
  - (35) Section 603.6 titled "Energy conservation devices" is deleted in its entirety.
  - (36) Section 606 titled "Elevators, Escalators and Dumbwaiters" is deleted in its entirety.

- (37) Section 702.2 titled "Aisles" is deleted in its entirety.
- (38) Section 702.4 titled "Emergency Escape Windows" is amended to delete the phrase "in accordance with the code in effect at the time of construction" and the phrase "that was in effect at the time of construction."
- (39) Section 703.2 titled "Unsafe conditions" is amended as follows: the first sentence is amended to delete "in accordance with Section 111.1.1 of the International Fire Code. The last sentence is amended to delete "the fire code official shall act in accordance with Section 111.2 of the International Fire Code".
- (40) Section 703.4.1 titled "Signs" is deleted in its entirety.
- (41) Section 703.5 titled "Ceilings" is deleted in its entirety.
- (42) Section 703.7 titled "Vertical shafts" is deleted in its entirety.
- (43) Section 703.8 titled "Opening protective closers" is amended to delete the last sentence.
- (44) Section 704.1.2 "Required fire protection systems" is amended to add "At least one 2A 10BC rated fire extinguisher shall be provided and accessible within a 75 ft. travel distance from all areas of each regulated residential rental unit".
- (45) Section 704.1.3 titled "Fire protection systems" is amended to state "Fire protection systems shall be inspected, maintained and tested in accordance with the appropriate Florida Fire Prevention Code standards." The remainder of this section is deleted in its entirety.
- (46) Section 704.2 titled "Standards" is deleted in its entirety.
- (47) Section 704.2.2 titled "Records information" is deleted in its entirety.
- (48) Section 704.3 titled "Systems out of service" is amended to delete the last sentence.
- (49) Section 704.3.1 titled "Emergency impairments" is deleted in its entirety.
- (50) Section 704.4.2 titled "Removal of existing occupant hose lines" is deleted in its entirety.
- (51) Section 704.5.1 titled "Fire department connection access" is amended to delete the exception.
- (52) Section 704.6 titled "Single and multiple station smoke alarms" is amended to state "Single and multiple station smoke alarms shall be installed according to the manufactures recommendations and listing, the Florida Fire Prevention Code and Florida Building Code. At minimum; single and multiple station smoke alarms shall be installed and maintained in all regulated residential dwelling units, inside of each dwelling unit sleeping area, outside of each separate dwelling unit sleeping area in the immediate vicinity of sleeping rooms and on every occupiable level of a dwelling unit.
- (53) Section 704.6.1 titled "Where required" is deleted in its entirety.
- (54) Section 704.6.1.1 titled "Group R-1" is deleted in its entirety.
- (55) Section 704.6.1.2 titled "Groups R-2, R-3, R-4 and I-1" is deleted in its entirety.
- (56) Section 705.1 titled "General" is amended to state "Carbon monoxide alarms and detectors shall be installed and maintained in accordance with the Florida Fire Prevention Code and NFPA 720 requirements. Carbon monoxide alarms and detectors shall be provided in all regulated residential rental units with communicating attached garages, containing fuel burning appliances or fuel burning fire places. Carbon monoxide alarms and detectors shall be provided outside of each separate dwelling unit sleeping area in the immediate vicinity of sleeping rooms and on every occupiable level of a dwelling unit, excluding attics and crawl spaces."
- (57) Section 705.2 titled "Carbon monoxide alarms and detectors" is deleted in its entirety.



**Green Cove Springs, FL - Code of Ordinances** ([https://library.municode.com/fl/green\\_cove\\_springs/codes/code\\_of\\_ordinances](https://library.municode.com/fl/green_cove_springs/codes/code_of_ordinances))

## ARTICLE IX. - INTERNATIONAL PROPERTY MAINTENANCE CODE

## Sec. 14-301. - Adopted.

A certain document, three copies of which are on file in the office of the city development services department, being marked and designated as the International Property Maintenance Code, 2014 edition, as amended (hereafter IPMC), as published by the International Code Council, is hereby adopted as the property maintenance code of the city for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplies utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupancy and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided, providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the city building department are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in section 14-302.

(Code 2001, § 14-351; Ord. No. O-19-2012, § 1, 1-8-2013)

## Sec. 14-302. - Amendments.

The following sections of the IPMC are hereby revised:

- (1) Section 101.1. City of Green Cove Springs, Florida.
- (2) Section 103.5. Said fees shall be established by resolution of the city council or in such other manner as shall be determined by the city council.
- (3) Section 112.4. \$25.00/\$500.00.
- (4) Section 302.4. 12".
- (5) Section 304.14. All Year.
- (6) Section 602.3. All Year.
- (7) Section 602.4. All Year.

(Code 2001, § 14-352; Ord. No. O-19-2012, § 2, 1-8-2013)

**Highland Beach, FL - Code of Ordinances** ([https://library.municode.com/fl/highland\\_beach/codes/code\\_of\\_ordinances](https://library.municode.com/fl/highland_beach/codes/code_of_ordinances))

## Sec. 6-29. - Property maintenance code.

- (a) The International Property Maintenance Code, 2012 edition, published by the International Code Council, is hereby adopted as the property maintenance code for the town and incorporated herein by reference.
- (b) Any violation of the provisions of the International Property Maintenance Code shall be a violation of this Code and shall be enforced in any manner provided by law or equity, including, but not limited to, the initiation of code enforcement proceedings pursuant to Article IV of Chapter 2 of this Code.

(Ord. No. 12-002, § 5, 9-4-12)

**St. Augustine, FL - Code of Ordinances** ([https://library.municode.com/fl/st.\\_augustine/codes/code\\_of\\_ordinances](https://library.municode.com/fl/st._augustine/codes/code_of_ordinances))

Sec. 8-301. - Property maintenance code.

The 2018 International Property Maintenance Code, published by the International Code Council, and all subsequent amendments and revisions is adopted and incorporated by reference as the property maintenance code for the City of St. Augustine.

(Ord. No. 18-15, § 3, 12-10-18)

**Maitland, FL - Code of Ordinances** ([https://library.municode.com/fl/maitland/codes/code\\_of\\_ordinances](https://library.municode.com/fl/maitland/codes/code_of_ordinances))

## Sec. 5-61. - International Property Maintenance Code adopted.

The city hereby adopts the 2015 edition of the International Property Maintenance Code (IPMC) published by the International Code Council, and incorporates the same by reference as if fully set forth herein, including the city's amendments thereto to comply with Chapter 162, Florida Statutes, the Florida Building Code, and the City's Code of Ordinances. At least one copy of the International Property Maintenance Code, 2015 edition with the city's amendments thereto, together with the ordinance from which this article derives, are on file with the city clerk.

( Ord. No. 1308, § 4, 6-27-16 )

## Sec. 5.3-41. - Maintenance requirements.

- (a) Properties subject to this chapter shall be kept free of overgrown weeds and brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items included, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- (b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yard landscaping shall be maintained in accordance with the city's standard at the time registration was required.
- (d) Landscape may include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Landscape shall not include weeds, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting, and mowing of required landscape and removal of all trimmings.
- (f) Pools and spas shall be maintained in accordance with the International Property Maintenance Code adopted in Chapter 5 of the code of ordinances. Water shall remain free and clear of pollutants and debris. Pools and spas shall comply with the enclosure requirements of the Code of Ordinances and Florida Building Code, as amended from time to time.
- (g) Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of the City Code and issuance of a citation or notice of violation/notice of hearing by a city's code enforcement officer. Pursuant to a finding and determination by the city's special magistrate, the city may take the necessary action to ensure compliance with this section.

(Ord. No. 1180, § 2, 6-8-09; Ord. No. 1308, § 6, 6-27-16.)



## ARTICLE VI. - INTERNATIONAL PROPERTY MAINTENANCE CODE

*Footnotes:*

--- (4) ---

**Editor's note**— Ord. No. 2527, § 1, adopted Aug. 25, 1998, did not specifically amend the Code; hence inclusion as a new art. VI was at the editor's discretion.

## Sec. 14-231. - Adoption.

The city hereby adopts and incorporates into the Code of Ordinances the most current edition of the International Property Maintenance Code (IPMC), including all future amendments and updates, except where superseded by ordinance. A copy of said maintenance code shall be kept on file in the community development office.

(Ord. No. 2527, § 1, 9-25-98; Ord. No. 2928, § 1, 1-22-13; Ord. No. 3019, § 3, 8-27-19)

## Sec. 62-26. - Levy generally.

An annual local business tax receipt tax shall be levied on and collected from the following:

- (1) Any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any business within the city;
- (2) Any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any profession or occupation with the city; and
- (3) Any person who does not qualify under the provisions of subsections (1) and (2) of this section and who transacts any business or engages in any occupation or profession in interstate commerce, if such license tax is not prohibited by section 8 of article I of the United States Constitution.
- (4) *Rental dwellings.*
  - a. *Local business tax receipt required.* It shall be unlawful for any owner of residential property to rent or lease, or offer to rent or lease (throughout this section the terms rent and lease are synonymous; as are the terms to rent or lease and to offer to rent or lease) therein any dwelling or dwelling unit(s)—whether single-family, duplex, triplex, multifamily, apartment, condominium, or more than one room, etc. unless a current local business tax receipt therefore has been issued by the city, a copy of which is to be available at the structure in which the dwelling unit(s) [is] located.
  - b. *Exception for owner-occupied dwellings not renting more than one room.* No rental housing local business tax receipt is required of any property owner who occupies a single-family dwelling and rents not more than one room in that building, providing that nothing in this exception otherwise excuses such an owner from compliance with the International Property Maintenance Code or any other applicable code.
  - c. *Receipt application.* The owner of record of each dwelling unit which is rented, or offered for rent, with the exception of apartment buildings of five units or more, shall make written application to the code administration for a rental housing local business tax receipt(s) to engage in the business of renting residential property, setting forth the address, classification (whether single-family, duplex, triplex,

multifamily, apartment, condominium, or more than one room) and lessee (if such exists) of each dwelling unit to be licensed for rental, on such form or forms as the code development [administrator] shall from time to time designate. An agent of one or more owners may apply for multiple receipts, upon written authorization from each owner represented, provided that such authorization acknowledges receipt of a copy of this article and a copy of the International Property Maintenance Code and acknowledges that failure to abide by this section or other applicable codes and ordinances may result in a fine and/or a lien upon the property of the owner. A single local business tax receipt is allowed to cover one or more rental dwelling units under single ownership in the same structure; however, a separate local business tax receipt fee shall be required for each rental dwelling unit covered by any rental housing local business tax receipt.

- d. *Emergency inspections and remediation.* Nothing in this section limits or supplants the power of the code inspector under the city's ordinances, rules and regulations, and the authority granted under state law, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance as defined under state law or city ordinances, codes or regulations and to abate such a nuisance by any other lawful means or proceedings.

(Code 1984, § 14-36(a); Ord. No. 2378, § 3, 7-12-94; Ord. No. 2581, § 3, 7-11-00; Ord. No. 2793, § 1, 3-27-07; Ord. No. 2897, § 1, 6-14-11)

## ARTICLE IV. - INTERNATIONAL PROPERTY MAINTENANCE CODE

## Sec. 14-96. - Adoption of International Property Maintenance Code.

Except as otherwise provided by this article, the City of Holmes Beach adopts and incorporates by reference the 2018 International Property Maintenance Code.

( Ord. No. 20-04, § 1, 2-25-20)

**Editor's note**— Ord. No. 20-04, § 1, adopted Feb. 25, 2020, set out provisions intended for use as 14-76. For purposes of classification, and at the editor's discretion, these provisions have been included as 14-96.

## Sec. 14-97. - Amendment of International Property Maintenance Code.

The following sections of the International Property Maintenance Code are amended or deleted as follows:

*Section 101.1.* Section 101.1 is amended to read as follows:

These regulations shall be known as the International Property Maintenance Code of the City of Holmes Beach, Florida, hereinafter referred to as "this code".

*Section (A) 102.3.* Section (A) 102.3 is modified to place after the reference to NFPA 70 the following reference "(NEC)".

*Section (A) 103.5.* Section (A) 103.5 is amended in its entirety to read as follows:

(A) 103.5 Fees. The fees, if any, for activities and services performed by the City in carrying out its responsibilities under this code shall be as set forth in the City Code, whether adopted by ordinance or resolution.

*Section 106.* Section 106 is deleted in its entirety and is replaced with the following provision as a new Section 106.1:

All violations of this code shall be enforced by the City Code Enforcement Officer or any other person designated to enforce this code, and all enforcement actions shall be controlled by the procedures set forth in Article V of Chapter 2 of the City Code. The fines and penalties set forth in Article V of Chapter 2 shall be applicable to the violations of this code.

*Section 107.* Section 107 is deleted in its entirety and is replaced with the following provision as a new Section 107.1:

Enforcement of this code shall utilize the code enforcement process which requires either a notice of violation to be issued or the issuance of a citation as set forth in Article V of Chapter 2 of the Code.

*Section 109.3.* Section 109.3 is amended by replacing "code official" with "police chief" and shall read as follows:

109.3 Closing Streets. When necessary for public safety, the police chief shall be authorized to temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

*Section 111.* Section 111 is deleted in its entirety, and the appeal process set forth in Article V of Chapter 2 of the City's Code of Ordinances shall be control all appeals.

*Section (A) 112.4.* Section 112.4 is deleted in its entirety and replaced with the following provision as a new Section 112.4:

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 liable for a fine as set forth in Article V of Chapter 2 of the City's Code of Ordinances governing code enforcement and for any fine and administrative costs that may be assessed by the Special Magistrate.

*Section 201.5.* Section 201.5 is deleted in its entirety and replaced with the following provision as a new Section 201.5:

Whenever the words "dwelling unit", "dwelling", "premises", "building", or "story" are stated in this code, they shall be construed as though they were followed by the words 'or any part thereof'.

*Section 202.* Section 202 is amended with the deletion of the definition of "bedroom" and replacing it with the following provision as a new definition of the term "bedroom":

BEDROOM. The term "bedroom" shall be as defined in the Land Development Code of the City.

*Section 202.* Section 202 is amended with the deletion of the definitions of the following words in Section 202: "Housekeeping unit," "rooming house," "rooming unit," and "sleeping unit."

*Section 301.2.* Section 301.2 is amended with the deletion of the following terms from Section 301.2: "Rooming unit" and "housekeeping unit." The remaining terms and provisions of Section 301.2 remain in effect. Any reference to "rooming unit" or "housekeeping unit" that may appear in Chapter 3 of this code shall also be deleted based on the prohibition from any such units from being used or operated within the City.

*Section 302.4.* Section 302.4 is deleted in its entirety and replaced with the following provision as a new Section 302.4:

Weeds. Premises and exterior properties shall be maintained free from weeds or plant growth in excess of eight inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided, however, this term shall not include cultivated flowers, native plants and gardens. The enforcement of this Section shall be subject to the enforcement provisions set forth in Article V of Chapter 2 of the City Code.

*Section 304.14.* Section 304.14 is deleted in its entirety and replaced with the following provision as a new Section 304.14:

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption or processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working order. Exception: screen shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

*Section 304.16.* Section 304.16 is deleted in its entirety.

*Section 304.17.* Section 304.17 is deleted in its entirety.

*Section 304.18.3.* Section 304.18.3 is deleted in its entirety.

*Section 308.3.1.* Section 308.3.1 is deleted in its entirety.

*Section 404.1.* Section 404.1 is amended with the deletion of the following terms: "housekeeping units", "rooming units" and "dormitory units".

*Section 404.4.2.* Section 404.4.2 is deleted in its entirety.

*Section 404.5.1.* Section 404.5.1 is deleted in entirety.

*Section 503.2 Location.* Section 503.2 shall be amended to read as follows:

"Toilet rooms and bathrooms serving hotel units shall have access by transversing not more than one flight of stairs and shall have access from a common hall or passageway."

*Section 507. Drainage.* Section 507 shall be amended to read as follows:

"507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

507.2 Artesian Wells. Artesian wells located on private property shall be maintained by the private property owner and any discharge from these wells onto property owned by others including right of way or waters of the state is prohibited. Failure to maintain the private wells in the manner described above shall be a violation of this ordinance.

507.3 Sprinklers. Sprinklers located on private property shall be maintained by the private owners and any discharge from these sprinklers onto property owned by others including rights of way or waters of state is prohibited. Failure to maintain the sprinklers in the manner described above shall be a violation of this ordinance."

*Section 602.3.* Section 602.3 shall be amended to read as follows:

"Every owner and operator of any building who rents, leases or lets one or more dwelling units on terms either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68 degrees F (20 degrees C) in all habitable rooms, bathrooms and toilet rooms."

*Section 602.4. Occupied Work Space.* Section 602.4 shall be amended to read as follows:

"Indoor occupiable work spaces shall be supplied with heat sufficient to maintain a minimum temperature of 65 degrees F (18 degrees C) during the period the spaces are occupied."

( Ord. No. 20-04, § 2, 2-25-20)

**Editor's note**— Ord. No. 20-04, § 2, adopted Feb. 25, 2020, set out provisions intended for use as 14-77. For purposes of classification, and at the editor's discretion, these provisions have been included as 14-97.

Secs. 14-98—14-120. - Reserved.

**Jacksonville Beach, FL - Code of Ordinances** ([https://library.municode.com/fl/jacksonville\\_beach/codes/code\\_of\\_ordinances](https://library.municode.com/fl/jacksonville_beach/codes/code_of_ordinances))

## Sec. 7-22. - International Property Maintenance Code—Adopted.

There is hereby adopted by the city for the purpose of establishing minimum standards for occupancy of buildings that certain codes entitled International Property Maintenance Code, latest edition thereof, as published by the International Code Council, Inc. A copy of the subject code has been filed in the office of the city clerk, and the same is hereby adopted and incorporated as if set out at length herein, and from the effective date of this section the provisions contained therein shall be controlling within the limits of the city.

(Ord. No. 2002-7821, § 2, 2-18-02)

## Sec. 7-23. - Same—Amended.

- (a) The "Department of Property Maintenance Inspection" referred to in Section 103 is the Planning and Development Department. The term "code official" as used in the Property Maintenance Code shall mean the Director of Planning and Development, or his or her designee.
- (b) The provisions of the Florida Building Code shall take precedence over any other standard codes referenced in the International Property Maintenance Code.
- (c) Section 111. Means of Appeal, of the International Property Maintenance Code be and the same is hereby repealed and not adopted.

(Ord. No. 2002-7821, § 2, 2-18-02)

**Tarpon Springs, FL - Code of Ordinances** ([https://library.municode.com/fl/tarpon\\_springs/codes/code\\_of\\_ordinances](https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances))

§ 6-1. - BUILDING CODE ADOPTED; AMENDMENTS.

(a) The following codes are hereby adopted by reference as if set out at length in this section.

- i. 2017 Florida Building Code—Building—6th Edition
- ii. 2017 Florida Building Code—Residential—6th Edition
- iii. 2017 Florida Building Code—Existing Building—6th Edition
- iv. 2017 Florida Building Code—Energy—6th Edition
- v. 2017 Florida Building Code—Accessibility—6th Edition
- vi. 2017 Florida Building Code—Plumbing—6th Edition
- vii. 2017 Florida Building Code—Mechanical—6th Edition
- viii. 2017 Florida Building Code—Fuel Gas—6th Edition
- ix. 2017 Florida Building Code—6th Edition—Test Protocols for High-Velocity Hurricane Zones
- x. National Electrical Code (NFPA 70), 2014 Edition
- xi. Standard Unsafe Building and Abatement Code-1985 Edition
- xii. 2018 International Property Maintenance Code
- xiii. Flood Resistant Design and Construction ASCE Standard—ASCE/SEI 24-14

(b) The publications adopted in subsection (a) are amended in the following respects:

('80 Code, § 6-1) (Ord. 330, passed 7-13-54; Am. Ord. 613, passed 1-20-70; Am. Ord. 86-06, passed 3-18-86; Am. Ord. 89-23, passed 6-20-89; Am. Ord. 91-25, passed 6-4-91; Am. Ord. 99-11, passed 5-4-99; Am. Ord. 2002-04, passed 2-19-02; Am. Ord. 2006-07, passed 4-4-06; Am. Ord. 2009-09, passed 5-19-09; Am. Ord. 2012-05, passed 4-17-12; Am. Ord. 2012-12, passed 7-24-12; Am. Ord. 2014-10, passed 8-19-14; Am. Ord. 2015-13, passed 6-16-15; Am. Ord. No. 2017-09, § 1, 3-7-17; Am. Ord. No. 2017-34, § 1, 12-12-17)

**Editor's note**— Exhibit A is not codified herein but can be found on file with the city.

§ 8-58. - Pattern of nuisance activity.

(a) *Nuisance activity*. Nuisance activity means any activities relating to the following violations, whenever engaged in by the property owner, agent, tenant, or invitee of the property owner, agent or tenant:

Tarpon Springs Code of Ordinances and Land Development Code

- (1) Chapter 8, § 8-22—accumulation of trash
- (2) Chapter 8, § 8-52—prohibitions
- (3) Chapter 8, § 8-40—duty of maintenance of private property
- (4) Chapter 18, § 18-14—parking of large vehicles and trailers in residential districts
- (5) Chapter 18, § 18-15—parking of commercial vehicles in commercial districts
- (6) Chapter 12, § 12-14—noise prohibited

International Property Maintenance Code

- (1) Chapter 1, § 108.1.5—Dangerous Structure or Premises

- (2) Chapter 3, § 301.3—Vacant Structures and Land
- (3) Chapter 3, § 302—Exterior Property Areas (all subparagraphs)
- (4) Chapter 3, § 303.1—Swimming pools
- (5) Chapter 3, § 303.2—Enclosures
- (6) Chapter 3, § 304—Exterior Structure (all subparagraphs)
- (7) Chapter 3, § 308—Rubbish and Garbage (all subparagraphs)

Florida State Statutes

- (1) § 562.111 possession of alcoholic beverages by persons under age 21 prohibited
  - (2) F.S. § 767.12—dangerous dogs
  - (3) F.S. § 784.011—assault
  - (4) F.S. § 784.04—felony battery; domestic battery by strangulation
  - (5) F.S. § 784.04—aggravated battery
  - (6) F.S. § 790.15(1)—discharging firearm in public
  - (7) F.S. § 796.06—renting space to be used for prostitution
  - (8) F.S. § 796.07—prostitution
  - (9) F.S. § 800.03—exposure of sexual organs
  - (10) F.S. § 806.13—criminal mischief
  - (7) F.S. § 810.02—burglary
  - (8) F.S. § 810.08—trespass in structure or conveyance
  - (9) F.S. § 810.09—trespass on property other than structure or conveyance
  - (10) F.S. § 812.014—theft
  - (11) F.S. § 812.019—dealing in stolen property
  - (12) F.S. § 812.13—robbery
  - (13) F.S. § 812.173—convenience business security
  - (14) F.S. § 823.01—nuisances
  - (15) F.S. § 828.12—cruelty to animals
  - (16) F.S. § 843.20 harassment of a participant of a neighborhood crime watch program
  - (17) F.S. § 856.011—disorderly intoxication
  - (18) F.S. § 856.015—open house parties
  - (19) F.S. § 856.021—loitering or prowling
  - (20) F.S. § 856.022—loitering or prowling in close proximity to children
  - (21) F.S. ch. 874—criminal gang enforcement and prevention
  - (22) F.S. § 877.03—breach of the peace; disorderly conduct
  - (23) F.S. ch. 893—any offense under the Florida Comprehensive Drug Abuse Prevention & Control Act
  - (24) Any other offense under state or federal law that is punishable by a term of imprisonment exceeding one year.
- (b) *Pattern of nuisance activity.* Real property shall be deemed to exhibit a pattern of nuisance activity if:
- (1) The Tarpon Springs Police Department has responded to three or more nuisance activities at the property



within thirty days; or

- (2) The Tarpon Springs Police Department has responded to seven or more nuisance activities at the property within six months; or
  - (3) The Tarpon Springs Police Department has responded to five or more nuisance activities at a commercial retail business or alcoholic beverage establishment within thirty days or twenty or more nuisance activities at the said properties within six months; or
  - (4) Failure to correct code violations by the time ordered by the Code Enforcement Board in any order entered pursuant to section 2-167 of this code; or
  - (5) As otherwise provided by this code;
- (c) *Construction and application.* Pattern of nuisance activity shall not be construed to include:
- (1) A nuisance activity where the property owner, agent, tenant, or invitee of the property owner, agent or tenant is the victim of a crime;
  - (2) A nuisance activity that does not arise from the conduct of the property owner, agent, tenant, or invitee of the property owner, agent or tenant; or
  - (3) A complaint or call for service to which the police department responded and determined that no violation was committed.
- (d) *Separate occurrences.* For purposes of this article, each day that the Tarpon Springs Police Department responds to a nuisance activity at the property shall be a separate occurrence.

(Am. Ord. 2014-16, passed 11-18-14)

#### § 9-1. - PROPERTY MAINTENANCE CODE.

- (a) The International Property Maintenance Code, 2012 edition, as published by the International Code Council is hereby adopted as the Property Maintenance Code of the City of Tarpon Springs for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance.
- (b) The publication adopted in subsection (a) shall be amended in the following respects:
  - (1) Section 101.1. Insert: City of Tarpon Springs
  - (2) Section 103.5 is eliminated.
  - (3) Section 112.4. Insert: \$50.00; \$500.00
  - (4) Section 302.4. Insert: 12 inches
  - (5) Section 304.14. Insert: May 1 to October 1
  - (6) Section 602.3. Insert: October 1 to May 1
  - (7) Section 602.4. Insert: October 1 to May 1

('80 Code, § 9-1) (Ord. 88-18, passed 6-21-88; Am. Ord. 99-10, passed 5-4-99; Ord. 2013-05, passed 3-19-13)

#### § 9-2. - CODE OFFICIAL.

References to the code official in the International Property Maintenance Code shall mean the Building Official, and the Building Official shall have all the powers and authority granted to the Code Official in the International Property Maintenance Code.

('80 Code, § 9-2) (Ord. 88-18, passed 6-21-88; Am. Ord. 99-10, passed 5-4-99; Ord. 2013-05, passed 3-19-13)

§ 9-3. - BOARD OF APPEALS.

References to the Board of Appeals in the International Property Maintenance Code shall mean the Board of Commissioners, and the Board of Commissioners shall have all the powers and authority granted to the Board of Appeals in the International Property Maintenance Code.

**Minneola, FL - Code of Ordinances** ([https://library.municode.com/fl/minneola/codes/code\\_of\\_ordinances](https://library.municode.com/fl/minneola/codes/code_of_ordinances))

Sec. 14-3. - Other city regulations and codes adopted; enumerated.

Also applicable, but not contained in this Code, are building codes, fire codes, and other regulations as may be adopted from time to time by the city. These codes include, but are not limited to, the following, any of which may be amended from time to time, and such amendments shall be incorporated into the Code of Ordinances.

- (1) *Florida Building Code*. The 6th edition of the 2017 Florida Building Code, as may be amended, is hereby adopted by reference as the building code of the city;
- (2) *International Code Council's International Property Maintenance Code*. The International Code Council's International Property Maintenance Code, 2006 edition, is hereby adopted by reference as the housing code of the city.
- (3) *Standard Swimming Pool Code*. The Standard Swimming Pool Code, 1985 edition, as compiled by the Southern Building Code Congress International, is hereby adopted by reference as the swimming pool code of the city.
- (4) *Standard Existing Buildings Code*. The Standard Existing Buildings Code, 1988 edition, as compiled by the Southern Building Code Congress International, is hereby adopted by reference as the existing buildings code of the city.
- (5) *Energy Efficiency Code*. The Energy Efficiency Code, 1991 edition, as compiled by the State Department of Community Affairs, is hereby adopted by reference as the energy code of the city.
- (6) *Standard Unsafe Building Abatement Code*. The Standard Unsafe Building Abatement Code, 1985 edition, as compiled by the Southern Building Code Congress International, is hereby adopted by reference as the unsafe building abatement code of the city.
- (7) *Uniform Fire Safety Rules and Standards*. Uniform Fire Safety Rules and Standards, as compiled by the State Department of Insurance Division of State Fire Marshal, is hereby adopted by reference as the mechanical code of the city.
- (8) *Accessibility Requirements Manual*. The Accessibility Requirements Manual, 1990 edition, as compiled by the State Department of Community Affairs State Board of Building Codes and Standards, is hereby adopted by reference as the unsafe building abatement code of the city.

The city clerk is hereby directed to maintain three copies of the International Code Council's International Property Maintenance Code, 2006 edition, being marked and designated as such, on file in the city clerk's office.

The following sections of the International Code Council's International Property Maintenance Code, 2006 edition, are hereby amended to read as follows:

*Section 101.1*. These regulations shall be known as the Property Maintenance Code of the City of Minneola, hereinafter referred to as "this code."

*Section 103.5*. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the schedule kept on file in the City Clerk's office.

*Section 304.14*. Every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of

not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

*Section 602.3.* Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the winter period to maintain a temperature of not less than 68 degrees F (20 degrees C) in all habitable rooms, bathrooms, and toilet rooms.

*Exceptions:*

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30 degrees F (-1 degree C) a minimum temperature of 65 degrees F (18 degrees C) shall be maintained.

*Section 602.4.* Indoor occupiable work spaces shall be supplied with heat during the winter period to maintain a temperature of not less than 65 degrees F (18 degrees C) during the period the spaces are occupied.

*Exceptions:*

1. Processing, storage, and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

The following administrative amendments are made to the Florida Building Code, Building:

Sec. 104.10.1, Florida Building Code, Building

Add a new Sec. 104.10.1 as follows:

*104.10.1 Modifications of the strict application of the requirements of the Florida Building Code.* The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

Sec. 107.6.1, Florida Building Code, Building

Add a new Sec. 107.6.1 as follows:

*107.6.1 Building permits issued on the basis of an affidavit.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

Sec. 117, Florida Building Code, Building

Add a new Sec. 117 as follows:

*117 VARIANCES IN FLOOD HAZARD AREAS*

*17.1 Flood hazard areas.* Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.

Section 110.3.1 of the 6<sup>th</sup> edition of the Florida Building Code, Building (2017).

Add a new 110.3.1, as follows:

Permit holder shall engage a certified surveyor to produce a form board survey (or foundation survey; depending on construction design) to verify the project is consistent with the City approved site plan/survey (plot plan).

- a. Permit holder shall submit this form board/foundation survey to the City for review and approval prior to pouring the slab. This document may be hand delivered to the City Clerk, mailed to City Hall and addressed to the City Clerk, and/or submitted to the City Clerk via email in digitally signed pdf format.
- b. The form board survey shall be forwarded to the Building Official or designee and reviewed to confirm consistency with the City approved site plan/survey (plot plan).
  - i. **IMPORTANT:** The slab may not be poured until the form board survey has been approved and determined to comply with all City of Minneola requirements.
  - ii. The Building Official may waive the requirements on a case by case basis when the Building Official or designee has visited the site to verify site conditions.

(LDC 1997, ch. 15, § 1.04; Ord. No. 2007-26, §§ 1—3, 8-7-2007; Ord. No. 2012-15, § 3, 12-11-2012, eff. 12-18-2012; Ord. No. 2019-16, §§ 2, 3, 12-3-2019)

**Lake Alfred, FL - Code of Ordinances** ([https://library.municode.com/fl/lake\\_alfred/codes/code\\_of\\_ordinances](https://library.municode.com/fl/lake_alfred/codes/code_of_ordinances))

## Sec. 14-41. - International Property Maintenance Code adopted.

The International Property Maintenance Code, 2012 edition, as published by the International Code Council, Inc., is hereby adopted and incorporated by reference as the minimum property maintenance standards of the city subject to and including by reference such additions and amendments that may be adopted by the city by ordinance.

(Ord. No. 1333-14, § 1(Exh. A), 7-28-2014)

## Sec. 14-42. - Conflicts.

In the event of a conflict between the provisions of the International Property Maintenance Code, adopted by the provisions of this article, and the provisions of the Code of Ordinances, the Code of Ordinances shall prevail.

(Ord. No. 1333-14, § 1(Exh. A), 7-28-2014)

## Sec. 14-43. - Modifications, amendments, deletions.

The International Property Maintenance Code, 2012 edition, incorporated by reference in section 14-41, is modified as specified hereunder:

- (a) Section 101.1 is amended to read:

**101.1 Title.**

These regulations shall be known as the Minimum Property Maintenance Standards of the City of Lake Alfred, hereinafter referred to as "this code".

- (b) Section 102.1 is amended to read:

**102.1 General.**

Where there is a specific conflict between a general requirement of this code and a specific requirement of this code, the specific requirement shall govern. Where differences occur between provisions of this code, and any referenced standard in this code, this code shall generally govern, except that F.S. ch. 553, the Florida Building Code and all referenced standards in the Florida Building Code shall control all matters relating to building construction, repair and remodeling and the Florida Fire Prevention Code/Florida Life Safety Code shall control all matters relating to fire safety. Where, in a specific case, different sections of this code specify different requirements, the most restrictive will govern.

- (c) Section 102.3 is amended to read:

**102.3 Application of other codes.**

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of F.S. ch. 553, and any applicable building codes, including, but not limited to, the Florida Building Code. Nothing in this code shall be construed to cancel, modify or set aside any of the provisions of F.S. ch. 553, or any applicable building codes to a particular project, including, but not limited to, the Florida Building Code or any referenced standard therein.

- (d) Section 102.6 is amended to read:

**102.6 Historic Buildings.**

The provisions of this code shall not be mandatory for existing buildings or structures that are designated as historic by the National Park Service and listed on the National Register of Historic Places when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety, and welfare.

- (e) Section 102.7 is amended to read:

**102.7 Referenced codes and standards.**

The codes and standards referenced throughout this code shall be considered part of this code and are accordingly adopted and incorporated herein by reference to the prescribed extent of such reference. Where differences occur between provisions of this code and the referenced standards, the more stringent standard shall apply.

- (f) Section 102.8 is amended to read:

**102.8 Requirements not covered by code.**

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health, and general welfare, not specifically covered by this code shall be determined by the Code Official using the following:

1. Reference to the manufacturer's suggested guidelines or instructions for installation and use;
2. Reference to the Florida Building Code or any other applicable building code;
3. Reference to primary law (including federal, state, and local sources);
4. Reference to any generally accepted practice in the industry, occupation, or general use for which the existing fixture, structure or equipment is primarily designated for, or for which the public health, safety, and welfare requires; or
5. Reference to any other suitably acceptable source of custom or practice reasonably accepted by society and sufficiently reliable in nature such that the requirement would be generally known and accepted in the community.

The Code Official, upon observing a deficiency in a requirement necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health, and general welfare, shall, in addition to regular enforcement protocol, issue along with the first notice a written determination including the basis for requirement and the necessary steps to correct the deficiency observed to meet the requirement.

- (g) Section 103 is renamed "Code Enforcement Unit".

- (h) Section 103.1 is amended to read:

**103.1 Code officials.**

Each Code Enforcement Officer of the City is deemed a "Code Official" for purposes of this code. Any notices required to be delivered to the code official under this code shall be delivered to the responsible Code Official for the case.

- (i) Sections 103.2 and 103.3 are deleted.

- (j) Section 103.4 is amended to read:

**103.4 Liability.**

In accordance with F.S. § 768.28(9)(a), City official or employee charged with the enforcement of this code shall not be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function, unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(k) Section 103.5 is deleted.

(l) Section 104.1 is amended to read:

**104.1 General.**

The code official shall enforce the provisions of this code.

(m) Section 105.3 is amended to read:

**105.3 Required testing.**

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 code official shall have the authority, but not the obligation, to require tests to be made as evidence of compliance at the property owner's expense.

(n) Sections 105.3.1, 105.3.2 and 105.6 are deleted.

(o) Section 106.2 is amended to read:

**106.2 Enforcement Protocol.**

The Code Official shall enforce the provisions of this Code in any manner or protocol available including, but not limited to, issuance of a citation pursuant to F.S. § 162.21, a "Notice of Hearing" pursuant to F.S. § 162.12, and a "Notice to Appear" pursuant to F.S. § 162.23, a "Demand for Removal" pursuant to § 32-3 et seq., Code of Ordinances of the City of Lake Alfred or "Demand for Correction" pursuant to § 106.3 of this code, or referral to the City Attorney for filing a civil enforcement action. The enumeration of remedies and protocols herein does not constrain the Code Official who, as an officer of a Florida municipality endowed with home rule authority, may use any lawful means necessary to bring a code violation into compliance, to restrain, correct, or to prevent illegal occupancy of any building, structure or premises, or to stop an illegal act, conduct, business or utilization of any building, structure or premises.

(p) Section 106.3 is amended to read:

**106.3 Declaration of nuisance; demand for correction.**

A violation of any provision of this code is deemed to be a nuisance affecting the public health, safety and welfare, and accordingly, the Code Official is hereby authorized and empowered to notify, in writing, the owner or agent of such owner, of any building, structure or premises within the City, to make such repairs as may be required to abate the nuisance condition and bring such building, structure or premises into compliance. Notice shall be provided to the owner or agent of such owner either: (a) in the manner described in F.S. § 162.12; or (b) in the manner described in § 32-3, Code of Ordinances of the City of Lake Alfred.



The notice required to be given herein shall set forth the legal description of the property underlying the building, structure or premises as is set forth in the latest tax roll prepared by the county, and shall specify a reasonable time in which the owner or agent of the owner shall abate the condition and bring such building, structure or premises into compliance. Such notice shall have attached thereto a true copy of this section. Included in the notice shall be a statement informing the owner that all costs incurred by the City in abating the nuisance condition and repairing the condition and bringing such building, structure or premises into compliance shall be billed to the property owner.

Upon the failure, neglect or refusal of any owner or the agent of such owner so notified to abate the nuisance condition and make repairs within the reasonable time specified after posting the building, structure or premises, the Code Official is hereby authorized to order the repair of the building, structure or premises and bill the owner for the work.

Any owner aggrieved by the findings and order of the Code Official shall have the right to appeal said decision prior to the expiration of the time within which such owner was given to abate the nuisance. Any appeal taken must be requested, in writing, and timely received by the City Clerk at 155 East Pomelo Street, Lake Alfred, Florida 33850. In the event the time for owner to abate the nuisance expires on a weekend, evening or a holiday, the owner shall have until 5:00 p.m. the next business day to file the request for appeal. Such written notice or request may be in any form which clearly notifies the City of the owner's request. The Code Official shall place the appeal on the agenda of the next scheduled Code Enforcement Special Master Hearing or may request a special meeting to hear the appeal. Any appeal shall stay all proceedings in furtherance with the action appealed from until after the hearing is held. At such hearing, the rules of the Special Master concerning appeals shall be followed. It shall be the responsibility of the owner of the property in question to show that the City's actions are without reason. The Special Master shall determine whether the appeal is justified. If not, the City shall proceed with the abatement.

After abatement and billing by the City, where the full amount due the City is not paid by the owner of the building, structure or premises within thirty (30) days after the billing date, the Code Official shall cause to be recorded in the public records of the county, a sworn statement showing the cost and expense incurred for the work and the date, place and property on which such work was done, and the recordation of such sworn statement shall constitute a special assessment lien on the property equivalent to the lien of municipal taxes and taking precedence over all other recorded liens, and shall remain in full force and effect for the amount due on principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such special assessment lien may be foreclosed in the manner provided for by general law.

This provision is supplemental in nature and is not intended to be the exclusive remedy by which this code may be enforced.

(q) Section 106.4 is amended to read:

**106.4 Violation penalties; remedies additional and supplemental.**

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, may be prosecuted within the limits provided by general or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Each remedy provided for in this code is an additional and supplemental means of enforcing city codes and ordinances and may be used for the enforcement of this code singularly or in tandem. Nothing contained herein shall prohibit the city from enforcing its codes and ordinances by any other means.

- (r) Section 106.5 is amended to read:

**106.5 Abatement of violation.**

The imposition of the penalties herein shall not preclude the Code Official from referring a particular case to the City Attorney to institute an appropriate action to restrain, correct, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

- (s) Section 107.1 is amended to read:

**107.1 Notices.**

Notice of a violation of this code shall be delivered in accordance with the substantive law governing the Code Official's chosen enforcement protocol or protocols.

- (t) Sections 107.2, 107.3 and 107.5 are deleted.

- (u) Section 107.6 is amended to read:

**107.6 Transfer of ownership.**

It shall be unlawful for the owner of any building, structure or premises who has received a citation, a notice of violation, a demand for removal or a demand for correction to sell, transfer, mortgage, lease, or otherwise dispose of such building, structure, or premises until the provisions of the citation, notice of violation, demand for removal or demand for correction have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of the citation, notice of violation, demand for removal or demand for correction and then provide to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of such citation, notice of violation, demand for removal or demand for correction and fully accepting the responsibility without condition for making the corrections or repairs required thereby.

A true and correct copy of this section shall be attached to all citations, notices of violation, demands for removal and demands for correction issued pursuant to this code, although the failure to attach a copy thereto will not affect the validity of the instrument, nor shall it affect the validity of this section.

Any person violating this section shall be subject to the penalty found in § 1-14, Code of Ordinances of the City of Lake Alfred.

- (v) Section 108.1.5 is amended to read:

**108.1.5 Dangerous structure or premises.**

For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous.

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the requirements for existing buildings identified in F.S. ch. 553, the Florida Building Code, the Florida Fire Prevention Code or the Florida Life Safety Code.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is

likely to partially or completely collapse, or to become detached or dislodged.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of lack of sufficient or proper fire-resistance-related construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

(w) Section 108.2 is amended to read:

**108.2 Closing of vacant structures.**

If a structure is vacant and unfit for human habitation and occupancy, and is not in danger for structural collapse, but is open such that the interior of the structure is easily accessible through open or broken windows, open or broken doors, or missing structural elements, the Code Official is authorized to issue a demand for correction in accordance with § 106.3 of this code. Alternatively, should the vacant structure:

1. pose an imminent danger to the health, safety, and welfare of the general public;
2. be occupied periodically by transients or itinerants; or
3. be utilized for illegal conduct in violation of any federal, state or local law.

The Code Official is authorized to have the structure immediately closed up so as not to be an attractive nuisance by posting a notice at each entrance to the building entitled "Notice of Section 108.2 Closing" and by sealing each accessible entrance. A "Notice of Section 108.2 Closing" shall be in substantially the following form:

"NOTICE OF SECTION 108.2 CLOSING

This vacant structure is uninhabitable and has been closed by Order of the City of Lake Alfred Code Enforcement Unit pursuant to Sections 108.2(1), (2), and/or (3) of the Minimum Property Maintenance Standards of the City.

For information, please call (863) 291-5748".

When the Code Official elects to post a "notice of closing" on a vacant structure at each accessible entrance, in accordance with subsections (1), (2), or (3) above, the Code Official shall send a bill for the City's expense in closing the structure to the owner of the property underlying the structure or the agent of such owner of the property underlying the structure by United States certified mail, return receipt requested. Should the City's bill be returned unclaimed, the City may then post the bill on the closed structure and at a conspicuous location at City Hall for ten (10) days, which, on the tenth day after posting, shall constitute the equivalent of delivery. After billing by the City, if the full amount due the City is not paid by the owner of the structure or the agent of the owner of the structure within thirty (30) days after receipt of the bill or after the expiration of ten (10) days after posting the bill, the Code Official shall cause to be recorded in the public records of the county, a sworn statement showing the cost and expense incurred for the work and the date, place and property on which such work was done, and an affidavit of constructive service by posting, if any, and the recordation of such sworn statement shall constitute a special assessment lien on the property equivalent to the lien of municipal taxes and taking precedence over all other recorded liens, and shall remain in full force and effect for the amount due on principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such special assessment lien may be foreclosed in the manner provided for by general law.

Any owner aggrieved by the findings and order of the Code Official shall have the right to appeal said decision prior to the expiration of the time within which to pay the bill for closing the structure due the City. Any appeal taken must be requested, in writing, and timely received by the City Clerk at 155 East Pomelo Street, Lake Alfred, Florida 33850. In the event the time for owner to pay expires on a weekend, evening or a holiday, the owner shall have until 5:00 p.m. the next business day to file the request for appeal. Such written notice or request may be in any form which clearly notifies the City of the owner's request. The Code Official shall place the appeal on the agenda of the next scheduled Code Enforcement Special Master Hearing or may request a special meeting to hear the appeal. Any appeal shall stay all proceedings in furtherance with the action appealed from until after the hearing is held. At such hearing, the rules of the Special Master concerning appeals shall be followed. It shall be the responsibility of the owner of the property in question to show that the City's actions are without reason. The Special Master shall determine whether the appeal is justified. If it is determined by the Special Master, based on competent substantial evidence in the record, that the City's actions are without reason, the cost for closing the structure shall be borne by the City.

No structure closed by the City pursuant to this section may be reopened unless said structure is wholly compliant with this code or unless it is shown during a timely appeal after hearing that the City's actions in closing the structure were without reason.

(x) Section 108.3 is amended to read:

**108.3 Notice.**

Whenever the Building Official has reason to condemn a structure or equipment under the provisions of this section, a notice of violation shall be posted in a conspicuous place on or about the structure affected by such notice and served on the owners of land, the agent of such owners, or the person or persons

responsible for the structure or equipment by United States certified mail, return receipt requested. If the notice pertains to equipment, it shall also be placed on the equipment in violation. The notice shall specify a reasonable time in which the structure or equipment owner or the person or persons responsible for the structure or equipment shall abate the condition and bring such structure or equipment into compliance.

(y) Section 108.5 is amended to read:

**108.5 Prohibited occupancy.**

Any occupied structure condemned by the Building Official and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, agent of such owner, or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be subject to the penalty in § 1-14, Code of Ordinances of the City of Lake Alfred.

(z) Section 108.6 is added to read as follows:

**108.6 Boarded up structures.**

No vacant structure may be boarded up by its owner for a period of time exceeding one hundred twenty (120) days unless:

1. the owner is granted a written waiver signed by the Building Official and the Code Official; or
2. the structure has been closed in accordance with § 108.2 of this code.

All vacant structures shall be maintained in accordance with § 304.6 of this code ("Exterior walls"), and all materials used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the rest of the building. Closing a structure in accordance with § 108.2 of this code does not relieve the owner from complying with this provision.

(aa) Section 109.1 is amended to read:

**109.1 Emergency closing.**

When,

1. In the opinion of the Building Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or
2. Any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or
3. In the opinion of either the Code Official or Building Official, there is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes, or vapors or the presence of toxic fumes, gases or materials or operation of defective or dangerous equipment;

both the Code Official and the Building Official are authorized and empowered to order and require the occupants to vacate the premises forthwith. The official ordering the vacation of the premises shall immediately thereafter post, at each entrance to the structure, a notice in substantially the following form:

"DANGER! THIS STRUCTURE IS CLOSED TO THE PUBLIC! DANGER!  
NOTICE OF EMERGENCY CLOSING  
IMMEDIATE ORDER OF CLOSURE

This structure is unsafe and has been closed by Order of the City of Lake Alfred pursuant to Section 109.1 of the Minimum Property Maintenance Standards of the City.

For information, please call (863) 291-5748"

Any person ordered to take emergency measures shall comply with such order forthwith. It shall be unlawful for a person to enter a posted structure except for the purpose of securing the structure, making the required inspections and repairs, removing the hazardous condition, or to demolish the structure. Any such person in violation of this provision is subject to the penalty found in § 1-14, Code of Ordinances of the City of Lake Alfred and may be immediately removed from the structure by City personnel.

(bb) Section 109.2 is amended to read:

**109.2 Safeguards.**

Whenever, in the opinion of the Code Official or Building Official as the situation may require, there is an emergency situation warranting an emergency closing of a structure pursuant to §§ 109.1(1), (2), or (3) of this code, the City and the official ordering the closing of the structure is authorized to order that work be done in an attempt to secure the structure such that it may be rendered temporarily safe. Neither the City nor the official ordering the closing of the structure however is under any obligation under this Section to perform any work to ensure that the structure is rendered safe. Further, should the City or the official ordering the closing of the structure choose to order that work be done in an attempt to secure the structure, neither the City nor the official ordering the closing of the structure shall be liable for any damage done to the structure during the performance of such safeguard work.

(cc) Section 109.4 is amended to read:

**109.4 Notification of Emergency Closing to City Commission.**

The City Manager shall provide the City Commission notice of any emergency closing actions taken by the City pursuant to this Code. The failure to provide such notice shall have no effect on the validity of enforcement actions taken hereunder.

(dd) Section 109.5 is amended to read:

**109.5 Costs of safeguard work.**

Costs incurred in the performance of safeguard work shall be paid by the City of Lake Alfred, but shall be assessed against the owner of the structure, as a special assessment on the real property underlying the structure, upon a showing at the mandatory hearing described in § 109.6 of this code, by competent substantial evidence, that the safeguard work was required by exigencies of the situation, given the totality of the circumstances.

(ee) Section 109.6 is amended to read:

**109.6 Mandatory Hearing; appeal.**

Immediately after closing a structure pursuant to Section 109.1 of this code, the official closing the structure shall request a hearing as soon as possible before the Code Enforcement Special Master for the purpose of reviewing the decision of the official to determine whether it was reasonable under the totality of the circumstances. Such hearing shall be conducted in accordance with the rules for the Special Master and any decision rendered by the Special Master as to the propriety of the closure must be based on competent

substantial evidence. Any appeal from the decision of the Special Master under this provision shall be taken by filing a petition for certiorari with the appropriate court under the Florida Rules of Appellate Procedure. The nature of such an appeal shall be from a final administrative order of the City.

(ff) Sections 110, 111 and 112 are deleted in their entirety.

(gg) Section 201.3 is deleted.

(hh) Term Definitions.

Certain term definitions in Section 202 are revised to read as follows:

1. Easement. Deleted.
2. Equipment Support. Deleted.
3. Strict Liability Offense. Deleted.
4. Ultimate Deformation. Deleted.

All term definitions in Section 202 not modified by this subsection shall remain as published in the International Property Maintenance Code, 2012 edition. Terms not defined in Section 202 shall, for purposes of this Code, have the corresponding meanings assigned to them by Article IX of the City's Unified Land Development Code.

(ii) Section 302.1 is amended to read:

**302.1 Sanitation and storage of materials.**

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

No owner or occupant shall permit old or broken lumber, rusted or unused equipment, discarded refrigerators, discarded stoves, old pipe or other used, discarded and worn, unsightly articles or materials to remain in any yard or open area owned, occupied or in the possession of such person for a period of more than five (5) days.

Further, unless authorized by the zoning category of the property, no owner or occupant of a building, structure or premises may utilize such property for the open storage of abandoned, untagged, or inoperative motor vehicles, iceboxes, refrigerators, stoves, glass, building material rubbish or similar items.

(jj) Section 302.4 is amended to read:

**302.4 Weeds and overgrowth.**

All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided that the term weeds shall not include cultivated flowers, cultivated gardens and Central region plants listed on the most current edition of the Florida-Friendly Plant List, issued by the University of Florida Institute of Food and Agricultural Sciences, so long as such flowers, gardens and plants are maintained in an aesthetically pleasing manner and do not constitute a dangerous or nuisance condition as determined in the sole discretion of the Code Official; provided further however that all noxious weeds shall be prohibited.

(kk) Section 304.1.1 is deleted.

(ll) Section 304.3 is amended to read:

**304.3 Premises Identification.**

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters. Numbers shall be a minimum of three (3) inches (76.2 mm) high with a minimum one-half (.5) inch (12.7 mm) stroke width.

(mm) Section 304.14 is amended to read as follows:

**304.14 Insect screens.**

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly-fitting screens of not less than sixteen (16) mesh per one (1) inch (25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. All screens shall be maintained free from open rips, tears, or other defects.

Exception: Screens shall not be required where other approved means, such as central air conditioning, air curtains, or insect repellent fans are employed.

(nn) Section 304.15 is amended to read:

**304.15 Doors.**

All Exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

(oo) Section 304.19 is created to read:

**304.19 Skirting around foundations.**

Latticework or similar approved material must be installed along continuous openings on the outside perimeter of buildings with floors elevated above the ground and where more than twelve (12) inches of vertical opening area exists from the ground to the building wall. The installation must be performed in an approved aesthetic manner in accordance with typical construction methods in practice. Existing skirting shall be maintained in good repair and free from broken or missing sections, pieces or cross members.

(pp) Section 305.1 is amended to read:

**305.1 General.**

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(qq) Section 305.1.1 is deleted.

(rr) Section 306 is deleted in its entirety.



(ss) Section 307.1 is amended to read as follows:

**307.1 General.**

Every exterior and interior flight of stairs shall have handrails and guardrails installed in accordance with F.S. ch. 553, and applicable portions of the Florida Building Code.

(tt) Sections 308.2.1 and 308.3.1 are deleted.

(uu) Section 401.3 is amended to read:

**401.3 Alternative devices.**

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Florida Building Code shall be permitted.

(vv) Section 404.1 is amended to read:

**404.1 Privacy.**

Dwelling units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(ww) Section 502.3 is deleted.

(xx) Section 502.5 is amended to read:

**502.5 Public toilet facilities.**

Public toilet facilities shall be maintained in a safe, sanitary and working condition. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

(yy) Section 503.2 is amended to read:

**503.2 Location.**

Toilet rooms and bathrooms serving rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

(zz) Section 503.4 is amended to read:

**503.4 Floor surface.**

Every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

(aaa) Section 505.1 is amended to read:

**505.1 General.**

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. In dwelling units, housekeeping units, rooming units and dormitory units all kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with both hot or tempered running water and cold running water.

(bbb) Section 506.3 is deleted.

(ccc) Section 602.2 is amended to read:

**602.2 Residential occupancies.**

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

(ddd) Section 602.3 is amended to read:

**602.3 Heat supply.**

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to March 30 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

(eee) Section 602.4 is amended to read:

**602.4 Occupiable work spaces.**

Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to March 30 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(fff) Section 604.2 is deleted.

(ggg) Sections 604.3.1, 604.3.1.1, 604.3.2, and 604.3.2.1 are deleted.

(hhh) Section 606 is deleted in its entirety.

(iii) Section 701 is deleted.

(jjj) Section 702.1 is amended to read:

**702.1 General.**

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Florida Fire Prevention Code.

(kkk) Section 702.2 is deleted.

(lll) Section 702.3 is amended to read:

**702.3 Locked doors.**

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Florida Building Code.

(mmm) Section 702.4 is deleted.

(nnn) Section 703 is deleted.

(ooo) Section 704.1 is amended to read:

**704.1 General.**

A person shall not occupy as owner-occupant nor shall let to another for occupancy, any building or structure which is not equipped with adequate fire prevention equipment in accordance with the Florida Fire Prevention Code. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Florida Fire Prevention Code.

(ppp) Section 704.1.1 is deleted.

(qqq) Section 704.2 is amended to read:

**704.2 Smoke Alarms.**

Every dwelling unit shall be provided with an approved listed smoke alarm, installed in accordance with the manufacturer's recommendations and listing. When activated, the device shall provide an audible alarm.

(rrr) Sections 704.3 and 704.4 are deleted.

(Ord. No. 1333-14, § 1(Exh. A), 7-28-2014)

**Lake City, FL - Code of Ordinances** ([https://library.municode.com/fl/lake\\_city/codes/code\\_of\\_ordinances](https://library.municode.com/fl/lake_city/codes/code_of_ordinances))

Sec. 22-175. - Minimum standards for basic equipment and facilities.

- (a) The International Property Maintenance Code 2018 Edition, as published by International Code Council, referred to herein and known as "the property maintenance code", as presently written or as shall be amended in the future, is hereby adopted and incorporated as if fully set out at length in this section, and except as changed, superseded, or altered by this article or other ordinances of the city, shall be controlling within the corporate limits of the city.
- (b) Notwithstanding anything to the contrary in the property maintenance code, the following amendments to the property maintenance code are hereby adopted, which shall be applicable only to the section or portion of section as indicated:
  - (1) Subsection 101.1 insert [City of Lake City].
  - (2) Subsection 102.3 delete International Building Code, insert Florida Building Code; delete International Fuel Gas Code, insert Florida Fuel Gas Code; delete International Mechanical Code, insert Florida Mechanical Code; delete ICC Electrical Code, insert National Electrical Code, delete International Zoning Code, insert Lake City Land Development Regulations.
  - (3) Subsection 103.1 is amended to read as follows: "The Growth Management Department shall enforce the provisions of this code under the supervision of the Growth Management Director, who shall be known as the code official".
  - (4) Subsection 103.5 delete "as indicated in the following schedule" insert "set forth by resolution of the City Council".
  - (5) Subsection 107.3 is amended to read as follows: "Such notice shall be served as set forth in Chapter 2, Article X, section 2-421 of the City Code".
  - (6) Subsection 108.2 is amended to read as follows: "If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, or a fire hazard, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall bring the matter before the Code Enforcement Board. If the board sustains the code officials findings, an order shall be entered requiring the owner to close up the structure. Upon failure of the owner to close up the premises within the time stated in the boards order, the board may request the code official to cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource".
  - (7) Subsection 108.3 delete "Sec. 107.3" add "Chapter 2, Article X, section 2-421 of the City Code".
  - (8) Subsection 110.3 is amended to read as follows: "If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official may bring the matter before the Code Enforcement Board, or take action by any other means prescribed by law. If the board sustains the code officials findings, an order shall be entered requiring the owner to comply with the code officials order. Upon failure of the owner to comply within the time stated in the boards order, the board may request the code official to cause the property to be brought into compliance through any available public agency or by contract or arrangement

by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate, or against any other property as prescribed by law, and may be collected by any legal resource".

- (9) Subsection 111.1 is amended to read as follows: "Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Code Enforcement Board, provided that a written application for appeal is filed within 14 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means".
- (10) Subsection 111.2 is amended to read as follows: "The board of appeals shall consist of the membership of the Code Enforcement Board as set forth in Chapter 2, Article X, Sec. 2-414 of the City Code."
- (11) Subsection 111.2.1 is amended to read as follows: "Alternate members shall be as set forth in Chapter 2, Article X, of the City Code."
- (12) Subsections 111.2.2 through 111.2.5 are deleted.
- (13) Subsection 111.3 is amended to read as follows: "Shall be as set forth in Chapter 2, Article X, Sec. 2-421 of the City Code."
- (14) Subsection 111.4 is amended to read as follows: "Shall be as set forth in Chapter 2, Article X, Sec. 2-416 of the City Code".
- (15) Subsection 111.4.1 is deleted.
- (16) Subsection 201.3 is amended to read as follows: "Where terms are not defined in this code and are defined in the Florida Building Code, Florida Fire Prevention Code, National Fire Prevention Code, City of Lake City Land Development Regulations, Florida Plumbing Code, Florida Mechanical Code, Florida Existing Building Code or the National Electrical Code, such terms shall have the meanings ascribed to them as in those codes".
- (17) Subsection 302.4 add (12 inches in height). Amended to read: "Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in accordance with Sec. 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, the code official shall bring the matter before the Board. If the Board sustains the code officials findings an order shall be entered requiring the owner or agent to bring the violation into compliance. Upon failure of the owner to cut and destroy weeds within the time stated in the boards order, the board may request the code official to cause the weeds to be cut through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate or against any other property as prescribed by law and may be collected by any legal resource".
- (18) Subsection 304.3 is amended to read as follows: "Shall be as set forth in the Uniform Address Code, Sec. 86-116 of the City Code".
- (19) Subsection 304.14 delete "During the period from [date] to [date]".
- (20) Subsection 307.2.1 is amended to read as follows: "The owner or occupant of every residential premises with established City utility services shall have rubbish removed by the City's waste removal company in accordance with the current contract. The owner or occupant of every commercial premises shall establish disposal services directly with the city's waste removal company".
- (21) Subsection 307.3.1 is amended to read as follows: "The owner or occupant of every residential premises shall be supplied with an approved container by the city's waste removal company and shall pay for these services

with their utilities. The owner or occupant of every commercial premises shall establish disposal services directly with the city's waste removal company".

- (22) Subsection 307.3.2 is amended to read as follows: "The City's waste removal company will provide approved containers once service is established. Occupants shall use containers at all times and there shall not be significant overflow on a regular basis".
- (23) Add subsection 307.3.3 Storage of containers. Garbage containers shall be placed at the curb or roadside no earlier 24 hours prior to the scheduled collection day, and the emptied containers shall be removed from the curbside location not later than 24 hours after the day of collection.
- (24) Subsection 401.3 delete International Building Code insert Florida Building Code.
- (25) Subsection 505.1, 602.2, and 602.3 delete International Plumbing Code insert Florida Plumbing Code.
- (26) Subsection 602.3 and 602.4 insert [November] to [April].
- (27) Subsection 604.2 delete ICC Electrical Code insert National Electrical Code.
- (28) Subsection 702.3 delete International Building Code insert Florida Building Code.
- (29) Subsections 702.1, 702.2, 704.1, 704.2 delete International Fire Code insert Florida Fire Prevention Code, or National Fire Prevention Code.
- (30) Chapter 8 Referenced Standards delete ICC table insert the following:
- NEC - 04 National Electrical Code .....201.3, 604.2
- FBC - 04 Florida Building Code .....201.3, 401.3, 702.3,
- FEBC - 04 Florida Existing Building Code .....101.3, 102.3, 201.3
- FFPC - 04 Florida Fire Prevention Code .....201.3, 702.1, 702.2, 704.1, 704.2
- NFPC - 04 National Fire Prevention Code .....201.3, 702.1, 702.2, 704.1, 704.2
- FMC - 04 Florida Mechanical Code .....201.3
- FPC - 04 Florida Plumbing Code .....201.3, 505.1, 602.2, 602.3
- LDR - 96 Land Development Regulations .....102.3, 201.3
- (c) Copies of the property maintenance code are available for public use, inspection, or examination at the city growth management department at City Hall.
- (d) All occupied premises shall be properly connected to and be provided with electric power through safely insulated conductors conforming to the National Electrical Code as adopted and amended by F.S. ch. 553.

(Ord. No. 2007-1112, § 1, 5-21-07; Ord. No. 2019-2131, § 2, 11-4-19)

**Lake County, FL - Code of Ordinances** ([https://library.municode.com/fl/lake\\_county/codes/code\\_of\\_ordinances](https://library.municode.com/fl/lake_county/codes/code_of_ordinances))

## Sec. 6-22. - Adoption and enforcement.

All construction in Lake County shall be in accordance with the Florida Building Code, Florida Fire Prevention Code and the 2015 International Property Maintenance Code as amended herein. All adopted codes shall include all appendixes thereto unless specifically exempted.

- (1) The provisions of the International Property Maintenance Code, 2015 edition shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures. International Property Maintenance Code is hereby amended as follows.
  - a. Section 102.3, replace International Zoning Code with Lake County Code.
  - b. Section 103, Department of Property Maintenance Inspection is excluded and replaced with Section 103 of the Florida Building Code.
  - c. Section 111, Means of Appeal is excluded.
  - d. All references to "International Code(s)" in the International Property Maintenance Code (with exception of the title) shall mean the Florida Building Code.
- (2) Chapter 1, Scope and Administration, Florida Building Code. Chapter 1, of the Florida Building Code, is amended to add (or if indicated herein, to delete) the following language regarding the sections specified:
  - a. 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.
  - b. 101.3.2 Permitting, plan review and inspection. The inspection, plan review or permitting of any building, system or plan by the 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. Neither the jurisdiction nor any 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, plan review or permitting, unless the employee of the jurisdiction is found to have acted in bad faith or with malicious purpose in a manner exhibiting wanton and willful disregard of the safety, health and welfare of the public.
  - c. 102.2.5-1 A building permit shall not be required for the construction, alteration or repair performed by the property owner upon his or her own personal residence (the residence the owner lives in) for a one-story detached, freestanding, accessory structure to a one or two family dwelling used as a tool shed, storage shed, pergola, deck not exceeding thirty (30) inches above grade, gazebo, or playhouse or an attached/detached accessibility ramp (not exceeding a slope of one (1) unit vertically to twelve (12) units horizontally) that does not exceed a one hundred twenty-square foot footprint for the owner's personal use. This structure shall not incorporate electrical, HVAC, fuel gas, or plumbing. Zoning and flood requirements shall be met as required (utility rooms shall not be allowed under this exemption). Fences constructed of masonry or concrete type material, four (4) feet or less in height and all other fences six (6) feet or less in height are also exempt in accordance with this section. Zoning and flood requirements shall be met as required.
  - d. 102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

- e. 103.1 Establishment. There is hereby established a department to be called the building services division and in charge shall be known as the building official.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

- f. 104 Duties and Powers of Building Official.

104.1 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. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. For the purpose of enforcing this chapter, the building official shall have the same authority as the code enforcement manager as provided in Chapter 8 of the Lake County Code in addition to those provided in this chapter.

104.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

104.5 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.



104.7 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the applicable retention period.

- g. 105 Permits. Generally, the erection, alteration, or reconstruction of any building or structure, shall not be commenced without obtaining a building permit from the building official.

105.2 Work exempt from permit.

1. Oil derricks.
  2. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or *story* below and are not part of an accessible route.
  3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
  4. Temporary motion picture, television and theater stage sets and scenery.
  5. Storable swimming or wading pools as defined by this code. Exception: Electrical alterations or connections except for cord-and-plug connection into an existing receptacle.
  6. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
  7. Swings and other playground equipment accessory to detached one- and two-family dwellings.
  8. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of detached one and two family dwellings.
  9. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
  10. Fences not made of masonry materials of any height when a license is obtained from the Florida Fish and Wildlife Conservation Commission for a Game Farm or Hunting Preserve.
  11. Replacement of the walking surface of an existing legally permitted dock or deck on residential property provided the dock or deck is within the extended side property lines and the replacement maintains or reduces in size the original configuration, so long as the replacement work is completed by the property owner or a licensed contractor.
- h. 105.4.1.2. The following language is hereby deleted from section 105.4.1.2 of the Florida Building Code: 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.
- i. 105.4.1.5. Permits issued for signs or the demolition of a structure shall expire sixty (60) days from the date of issuance. For a justifiable cause, one (1) extension of time for a period not exceeding thirty (30) days may be allowed. Such request shall be submitted in writing to the building official.
- j. 105.4.1.6 Work commencing before permit issuance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. However, in all such cases the required permit(s) must be obtained within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee, one hundred fifty dollars (\$150.00) minimum. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The payment of this fee shall not relieve the applicant

or holder of the permit from the payment of other fees or penalties that are prescribed by this code. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

- k. 105.5 Time Limitation of Building Permits. Building permits shall expire and become null and void if work authorized by such permits is not commenced, having called for and received a satisfactory inspection, within six (6) months from the date of issuance of the permit, or if the work is not completed within one (1) year from the date of issuance of the building permit, except that the time may be extended by the Lake County Building Official, subject to compliance with the provisions of concurrency management procedures, if any of the following occur:
  - (a) A time schedule has been submitted and approved by the Lake County Building Official, predicated upon customary time for construction of similar buildings, prior to the issuance of the building permit, indicating completion of construction in excess of one (1) year; or
  - (b) The applicant furnishes the Lake County Building Official satisfactory evidence in writing that the delay is due to the unavailability of construction supplies or materials, and every effort has been made to obtain substitute materials equal to those called for in the specifications; or
  - (c) The delay is due to fire, weather conditions, civil commotion or strike. Increased costs of building materials or supplies or financial hardship shall not be considered by the Lake County Building Official as cause for continuation of the building permit.
- l. 107.1.1 Quality of building plans. Building plans shall be drawn to a minimum one-eighth (1/8) inch scale upon substantial paper, cloth or other acceptable medium. The building official may establish, through department 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. All construction plans shall bear the name and signature of the person responsible for the design.
- m. 107.3.4 Design professional in responsible charge. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.
- n. The following language is added to section 107.3.5 minimum plan review criteria for buildings; the remainder of the section is unchanged.

Manufactured/mobile homes.

- 1. Site requirements:
  - a. Setback/separation (assumed property lines)
  - b. Location of septic tank(s), if applicable
  - c. Location of existing and proposed structures
- 2. Structural:

- a. Wind zone
- b. Anchoring
- c. Blocking
- o. The following language is added to section 110.3 Required Inspections; the remainder of the section is unchanged:

110.3 Required inspections. The building official upon notification from the permit holder or his or her agent shall make the following inspections, or any other such inspection 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.

Note: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.
- p. 110.3.6 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 shell.
  1. Steel reinforcement and initial bonding inspection.
  2. Underground electric inspection.
  3. Underground piping inspection including a pressure test.
  4. Underground electric inspection under deck area (including the equipotential bonding).
  5. Underground piping inspection under deck area.
  6. Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place).
  7. Safety Inspection; Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.
  8. Final Electrical inspection.
  9. Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.
- q. The following language is added to section 110 Inspections (placed in 110.3 Required Inspections after Gas); the remainder of the section is unchanged. 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.
- r. For purposes of the Florida Building Code, the exact location of wind speed lines shall be determined by overlaying the line provided in the Florida Building Code on the corresponding GIS map of Lake County streets, roads and highways. Determination of wind speed, with respect to structures bearing on the wind line, shall be made by the building official.

(3) Chapter 3, Building Planning. Chapter 3, of the Florida Building Code, Residential is amended to add (or if

indicated herein, to delete) the following language regarding the sections specified:

a. Modify Sec. R322.2.1 as follows:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation, plus eighteen (18) inches or the design flood elevation, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus one (1) foot (three hundred five (305) mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM, or at least two (2) feet (six hundred ten (610) mm) if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation, plus eighteen (18) inches or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

(4) Modify Florida Building Code, Building Sec. 1612.4 as follows:

1612.4 Design and construction. The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high-velocity wave action, shall be in accordance with Chapter 5 of ASCE 7 and with ASCE 24. Utilities and attendant equipment, which includes mechanical, plumbing (excluding waste lines) and electrical equipment as referenced in Florida Building Code, shall be elevated to eighteen (18) inches above the base flood elevation or as specified in Chapter 5 of ASCE 7 or ASCE 24, whichever is higher.

(Ord. No. 2016-04, § 2, 2-2-16; Ord. No. 2018-23, § 2, 5-22-18)

**New Smyrna Beach, FL - Code of Ordinances** ([https://library.municode.com/fl/new\\_smyrna\\_beach/codes/code\\_of\\_ordinances](https://library.municode.com/fl/new_smyrna_beach/codes/code_of_ordinances))

## Sec. 26-36. - Adoption of technical codes.

(a) The following published codes are adopted by reference:

- (1) International Property Maintenance Code, most recent edition and including all amendments and revisions that may from time to time be made.
- (2) Florida Building Code, including all codes incorporated therein and including all amendments and revisions that may from time to time be made, in accordance with F.S. § 553.76(5).
- (3) National Electric Code, most recent edition and including all amendments and revisions that may from time to time be made.

(b) The codes adopted by subsection (a) of this section are incorporated in this chapter as fully as if set out at length, save and except such portions as are amended or deleted in this chapter or are in conflict with this Code. Not less than three copies of each of such codes are now filed in the office of the building inspector.

(Code 1975, § 10-15; Ord. No. 41-94, § 1, 9-27-1994; Ord. No. 26-98, § 1, 8-25-1998; Ord. No. 27-98, § 1, 8-25-1998; Ord. No. 28-98, § 1, 8-25-1998; Ord. No. 29-98, § 1, 8-25-1998; Ord. No. 88-07, § 3, 9-11-2007; Ord. No. 28-09, § 2, 8-25-2009; Ord. No. 45-18, § 1, 9-11-2018)

**Okeechobee, FL - Code of Ordinances** ([https://library.municode.com/fl/okeechobee/codes/code\\_of\\_ordinances](https://library.municode.com/fl/okeechobee/codes/code_of_ordinances))

## Sec. 66-10. - Construction design and improvement regulations.

- (a) *Codes and standards incorporated by reference.* The latest edition of the following codes, standards and maps, complete with revisions and appendices, with the exception of fee schedules, are hereby adopted and incorporated into these regulations by reference:
- (1) Florida Building Code;
  - (2) National Fire Protection Association (1); National Electrical Code (NFPA 70); Life Safety Code (NFPA 101); Standard Fire Prevention Code;
  - (3) Federal Emergency Management Agency, flood insurance rate maps, covering the city and the county; and
  - (4) Florida Americans with Disabilities Accessibility Implementation Act:
    - a. Florida Accessibility Code for Building Construction; and
    - b. Americans with Disabilities Act Accessibility Guidelines.
  - (5) International property maintenance code.
    - a. That a certain document, one copy of which is on file in the office of the building official of the City of Okeechobee, being marked and designated as the International Property Maintenance Code, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Okeechobee, in the State of Florida for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the General Services Department of the City of Okeechobee are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any prescribed in section 66-11.
- (b) *Standards incorporated as guidelines.* The latest edition of the following standards, complete with revisions and appendices, with the exception of fee schedules, are hereby incorporated into these regulations to be used as guidelines only. Transportation standards adopted by the city will supersede these guidelines:
- (1) State department of transportation:
    - a. Manual of Uniform Minimum Standards for Design. Construction and Maintenance for Streets and Highways;
    - b. Roadway and Traffic Design Standards;
    - c. Standard Structure Drawings;
    - d. Drainage Manual (Volumes 1—4);
    - e. Utility Accommodation Guide.
  - (2) American Association of State Highway and Transportation Officials:
    - a. Policy on Geometric Design of Highways and Streets;
    - b. Standard Specifications for Highway Bridges.

(3) Federal Highway Administration: Manual on Uniform Traffic Control Devices.

(4) Institute of Transportation Engineers: Manual on Trip Generation Rates.

(LDR 1998, § 130; Ord. No. 808, 11-5-2002; Ord. No. 1151, § 1, 4-4-2017)

Sec. 66-11. - Specific revisions; International Property Maintenance Code.

The following sections of the International Property Maintenance Code are hereby revised as follows:

Section 101.1. Title. Insert *City of Okeechobee* as the name of the applicable jurisdiction.

Section 102.3. Insert at end of first sentence: and any and all applicable current Florida Building Code or Florida Fire Prevention Code provisions. In the event that any conflicts or inconsistencies may be found to exist between any of the provisions of the International Property Maintenance Code, as adopted by this ordinance and the provisions of either the Florida Building Code, as set forth in Chapter 553, Part IV, Florida Statutes, or the Florida Fire Prevention Code, as set forth in Chapter 633, Florida Statutes, the provisions of the Florida Building Code and the Florida Fire Prevention Code, respectively, shall prevail.

Section 103. Department of Property Maintenance Inspection. Is to be renamed "*City of Okeechobee Code Enforcement Department*."

Section 103.1 General. Delete the words "*department of property maintenance inspection is hereby created*," and insert in its place and stead the words: "*City of Okeechobee Code Enforcement Department has been heretofore created*." Further, wherever the words "*department of property maintenance inspection*" or "*code official*" may appear, substitute the words: "*City of Okeechobee Code Enforcement Department*" and the words "*Code Enforcement Supervisor*," respectively.

Section 106.3. Prosecution of violation. Insert at the end of section, the words: *The City of Okeechobee Code Enforcement Department may, in addition, or alternatively, to pursuing any such criminal or civil penalties or seeking injunctive relief, bring violations for prosecution before the Code Enforcement Board, in accordance with all of the provisions of, and pursuant to, the enforcement procedures established under the City of Okeechobee, Code of Ordinances, Chapter 18, or Chapter 162, Florida Statutes.*

Section 106.4. Violation Penalties. Insert at the end of section, the words: *The monetary penalties that may be imposed for violations shall conform to the discretionary limits set out in Chapter 162, Florida Statutes.*

Section 111. Means of Appeal. *An appeal of any decision of the City of Okeechobee Code Enforcement Department shall be governed by the provisions of Chapter 162, Florida Statutes.*

Section 112.4. Failure to Comply. *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 liable to a fine as set out in the City of Okeechobee Code of Ordinances Appendix G.*

Section 302.4 Weeds. Insert: *12 inches.*

Section 304.14 Insect screens. Delete the words: "*During the period from [DATE] to [DATE]*."

Section 602.3 Heat supply. Insert: *November 1st to March 31st.*

Section 602.4 Occupiable work spaces. Insert: *November 1st to March 31st.*

( Ord. No. 1151, § 2, 4-4-2017 )





**Pensacola, FL - Code of Ordinances** ([https://library.municode.com/fl/pensacola/codes/code\\_of\\_ordinances](https://library.municode.com/fl/pensacola/codes/code_of_ordinances))

## Sec. 14-2-41. - Authority.

- (a) There is hereby established a construction board of adjustment and appeals (CBAA).
- (b) The construction board of adjustment and appeals established herein shall have jurisdiction over all technical codes, including the Florida Building Code, the National Electrical Code, and the International Property Maintenance Code, but excepting the life safety and fire prevention codes, adopted hereafter.
- (c) The construction board of adjustments and appeals shall have the power to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.
- (d) The owner of a building, structure or service system, or his or her duly authorized agent, may appeal a decision of the building official if the building official rejected or refused to approve the manner of construction or material proposed to be used in the installation or alteration of a building or structure or service system, the provisions of the code do not apply to the specific case, that an equally good or more desirable form of installation can be employed, or the true intent or meaning of the code has been misconstrued or incorrectly interpreted.
- (e) The construction board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provision of the technical codes 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 the technical codes or public interest.
- (f) Notice of appeals to the construction board of adjustments and appeals shall be in writing and filed within 15 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the CBAA.
- (g) The board of appeals provided for in the International Property Maintenance Code and the construction board of adjustment and appeals, as established herein, shall be one and the same. There shall be no fee for an appeal to said board unless provided for by ordinance hereafter adopted, except as provided in section 7-10-4.

(Code 1986, § 14-1-41; Ord. No. 19-02, § 1, 9-12-2002; Ord. No. 08-08, § 1, 1-31-2008)

## Sec. 14-2-135. - Moving of buildings.

- (a) No building, structure or assembly which exceeds the maximum highway limits of the state shall be moved over the public streets and thoroughfares of the city until a permit for the movement shall have been issued by the building official.
- (b) Permit application forms shall be completed to show the route and time when any such move is requested under the authority of the permit, and shall contain the prior approval of the police department, fire department and the traffic engineer before issuance by the building official.
- (c) All structures relocated within or brought into the city must be located, modified, remodeled or repaired so as to be in total compliance with the codes of the city. Such work is to commence immediately upon location or relocation within the city and to be actively continued until completed. Structures which are not located, modified and repaired, as required, shall be considered as unsafe structures and the building official shall take action in accordance with the International Property Maintenance Code or other applicable provisions of this Code.
- (d) Before a permit to move a structure into or within the city is issued, a sewer tap, as appropriate, and a permit for an approved foundation and site plan shall have been obtained.

(Code 1986, § 14-1-135; Ord. No. 19-02, § 1, 9-12-2002; Ord. No. 08-08, § 2, 1-31-2008)

Sec. 14-2-136. - Demolition.

- (a) The demolition of buildings and structures shall be controlled by provisions of the Florida Building Code and the International Property Maintenance Code, as adopted herein, by those additional provisions, outlined for special review districts, contained in chapter 12-3 and those guidelines as established in this part.
- (b) No building or structure shall be demolished, razed, dismantled or removed in whole or in part without first obtaining a permit issued by the building official of the city. A permit issued for demolition shall be valid for 90 days. Extensions for periods not exceeding 30 days each may be granted in writing by the building official.
- (c) Applications for demolition permits must include written certification by the applicant that reasonable steps have been taken to provide notice to residents within a 300-foot radius of the property of the proposed demolition and the intended date upon which demolition will commence once a permit is obtained. This certification must be included in affidavit form, signed by the applicant or the property owner, also indicating that all gas, water and electrical utilities have been cut off or disconnected utilities shall be cut off at the property line or off premises when a building or structure is to be totally demolished.
- (d) After the issuance of permit, the permit holder shall be responsible for placing a sign on the property where demolition is to take place. The sign shall be a minimum of 11 inches by 17 inches in size and mounted at a minimum of four feet above the ground. The sign shall have black lettering with a contrasting white background, have block style lettering a minimum of three inches in height and shall state "NOTICE OF DEMOLITION" with a phone number for contact included. The sign shall be of a material that is durable, laminated or other weather resistant material. Also posted shall be the demolition permit or a copy thereof.
- (e) Demolition permits for structures larger than 3,000 square feet in floor area or over 35 feet in height at any point shall require a current certificate of insurance showing general liability coverage of at least \$300,000.00, per occurrence and per accident, for products and completed operations.
- (f) When required by the building official, the Florida Building Code, the International Property Maintenance Code, or city ordinance, as adopted herein, barricades and other shielding shall be used to protect adjacent property and the public; to include dust control and/or mediation. At the end of each working day the remainder of the structure shall be left in a stable condition with no dangerous unsupported roofs, walls or other elements. Fencing or continuous security guards may be required.
- (g) All footings, foundations, piers, etc., of one- and two-family dwellings which have been demolished, shall be removed to a depth of not less than 12 inches below the natural ground level. Utility supply and sewer piping shall be removed so as to be flush with grade level. The footings, foundations, utility supply and sewer piping and all pilings of structures larger than a one- or two-family dwelling shall be removed to not less than four feet below the natural ground level. Remaining sections of footings, foundations, pilings, and piping may be buried provided they have not been disturbed from their original position and are surrounded by compacted earth or other permitted backfill. All excavations are to be filled to the natural grade; unnatural hills or mounds of earth are to be leveled or removed.
- (h) Debris and waste materials shall not be allowed to accumulate or be buried on the premises. Usable, recyclable byproducts of demolition, including, but not limited to, steel beams and rip-rap, may be stored only where permitted by the provisions of chapter 12-3.
- (i) Demolition work shall be conducted in compliance with the noise regulations for construction as well as applicable nuisance ordinances contained in this Code.

- (j) The owner of a building or structure or his or her duly authorized agent may appeal a decision or requirement of the building official, concerning demolition, to the construction board of adjustment and appeals. Filing of an appeal will not stop the work until a decision has been rendered by the board. When an appeal is made, the building official shall require appropriate safeguards to protect the public and adjacent buildings. If deemed necessary, an immediate meeting of the construction board of adjustment and appeals shall be called by the chair of the board.

(Code 1986, § 14-1-136; Ord. No. 19-02, § 1, 9-12-2002; Ord. No. 08-08, § 3, 1-31-2008; Ord. No. 07-19, § 1, 3-28-2019)

Sec. 14-2-139. - Costs incurred by city declared lien; collection; enforcement.

- (a) All expenses incurred by the city in abating an unsafe building condition in accordance with the International Property Maintenance Code, Florida Building Code, or other provision of this Code shall be reimbursed by the legal or beneficial owner and shall constitute a lien against the property until paid, including statutory interest. The city may recover such expenses by any means authorized by law or equity. "Expenses" shall include, but not be limited to, costs incurred in ascertaining ownership, architectural or engineering consultation, mailing or delivery of notices, contracts for demolition or repair, recording fees, and taxable costs of litigation including reasonable attorney's fees.
- (b) The building official shall certify to the mayor that the specific work has been completed. The mayor shall then prepare and process a complete assessment of all costs, including, but not limited to, all expenses listed in the preceding paragraph or other legitimate expenses that may have occurred before, during or after proceedings necessary to eliminate the illegal condition of buildings or structures described herein.
- (c) Furthermore, the assessment is declared a lien upon the land until paid, and to have equal dignity with other liens for ad valorem taxes. The mayor shall file for public record the claims of liens against the property cleared, or abated of the condition, or condemned building setting forth the amount of the lien, a description of the property involved, and that the lien is claimed pursuant to the provisions of this section. The lien shall be signed and sworn to by the mayor. Monies received from enforcement of the lien shall be collected and deposited in the special assessment fund. The lien shall be enforced as otherwise provided for by law.

(Code 1986, § 14-1-140; Ord. No. 19-02, § 1, 9-12-2002; Ord. No. 08-08, § 5, 1-31-2008; Ord. No. 16-10, § 241, 9-9-2010)

Sec. 14-2-140. - Unsafe structure and building abatement.

The International Property Maintenance Code, 2006 Edition, published by the International Code Council, Inc., and subsequent editions and revisions thereto is hereby adopted and incorporated as fully as if set out at length in this section and the provisions thereof shall be deemed the minimum standards essential to effectuate the elimination of unsafe buildings in an efficient and timely manner within the city, save and except such portions as are deleted, modified, or amended as contained in this chapter. Not less than one copy of the foregoing codes has been filed for more than ten days preceding passage of this chapter, and is now filed in the office of the city building official.

(Ord. No. 05-21, § 1, 2-25-2021)

Sec. 14-2-222. - International Property Maintenance Code adopted.

The International Property Maintenance Code, published by the International Code Council, Inc., as may be amended, is hereby adopted and incorporated as fully as if set out at length in this section and the provisions thereof shall be deemed the minimum housing standards essential for safe and healthful living within the city, save and except such portions as are deleted, modified, or amended as contained in this article. Not less than one copy of the foregoing code has been filed for more than ten days preceding passage of this chapter, and is now filed in the office of the city building official.

(Code 1986, § 14-1-222; Ord. No. 19-02, § 1, 9-12-2002; Ord. No. 08-08, § 6, 1-31-2008)

Sec. 14-2-223. - Amendments.

The following sections of the International Property Maintenance Code are hereby amended as follows:

- (a) *Section 101.1. Title.* Revise to read as follows: These regulations shall be known as the property maintenance code of the city hereinafter referred to as "this code."
- (b) *Section 102.3. Application of other codes.* Revise to read as follows: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures of the Florida Building Code, state residential code, state fuel gas code, state mechanical code, state plumbing code and the National Electrical Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the land development code of the city.
- (c) *Section 103. DEPARTMENT OF PROPERTY MAINTENANCE.* Revise title to read: DIVISION OF PROPERTY MAINTENANCE.
- (d) *Section 103.2. Appointment.* Revise to read as follows: The code official shall be appointed by the chief appointing authority of the jurisdiction.
- (e) *Section 103.4. Liability.* Delete this paragraph in its entirety.
- (f) *Section 103.5. Fees.* Delete this paragraph in its entirety.
- (g) *Section 107.4. Penalties.* Delete this paragraph in its entirety.
- (h) *Section 108.4. Placarding.* Delete this paragraph in its entirety.
- (i) *Section 108.4.1. Placard removal.* Delete this paragraph in its entirety.
- (j) *Section 108.5. Prohibited occupancy.* Revise to read as follows: Any occupied structure condemned by the code official shall be vacated as ordered by the code official. Any person who shall occupy a premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a premises or operate placarded equipment shall be liable for the penalties provided by this code.
- (k) *Section 109.5. Costs of emergency repairs.* Revise to read as follows: Cost incurred in the performance of emergency work shall be paid by the jurisdiction. The jurisdiction may institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of said costs.
- (l) *Section 201.3. Terms defined in other codes.* Revise to read as follows: Where terms are not defined in this code and are defined in the Florida Building Code, state residential code, state fuel gas code, state mechanical code, state plumbing code and the National Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes.
- (m) *Section 302.4. Weeds.* In the first sentence after the words "in excess of" insert the following: 12 inches in height.
- (n) *Section 302.9. Defacement of property.* Revise to read as follows: No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner of the property to restore said surface to an approved state of maintenance and repair within seven days of notification.  
Exception: The 17th Street CSX Railroad Trestle shall be exempted from the provisions of this section.
- (o) *Section 304.19. Glass panes in windows and doors.* Create this paragraph to read as follows: All glass panes intended for an exterior window or door must be in place and free of all cracks, paint, or any removable covering. Plexiglas or any other type of plastic material may not be substituted for a glass pane in any exterior window or

door.

- (p) *Section 304.20. Temporarily securing windows and doors.* Create this paragraph to read as follows: Should an exterior window or door be broken or damaged in such a way to allow outside elements to freely enter the premises, plywood may be temporarily placed over the damaged exterior opening for a period of up to two weeks to secure the building and make arrangements for a more permanent repair. Plywood covering an exterior window or door for more than 14 days after an incident that resulted in damage to the window or door shall not be allowed except in circumstances where the damage was caused by a natural disaster or act of God. In situations where the damage was caused by the effects of a natural disaster or act of God, plywood may stay in place to protect the building opening for a period of not more than six months from the date of original damage in order to allow the property owner to repair the damaged window or door.
- (q) *Section 304.21. Sign frames and posts.* Create this paragraph to read as follows: Within 30 days of an occupant vacating a premise within the Downtown Improvement Board District, all exterior signage, including frames, posts, anchors, support members, and electrical connections, that were used to promote the former occupant or to promote the services or products offered by the departed occupant must be removed from the premises. No unused sign frames, guidelines, anchors, poles, or other structural supports associated with the prior signage or occupant may be left on the exterior of the premises unless it is being used for its intended purpose by a new and subsequent occupant within the aforementioned 30-day period.
- (r) *Section 304.22. Cleaning sidewalks.* Create this paragraph to read as follows: The public sidewalks abutting any premises where an occupant sells alcoholic beverages or provides outside seating on the public sidewalks for its consumption must be cleaned using a power washer at least once a month. Such power washing must be performed in a manner sufficient to remove gum, food, beverages, and other foreign fluids or waste materials from the sidewalks without damaging the sidewalks themselves.
- (s) *Section 401.3. Alternate Devices:* Replace International Building Code with Florida Building Code.
- (t) *Section 505.1. General:* Replace International Plumbing Code with Florida Plumbing Code.
- (u) *Section 602.2. Residential occupancies.* Replace International Plumbing Code with Florida Plumbing Code.
- (v) *Section 602.3. Heat supply.* Exceptions: 1. Replace International Plumbing Code with Florida Plumbing Code.
- (w) *Section 604.2. Services.* Replace ICC Electrical Code with National Electrical Code.
- (x) *Section 702.1. General.* Replace International Fire Code with NFPA 101.
- (y) *Section 702.2. Aisles.* Replace International Fire Code with NFPA 101.
- (z) *Section 702.3. Locked doors.* Replace International Building Code with Florida Building Code.
- (aa) *Section 704.1. General.* Replace International Fire Code with NFPA 101.
- (bb) *Section 704.2. Smoke alarms.* Replace International Fire Code with NFPA 101.

(Code 1986, § 14-1-223; Ord. No. 19-02, § 1, 9-12-2002; Ord. No. 08-08, § 7, 1-31-2008)

Sec. 14-2-224. - Burglar bars.

- (a) All burglar bars, grids, screens or other security closures installed on exits required by the Florida Building Code, the International Property Maintenance Code or the Life Safety Code shall comply with the requirements of these codes regarding openings for egress.
- (b) Any burglar bar, shutter, grid or other closure installed on bedroom window openings required for emergency egress shall be treated as a door for purposes of applying these codes and shall be able to be opened from the inside, without the use of a key, tool, special knowledge or effort and shall, when so opened, remain open

without the use of additional support.

(Code 1986, § 14-1-224; Ord. No. 19-02, § 1, 9-12-2002; Ord. No. 08-08, § 8, 1-31-2008)

**Ponce Inlet, FL - Code of Ordinances** ([https://library.municode.com/fl/ponce\\_inlet/codes/code\\_of\\_ordinances](https://library.municode.com/fl/ponce_inlet/codes/code_of_ordinances))

Sec. 18-411. - International Property Maintenance Code adopted.

- (a) With the exceptions referenced below, the town hereby adopts the 2018 Edition of the International Property Maintenance Code published by the International Code Council, and incorporates the same by reference as if fully set forth herein. Copies of the International Property Maintenance Code, 2018 edition, together with this section, are on file in the office of the town clerk of the Town of Ponce Inlet.
- (b) The following sections of the 2009 edition of the International Property Maintenance Code are hereby amended as follows:
  - (1) *Section 101.1*. These regulations shall be known as the Property Maintenance Code of the Town of Ponce Inlet, hereinafter referred to as "this Code."
  - (2) *Section 102.3* entitled "Application of other codes," is hereby amended to read as follows: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the current edition Florida Building Code, Florida Fuel Gas Code, Florida Plumbing Code, Florida Mechanical Code, Florida Residential Code, Florida Existing Building Code and the National Electrical Code NFPA 70. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Town of Ponce Inlet Land Use and Development Code. All references to the International Model Codes shall be changed to the equivalent currently adopted edition of the Florida Codes:
    - a. International Building Code is Florida Building Code,
    - b. International Plumbing Code is Florida Plumbing Code,
    - c. International Mechanical Code is Florida Mechanical Code,
    - d. International Fuel Gas Code is Florida Fuel Gas Code,
    - e. International Residential Code is Florida Residential Code,
    - f. International Existing Building Code is Florida Existing Building Code,
    - g. International Electrical Code is National Electrical Code NFPA 70,
    - h. International Fire Code is Florida Fire Prevention Code,
    - i. International Zoning Code is Town of Ponce Inlet Land Use and Development Code.
  - (3) *Section 103.1*, entitled "General," shall read as follows: The Planning and Development Department or designee is hereby charged with the primary responsibility of enforcing this Code.
  - (4) *Section 103.2*, entitled "Appointment," shall read as follows: The Code Inspector shall be appointed by the Town Manager or designee.
  - (5) *Section 103.5*, entitled "Fees," is hereby deleted in its entirety.
  - (6) *Section 106.2*, entitled "Notice of Violation," is hereby deleted in its entirety.
  - (7) *Section 106.3*, entitled "Prosecution of Violation," is hereby deleted in its entirety.
  - (8) *Section 107*, entitled "Notices and Order," is hereby deleted in its entirety.
  - (9) *Section 109*, entitled "Emergency Measures," is hereby deleted in its entirety.
  - (10) *Section 110*, entitled "Demolition," is hereby deleted in its entirety.
  - (11) *Section 111*, entitled "Means of Appeal," of this Code is hereby deleted in its entirety.
  - (12) *Section 201.4*, entitled "Terms not Defined," is hereby amended to read as follows: Words not defined herein or in the referenced Florida Codes shall have meanings defined in the Florida Statutes, other documents, manuals,

or standards adopted elsewhere in the Code of Ordinances. Words not defined in those documents shall have the meaning stated in the Webster's Ninth New Collegiate Dictionary, as revised.

- (13) *Section 302.4*, entitled "Weeds," shall read as follows: All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches.
- (14) *Section 304.14*, entitled "Insect Screens," shall read as follows: Year-round, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved, tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.
- (15) *Section 309.5*, entitled "Occupant," is hereby deleted in its entirety.
- (16) *Section 404.2*, entitled "Minimum room widths," shall be amended to read as follows: A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. For purposes of this Code, "habitable room" does not include space occupied by built-in equipment, including but not limited to wardrobes, cabinets, closets, utility spaces, storage areas, appliances, and other similar areas. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.
- (17) *Section 404.4.1*, entitled "Room Area," shall read as follows: Every living room shall contain at least 120 square feet, and every bedroom shall contain at least 70 square feet of habitable floor area. Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of habitable floor area for each occupant. For purposes of this subsection, "occupant" is defined as a person 18 years or older. Also, for purposes of this Code, "habitable floor area" does not include space occupied by built-in equipment, including but not limited to built-in wardrobes, cabinets, closets, storage, or appliances, and other similar built-in areas.
  - a. At the time of the enactment of this article, dwelling units with bedrooms less than 70 square feet may be occupied by no more than one occupant per substandard sized bedroom.
- (18) *Section 404.4.5*, entitled "Other requirements," is hereby deleted in its entirety.
- (19) *Section 602.3*, entitled "Heat Supply," shall read as follows: Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15th to March 15th sufficient to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.
- (20) *Subsection 602.4*, entitled "Occupiable Work Spaces," shall read as follows: Indoor occupiable work spaces shall be supplied with heat during the period from November 15th to March 15th sufficient to maintain a temperature of not less than 68 degrees Fahrenheit during the period the spaces are occupied.
- (21) *Supplemental Code*. The provisions of this Code shall be supplemental to all other codes and other ordinances of the town.

(Code 1984, § 6-181; Ord. No. 2008-10, § 2, 9-17-2008; Ord. No. 2010-01, § 3, 3-18-2010; Ord. No. 2017-11, § 4, 12-14-2017)



## ARTICLE II. - PROPERTY MAINTENANCE CODE

*Footnotes:*

--- (2) ---

**Editor's note**— Ord. No. 2010-16, § 1, adopted June 22, 2010, repealed art. II, Unsafe Building Abatement Code, consisting of §§ 14-26 through 14-28 and deriving from Code 1981, §§ 6-93 through 6-95. Sections 2 through 5 of the ordinance enacted the provisions herein set out.

A copy of appendix "A", "International Property Maintenance Code © (2009), attached to Ordinance No. 2010-16 as exhibit A, is not set out at length herein. Instead, one copy shall be kept on file in the city clerk's office for viewing and limited copying. No more than five pages of the attached "International Property Maintenance Code © (2009)" may be reproduced per occurrence or per individual without first obtaining the express written permission of the International Code Council.

Land development code reference—Building and fire codes, ch. 8.

## Sec. 14-26. - Adoption, amendments and deletions to the International Property Maintenance Code.

With the exception of the amendments and deletions referenced in section 14-27, the city hereby adopts and incorporates into the Code of Ordinances the current edition of the International Property Maintenance Code (IPMC), as amended every three years, and published by the International Code Council. With these changes, this article shall be hereafter known as the property maintenance code (PMC), referred to also as "this code." Copies of the current IPMC, together with the city's amendments and deletions thereto, shall be on file in the Office of the City Clerk of the City of Port Orange for inspection only. The current edition of the IPMC is available to the public for free online at [www.iccsafe.org](http://www.iccsafe.org).

(Ord. No. 2010-16, § 2, 6-22-10; Ord. No. 2015-15, § 1, 4-21-2015)

## Sec. 14-27. - Amendments to the International Property Maintenance Code (IPMC).

The following sections and subsections of the current edition of the IPMC are hereby amended to read as follows:

(1) *101.1 Title* is amended to read as follows:

These regulations shall be known as the Property Maintenance Code (PMC), also referred to as "this code.

(2) *102.3 Application of other codes* is amended to read as follows:

Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the current edition of the Florida Building Code, Florida Fuel Gas Code, Florida Plumbing Code, Florida Mechanical Code, Florida Residential Code, Florida Existing Building Code, and the National Electrical Code NFPA 70. Nothing in this code shall be construed to cancel, modify, or set aside any provision of the City of Port Orange Land Development Code. All references in the IPMC to the International Model Codes are hereby deleted and replaced with the equivalent currently adopted edition of the Florida Codes, as follows:

- a. "International Building Code" is hereby deleted and replaced with "Florida Building Code";
- b. "International Plumbing Code" is hereby deleted and replaced with "Florida Plumbing Code";
- c. "International Mechanical Code" is hereby deleted and replaced with "Florida Mechanical Code";
- d. "International Fuel Gas Code" is hereby deleted and replaced with "Florida Fuel Gas Code";
- e. "International Residential Code" is hereby deleted and replaced with "Florida Residential Code";
- f. "International Existing Building Code" is hereby deleted and replaced with "Florida Existing Building Code";

- g. "International Electrical Code" is hereby deleted and replaced with "National Electric Code NFPA 70";
- h. "International Fire Code" is hereby deleted and replaced with "Florida Fire Prevention Code"; and
- i. "International Zoning Code" is hereby deleted and replaced with "City of Port Orange Land Development Code".

(3) *103.1 General* is amended to read as follows:

The City Manager or his or her designee is hereby charged with the primary responsibility of enforcing this code.

(4) *103.2 Appointment* is amended to read as follows:

The Code Official shall be the City Manager or his or her designee.

(5) *103.5 Fees* is hereby deleted.

(6) *106.2 Notice of Violation* is hereby deleted.

(7) *106.3 Prosecution of Violation* is hereby deleted.

(8) *SECTION 107 NOTICES AND ORDERS* is hereby deleted in its entirety.

(9) *SECTION 110 DEMOLITION* is hereby deleted in its entirety.

(10) *SECTION 111 MEANS OF APPEAL* is hereby deleted in its entirety.

(11) *201.4 Terms not defined* is amended to read as follows:

Words not defined herein or in the referenced Florida Codes shall have meanings defined in the City's Land Development Code or Code of Ordinances. Words not defined in those documents shall have the meaning stated in Webster's Ninth New Collegiate Dictionary, as revised.

(12) *302.4 Weeds* is amended to read as follows:

All premises and exterior property shall be maintained free from weeds or plant growth in accordance with the provisions of Sec. 42-26 of the Code of Ordinances, and the owner thereof shall be subject to the imposition of costs and liens under Section 42-27 of the Code of Ordinances for violations of this section.

(13) *304.14 Insect Screens* is amended to read as follows:

Year-round, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved, tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

(14) *309.5 Occupant* is hereby deleted.

(15) *404.2 Minimum room widths* is amended to read as follows:

A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. For purposes of this Code, "habitable room" does not include space occupied by built-in equipment, including but not limited to wardrobes, cabinets, closets, utility spaces, storage areas, appliances, and other similar areas. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(16) *404.4.1 Room area* is amended to read as follows:

Every living room shall contain at least 120 square feet, and every bedroom shall contain at least 70 square feet of habitable floor area. Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of habitable floor area for each occupant. For purposes of this subsection, "occupant" is defined as a person 18 years or older. Also, for purposes of this code, "habitable floor area" does not include space occupied by built in

equipment, including but not limited to built-in wardrobes, cabinets, closets, storage, or appliances, and other similar built-in areas. At the time of the enactment of this Ordinance, dwelling units with bedrooms less than 70 square feet may be occupied by no more than one occupant per substandard sized bedroom.

(17) *404.4.5 Other Requirements* is hereby deleted.

(18) *602.3 Heat Supply* is amended to read as follows:

Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15th to March 15th sufficient to maintain a temperature of not less than 68° Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

(19) *602.4 Occupiable Work Spaces* is amended to read as follows:

Indoor occupiable work spaces shall be supplied with heat during the period from October 15th to March 15th sufficient to maintain a temperature of not less than 68° Fahrenheit during the period the spaces are occupied.

(Ord. No. 2010-16, § 3, 6-22-10; Ord. No. 2015-15, § 2, 4-21-2015)

#### Sec. 14-28. - Violations and penalties.

- (a) A person violating any of the terms, conditions, regulations, limitations or provisions of this code shall be punished in accordance with section 1-8 of the Code of Ordinances of the City of Port Orange, Florida. Each day that any violation of the terms, conditions, regulations, limitations or provisions of this code continues to exist shall constitute a misdemeanor and shall be a separate and distinct offense. Any continuing violations of the terms, conditions, regulations, limitations or provisions of this code may be enjoined and restrained by an injunctive order of the circuit court in appropriate proceedings instituted for such purposes, or by any other proceeding provided by law.
- (b) Violations of this Code may be referred to the special magistrate.
- (c) In addition to any other remedies, whether civil or criminal, the city shall, at its discretion, have the right to seek the aid of the courts of the state with respect to the enforcement hereof and the violation of this Code or any lawful order of the city council, special magistrate, building official or any other duly authorized city officer or city board.

(Ord. No. 2010-16, § 4, 6-22-10; Ord. No. 2019-8, § 3, 8-20-2019)

#### Sec. 14-29. - Appeals.

An aggrieved party, including the city, may appeal a final administrative order to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the city council or special magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

(Ord. No. 2010-16, § 5, 6-22-10; Ord. No. 2019-8, § 3, 8-20-2019)

#### Secs. 14-30—14-45. - Reserved.

Osceola County, FL - Code of Ordinances ([https://library.municode.com/fl/osceola\\_county/codes/code\\_of\\_ordinances](https://library.municode.com/fl/osceola_county/codes/code_of_ordinances))

## Sec. 5-56. - Adoption.

- (a) The 1994 editions of the following publications, and except as otherwise stated below, all appendixes thereto, as updated through December 31, 1995, are adopted by reference:
- (1) Standard Building Code, including appendices A, C, D, and H, excluding B, E, F, and G.
  - (2) Standard Existing Buildings Code.
  - (3) Standard Gas Code.
  - (4) The Associated Codes and Standards.
  - (5) Standard Mechanical Code.
  - (6) Standard Plumbing Code.
- (b) The 1996 edition of the National Electrical Code.
- (c) 2015 International Property Maintenance Code (IPMC) Section 303.1, Sections 304.1.1, and 304.18.2, including Appendix A Sections A101.1, A102.1, A102.2, A102.3, A103, A103.1, A103.1(1), A103.1(2), A103.2, A103.3, A103.4 and A103.5

(Ord. No. 71-5, § 1; Ord. No. 77-12, § 1; Ord. No. 79-3, § 1; Ord. No. 85-9, §§ 1, 2; Ord. No. 89-1, § 1; Ord. No. 92-3, § 3; Ord. No. 96-14, § 1; Ord. No. 97-21, § 1, 11-24-97; Ord. No. 2016-64, § 2, 7-18-16)

**State Law reference**— Adoption of building code by reference, F.S. §§ 125.01(1)(i), 125.56; Florida Building Codes Act, F.S. § 553.70 et seq.; Florida Electrical Code, F.S. § 553.15 et seq.; adoption of land development regulations, F.S. § 125.3194.

## Sec. 5-60. - Specific amendments.

- (a) *Standard Building Code*. The building code adopted in section 5-56 is amended as follows:

- (1) *Section 411.2* is added and shall read as follows:

"411.2. CERTIFICATION OF FINISHED GROUND FLOOR ELEVATIONS AND BUILDING LOCATION SURVEY FOR RESIDENTIAL OCCUPANCY STRUCTURES.

A boundary survey along with the top elevation of the building's form boards and/or stemwall for all group R-3 buildings within the urban service area as established by the county comprehensive plan shall be certified by a State of Florida Registered Land Surveyor. The lowest elevation of the form boards and/or stemwall shall not be less than twenty-four (24) inches above the centerline grade of the street at the front of the lot. The lowest elevation of the form boards and/or stemwall shall not be less than eighteen (18) inches above the centerline grade of the street at the front of any lot which had received final construction plan approval prior to August 7, 1995. No inspections or approvals beyond the slab inspection will be granted until the survey has been accepted and confirmed by the county engineer.

Exception: Where topographical conditions are such that, in the opinion [of] the county engineer, compliance would be impractical or would cause grade level conditions detrimental to adjacent or nearby property, the county engineer may modify the application of this requirement upon the submittal of a lot grading plan which shows the proposed modifications to the drainage plan.

With regard to structures and buildings accessory to the primary group R-3 residential occupancy building (decks, sheds, swimming pools/enclosures, etc.), the building permit applicant shall submit, at the applicant's option, either a locational survey indicating no encroachment across property line(s), into set-back areas or easements, or an affidavit/notice acknowledged by all record owners of the property indicating that the owner(s) understand that no

survey has been submitted, that it is their responsibility (and/or their contractor's or other agent's) to ensure that no encroachment occurs, that construction of an accessory structure under permit issued by the county does not operate as a waiver or variance, and that if an encroachment does occur, the property owner(s) for themselves and their successors and assign, will indemnify and hold harmless the county, its agents, employees, and officers from any and all claims and liabilities resulting from the encroachment. The affidavit/notice may be recorded in the Official Records of Osceola County.

(2) *Section 104.10.1* of the Florida Building Code, Building, shall read as follows:

104.10.1 Modifications of the strict application of the requirements of the Florida Building Code. The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

(3) *Section 107.6.1* of the Florida Building Code, Building, shall read as follows:

107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistant construction requirements of the Florida Building Code.

(4) *Section 117* of the Florida Building Code, Building, shall read as follows:

#### 117 VARIANCES IN FLOOD HAZARD AREAS

117.1 Flood hazard areas. Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Board of Adjustment for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.

(5) *Section R322.2.1* of the Florida Building Code, Residential, shall read as follows:

#### R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas designated as Zone A (including AE Zones and unnumbered A Zones) shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM, or at least 2 feet (610 mm) if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

(b) *Standard plumbing code*. Notwithstanding the provisions of the Standard Plumbing Code adopted in section 5-56, air admittance valves otherwise approved for use in the Standard Plumbing Code shall not be installed in attics or

inaccessible areas and shall be installed to be "readily accessible" as defined by the Standard Plumbing Code. Every building in which plumbing is installed shall have at least one (1) main vent stack of not less than three (3) inches in diameter for each building drain notwithstanding the installation of air admittance valve(s). Such vent shall run undiminished in size through to the open air above the roof.

(c) *Standard gas code.* The standard gas code adopted in section 5-56 is amended as follows:

(1) *Section 105.6.1* is added and shall read as follows:

"105.6.1 GAS INSTALLATION CERTIFICATION

The L.P. gas installer shall certify to the county, prior to the Certificate of Occupancy issuance, that all new installations are in full compliance with the Standard Gas Code."

(d) *2015 International Property Maintenance Code.* The following modified sections of the 2015 International Property Maintenance Code are also adopted as follows:

(1) *Section 303.2 of the 2015 International Property Maintenance Code* is amended and shall read as follows:

*303.2 Enclosures.* Private swimming pools, hot tubs and spas containing water more than 24 inches (610mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219mm) in height above finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching, where the self-latching device is not less than 54 inches (1372mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing, self-latching gates shall be maintained such that the gate will positively close and latch when released from the open position 6 inches (152mm) from the gate post. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

(2) *Section 304.1 of the 2015 International Property Maintenance Code* shall read as follows:

*304.1 General.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

*Responsibility.* The owner/occupant of the premises shall maintain the structures and exterior property area including detached garages, fences and walls in compliance with these requirements, except as otherwise provided for in this ordinance. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this ordinance. Occupants/owners of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(3) *Section 304.2 of the 2015 International Property Maintenance Code* shall read as follows:

*304.2 Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation/mold/mildew stains shall be removed from the exterior surfaces and all exterior surfaces with oxidation/mold/mildew shall be stabilized and coated to inhibit future oxidation/mold/mildew.

- (4) *Section 304.6 of the 2015 International Property Maintenance Code* shall read as follows:  
*304.6 Exterior walls.* All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.
- (5) *Section 304.8 of the 2015 International Property Maintenance Code* shall read as follows:  
*304.8 Decorative features.* All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (6) *Section 304.10 of the 2015 International Maintenance Code* shall read as follows:  
*304.10 Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the nominal loads.
- (7) *Section 304.14 of the 2015 International Maintenance Code* shall read as follows:  
*304.14 Insect screens.* Every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.  
  
*Exception:* Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, or other approved screened areas are employed.
- (8) *Section 304.18.1 of the 2015 International Property Maintenance Code* shall read as follows:  
*304.18.1 Doors.* Doors providing primary access to a *dwelling unit, rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily open able from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.
- (9) *Section 304.19 of the 2015 International Property Maintenance Code* shall read as follows:  
*304.19 Gates.* All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

(Ord. No. 72-1, § 1; Ord. No. 73-2, § 1; Ord. No. 92-3, § 4; Ord. No. 96-1, § 1, 1-22-96; Ord. No. 96-5, § 1, 1-29-96; Ord. No. 96-14, §§ 2, 3; Ord. No. 00-06, § 1, 4-24-2000; Ord. No. 13-36, § 4, 5-20-13; Ord. No. 2016-64, § 2, 7-18-16)

Sewall's Point, FL - Code of Ordinances ([https://library.municode.com/fl/sewall%27s\\_point/codes/code\\_of\\_ordinances](https://library.municode.com/fl/sewall%27s_point/codes/code_of_ordinances))

## Sec. 22-2. - Property maintenance standards; general.

- (a) *Applicability.* These regulations shall apply to all private property within the town.
- (b) *Code adopted and incorporated by reference.* The International Property Maintenance Code (IPMC), most current edition, as published and amended from time to time by the International Code Council, is hereby adopted as the Property Maintenance Code of the Town of Sewall's Point for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided. To the extent that the International Property Maintenance Code conflicts with the provisions of any town ordinance or code, the town ordinance or code shall apply.
- (c) *Fence, wall and hedge maintenance.*
- (1) Fences and walls shall be maintained structurally sound.
  - (2) Hedges shall be trimmed and maintained in a healthy and neat condition; and shall not extend onto or over public or adjoining private properties or road rights-of-way.
- (d) *Docks.* Docks must be repaired and maintained in a manner consistent with the original permitted structural requirements or removed.
- (e) *Maintenance of construction sites.* All construction sites shall be maintained in a clean and orderly condition during the entire construction process. Dumpster(s)/enclosure(s) shall be located on site throughout the construction process. The dumpster(s)/enclosure(s) shall be emptied when full, or if it emits noxious odors, or is attracting vermin or insects. All construction debris, materials, equipment, trailers, and other property, used directly or indirectly in connection with the construction activities, shall be physically contained within the boundaries of the construction site, provided, however, that construction equipment and materials, other than debris not contained in a dumpster, may be stored on an adjoining lot with the express consent of the adjoining property owner. Dumpster(s)/enclosure(s) may be required for additions or remodeling of single-family dwellings if deemed necessary by the town building official.
- (f) *Landscape areas.* Owners and occupants of all private property, whether developed, undeveloped or uncleared, shall be responsible for maintaining their property, from the edge of their property line to the edge of the improved right-of-way, including the adjacent swale area, if any, in accordance with these standards.
- (1) *Developed property:*
    - a. Shall be kept free of debris, rubbish, trash or litter.
    - b. Shall be maintained free of diseased or dead trees and plant materials.
    - c. Shall be kept free and clear of all prohibited species unless otherwise set forth herein.
    - d. Shall be maintained in a neat and healthy condition reasonably free of weeds, accumulation of decayed, dead or dying vegetative matter or bare dead areas. A reasonable bare area may be permitted along a property line to prevent the infringement of growth onto an adjoining property.
    - e. Lawns shall be maintained in a neat and healthy condition reasonably free of weeds, accumulation of decayed, dead, dying, or bare areas. Lawns shall be kept no higher than eight inches in height.
  - (2) *Undeveloped property (not including uncleared property):*
    - a. Shall be kept free of debris, rubbish, trash or litter.



- b. Shall be maintained free of diseased or dead trees and plant materials.
- c. Shall be maintained so that the underbrush weeds do not exceed a height of 18 inches.
- d. Shall be kept free and clear of all prohibited species unless otherwise set forth herein.

(3) *Uncleared property:*

- a. Shall be kept free of debris, rubbish, trash or litter.
- b. Shall be maintained free of diseased or dead trees and plant materials.
- c. Shall be maintained so that the underbrush weeds do not exceed a height of 18 inches.
- d. Shall be kept free and clear of all prohibited species unless otherwise set forth herein.

## (4) Time table for removal of the most common prohibited species also known as worst of the worst invasive (WOWI). It has been determined that the most common terrestrial prohibited species in town are the following plants: (in order of abundance and invasiveness)

- a. The Brazilian pepper tree must be eradicated by May 1, 2010.
- b. The Casuarin equisetifolia and glauca varieties of the Australian pine tree ("Australian pine") and the carrotwood tree (Cupaniopsis anacardioides) ("carrotwood") must be eradicated by May 1, 2010, unless they are properly maintained, as defined herein, and have been designated by the building department as an "exemption" for one or more of the following reasons:
  - 1. The carrotwood was planted prior to 2009 and is used and properly maintained as defined herein; or
  - 2. The Australian pine hedge or screen is located in an area where salt-tolerant vegetation is required and where a viable esthetic or organic option is not practical;
- c. The melaleuca tree must be eradicated by December 1, 2010.

## (5) All other prohibited species not specifically mentioned above must be eradicated immediately.

(g) *Maintenance standards for private swimming pools.* All swimming pools shall be maintained so as not to constitute a nuisance. For purposes of this section, a nuisance may include, but not be limited to, pools containing the existence or accumulation of dirt, algae, scum or other materials and debris, which would render a swimming pool generally unsuitable for recreational purpose.(h) *Solid waste.*

- (1) All solid waste, excluding vegetative waste, shall be stored in garbage cans in a sanitary manner. Vegetative waste must be bundled or containerized before it is set out for collection. Vegetative waste shall not be set out for collection in a plastic bag. All garbage cans and recycling containers shall be shielded from view from the road or adjoining properties.
- (2) Garbage cans and other trash or recycling containers may be placed at the curb no earlier than 5:00 p.m. the day before scheduled pick up, and shall be removed from the curb no later than midnight, the day of pick up. Vegetative waste, not in containers, may be placed at the curb no earlier than 24 hours prior to scheduled pick up.
- (3) Violations of this subsection (h) shall be Class E violations and shall be enforced through the civil citation process set forth in chapter 18 of the Town Code.

(i) *Abandoned property prohibited.* It shall be unlawful for any person or entity to place or leave or cause to be placed or left any junked vehicles or abandoned property on public or private real property.

(Ord. No. 313, § 2, 8-2-2005; Ord. No. 338, § 2, 6-26-2007; Ord. No. 350, § 3, 10-27-2009; Ord. No. 373, § 3, 8-28-2012; Ord. No. 401, § 2, 8-26-2014)

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 building 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 the provisions set forth in the International Property Maintenance Code (IPMC) and sections 50-75 through 50-78 of this article.

(Ord. No. 298, Exh. A, 2-18-2004; Ord. No. 314, § 3, 6-21-2005)

**West Melbourne, FL - Code of Ordinances** ([https://library.municode.com/fl/west\\_melbourne/codes/code\\_of\\_ordinances](https://library.municode.com/fl/west_melbourne/codes/code_of_ordinances))

## Sec. 18-13. - Property maintenance.

For provisions related to the maintenance of all property, buildings, and structures, the International Code Council, International Property Maintenance Code or the City Code of Ordinances shall apply. Should there be a conflict between the two codes the more stringent shall apply.

(Ord. No. 2011-23, § 2, 9-6-2011)

## Sec. 18-428. - Assessment of cost of correction to owner; lien.

The cost of any corrective actions taken by the city taken pursuant to the order of the hearing officer under this article, including the costs incurred for the hearing, the costs of searching the public records to determine the record owners of the property, and the costs of serving the notice specified in section 18-15.3 of the International Property Maintenance Code, shall be assessed to the owner of the property in question and shall become a lien against such property in favor of the city. The owner shall be given written notice of the amounts of such assessment by the city and shall be further notified that, if payment is not made within 30 days of the date of such written notice, the city will record notice of its lien in the public records of the county. The city shall have the right to record such public notice of its lien if payment is not made within the 30-day period. The owner of the property shall be furnished a copy of any such recorded notice of lien at his address as shown on the tax rolls of the county.

(Ord. No. 2011-23, § 2, 9-6-2011)

## Sec. 18-429. - Foreclosure of lien.

If the amount set forth in the notice of lien, filed in accordance with the International Property Maintenance Code section 18-15.8, is not paid, together with the costs of recording such notice and any legal fees incurred in the preparation of such notice, within 60 days next after the date of recording, the city shall have the right to foreclose is lien by bringing appropriate legal action in a court of competent jurisdiction. If the city brings such a foreclosure action, the city shall be entitled to recover the amount set forth in the notice of lien, interest at the legal rate from the date of recording the notice of lien, legal fees incident to the preparation of the notice of lien and the foreclosure action, and costs or recording the notice of lien and bringing such legal action. The property may be redeemed at any time during the foreclosure action as provided by law in the case of foreclosure of mortgages by paying the total amount of lien, interest, costs, attorney's fees.

(Ord. No. 2011-23, § 2, 9-6-2011)

## Sec. 18-430. - Supplemental remedies.

The remedies provided by this article shall expressly be supplementary to all other remedies available by law for violations of this article. The city shall have the express right to use, as alternatives to the remedies of this article, the institution of an action before the city's code enforcement board, the commencement of an action for injunctive relief in a court of competent jurisdiction, or the commencement of proceedings under the International Property Maintenance Code adopted in section 18-1.4.5.

(Ord. No. 2011-23, § 2, 9-6-2011)

## Sec. 18-452. - Materials and design requirements.

- (a) All fences and walls constructed pursuant to the permit issued in accordance with section 18-15.1 of the International P Maintenance Code, shall comply with all applicable sections of this Code relating to the type of construction, required materials, height and location.
- (b) Posts and stringers required for the support of wood fences shall not be visible from property abutting the property for which the permit for such wood fence was issued. Such posts shall be pressure treated or of a wood species with natural resistance to decay and termites as listed in the building code.
- (c) All walls shall have a painted surface with struck mortar joints or a stucco or other finished surface on the side of such wall facing any property adjacent to the property for which the permit for such wall was issued.
- (d) The following shall be prohibited in any fence or wall:
  - (1) Electrified wire strands.
  - (2) Barbed wire, except for the top of walls and fences located in industrial and institutional zones and except for fences in the R-A zoning classification used for the control of livestock.

(Ord. No. 2011-23, § 2, 9-6-2011)

**Winter Park, FL - Code of Ordinances** ([https://library.municode.com/fl/winter\\_park/codes/code\\_of\\_ordinances](https://library.municode.com/fl/winter_park/codes/code_of_ordinances))

## Sec. 22-28. - Amendments to the Florida Building Code.

All volumes of the Florida Building Code as adopted in section 22-27 are amended with administrative amendments contained in this section in the following respects:

Section 101.2.1 is amended as follows:

**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted. Within the Florida Building Code, Existing Buildings, Appendix C referencing NFPA 914 for Fire Protection of Historic Structures (2001 Edition) is hereby adopted.

Section 101.2.2 is added as follows:

**101.2.2** Unsafe buildings shall be abated using the *International Property Maintenance Code 2021 edition*, promulgated by the International Code Council, Inc., subject to all amendments, modifications or deletions hereinafter contained.

**101.2.3** The amendments under Section 22-28 apply to all volumes of the Florida Building Code where applicable.

Section 103 is added to read as follows:

**103. DEPARTMENT OF BUILDING SAFETY**

**103.1.1 Establishment.** There is hereby established a Department to be called the Building and Permitting Services Department (referenced in the Florida Building Code as Department of Building Safety), and the person in charge shall be known as the building official or director of building and permitting services.

**103.2 Employee qualifications.**

**103.2.1 Building official qualifications.** The Building Official shall be licensed as a Building Code Administrator by the State of Florida.

**103.2.2 Employee qualifications.** The building official, with the approval of the governing authority, 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 inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner, in the appropriate trade as established by the State of Florida. Persons with appropriate experience and education may be considered for hire under an approved internship programs approved by the Building Code Administrators and Inspectors Board.

**103.3 Restrictions on employees.** An officer or employee connected with the department, except one whose only connection is as a member of the board established by this code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, within the jurisdiction of the department, unless he is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with his duties or conflict with the interest of the department.

Sections 104.1—104.6 are added to read as follows:

**SECTION 104 POWERS AND DUTIES 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 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.

**104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, *repair, alteration, addition* or other improvement of existing buildings or structures located in *flood hazard areas*, the *building official* shall determine if the proposed work constitutes substantial improvement or *repair of substantial damage*. Where the *building official* determines that the proposed work constitutes *substantial improvement* or *repair of substantial damage*, and where required by this code, the *building official* shall require the building to meet the requirements of Section 1612 or R322 of the Florida Building Code, Residential, as applicable.

**104.3 Notices and orders.** The *building official* shall issue all necessary notices or orders to ensure compliance with this code.

**104.4 Inspections.** The *building official* shall make all of the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**104.5 Identification.** The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the *building official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

**104.6 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Florida Building Code, Building Section 1612 Flood Loads.

**104.7 Department records.** The *building official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per F.S. ch. 119.

**104.8 Liability.** Any officer or employee, or member of the construction board of adjustments and appeals, charged with the enforcement of this code, acting for the governing authority in the discharge of his duties, shall not thereby render himself 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, event or omission of action in the scope of his employment or function, unless he acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety or property. Any suit brought against any officer or employee or member because of such act, event or omission performed by him in the enforcement of any provisions of this code shall be defended by the city until the final termination of the proceedings, unless such person acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety or property. (See additional prohibitions; penalties in F.S. § 468.629)

**104.8.1 Legal defense.** Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

**104.10.1 Flood hazard areas.** The *building official* shall coordinate with the floodplain administrator to review requests submitted to the *building official* that seek approval to modify the strict application of the flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 117.

**104.12 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 code, shall be determined by the building official.

Add Section 105.1.6.2 to read as follows:

**105.1.6.2 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 permit application or plans on which the permit or approval was based including unlicensed contracting.

Section 105.4 is amended to read as follows:

**105.4 Conditions of permit.**

**105.4.1 Conditions of permit; permit term and intent.**

**105.4.1.1** The building official shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this code (including the Winter Park Code of Ordinances), nor shall such issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans or in construction or of

violations of this code (including the Winter Park Code of Ordinances). No substantial building site preparation, including but not limited to excavation or placement of fill or foundation construction, shall take place prior to the issuance of a building, foundation or site development permit. Issuance of such permits is limited to meeting all other city site development requirements, and is subject to the approval of the building official.

**105.4.1.2** Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced, and the building official is authorized to require that any work which has been commenced or completed be removed from the building site unless the permit is extended or renewed as approved by the building official due to extenuating circumstances.

**105.4.1.3** In constructing, renovating or building a new one or two-family dwelling, additions onto one or two-family dwellings or accessory buildings work under the permit must be substantially completed within 12 calendar months after the time the work is commenced or else the permit shall become invalid. If such permit becomes invalid, no new permit shall be issued covering the same work or any portion thereof if the effect of such permit would be to allow completion of the work begun under the original permit unless an extension or reinstatement of the original permit is granted by the building official after receiving in writing reasons for the delay in completion of the building for good cause (see Section 105.4.1.7. When extending or reinstating a residential permit the building official may impose additional conditions to limit noise, storage of materials or debris, cleanliness of the building site, work hours, construction worker parking or take other actions that will minimize the negative impact of an active construction project for surrounding properties. Furthermore, any structural work partially completed on the property where the permit became invalid shall be removed and the property cleaned to the satisfaction of the building official. If the property owner or holder of the invalidated permit fails to remove the structure and clean the property within 30 days of the invalidation date, then the building official may take the necessary action to have the structure removed and have the property cleaned with all costs assessed against the property owner and if unpaid for 30 days shall be assessed as a lien against the property. Failure to comply with this section may require referring this matter to the Code Compliance Board to assess fines or other corrective actions.

Standard criteria that may be applied when extending or reinstating an expired permit or when preparing a construction management plan for any building project:

1. Limitation of noise: In addition to the specific prohibitions of noise from construction activities in Section 62-97 of Chapter 62, Article II "Noise and Disturbance Control," construction activity noise may be limited to week days between the hours of 8:00 a.m. and 5:00 p.m.
2. Limitation of site cleanliness and storage of materials: In addition to the requirements addressing construction debris in Section 105.24, clean up of debris and discarded construction material may be required every seven days; and storage of building material not in use may be limited to a storage period of 30 days or less.
3. Limitation of work hours to 8:00 a.m. to 5:00 p.m., Monday through Friday, in addition to prohibition of work on holidays.
4. Parking of all vehicles, trailer(s) and equipment related to the construction project is limited to onsite parking or parking on a remote non-residentially zoned site.

**105.4.1.4** With respect to commercial or multifamily building projects, construction activity which has commenced under a valid building permit shall proceed without stoppages of work exceeding ninety (90) days or ninety (90) days after the last inspection after which the building permit may be revoked and become



void and the project shall be deemed an inactive construction site for the purpose of this Section. The licensed contractor and/or property owner shall maintain all construction sites in a safe condition and shall provide fencing or other protective barriers if needed for security and safety on active or inactive construction sites. All building sites shall be kept clean so as to minimize unsafe or hazardous conditions and unsightly appearance. Active construction sites shall be protected as directed by the Florida Building Code and the building official. When extending or reinstating a non-residential or multifamily residential permit the building official may impose additional conditions to limit noise, storage of materials or debris, cleanliness of the building site, work hours, construction worker parking or take other actions that will minimize the negative impact of an active construction project for surrounding properties.

For inactive construction sites the licensed contractor or owner shall remove any silt fencing unless deemed necessary to protect adjacent public or private property from soil erosion or adverse drainage. During the first twelve (12) months after a construction project has become an inactive construction site the licensed contractor or owner shall comply with one of the following actions:

- 1) Paint unfinished surfaces of uncompleted structure(s) with muted or approved paint color and remove construction fencing or set back exterior fencing and cover with a black or muted color screen cover at least ten (10) feet (or approved distance) from all property lines abutting public streets. Provide an approved landscape barrier, sod or other approved surface: such as, but not limited to, mulch within the approved set back area. The approved landscape barrier or sod must be irrigated and maintained in good condition until the project can proceed with active construction. All buildings must be secured in an aesthetic manner to prevent entry in accordance with Section 22-177(108.9) where boarding up openings are used. All construction debris must be removed from the site and overgrowth of grass, weeds and vegetative growth must be mowed regularly to comply with Section 22-177(302.4) of the Winter Park Code: or
- 2) Remove all incomplete structures (exclusive of the principal building(s) under construction); remove unused materials or store inside incomplete building or place out of view from the surrounding lot lines and maintain the property free of debris and overgrowth in accordance with Section 22-177(302.4) of the Winter Park Code: or
- 3) Provide a written plan and completion time line outlining proposed measures to be taken to maintain the construction site in a safe and aesthetic manner until construction of the project can proceed. The plan must be reviewed and approved by the building official.

In addition to the above required actions for an inactive construction site, after twelve (12) months, at the discretion of the Building Official based on safety concerns, all temporary or non-permitted fencing must be removed and the property shall be maintained free of overgrowth in accordance with Section 22-177(302.4) of the Winter Park Code.

Upon a determination by the building official that the subject project is not in compliance with this section, the licensed contractor or property owner may appeal the building official's decision to the Construction Board of Adjustments and Appeals to affirm or to amend and modify the decision of the building official. Failure to comply with any of these actions will result in the Building Official referring the matter to the Code Compliance Board. If the Code Compliance Board finds a serious threat to public health, safety and welfare, the Code Compliance Board may recommend reasonable repairs to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with a fine, as provided for in F.S. § 162.09.

Active construction sites shall be protected as directed by the Florida Building Code and the building official.

**105.4.1.5** In addition to any stricter provisions listed in 104.3 for revoking or voiding a permit, failure to obtain an approved inspection within 180 days of the previous approved inspection shall constitute suspension or abandonment of the permit. One or more extensions of time, for periods not more than 180 days each, may be allowed by the building official for the permit, provided the extension is requested in writing and justifiable cause is demonstrated prior to the expiration date. The building official shall record the extension of time granted.

**105.4.1.6** For good cause shown, in order to keep the permit valid, the building official may grant one or more extensions of time for periods not exceeding 90 days each. Requests for extensions shall be in writing and addressed to the building official, shall state the basis for the request, and shall be filed prior to the expiration of the permit period or any extension thereof previously granted. Such extensions as may be granted shall be in writing by the building official.

**105.4.1.7** Good cause for an extension shall include, but not be limited to, the following circumstances beyond the control of the permit holder:

- (1) Acts of God and other natural disasters.
- (2) Material shortages.
- (3) Interruptions due to strikes or other employee job actions.
- (4) Fire, explosion, or some similar catastrophe.
- (5) Financial reversals of a temporary nature.
- (6) Other situations beyond the control of the permit holder.

**105.4.1.8** The building official is authorized to reject new permit applications from a contractor who holds expired permits or inactive permits not resolved to comply with the building code or other applicable codes as determined by the building official. For the purposes of this subsection, a closed permit shall mean a permit for which all requirements for completion have been satisfied or a permit that has been administratively closed by the building official. An open permit shall mean a permit that has not satisfied all requirements for completion as defined in 105.5.1.1 (closed permit).

The building official is authorized to administratively close expired or inactive trade permits after six years based upon expiration when no known safety hazard exists and no code violations have been previously identified.

**105.5.3** Closing out or resolving open or expired permits shall be the responsibility of the permit applicant and the property owner. Failure to close out or resolve open permits may be reported to the proper authority by the building official.

**105.6.1 Revocation of permits.** The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or for violation of any provision of this building code or the code of ordinances of the city.

Section 105.18 is added to read as follows:

**105.18 Construction Site Management Plan (referenced hereafter as "Management Plan").** The building official may require a detailed management plan and completion schedule prior to the approval of a building permit or during the process of completing any active or inactive construction or demolition project. The management plan shall, at a minimum, provide specific information outlining the location of construction worker parking, construction

equipment, material storage and temporary structures on the site under construction or on nearby properties, methods of debris removal including compliance with the city's waste franchise agreement. Additionally, traffic routes to and from the site, pedestrian safety barriers and fencing shall be included on the management plan and shall be identified for approval. The management plan must also reflect where displaced public or private parking is temporarily located during the term of the project to the maximum extent feasible. The plan is subject to review and approval by the building official. Failure to comply with the approved management plan shall result in the placement of a "stop work" order as outlined in Section 115, the issuance of a citation, by referring the violations to be heard by the Code Compliance Board or any other remedy provided at law. The approved management plan must be kept at the construction site and at all times during the construction process be made available to the building official or city inspectors.

Section 105.19 is added to read as follows:

**105.19 Temporary toilet facilities for workers.** Suitable temporary toilet facilities as determined by the building official in reliance upon normal industry standards shall be provided and maintained in a sanitary condition for the use of workers during construction. Such facilities shall be regularly cleaned and provided in a well-ventilated location and shall be placed at least 15 feet from the side property line of the lot on which it is located where practical, may not be placed in the public right-of-way and shall be screened from view when required. The location of temporary toilet facilities on the property may be changed by the building official to recognize unique conditions or a less offensive location for neighbors.

**105.22 Additional data.** The building official may require details, computations, stress diagrams, surveys and other data necessary to describe the construction, ensure proper building placement on a site, to verify code compliant installation(s) and to determine the basis of calculations provided.

**105.23 Contractor/owner responsibility.**

**105.23.1** The contractor and 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 throughout the construction project and prior to receiving final inspection approval. Construction job sites shall be kept clean, free of overgrown weeds and grass, and the accumulation of construction debris shall not remain on the property for a period of time exceeding ten days. Dust created during construction or demolition shall be contained on the site or close proximity to building or structure through wetting down the dust or materials or through the use of any alternate means that prevents dust from leaving the property. Temporary or permanent sidewalk or other safe pedestrian path shall be maintained throughout the construction except where work on the site requires temporary removal of the pedestrian path. Violation of these conditions shall authorize the building official to place a stop work order on such jobs in violation of this section and require removal of debris and overgrowth, and correction of dust accumulation on site and adjacent properties or streets. Other remedies shall include referring the violation to the Code Compliance Board and having all debris removed from job site by the city and charging all costs to the contractor or the property owner and if unpaid for 30 days all costs incurred shall be assessed as a lien against the property.

**105.23.2** The contractor, the owner or his agent, upon completion of a building or construction project, shall immediately remove temporary walkways, debris and all other obstructions and leave such public property in good condition as it was before work was commenced and shall replace all broken curbs, sidewalks or other damaged public utilities or property to the satisfaction of the public works department prior to obtaining a certificate of occupancy or completion or within 14 calendar days from notification if no certificate of occupancy

or completion is issued. Failure to correct damaged public property will result in the city making all necessary corrections, and all costs incurred will be charged to the property owner or contractor, and a lien will be placed against the property for the costs of repairs.

#### **105.25 Demolition.**

**105.25.1 Rodent and dust control.** In order to control spread of infestation by rodents, the building official may require proof that a building proposed to be demolished is free of rodents. Such proof may be certification by a state certified pest control operator that the building is free of infestation by rodents. Dust control shall be maintained at all times during demolition by watering or other protective means. This Section shall apply to all buildings, residential and non-residential as directed above. In addition, Section 3303 of the Florida Building Code, Building Edition, shall apply where applicable.

**105.25.2 Maintenance of site and building:** If demolition is delayed during or after the posting period, then the building and property shall be maintained in good condition, free of debris, overgrowth or other unsightly conditions including removal of silt fencing, unneeded tree protection barriers and maintenance of a safe sidewalk, until such time that demolition commences. After demolition these same standards shall be observed including leaving the vacant property graded free of hazards, free of piles of soil, free of discarded items or unsafe sidewalks and must not contribute to increased drainage onto the street or abutting properties in a manner that did not exist prior to demolition.

**105.25.3 Work hours and days.** Due to the disruptive nature of demolition activity the hours of operation permitted for demolition activities are limited to the following time periods:

Residential areas zoned for one and two family dwellings: 7:30 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday.

Non-residential or multi-family zoned areas: 7:30 a.m. to 6:00 p.m. Monday through Saturday.

Prohibited days include: Sundays and New Year's Day, Martin Luther King Day, Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day.

#### **105.26 Notice provision for demolition of buildings.**

- (a) Prior to the issuance of a permit for the demolition of a building, the property owner or the designated representative of the owner of the building proposed for demolition shall post a notice on the property where the building is located so as to be easily visible and readable from the abutting street frontage and shall remain in place for 30 days. This notice shall be provided by the city and shall include the following information:
- (1) Owner of the property.
  - (2) Date of posting the notice.
  - (3) Address of the building planned for demolition and statement that the building will be demolished at the end of the posting period.

If demolition is delayed after the posting period then the building and property shall be maintained in good condition, free of debris, overgrowth or other unsightly conditions including removal of silt fencing until such time that demolition commences. [Moved to 105.25.2]

- (b) Buildings not required to follow the notice of demolition provisions of this section:

1. Buildings which are determined to be a safety hazard, unsafe, a public nuisance, or otherwise dangerous and require immediate removal.

2. Accessory buildings, such as detached carports, garages, sheds, storage buildings, arbors, boathouses, greenhouses or similar detached structures.
  3. Other buildings as determined by the building official, such as certain commercial or multifamily buildings, but not including any building listed on the city's registry of historical buildings.
- (c) Demolition of structures of buildings identified on the Florida Master Site File shall also comply with applicable provisions of Section 58-481 of the Winter Park City Code which may require an additional posting period as determined by Historic Preservation Board staff.

Section 107 Submittal Documents:

**107.2.6.2 Records.** The building official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection, except where exempted by Florida law.

Section 109.2.1 is added to read as follows:

**109.2.1 Permit fees.** On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a plan review fee for each permit shall be paid as required at the time of applying for the permit, and fees shall be paid as required at the time of obtaining the permit in accordance with the schedule as established by the city commission of the city as set forth in its schedule of fees. The established permit and plan review fees shall include the costs of services for enforcing the land development code and other municipal or regulatory requirements by city departments involved in plan review, inspection, and preliminary consultation for a project and administration of the land development code. The amount of refunds for any building permit, including single-family dwellings, shall be determined by deducting the cost of all city services including but not limited to plan review fees. When one year has elapsed from the time of issuance of a permit, no refunds shall be processed.

Section 109.3 is added to read as follows:

**109.3 Building permit valuations.** If, in the opinion of the building official, the 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 to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including design costs, materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the International Code Council or other current valuation data available at the option of the building official or by using the actual contract amount for the construction improvement with the higher amount used for the permit valuation.

Section 109.4 is added to read as follows:

**109.4 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 of triple the basic permit fee. This provision does not apply if the building official determines that due to emergency work a delay would clearly have placed life or property in imminent danger. The payment of a triple fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

**SECTION 110 INSPECTIONS**

**110.1 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. The building official may require a boundary line survey prepared by a Florida licensed professional surveyor showing all setbacks to structures being laid out and detailed on a form board survey or after pouring foundations, floor slabs or for accurate determination of building height in accordance with the zoning code. A copy of the required survey shall be given to the inspector prior to approval of the inspection requested.

Add Sections 110.1.1 and 110.1.2. from the BOAF draft:

**110.1.1 Manufacturers and fabricators.** When deemed necessary by the building official, an inspection of materials or assemblies at the point of manufacture or fabrication may be required. A record shall be made of every such examination and inspection and of all violations of the technical codes.

**110.1.2 Inspection service.** The building official may make, or cause to be made, the inspections required by Section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to F.S. ch. 468.

**110.2 Preliminary inspections.** Before issuing a permit, the building official is authorized to examine or cause to be examined any structure, building, electrical, gas, mechanical, or plumbing systems for which an application has been filed.

**110.3 Required inspections.** The building official upon notification from the permit holder agent for the permit holder shall make the following inspections, or any other such inspection 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.

Required inspections listed in Section 110.3 are amended as follows:

Building.

1. Foundation inspection: To be made after trenches are excavated, and forms and reinforcing steel is in place, and shall at a minimum include the following building components where applicable:
  - stem-wall
  - monolithic slab-on-grade
  - piling/pile caps
  - footers/grade beams
  - column pads
  - waterproofing
  - footer steel grounding
- 1.1 In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification required in Section 1612 Florida Building Code Building and R322.2.1

Florida Building Code Residential, shall be submitted to the building official.

- 1.2 Slab Inspection: To be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed, termite soil treatment, sub-grade electrical, plumbing, and mechanical work is complete. Slab shall not be poured until all previous required inspections have been approved.
  - 1.3 A foundation survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the floor slab inspection. The survey shall certify placement of the building on the site, finish floor elevation and indicate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, when requested and approved by the building official, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.
  - 1.4 Tie Beam/Lintel or Column Inspection (masonry/reinforced concrete construction only): To be made after all reinforcing steel is in place and clean outs provided.
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; the rough electrical, plumbing, heating wires, pipes and ducts are approved; and shall at a minimum include the following building components and requirements:
- window/door framing and installation
  - window U-factor/SHGC (as indicated on approved energy calculations)
  - vertical cells/columns
  - lintel/tie beams
  - framing/trusses/bracing/connectors (including truss layout and engineered drawings)
  - draftstopping/fireblocking
  - curtain wall framing
  - energy insulation (to be made after the framing inspection is approved & insulation is in place)
  - accessibility
  - verification that rough opening dimensions are within tolerances allowed
  - window/door buck attachment
- 2.1 Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal. Includes wall and ceiling insulation.
- 2.2 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.
- Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.
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
  - continuous air barrier
  - exterior siding/cladding
  - sheathing fasteners
  - roof/wall/dry-in

NOTE: Sheathing fasteners installed and found to be missing on the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

- 3.1 Fire rated component inspection: To be made when components are in place and fasteners are visible for all wall, floor, roof or ceiling assemblies.
4. Exterior wall coverings. Shall at a minimum include the following building components in progress inspections:
- Exterior wall coverings and veneers
  - Soffit coverings
5. Roofing inspection: Shall at a minimum be made in at least two inspections and include the following building components:
- dry-in
  - insulation
  - roof coverings (including in-progress as necessary)
  - insulation on roof deck (according to submitted energy calculation)
  - flashing

Re-roof sheathing inspection. An affidavit with a notarized signature of the licensed roofing contractor verifying that all replaced sheathing and fasteners used comply with criteria required by the Existing Building Code may be accepted at the discretion of the building official.

6. Final inspection: To be made after the building is completed and ready for occupancy.
- 6.1 In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the building official.
7. Swimming pool inspection:
- Inspections for Residential swimming pools
- First inspection:** to be made after excavation and installation of reinforcing steel, bonding, main drain piping sizing and pressure test prior to placing of concrete.
  - Second inspection: underground piping in open trench with pressure test and underground electric bond wire to the equipment.
  - Third inspection (deck inspection): to be made prior to installation of the deck material (with forms, deck drains, trench with equipotential bonding and any reinforcement in place.
  - Fourth inspection (safety inspection): bonding connections for light niche, installation of proper drain covers and completion of barrier prior to filling the pool with water.
  - Fifth inspection (final electrical inspection): electrical bonding equipment connections, GFCI devices and disconnects.
  - Final inspection** to be made when the swimming pool is complete and all required enclosure requirements are in place.

Commercial swimming pools may require additional inspections.

8. 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.
9. Manufactured building inspections. The building department shall inspect construction of foundations;



connection of 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; 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 453.27.20 of this code).

10. Where impact resistant coverings or impact resistant systems are installed, the building official shall schedule adequate inspections of impact resistant coverings or impact resistant systems to determine the following: The system indicated on the plans is installed. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

#### **Electrical**

1. Underground inspection: To be made after trenches or ditches are excavated, conduit or cable installed, footer steel grounding is in place 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. Final inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
4. Temporary power inspection: To be made after temporary power pole is in place and properly supported.
5. New electrical service inspection: To be made when all electrical work is complete and prior to energizing the electrical service.
6. Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding is in place on said alterations or repairs.

#### **Plumbing**

1. Underground inspection: To be made after trenches or ditches are excavated, piping 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 the installation of wall or ceiling membranes. Additional inspections shall include top out, tub sets, sewer and water service inspections; and includes plumbing provisions of the energy code and approved energy calculation provisions.
3. Final inspection: To be made after the building is complete, all required 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.

#### **Mechanical**

1. Underground inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. Rough-In inspection: To be made after the roof, framing, fire-blocking and bracing is in place and all ducting and other concealed components are complete, and prior to the installation of wall or ceiling membranes. Includes mechanical provisions of the energy code and approved energy calculation provisions.
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.

#### **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. Includes gas provisions of the energy code and approved energy calculation provisions.

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.

Add Section 110.3.9 to read as follows:

**110.3.9 Final inspections.** The licensed contractor and permit holder shall be responsible for obtaining final inspections and a certificate of occupancy or certificate of completion for all permits within a timely manner after completion of work. Timely shall mean immediately after completion of work within seven calendar days. Failure to obtain such final inspections and certificates of occupancy or certificate of completion shall be a violation of this article.

Add Section 110.4 to read as follows:

**110.4 Inspection agencies.** The building official is authorized to accept reports of approved inspection agencies, provide such agencies satisfy the requirements as to qualifications and reliability.

[Section 111 is as follows:]

### **Section 111 Certificate of Occupancy**

Add Section 111.1.1 to read as follows:

**111.1.1 Issuing Certificate of Occupancy.** Upon completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications, and after the final inspection approval, and after verification that any septic system permit has received an approved final inspection where applicable, and after approval of other City departments involved in the inspection of the building or site, the building official shall issue a Certificate of Occupancy containing the information listed in Section 111.2 of the Florida Building Code and any other information required by the city. Delays in obtaining a certificate of occupancy by the contractor or property owner after fulfilling the above listed conditions will result in the automatic issuance of the certificate of occupancy with the issuance date recorded as the date on which final inspection approval occurred. For revocation of a certificate of occupancy see Section 111.4.1.

Add Section 111.4.1 to read as follows:

**111.4.1 Revocation of Certificate of Occupancy.** The building official is authorized to revoke a certificate of occupancy within one year of issuance due to discovery of an unsafe structure or condition not found or able to be determined during the time of inspection, or due to failure of required flood proofing, required drainage and storm water systems adversely impacting adjacent or nearby properties and require corrective action by the owner, permit holder or contractor responsible for work on the building and at the property.

Add Section 112.4 to read as follows:

**112.4 Underground utilities.** In order to improve the aesthetic appeal of the city and to reduce hazards from wind storms, all utility lines such as electric, telephone, cable TV and other utilities shall be placed underground in conjunction with new construction, substantial renovation, and repair of buildings, signs or other structures or when a building is undergoing an electrical service upgrade from a 200-ampere service to a greater ampere service.

Substantial renovation shall be renovation and/or additions whose building permit value exceeds 50 percent of the value of the existing improvements on the most current property tax roll published by the Orange County Property Appraiser. The city recognizes that certain physical elements such as existing buildings, swimming pools, large trees and such may impose unreasonable hardships on the property owner's compliance with the placement of utilities underground. Upon confirmation of these hardships by the utility companies, the building official may waive this requirement.

[Section 113 is as follows:]

## **SECTION 113 CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS**

### **113 Construction board of adjustments and appeals.**

**113.1 Membership.** There is hereby established a board to be called the construction board of adjustments and appeals, which shall consist of seven members. To the greatest extent possible, the board shall be comprised of two licensed contractors (building, residential or general), one licensed practicing architect, one licensed practicing structural engineer, one licensed master electrician or licensed electrical engineer, one licensed master plumber, one licensed mechanical contractor or mechanical engineer and must include a fire code professional within its membership. The board members shall be appointed in accordance with the provisions in Section 2-48(a) Appointment of members of subsidiary boards.

**113.2 Terms of office.** Members shall be appointed for terms of three years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made.

**113.3 Quorum.** Four members of the board shall constitute a quorum, in the case of a matter or case concerning an electrical, plumbing, mechanical or fire code matter before the board, the respective appointee knowledgeable of that field shall be present in order to make a decision. In hearing appeals of the enforcement of the application of any provisions of the building codes including electrical, plumbing, fuel gas or mechanical volumes of the Florida Building Code or in modifying an order of the building official, affirmative votes of the majority present, but not less than three affirmative votes, shall be required. A board member shall not act in a case in which he has a personal financial interest.

**113.4 Executive Secretary or Clerk of board.** The building official or designee of the building official shall act as staff liaison of the construction board of adjustments and appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member, and any failure of a member to vote.

**113.5 Authority.** The construction board of adjustments and appeals shall have the power to hear appeals of decisions and interpretations of the building official of this code and shall also have the authority to suspend or revoke the certificate of competency or state certification (within the city) of any residential, building, general, roofing, swimming pool, electrical, plumbing, mechanical or other specialty contractor doing work in the city who is found by the board to be guilty of one or more of the following acts or omissions:

- (1) Fraud or deceit in obtaining a certificate of competency.
- (2) Negligence, incompetence or misconduct in the practice of contracting within the meaning of this chapter.
- (3) Willful and deliberate disregard of or violation of this chapter or of any state statute concerning contractor licensing.

**113.6 Decision of the building official.** The owner of a building, structure or service system, or his 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 thereunder have been misconstrued or incorrectly interpreted.

**113.7 Procedures.** The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet expeditiously after notice of appeal has been received within 21 days but no more than 30 days.

**113.8 Notice of appeal.** Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the building official.

**113.9 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 his order, limit the time for such appeals to a shorter period.

**113.10 Decisions.** The construction board of adjustments 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 copy of the decision shall be sent by mail or hand delivery to the appellant, and a copy shall be kept publicly in the office of the building official. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity. Appeals from the decision of the construction board of adjustments and appeals relating to provisions of the Florida Building Code, other than local amendments, may be appealed to the Florida Building Commission, pursuant to F.S. § 120.569, regarding the local government's action.

Section 114 is added as follows:

#### **SECTION 114 VIOLATIONS**

**114.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**114.2 Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. Appeals of the Notice of Violation may be filed and heard by the Board of Adjustments and Appeals in accordance with the appeal procedure outlined in Section 113. Failure to

comply with the Notice of Violation may result in referring the matter to the Code Compliance Board who are empowered to impose fines in accordance with procedures set forth in Section 2-107 of the Winter Park Code of Ordinances.

**114.3 Violation of code provisions.** The building official may revoke a permit upon a determination 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 or the code of ordinances of the city.

**114.4 Prosecution of violation.** If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**114.5 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law

Section 115 is amended as follows:

**115.1.1 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 the Florida Building Code or the code of ordinances of the city or in a dangerous or unsafe manner, shall immediately cease, regardless of whether permitted plans have been reviewed by the city or permits have been issued. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, or by posting the building, structure or property upon which work is being performed and shall state the reason(s) for stopping work. In an emergency situation, the building official shall not be required to give a written notice prior to stopping the work. Remedial action to correct violations or deficiencies shall be addressed by the owner, contractor or designer in a timely manner not to exceed time limits as set by the building official. Such remedial or corrective action shall be submitted for review and approval to the building official when required.

Section 116 is added as follows:

**116 Unsafe buildings or systems.**

**116.1 Abatement.** 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 unsafe 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 the provisions of Section 108 and 109.1-.4 of the International Property Maintenance Code or other provisions of the building and property maintenance code of the city where applicable. All repairs shall be performed in accordance with the Florida Building Code.

**116.2 Public nuisances.** Public nuisances are defined in section 22-177(202) under "nuisance." When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings, or other buildings regulated by this code, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the building official or his designee or the Code Compliance Board is authorized to order the

property owner or city agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined in this chapter. These powers are hereby declared to be remedial and essential for the public interest, and it is intended that such powers be liberally construed to effectuate the purposes stated herein.

**116.3 Vacant buildings.** No vacant building may be boarded up for a period of time exceeding 60 days unless granted a waiver by the building official. All vacant buildings or buildings permitted to be boarded up shall be maintained in accordance with section 22-177(304.6). Exterior walls and all boards used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the color of the building, but shall not be brightly colored such as bright red, orange, green, or purple colors but rather shall be muted colors such as but not limited to tan or grey.

Section 202 is amended by adding or altering the following definitions:

Building department: The city's building and permitting services department.

Building official: The officer or other designated authority, or his duly authorized representative, charged with the administration and enforcement of this chapter, also known as the director of building and permitting services.

Sections 454.3 and R4501.17.1.16 is added as follows:

**454.3 (Building) and R4501.17.1.16 (Residential) swimming pool enclosure protection during construction.**

During the construction of public or private swimming pools, the permanent fence or wall meeting all applicable requirements of the Florida Building Code, Residential Volume, Chapter 45, or a temporary fence at least four (4) feet in height above the grade shall be installed. This fence or wall shall be closed, latched and locked at all times, except when work is in progress and workmen are on the site. The temporary fence shall not be removed except when the permanent fence, wall, enclosure or swimming pool is being actively constructed. At no time shall the pool be left by workmen unless secured by either the permanent or temporary enclosure. Swimming pool barrier protection shall allow bodies of water such as lakes, canals and streams to serve as one side of the required barrier when the water frontage is at least six feet wide beyond the shoreline, and the side yard fence barrier proceeds at least one foot into the water body or the fence continues to the edge of the water to the top of a canal or stream bulkhead wall.

Provisions in this section apply to swimming pools on building sites, including commercial, residential or multifamily projects. Failure to maintain enclosure protection security with a swimming pool protection barrier shall cause the city to secure the pool from outside entry, and authorize the issuance of a "stop work" order until all fees related to providing a pool protection barrier have been paid or waived by the building official for de minus costs.

Section 1609.3 is interpreted as follows for the purpose of determination of design wind loads in Winter Park:

**1609.3 Ultimate design wind speed.** The ultimate design wind speed,  $V_{ult}$ , in mph, for the determination of the wind loads shall be determined by Figures 1609.3(1), 1609.3(2), 1609.3(3) and 1609.3(4). The ultimate design wind speed,  $V_{ult}$ , for use in the design of Risk Category II buildings and structures shall be obtained from Figure 1609.3(1). The ultimate design wind speed,  $V_{ult}$ , for use in the design of Risk Category III buildings and structures shall be obtained from Figure 1609.3(2). The ultimate design wind speed,  $V_{ult}$ , for use in the design of Risk Category IV buildings and structures shall be obtained from Figure 1609.3(3). The ultimate design wind speed,  $V_{ult}$ , for use in the design of Risk Category I buildings and structures shall be obtained from Figure 1609.3(4). The ultimate design wind speed,  $V_{ult}$ , for the special wind regions indicated near mountainous terrain and near gorges shall be in accordance with local jurisdiction requirements. The ultimate design wind speeds,  $V_{ult}$ , determined by the local jurisdiction shall be in accordance with Chapter 26 of ASCE 7. The exact location of wind speed lines shall be established by local ordinance

using recognized physical landmarks such as major roads, canals, rivers and lake shores wherever possible. For the purpose of complying with the structural requirements related to wind loads, all buildings and structures including one and two family dwellings shall comply with the following ultimate design wind speeds Vult:

- |                            |           |
|----------------------------|-----------|
| 4) Risk Category I:        | 130 mph   |
| 5) Risk Category II:       | 139.9 mph |
| 6) Risk Category III & IV: | 150 mph   |

As indicated in Figures 1609.3(1), (2) & (3) linear interpolation between wind contour lines is permitted.

This wind speed determination provided herein is an administrative amendment to the Florida Building Code for the purpose of giving guidance to designers and to provide uniformity with neighboring jurisdictions, and is not a local technical amendment or change in the published Florida Building Code wind load criteria.

#### Technical amendments to the Florida Building Code:

\*[NOTE] Technical amendments not provided in the next edition of the Florida Building Code must be re-adopted by the local jurisdiction in order to remain valid and enforceable.

#### Florida Building Code, Building Volume

Section 903.2.13 shall be added as follows:

**903 Automatic sprinklers systems.** Approved automatic sprinkler systems installed in buildings shall comply with Section 903 of the Florida Building Code and in addition shall meet the following provisions:

##### 903.1 Where required

**903.2.13** Approved automatic sprinkler systems shall be provided in all buildings in the Commercial (C-2) zoning district as defined in the Land Development Code (Chapter 58) on properties bounded by New York Avenue (on the west), Swoope Avenue (on the east), Knowles Avenue (on the east) and Fairbanks Avenue (on the south).

Section 2703 shall be added as follows:

#### 2703 Electric Vehicle Charging Station Infrastructure and Electric Vehicle Parking Space Requirements.

**Section 2703.1 Intent and purpose.** The intent of this section is to facilitate and encourage the use of electric vehicles and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure that will also accommodate future technology advancements.

**Section 2703.2** Electric Vehicle Charging Station Infrastructure, Readiness requirements and technical criteria for buildings is hereby adopted as referenced herein and in Section 58-86(5) of the Land Development Code.

- a) *Intent and purpose.* The intent of this section is to facilitate and encourage the use of electric vehicles and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure that will also accommodate future technology advancements.
- b) *Definitions.* For the purposes of this section, the following definitions shall apply:

1. *Electric vehicle* means any motor vehicle registered to operate on public roadways that operates either part on electric energy. Electric vehicles include: (a) battery-powered electric vehicles; (b) plug-in hybrid electric vehicles; (c) motorcycles; and (d) fuel cell vehicles.
  2. *Electric vehicle charging level* means the standardized indicators of electrical force, or voltage, amps and kilowatts by which an electric vehicle's batteries are recharged. EV recharging equipment is commonly known as Electric Vehicle Service Equipment (EVSE) and can output either Alternating Current (AC) or Direct Current (DC). EVSE are technically not chargers, they are power supply units, the charger is on board the vehicle. The onboard charger helps manage the charging session and converts an AC input to DC to charge the vehicle's batteries; if a DC input is supplied the charger passes the power directly to the batteries. The terms Level-1 (L1), Level-2 (L2), and Level-3 (L3) are the most common charging levels; L3 is also referred to DCFC or DC Fast Charging, and include the following specifications:
    - a) Level-1 is considered slow charging. Voltage including the range from 0 through 120 volts.
    - b) Level-2 is considered medium charging. Voltage is greater than 120 volts, up to 240 volts.
    - c) Level-3 is considered fast or rapid charging, is also referred to DCFC or DC fast charging. Voltage is greater than 240 volts.
  3. *Electric vehicle charging station* means battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.
  4. *Electric vehicle charging station infrastructure* means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.
  5. *Electric vehicle parking space* means any off-street parking space that is equipped with an electric vehicle charging station that is exclusively for use by electric vehicles.
  6. Multi-family project means occupancy classifications listed as residential groups R-1, R-2 and R-4 as defined in Section 310 of the Florida Building Code and the parking lot(s) serving those occupancies.
  7. Non-residential project means occupancy classifications listed in Sections 303—309 and 311 and 312 of the Florida Building Code and the parking lot(s) serving those occupancies.
- c) *Readiness requirements—Multi-family and non-residential projects.* In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, all new development shall provide electric vehicle charging station infrastructure per this section. The infrastructure shall be installed per the requirements of the Florida Building Code, Chapter 27, Section 2701 in accordance with NFPA\_70 (National Electric Code) for the installation.
1. Readiness requirements for new multi-family residential projects that require a conditional use, shall be determined as part of the conditional use approval process as referenced in the Land Development Code, article III, Zoning Regulations, section 58-86(5)(c).
  2. Non-residential properties with surface parking or parking structures, shall provide the electrical capacity and buried raceway necessary to accommodate the future hardwire installation, at the minimum, a Level-2 vehicle charging station, for a minimum ratio of 10% of the total required parking spaces. Electric vehicle parking spaces provided in excess of the required electric vehicle parking spaces shall be counted toward meeting the readiness requirement. Required electric vehicle parking spaces shall not count toward meeting the readiness requirement also referenced in the Land Development Code, article III, Zoning regulations, section 58-86(5)(c).

- d) Electric vehicle parking space requirement for multi-family residential and non-residential properties.



Electrical vehicle parking requirements for new multi-family residential projects that require a conditional use, shall be determined as part of the conditional use approval process. All non-residential properties (commercial, office, institutional or industrial uses, or any combination thereof) are required to provide one electric vehicle parking space equipped with an electrical vehicle charging station per every 20 required off-street parking spaces (such spaces shall be counted toward meeting the overall parking requirement and any EV parking spaces in excess of the required electric vehicle parking spaces shall count toward meeting the readiness requirement; required electric vehicle parking spaces shall not count toward meeting the readiness requirement) in accordance with the following standards:

1. Minimum standards. Electric vehicle parking spaces shall, at a minimum, be equipped with an electric vehicle charging station rated at electric vehicle charging Level 2.
  2. Reserved.
  3. Fees. Nothing herein shall prohibit the charging of a fee for the use of an electric vehicle charging station by a resident, guest, invitee or employee.
  4. ADA accessible spaces. A minimum of one (1) electric vehicle parking space must be located adjacent to a required accessible parking space such that the electric vehicle charging station can be shared between an accessible parking space and electric vehicle parking space. A minimum five (5) feet wide accessway must be provided by the accessible electric vehicle parking space if the accessway is not already provided as part of the planned accessible parking space.
  5. Lighting. Site lighting shall be provided where an electric vehicle charging station is installed.
  6. Equipment standards and protection. Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks. Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the battery charging station is setback a minimum of 24 inches from the face of the curb.
  7. Signage. (1) Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information related to the electric vehicle charging station. (2) Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. For purposes of this subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment and is actively charging. (3) Restrictions shall be included on the signage, if removal provisions are to be enforced by the property owner pursuant to state statutes.
  8. Maintenance. Electric vehicle charging stations shall be maintained in good condition in all respects, including the functioning of the equipment, by the property owner. Removal of any required EV charging stations is prohibited. A phone number or other contact information shall be provided on the equipment for reporting when the equipment is not functioning or other problems are encountered.
- e) *Exceptions.* Where the installation of one or more electric vehicle parking spaces, or the installation of electric vehicle charging station infrastructure to allow for the future installation of electric vehicle charging stations are required by this article, an exception may be granted by the Building Official through the site plan approval process only where it is demonstrated that the extension of the electrical power supply to the effected location is physically impractical. Financial impracticality is not a valid criterion for granting such an exception.

(Ord. No. 3007-15, § 2, 8-24-15; Ord. No. 3035-16, § 2, 5-9-16; Ord. No. 3039-16, § 3, 6-13-16; Ord. No. 3101-18, § 2, 1-22-18; Ord. No. 3194-21 § 2, 1-13-21; Ord. No. 3204-21 § 2, 3-10-21)

## Sec. 22-176. - Code adopted.

The International Property Maintenance Code, 2021 edition, as published by International Code Council, Inc., is hereby adopted by reference, together with modifications and amendments contained in this article, and shall be known as the property and building maintenance code of the city. All references within the International Property Maintenance Code to the International Code(s) shall refer to the applicable Florida Building Code(s).

(Ord. No. 2357, § 1, 6-27-00; Ord. No. 2769-09, § 2, 4-27-09; Ord. No. 2873-12, § 2, 4-9-12; Ord. No. 3007-15, § 3, 8-24-15; Ord. No. 3101-18, § 3, 1-22-18; Ord. No. 3194-21 § 3, 1-13-21)

## Sec. 22-177. - Amendments.

The International Property Maintenance Code, 2021 edition, is hereby amended in the following respects:

General: All references to the International Building, Plumbing, Mechanical, Fuel Gas, Fire, Electrical and Zoning Codes shall mean the respective building, residential, plumbing, mechanical, gas, fire, and electrical as incorporated into the Florida Building Codes and Florida Fire Prevention Code and zoning codes of the city along with amendments adopted herein.

Section 101.1 is amended to read as follows:

**101.1 Title.** These regulations shall be known as the property and building maintenance code of Winter Park, hereinafter referred to as "this code."

Section 103 is amended as follows:

**103.1** The Division of Safety and Compliance shall function as the agency to implement, administer and enforce the provisions of this code.

Section 106.3 is amended as follows:

**106.3 Required testing and assessments.** 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 *code official* shall have the authority to require tests or assessments to be made as evidence of compliance at no expense to the City. Required assessments include and are not limited to mold assessment by a mold assessor licensed by the State.

Section 106.7 is added to read as follows:

**106.7 Codes and ordinances enforced.** The provisions of this article are an additional and supplemental means of enforcing city codes and ordinances and may be used for the enforcement of this article. Nothing contained in this article shall prohibit the city from enforcing its codes and ordinances by any other means.

Section 108.1.1 is amended to read as follows:

**108.1.1 Unsafe structures.** An unsafe structure is one that is found to be a nuisance or dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Sections 108.8 and 108.9 are added as follows:

**108.8 Public nuisances.** Public nuisances are defined in Section 202 "General Definitions" under "nuisance." When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings, or other buildings regulated by this code, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the building official or his designee or the Code Compliance Board is authorized to order the property owner or city agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined in this code. These powers are hereby declared to be remedial and essential for the public interest, and it is intended that such powers be liberally construed to effectuate the purposes stated herein.

**108.9 Vacant buildings.** No vacant building may be boarded up for a period of time exceeding 60 days unless granted a waiver by the building official. All vacant buildings or buildings permitted to be boarded up shall be maintained in accordance with section 22-177(304.6). "Exterior walls" and all boards used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the rest of the building.

Section 110.1 is amended to read as follows:

**110.1 Unsafe buildings or structures.** The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than 90 days, to demolish and remove such structure; or where a nuisance exists, the code official shall order the owner of the premises to correct or remove conditions causing the nuisance. The existence of a nuisance shall constitute a violation of this code.

Section 111 (including subsections 111.1 through 111.8 inclusive) is amended to read as follows:

Applications for appeals from the enforcement of provisions of this code shall be heard by the construction board of adjustments and appeals under the criteria and guidelines addressed in the building code of the city, as adopted in this article.

Section 202. General definitions are amended by adding or altering the following definitions:

[Note: See Definitions in International Property Maintenance Code Chapter 2]

**Nuisance.** The following shall be defined as nuisances: It is a public nuisance for any person owning, leasing, occupying or having charge of any premises in this city to maintain, or permit to exist, such premises in such manner that any one or more of the following conditions are to exist thereon:

- (1) Any public nuisance known at common law or in equity jurisprudence.
- (2) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
- (3) Whatever is dangerous to human life or is detrimental to health, as determined by the Orange County Environmental Health Department or the code official.
- (4) Overcrowding a room with occupants.
- (5) Insufficient ventilation or illumination.
- (6) Inadequate or unsanitary sewage or plumbing facilities.

- (7) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by County Health Department or the code official.
- (8) Any place or premises which have been used on more than two occasions as the site of the unlawful sale or delivery of controlled substances.
- (9) Any building or premises declared to be a public nuisance by the nuisance abatement board.
- (10) Land, the topography, geology or configuration of which, whether in natural state or as a result of grading operations, excavation or fill, causes erosion, subsidence or surface water drainage problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare or to adjacent properties.
- (11) Buildings which are abandoned for a period of six months, or permitted to remain unreasonably in a state of partial destruction for a period of four months without a building permit having been obtained and substantial construction performed, or permitted to remain unreasonably in a state of partial construction without substantial construction being performed. Substantial construction shall mean construction sufficiently noticeable to the public to give notice of ongoing construction work.
- (12) The failure to close, by such means as are acceptable to the code official, all doorways, windows and other openings into vacant structures.
- (13) Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief.
- (14) Vegetation, including dry grass, dead shrubs, dead trees, combustible refuse and waste, or any material growing upon the area between the traveled way and the property line, sidewalks or upon private property which by reason of size, manner of growth and location would create any one or more of the following:
  - a. A condition likely to constitute a fire hazard to any building, improvement or other property, or when dry will in reasonable probability constitute a fire hazard;
  - b. A condition likely to harbor rats, vermin or other similar creatures constituting a health hazard; or
  - c. Causes appreciable harm or material detriment to the aesthetic and/or property values of surrounding property.
  - d. Creates a safety hazard due to slipping or tripping on sidewalks or similar surfaces.
- (15) Dead, decayed, diseased or hazardous trees, weeds and other vegetation:
  - a. Dangerous to public safety and welfare; or
  - b. Causing appreciable harm or material detriment to the aesthetic and/or property values of surrounding property.
- (16) The accumulation and storage on any premises for more than ten days of abandoned, wrecked, dismantled or inoperative automobiles, trailers, campers, boats, other mobile equipment, or major part thereof within the view of persons on public or other property adjacent to the premises.
- (17) Attractive nuisances dangerous to children in the form of:
  - a. Abandoned and broken equipment; or
  - b. Unprotected and/or hazardous pools, ponds and excavation; or
  - c. Neglected machinery.
- (18) Waste on the premises *in open view or can be seen from an adjacent property*, which by reason of its location is unsightly and interferes with the reasonable enjoyment of property by neighbors, detrimentally affects property values in the surrounding neighborhood or community or which would materially hamper or interfere with the suppression of fire upon the premises or adjacent premises and which is visible from public property or from neighboring properties for a period of time in excess of ten days. "Waste" is defined for the purpose of this section as unused or discarded matter and material which consists (without limitation or exclusion by

enumeration) of such matter and material as rubbish and refuse and matter of any kind including, but not limited to, rubble, debris, asphalt, concrete, plaster, tile, rocks, bricks, soil, building materials, crates, cartons, containers, boxes, furniture and household equipment or parts thereof, lumber, trash, dirt, machinery or parts thereof, scrap metal and pieces of metal, ferrous or nonferrous, bottles, bedding, etc.

- (19) The accumulation of dirt, litter or debris in vestibules, doorways or the adjoining sidewalks of commercial or industrial buildings.
- (20) The maintenance of signs and/or sign structures relating to uses no longer conducted or products no longer sold on vacant commercial, office, industrial or institutional buildings more than 45 days after such building becomes vacant.
- (21) The maintenance of any structure in a defective, unsightly, deteriorated and unrepaired condition, which is viewable from a public right-of-way or viewable from the sites of neighboring properties, where such condition would cause appreciable harm or material detriment to the aesthetic and/or property values of surrounding properties.
- (22) The substantial lack of maintenance of grounds including but not limited to dead grass, lack of sod or surface coverings on which structures exist, where the grounds are viewable from a public right-of-way or viewable from the sites of neighboring properties, where such condition would cause appreciable harm or material detriment to the aesthetic and/or property values of surrounding properties.

Section 302 shall be amended to read as follows:

**302.1 Sanitation and storage of materials.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. It shall be unlawful for any person to permit any old, broken lumber, rusted or unused equipment, discarded refrigerators, stoves, old pipe or other used, discarded and worn, unsightly articles or materials to remain in any yard or open area owned, occupied or in the possession of such person for a period of more than five days.

It shall be unlawful for the owner or occupant of a building, structure or property to utilize the premises of such property for the open storage of any abandoned motor vehicle, icebox, refrigerator, stove, glass, building material building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the code official.

Section 302.4 shall be amended as follow:

**302.4. Weeds and overgrowth.**

**302.4.1 Clearing overgrowth.** The owner or the agent of such owner or occupant of any lot, place or area within the city shall not permit any trash, rubbish or noxious matter to remain lying on such lot, place or area or upon any sidewalk or street right-of-way abutting the lot, place or area. Upon sidewalks, noxious matter shall include accumulations of sand, leaves, algae growth, slippery conditions, food or food residue, and vegetation. Likewise, such owner, his agent and the occupant shall not permit any weeds or grass to grow to a height exceeding 12 inches upon any portion of such lot, place or area or upon any sidewalk, over street curbs or street right-of-way abutting such lot, place or area. For land being used for a bona fide commercial agricultural purpose, the limitation on the height of grass or weeds shall only apply to the first 20 feet of such lands abutting a public street or adjacent developed property. The limitation on the height of grass or weeds shall not apply to undeveloped wild land that remains in a natural state unless determined to be a fire hazard or other health hazard as determined by the code official.

**302.4.2 Notice.** The city shall notify in writing the owner of any lot, place or area within the city or the agent of such owner or the occupant to cut, destroy or remove any weeds, grass, trash, rubbish or noxious matter found growing, lying or located on such owner or occupant's property or upon the sidewalk or street right-of-way abutting the property and that, upon the failure of the owner or agent or occupant to do so. The city will cause such weeds, grass, rubbish or noxious matter to be cut, destroyed or removed. Such notice shall be by certified mail, addressed to the owner or agent of the owner or occupant, at his last known address, or by hand delivery to the owner or agent of the owner or occupant. In addition a notice may be posted on the property upon which the violation is alleged to exist and at the primary municipal government office, and proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date, and the place of its posting. Notice by posting may run concurrently with, or may follow an attempt or attempts to provide notice by hand delivery or by mail, as required by this subsection.

**302.4.3 Clearing by city.** Upon failure, neglect or refusal of any owner, agent or occupant notified as provided in this article to cut, destroy or remove weeds, grass, trash, rubbish or noxious matter growing, lying or located upon such owner or occupant's property or upon the sidewalk or street right-of-way abutting property, within five days of posting the property as provided for in this article, or within five days upon receipt of the written notice provided for in this article or within five days after the date of such notice, if the notice is returned to the city because of the inability of the post office to make delivery thereof, provided the notice was properly addressed to the last known address of such owner, agent or occupant, the city may, in addition to any other penalties provided for in this Code, pay for the cutting, destroying or removing of such weeds, grass, trash, rubbish or noxious matter or effect the removal by the city.

**302.4.4 Charges.** When the city has affected the removal of obnoxious growth or has paid for its removal the actual cost thereof, including administrative costs, plus accrued interest at the rate of 12 percent per annum beginning 30 days after completion of the work, shall be charged to the owner or occupant of such property.

**302.4.5 Lien.** Where the full amount due the city is not paid by such owner or occupant within 30 days after the cutting, destroying or removal of weeds, grass, trash, rubbish or noxious matter as set forth in sections 302.4.3 and 302.4.4, such charges are declared a lien upon the property and the provisions of sections 102-135 shall apply.

Section 302.8 shall be amended to read as follows:

**302.8 Abandoned and disabled motor vehicles.**

**302.8.1 Definitions:**

*Abandoned motor vehicle* means any motor-driven vehicle, regardless of size, which is left unattended for a period exceeding 48 hours.

*Disabled motor vehicle* means any motor-driven vehicle, regardless of size, which is incapable of being self-propelled upon the public streets of the city or which does not meet the requirements for operation upon the public streets of the city, including a current motor vehicle license.

A motor vehicle shall be considered abandoned or disabled if it is in a state of evident disuse, neglect or abandonment. Evidence of disuse, neglect or abandonment may include, without limitation, factors such as: the vehicle being wrecked or inoperative; the vehicle being partially dismantled, having no engine, transmission, or other major or necessary parts; the vehicle having no valid license tag; there being vegetation underneath the

vehicle as high as the vehicle body or frame; there being refuse or debris collected under the vehicle; the vehicle being used solely for storage purposes; or the vehicle being in any physical state rendering it inoperable or unsightly to the neighborhood.

**302.8.2 Responsibility and liability.** It shall be the joint and several responsibility of both the property owner upon whose property a disabled or abandoned motor vehicle is located and the owner of such vehicle to meet the requirements of this article, and the property owner and vehicle owner shall both be subject to any and all penalties for violations hereof. The property owner and vehicle owner shall jointly and severally be liable to the city for the payment of any unrecovered expenses incurred by the city in the removal and disposition of motor vehicles. If the expenses are not paid upon demand, a lien shall be placed upon the property and the vehicle for the amount of such expenses and costs.

**302.8.3 Enforcement.** It shall be the duty of the police department to enforce this article for disabled or abandoned motor vehicles within the public right-of-way or on public property. The safety and code compliance division shall enforce provisions of this article relating to disabled vehicles on private property and property maintenance provisions of this Chapter.

**302.8.4 Notice of violation.**

**302.8.4.1** When a disabled motor vehicle is found to be in violation of this article, a code inspector or a police officer shall give the owner on whose property the disabled motor vehicle is located a notice that the vehicle is in violation of this article and must be removed within ten days. This notice shall be in writing and shall state the date on which the ten days' notice shall expire and shall further state that if the notice has not been complied with and the disabled motor vehicle removed within such ten calendar days that enforcement of this article will ensue. Should the owner of the property upon which the disabled motor vehicle is located not be an occupant or not in possession of this property, in addition to such notice to the owner, the notice shall be served upon the occupant or person in possession of the property. The code inspector or police officer shall make every reasonable attempt to ascertain the owner of the vehicle, and shall notify any such vehicle owner so identified within either reasonable notice delivered by mail or personal service at any known business or residential address of such owner.

**302.8.4.2** Within the ten calendar day period specified in the notice, the owner of the vehicle or the owner of the property or an authorized agent may appeal to the director of code enforcement or his designee. The director of code enforcement or his designee shall determine the validity of the violation and may for good cause extend the time for compliance or removal. If such an appeal is made, no removal shall be required until after the appeal has been finally determined, unless the removal is required under 98-191.

**302.8.4.3** If no appeal is submitted in writing to the office of Code Compliance is made and the abandoned or disabled vehicle remains in violation after the ten calendar-day period, the city shall cause such vehicle on private property to be moved to a storage facility approved by the city and thereafter disposed of in accordance with applicable state law or city ordinance.

**302.8.4.4** Notwithstanding any of the foregoing, all abandoned motor vehicles which are located on public property shall be towed and disposed of in accordance with the notice, sale and disposition requirements of F.S. ch. 705, as revised or amended from time to time.

**302.8.5 Disposal of vehicles; entrance upon private property.** The city is authorized to enter upon private property for the purpose of seizing and taking into possession any abandoned or disabled vehicle.

**302.8.6 Removal.** The city is authorized to provide for the immediate removal of any abandoned or disabled motor vehicle to a garage or other place of safety, the cost of such removal to be a lien against the motor vehicle, when the abandoned or disabled vehicle is found unattended upon a bridge or causeway or in any tunnel or on any public highway or street or public parking lot in the following instances:

**302.8.6.1** Where such vehicle constitutes an obstruction of traffic; or

**302.8.6.2** Where such vehicle has been parked or stored on the public right-of-way or city property for a period exceeding 48 hours.

Section 302.10 shall be added shall read as follows:

**302.10 Shrubs, hedges and trees obstructing visibility at intersections.** Shrubs, hedges, trees or plantings shall be kept trimmed so that the visibility for motor vehicle drivers is not obstructed at street intersections and points of ingress and egress to the public right-of-way. Where shrubs, hedges, trees or plantings are not kept so trimmed, in addition to any other penalties provided for in this code, the city may, after notice to the property owner responsible for such violation, enter upon the property where such violation is taking place and cut and trim the hedges or plantings, which are causing such violation to be reduced to a height of 2½ feet above the street curb elevation or cut tree limbs to a height of eight feet above the curb or sidewalk and upon performing such labor may bill the property owner for the actual cost thereof. Shrubs, trees and other vegetation which extend into the public right-of-way, and obstruct visibility at street intersections and points of ingress and egress to the public right-of-way or over hang the sidewalk obstructing pedestrian travel may be cut or trimmed by the city in accordance with the above referenced specifications after providing a 24-hour notice by placing such notice on the door of the abutting dwelling or business or by hand delivery to the occupant of the dwelling or business in order to provide for the public safety. This provision does not limit or prevent the city from taking immediate action to clear any hazardous or unsafe conditions created by trees or vegetation in the public right-of-way.

Amend Section 304.3 to read as follows:

**304.3 Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property, in accordance with Article VII, Numbering of Buildings, of this Chapter.

Amend Section 304.6 to read as follows:

**304.6 Exterior walls.** Every exterior wall shall be free of holes, breaks, loose or rotting boards or timber, *chipped paint, decaying substance conditions* and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in repair. All exterior surfacing material shall be painted or properly surface coated (except brick, stone or other natural material which does not require the application of a weatherproofing substance) and in good repair after scraping and removing any loose paint or surfacing material.

Amend Section 304.14 to read as follows:

**304.14 Insect screens.** Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.



Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

Section 304.20 is added as follows:

**304.20.** Skirting around foundations. Latticework or similar approved material must be installed along continuous openings on the outside perimeter of buildings with floors elevated above the ground and where more than twelve (12) inches of vertical opening area exists from the ground to the building wall. The installation must be performed in an approved aesthetic manner in accordance with typical construction methods in practice.

Amend Section 404.3 to read as follows:

**404.3 Minimum ceiling heights.** Occupiable rooms and habitable spaces shall have a ceiling height of not less than seven feet, six inches (2286 mm). Corridors, bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than seven feet (2134 mm).

Amend Section 602 to read as follows:

#### **602 HEATING FACILITIES.**

**602.1** Occupiable rooms and habitable spaces (including every dwelling unit) shall have heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms.

**602.2** Every dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms.

**602.3** Gas heaters listed for unvented use shall be permitted provided the total input rating of the heaters is less than 30 Btu per hour per cu ft (312 W/m<sup>3</sup>) of room content. Such heaters shall be prohibited in bedrooms.

**602.4** The use of any liquid fueled unvented heating appliance shall be prohibited in any enclosed occupied structure within the city. Liquid fueled unvented heating appliances may be used as a temporary measure on construction sites and open well-ventilated work sites when they pose no hazard of ignition or explosion. Such devices must be tested and listed by an approved laboratory according to the requirements of UL647 (1984) and the fuel must be stored in containers meeting ASTM E8 for kerosene heaters.

**602.5** Any metal flue pipe that has been connected to a wood heating appliance that has experienced a flue fire shall be replaced unless otherwise specified by the manufacturer's instructions.

**602.6** Any metal (pre-fabricated) fire place unit that has experienced a chimney fire shall be replaced unless otherwise specified by the manufacturer's instructions.

(Ord. No. 2357, § 1, 6-27-00; Ord. No. 2449-01, § 3, 12-11-01; Ord. No. 2769-09, § 2, 4-27-09; Ord. No. 2873-12, § 2, 4-9-12; Ord. No. 3007-15, § 3, 8-24-15; Ord. No. 3101-18, § 3, 1-22-18; Ord. No. 3194-21 § 3, 1-13-21)

**Flagler Beach, FL - Code of Ordinances** ([https://library.municode.com/fl/flagler\\_beach/codes/code\\_of\\_ordinances](https://library.municode.com/fl/flagler_beach/codes/code_of_ordinances))

## Sec. 7-2. - International property maintenance code adopted.

- (a) The city hereby adopts the 2015 edition of the International Property Maintenance Code (IPMC) published by the International Code Commission, and incorporates the same by reference as if fully set forth herein, including the city's amendments thereto to comply with F.S. ch. 162, the Florida Building Code, and this Code. At least one (1) copy of the International Property Maintenance Code, 2015 edition with the city's amendments thereto, together with the ordinance from which this article is derived, are on file with the city clerk.
- (b) The following sections and subsections of the 2015 edition of the International Property Maintenance Code are hereby amended as follows:
  - (1) Subsection 101.1. These regulations shall be known as the Property Maintenance Code of the City of Flagler Beach, hereinafter referred to as "this Code."
  - (2) Subsection 102.3 entitled "Application of other codes," shall read as follows:

Repairs, additions or alterations to a structure, or changes in occupancy, shall be done in accordance with the provisions of the Florida Building Code and amendments thereto.
  - (3) Subsection 103.1 entitled "General," shall read as follows:

The City of Flagler Beach Code Enforcement Department, is hereby charged with the primary responsibility of enforcing this Code.
  - (4) Subsection 103.2, entitled "Appointment," shall read as follows:

The code inspector shall be appointed by the City Manager.
  - (5) Subsection 103.5, entitled "Fees," is hereby deleted in its entirety.
  - (6) Subsection 104.1, entitled "General," shall read as follows:

The code official is hereby authorized and directed to enforce the provisions of this code. The code 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. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.
  - (7) Subsection 106.2, entitled "Notice of Violation," is hereby deleted in its entirety.
  - (8) Subsection 106.3, entitled "Prosecution of Violation," is hereby deleted in its entirety.
  - (9) Section 107, entitled "Notices and Order," is hereby deleted in its entirety.
  - (10) Subsection 108.3, entitled "Notice," shall read as follows:

Whenever the code inspector has condemned a structure or equipment under the provisions of this section, notice shall be protected from the weather and posted in a conspicuous place on or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Chapter 162, Florida Statutes. If the notice pertains to equipment, it shall also be placed on the condemned equipment.
  - (11) Subsection 109.5, entitled "Costs of emergency repairs," shall read as follows:

Costs incurred in the performance of emergency work shall be paid by the owner or agent responsible for the property, or the City may thereafter file a lien on the property for such costs.

(12) Subsection 109.6, entitled "Hearing," shall read as follows:

Any person ordered to take emergency measures shall comply with such order forthwith. Any adversely affected person shall thereafter, upon application directed to the city commission, be afforded an appeal from the code inspector's decision upon payment of appeal fees as set by resolution of the city commission.

(13) Section 111, entitled "Means of Appeal," of this Code is hereby deleted in its entirety.

(14) Section 112.4, entitled "Failure to Comply," shall read as follows:

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 a fine in accordance with limits established by Florida Statutes.

(15) Subsection 302.4, entitled "Weeds," is hereby deleted in its entirety.

(14) Subsection 302.8, entitled "Motor vehicles," is hereby deleted in its entirety.

(16) Subsection 304.14, entitled "Insect Screens," shall read as follows:

Year-round, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved, tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

(17) Subsection 602.3, entitled "Heat Supply," shall read as follows:

Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15th to April 15th to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

(18) Subsection 602.4, entitled "Occupiable Work Spaces," shall read as follows:

Indoor occupiable work spaces shall be supplied with heat during the period from November 15<sup>th</sup> to April 15<sup>th</sup> during the period the spaces are occupied.

(19) References in this Code to the International Plumbing Code shall be replaced with the Plumbing Code of the Florida Building Code.

(20) References throughout this Code to the ICC Electrical Code shall be replaced with the Florida Building Code.

(21) Supplemental Code. The provisions of this Code shall be supplemental to all other codes and other ordinances of the City.

(Ord. No. 2017-08, § 3, 10-26-2017)

**Malabar, FL - Code of Ordinances** ([https://library.municode.com/fl/malabar/codes/code\\_of\\_ordinances](https://library.municode.com/fl/malabar/codes/code_of_ordinances))

## Sec. 6-1. - Codes and amendments adopted.

As of December 31, 2020, the Florida Building Code supersedes all local building codes which are developed and maintained by the Florida Building Commission. It is updated every three (3) years and may be amended annually to incorporate interpretative and clarifications. The 2020 7<sup>th</sup> Edition, Florida Building Code, Building, and the following volumes:

- The 2020 7<sup>th</sup> Edition, FBC, Residential
- The 2020 7<sup>th</sup> Edition, FBC, Accessibility
- The 2020 7<sup>th</sup> Edition, FBC, Energy Conservation
- The 2020 7<sup>th</sup> Edition, FBC, Florida Existing Building Code
- The 2020 7<sup>th</sup> Edition, FBC, Plumbing
- The 2020 7<sup>th</sup> Edition, FBC, Mechanical
- The 2020 7<sup>th</sup> Edition, FBC, Fuel Gas
- The 2020 7<sup>th</sup> Edition, FBC, Test Protocols for High Velocity Hurricane Zones

Additionally, the following:

- The Florida Fire Prevention Code, 2018 7<sup>th</sup> Edition, [Chapter 9](#)
- The National Electric Code (2018 Edition) N.F.P.A. 70\*
- Dictionary of Architecture and Construction, 4<sup>th</sup> Edition

The following Codes are also adopted:

- (1) The Standard Amusement Device Code, 1985 Edition.
- (2) International Property Maintenance Code, 2006 edition as published by the International Code Council.
- (3) The Uniform Code for Abatement of Dangerous Buildings, 1997 Edition.
- (4) Life Safety Code NFPA 101, 2015 Edition.

(Ord. No. 06-02, § 1, 1-12-06; Ord. No. 09-22, § 1, 5-4-09; Ord. No. 12-53, § 1, 4-16-12; Ord. No. 12-56, § 2, 8-20-12; Ord. No. 14-02, § 2, 2-3-14; Ord. No. 18-01, § 1, 3-19-18; Ord. No. 20-15, § 1, 1-4-21)

Sec. 6-133. - Amendments to.

*PART 1—SCOPE AND APPLICATION*

*SECTION 100 PURPOSE*

[A] *100.1 Purpose.* The purpose of this Chapter is to establish and adopt the non-technical and administrative requirements for all building codes enforced in the areas of the County in which Okaloosa County has building permitting jurisdiction.

[A] *100.1.1* This Chapter shall constitute and be known and cited as the Okaloosa County Administrative Construction Code ("ACC") hereinafter referred to as the "ACC".

*SECTION 101. GENERAL*

[A] *101.1 Title.* These regulations shall be known as the Florida Building Code, hereinafter referred to as "this code."

[A] *101.1.1* "Okaloosa County" shall mean the political subdivision of the State of Florida pursuant to Art. VIII, § 1(a), Fla. Const.

[A] *101.2 Scope.* The provisions of this code shall apply to the construction, alteration, relocation, 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 under the permitting jurisdiction of Okaloosa County.

*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 not more than three stories above grade plane in height, shall comply with the Florida Building Code, Residential.
2. Code requirements that address snow loads and earthquake protection are pervasive; they are left in place but shall not be utilized or enforced because Florida has no snow load or earthquake threat.

[A] *101.2.1 Appendices.* Provisions in the appendices are hereby adopted.

[A] *101.3 Intent.* The purpose of this code is to establish the minimum requirements to provide a reasonable level of safety, public health 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 a reasonable level of safety to fire fighters 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, Plan Review and Inspection.* The permitting, plan review or inspection of any building, system or plan by the Okaloosa County 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. The Okaloosa County jurisdiction 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 Okaloosa County Growth Management Department employee shall be liable in tort for damages from such conditions, in accordance with Section 768.28(9)(a), Florida Statutes, as may be amended.

[A] *101.4 Referenced codes.* The other codes listed in Sections 101.4.1 through 101.4.10 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

[A] *101.4.1 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.

[A] *101.4.2 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.

[A] *101.4.3 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.

[A] *101.4.4 Property maintenance.* Reserved.

[A] *101.4.5 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.

[A] *101.4.6 Energy.* The provisions of the Florida Building Code, Energy Conservation shall apply to all matters governing the design and construction of buildings for energy efficiency.

[A] *101.4.7 Existing buildings.* The provisions of the Florida Building Code, Existing Building shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

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

*101.4.9 Manufactured buildings.* For additional administrative and special code requirements, see Section 458, Florida Building Code, Building, and Rule 61-41 F.A.C. For additional administrative and special code requirements, see section 428, Florida Building Code, Building, and Rule 9B-1 F.A.C.

*101.4.10 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.

*101.5 Floodprone areas.* Where this Code conflicts with the requirements of Section 3.06.00, Flood Hazard Areas, of the Okaloosa County Land Development Code adopted pursuant to Okaloosa County Ordinance 91-01, as amended, pertaining to building and development in areas designated as being in the AE, AH, A1-A30, AR, AR/A, AR/AO, Coastal A, V1-V30, and VE on the Flood Insurance Rate Maps promulgated by the U.S. Federal Emergency Management Agency in effect at the time of permit application, the more stringent standards, including but not limited to minimum building and structure elevations, floodproofing, etc., shall prevail. Under no circumstances will Okaloosa County grant a variance to the elevation or floodproofing requirements within any of the A or V zones.

## SECTION 102 APPLICABILITY

[A] *102.1 General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

*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 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 II (Sections 553.501-553.513, Florida Statutes) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures, and permits shall be required for structural support and tie down, electric supply, and all other such utility connections to such mobile or modular structures as required by Okaloosa County.
- (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) Family mausoleums not exceeding 250 square feet (23 m<sup>2</sup>) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (k) A building or structure having less than 1,000 square feet (93 m<sup>2</sup>) which is constructed and owned by a

natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;
  2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and
  3. Is not connected to an off-site electric power or water supply.
- (l) Buildings or sheds accessory to a single-family dwelling used exclusively for storage purposes 200 square feet or less in floor area provided, however, that the necessary permits are obtained prior to the installation of any electrical, plumbing, or mechanical systems to the building.
- (m) Tree houses 200 square feet or less and not over 5 feet in height, provided, however, that the necessary permits are obtained prior to the installation of any electrical, plumbing, or mechanical systems to the building.

*102.2.1* In addition to the requirements of Sections 553.79 and 553.80, Florida Statutes, facilities subject to the provisions of Chapter 395, Florida Statutes, and Part II of Chapter 400, Florida Statutes, 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* Residential buildings or structures 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 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 Florida Building Code, Building for all residential buildings or structures of the same occupancy class.

*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* Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities.

1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one or more exemptions from the Florida Building Code relating to:
  - a. Addition, alteration, or repairs performed by the property owner upon his or her own property,



provided any addition or alteration shall not exceed 1,000 square feet (93 m<sup>2</sup>) or the square footage of the primary structure, whichever is less.

- b. Addition, alteration, or repairs by a nonowner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.
  - c. Building and inspection fees.
2. However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in mapped flood hazard areas, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.
  3. Each code exemption, as defined in sub-subparagraphs 1a, 1b, and 1c shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

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

*Exception:* Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

*102.2.7* Nothing herein shall prohibit a bona fide homeowner from contracting for the construction of his or her own residence. Such privilege does not convey the right to violate any of the provisions of this code, nor is it to be construed as exempting any such property owner from obtaining any requisite permits and paying required fees thereof.

*[A] 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.

*[A] 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 and as further regulated in Sections 102.4.1 and 102.4.2.

*[A] 102.4.1 Conflicts.* Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

*[A] 102.4.2 Provisions in referenced codes and standards.* Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Florida Codes listed in Section 101.4, the provisions of this code or the Florida Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

*[A] 102.5 Partial invalidity.* Reserved.

*[A] 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 otherwise specifically provided in this code, the Florida Building Code, Existing Building 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.

*[A] 102.6.1 Buildings not previously occupied.* A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the Florida Building Code, Building or Florida Building Code, Residential, as applicable, for new construction or with any current permit for such occupancy.

*[A] 102.6.2 Buildings previously occupied.* The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, 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.
- (3) A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

*102.8 Existing mechanical equipment.* An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

*102.9 Rules of Construction.* The rules set out in this section shall be observed, unless such construction is inconsistent with the manifest intent of this chapter. The rules of construction and definitions set out here shall not be applied to any section of this chapter which contains any express provisions excluding such construction, or where the subject matter or content of such section would be inconsistent with this section.

*102.9.1 Generally.* All provisions, terms, phrases and expressions contained in this division shall be liberally construed in order that the true intent and meaning of the administration of the jurisdiction may be fully carried out. Terms used in this division, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.

*102.9.2 Text Controls.* In case of any difference of meaning or implication between the text of this code and any figure, the text shall control.

*102.9.3 Delegation of authority.* Whenever a provision appears requiring the Building Official or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the Building Official or other officer to designate, delegate and authorize professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

*102.9.4 Month.* The word "month" shall mean a calendar month.

*102.9.5 Shall, May.* The word "shall" is mandatory; "may" is permissive. The word "shall" takes precedence over "may."

*102.9.6 Written or in writing.* The term "written" or "in writing" shall be construed to include any representation of words, letters or figures whether by printing or otherwise.

*102.9.7 Year.* The word "year" shall mean a calendar year, unless a fiscal year is indicated.

*102.9.8 Interpretation.* Interpretations of this chapter shall be made by the Okaloosa County Building Official.

*102.9 Words Defined.*

*Abandon or abandonment.*

- (1) Termination of a construction project by a contractor without just cause or proper notification to the owner including the reason for termination.
- (2) Failure of a contractor to perform work without just cause for ninety (90) days.
- (3) Failure to obtain an approved inspection within six (6) months from the previous approved inspection.

*Appraised value.* For the purpose of this section, appraised value is defined as either (1) one hundred and twenty (120) percent of the assessed value of the structure as indicated by the Okaloosa County Property Appraiser's Office or (2) the value as indicated in a certified appraisal from a certified appraiser.

*Assessed value.* The value of real property and improvements thereon as established by the Okaloosa County Property Appraiser.

*Authorized agent.* A person specifically authorized by the holder of a certificate of competency to obtain permits in his stead.

*Basic Wind Speed Line.* The basic wind speed line for Okaloosa County shall be as established by the wind speed contour map attached to, and made part of, this chapter if applicable.

*Board.* The appropriate Okaloosa County Board of Construction Adjustment and Appeals, unless otherwise specifically stated.

*Building shell.* The structural components that completely enclose a building, including, but not limited to, the foundation, structural frame, floor slabs, exterior walls and roof system.

*Building system.* A functionally related group of elements, components and/or equipment, such as the electrical, plumbing and mechanical systems of a building.

*Certificate of occupancy (C.O.).* An official document evidencing that a building satisfies the requirements of the jurisdiction for the occupancy of a building or the work described on the approved permit.

*Certificate of Completion (C.C.).* An official document evidencing that a building satisfies the requirements of the jurisdiction for the completion of a building.

*Change of occupancy.* A change from one Building Code occupancy classification or subclassification to another.

*Commercial building.* Any building, structure, improvement or accessory thereto, other than a one- or two-family dwelling.

*Demolition.* The act of razing, dismantling or removal of a building or structure, or portion thereof, to the ground level.

*Division.* The Building Division of the Growth Management Department.

*Department.* Okaloosa County Growth Management Department.

*Examination.* An exam prepared, proctored and graded by a recognized testing agency unless otherwise implied in context or specifically stated otherwise.

*Imminent Danger.* Structurally unsound conditions of a structure or portion thereof that is likely to cause physical injury to a person entering the structure: Or due to structurally unsound conditions, any portion of the structure is likely to fall, be carried by the wind, or otherwise detach or move, and in doing so cause physical injury or damage to a person on the property or to a person or property nearby; or the condition of the property is such that it harbors or is inhabited by pests, vermin, or organisms injurious to human health, the presence of which constitutes an immediate hazard to people in the vicinity.

*Inspection warrant.* A court order authorizing the official or his designee to perform an inspection of a particular property named in the warrant.

*Intensification of use.* An increase in capacity or number of units of a residential or commercial building.

*Permit.* An official document authorizing performance of a specific activity regulated by this chapter.

*Permit card or placard.* A document issued by the jurisdiction evidencing the issuance of a permit and recording of inspections.

*Site Clearing.* The physical clearing of the site in preparation for foundation work including, but not limited to, site clearing, excavation, dewatering, pilings and soil testing activities.

[PART] 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 ENFORCING AGENCY OKALOOSA COUNTY GROWTH MANAGEMENT DEPARTMENT BUILDING AND INSPECTIONS DIVISION

*103.1 Establishment.* The Building and Inspections Division of the Okaloosa County Growth Management Department, or its successor agency, is charged as the County agency with jurisdiction to enforce this code. The final authority in all matters of interpretation and enforcement of this code shall be the Okaloosa County Building Official. All code officials employed by the department shall be certified in accordance with Chapter 468, Part XII, Florida Statutes.

*103.2 Restrictions on employees.* An officer or employee connected with the department, except one whose only connection is as a member of the board established by this code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, within the jurisdiction of the department, unless he is the owner of such which is inconsistent with his duties or conflict with the interest of the department. This would include the providing of building inspection, home inspection and plan review in the Okaloosa County jurisdictional area unless approved by the Building Official.

*103.3 Records.* The Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection, upon request.

*103.4 Liability.* Any officer or employee, or member of the Construction Board of Adjustments and Appeals, charged with the enforcement of this code, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties.

SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL

[A] *104.1 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.

[A] *104.2 Right of entry.*

*104.2.1* 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, he 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.

104.2.2 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.

[A] 104.3 *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 his 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.

[A] 104.4 *Revocation of permits.* The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any provisions of this code.

104.4.1 *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 the material fact in the application or plans on which the permit or approval was based.

104.4.2 *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.

[A] 104.5 *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 the International Property Maintenance Code 2006 edition, promulgated by the International Code Council, Inc., subject to all amendments, modifications or deletions hereinafter contained.

[A] 104.6 *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.

[A] 104.7 *Department records.* Reserved.

[A] 104.8 *Liability.* Reserved.

[A] 104.8.1 *Legal defense.* Reserved.

[A] 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.

[A] 104.9.1 *Used materials and equipment.* The use of used materials that 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.

[A] 104.10 *Modifications.* Reserved.

[A] 104.10.1 *Flood hazard areas.* Reserved.

[A] 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, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

[A] 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.

[A] 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.* Alternate designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with provisions of the Florida Building Code, Accessibility.

104.12 *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, or general welfare, not specifically covered in the technical codes, shall be determined by the Building Official.

[A] 104.13 *Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.*

#### SECTION 105 PERMITS

[A] 105.1 *Required.* Any owner or owner's authorized agent 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 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 performed, shall first make application to the building official and obtain the required permit.

[A] 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 office system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations 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 facility site as deemed necessary. An annual facility permit shall be assessed with 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.

[A] 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 access to such records at all times or such records shall be filed with the building official as designated.

105.1.3 *Food permit.* In accordance with 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.

105.1.4 *Public swimming pool.* The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to Section 514.031, Florida Statutes. A certificate of completion or occupancy may not be issued until such operating permit is issued. The local enforcing agency shall conduct their review of the building permit application upon filing and in accordance with Chapter 553, Florida Statutes. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

[A] 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 that 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 (0.75 kW) 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.

[A] 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.

[A] *105.2.2 Minor repairs.* Ordinary minor repairs may be made with the 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; nor shall ordinary repairs 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.

[A] *105.2.3 Public service agencies.* Reserved.

[A] *105.3 Application for permit.* To obtain a permit, the applicant shall first file an application therefor 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 Sections 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.

Effective October 1, 2017, a local enforcement agency shall post each type of building permit application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the permit application may be submitted in person in a non-electronic format, at the discretion of the building official.

[A] *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 therefor. 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 therefor 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, Florida 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. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system



which contains 50 or more sprinkler heads. Personnel as authorized by chapter 633 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. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000. 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 \$125,000 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 three-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 \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4. 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.
5. *Electrical documents.* See Florida Statutes 471.003(2)(h).

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 stamped such document as provided in Section 471.025, Florida Statutes.

6. All public swimming pools and public bathing places defined by and regulated under Chapter 514, Florida Statutes.

*[A] 105.3.2 Time limitation of application.* An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, 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 and justifiable cause demonstrated.

*105.3.3* The Okaloosa county Growth Management Department 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 therefor 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 Sections 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.

*105.3.7 Applicable Code for Manufactured Buildings.* Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for permit, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

#### *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 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 unless extended in conformance with the extension provisions of this code.

*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 180 days 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 180 days. 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.

105.4.1.4 The fee for renewal reissuance and extension of a permit shall be set forth by the Board of County Commissioners.

[A] 105.5 *Expiration and extension.* Unless extended as provided for herein, every permit issued shall expire after two (2) years. Work authorized by such permit must be commenced within six (6) months after the permit's issuance; if the work authorized by such permit does not commence within six (6) months, or is suspended or abandoned for a period of six (6) months after the time the work is commenced, the permit shall expire. Failure to obtain an approved inspection within six (6) months of the previous approved inspection shall constitute suspension or abandonment and the permit shall be expired. 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. For permits under which construction has commenced, the building official is authorized to grant, in writing, one or more extensions of time, for periods not to exceed more than six (6) months each. The extension shall be requested in writing and justifiable cause demonstrated. Permits issued for the demolition of a structure shall expire sixty (60) days from the date of issuance. For a justifiable cause, one (1) extension of time for a period not exceeding thirty (30) days may be allowed. Such request shall be in writing to the building official.

[A] 105.6 *Denial, suspension, or revocation.* The Building Official is authorized to deny, suspend, or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the Building Official to be not in compliance with the Florida Building Code, the Building Official shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

[A] 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.* In accordance with 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 14-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. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. 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.

*105.10 Certificate of protective treatment for prevention of termites.* A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, providing a 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.

*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 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.

*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.* 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 shall supervise such work. In addition, they 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 stead a competent person or agency whose qualifications are reviewed by the building official. 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 XII of Chapter 468, Florida Statutes.

*Exception:* Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the Florida Building Code.

*105.15 Opening protection.* When any activity requiring a building permit, not including roof covering replacement or repair work associated with the prevention of degradation of the residence, that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single-family detached residential structure that is located in the wind borne debris region as defined in this code and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structure is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this code or Florida Building Code, Residential for new construction shall be provided.

*Exception:* Single family residential structures permitted subject to the Florida Building Code are not required to comply with this section.

*105.16 Inspection of existing residential building not impacted by construction.*

- (a) A local enforcing agency, and any local building code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building permit the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought.
- (b) This subsection does not apply to a building permit sought for:
  - 1. A substantial improvement as defined in § 161.54, Florida Statutes or as defined in the Florida Building Code.
  - 2. A change of occupancy as defined in the Florida Building Code.
  - 3. A conversion from residential to nonresidential or mixed use pursuant to § 553.507(2)(a), Florida Statutes or as defined in the Florida Building Code.
  - 4. A historic building as defined in the Florida Building Code.
- (c) This subsection does not prohibit a local enforcing agency, or any local building code administrator, inspector, or other official or entity, from:
  - 1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
  - 2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought in accordance with the prohibition in paragraph (a).
  - 3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
  - 4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with §§ 933.20-933.30, Florida Statutes.

*105.17 Streamlined low-voltage alarm system installation permitting.*

- (1) As used in this section, the term:
  - (a) "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under Part II of Chapter 489, Florida Statutes.
  - (b) "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in § 489.505, Florida Statutes, that is hardwired and operating at low voltage, as defined in the National Electrical Code Standard 70, Current Edition, or a new or existing low-voltage electric fence, and ancillary components or equipment attached to such a system, or fence, including, but not limited to, home-automation equipment, thermostats, closed-circuit television systems, access controls, battery recharging devices, and video cameras.
  - (c) "Low-voltage electric fence" means an alarm system, as defined in § 489.505, that consists of a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts which

produces an electric charge upon contact with the fence structure.

- (d) "Wireless alarm system" means a burglar alarm system or smoke detector that is not hardwired.
- (2) Notwithstanding any provision of this code, this section applies to all low-voltage alarm system projects for which a permit is required by a local enforcement agency. However, a permit is not required to install, maintain, inspect, replace, or service a wireless alarm system, including any ancillary components or equipment attached to the system.
- (3) A low-voltage electric fence must meet all of the following requirements to be permitted as a low-voltage alarm system project and no further permit shall be required for the low-voltage alarm system project other than as provided in this section:
- (a) The electric charge produced by the fence upon contact must not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition.
  - (b) A nonelectric fence or wall must completely enclose the low-voltage electric fence. The low-voltage electric fence may be up to 2 feet higher than the perimeter nonelectric fence or wall.
  - (c) The low-voltage electric fence must be identified using warning signs attached to the fence at intervals of not more than 60 feet.
  - (d) The low-voltage electric fence shall not be installed in an area zoned exclusively for single-family or multi-family residential use.
  - (e) The low-voltage electric fence shall not enclose the portions of a property which are used for residential purposes.
- (4) This section does not apply to the installation or replacement of a fire alarm if a plan review is required.
- (5) A local enforcement agency shall make uniform basic permit labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost as indicated in § 553.793, Florida Statutes. The local enforcement agency may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm.
- (a) A local enforcement agency may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or certification as a contractor.
  - (b) A label is valid for 1 year after the date of purchase and may only be used within the jurisdiction of the local enforcement agency that issued the label. A contractor may purchase labels in bulk for one or more unspecified current or future projects.
- (6) A contractor shall post an unused uniform basic permit label in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project.
- (7) A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided under subsection (7) to the local enforcement agency within 14 days after completing the project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project.
- (8) The Uniform Notice of a Low-Voltage Alarm System Project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Low-Voltage Alarm System Project shall be in the format prescribed by the local enforcement agency and must comply with the requirements of § 553.793(7), Florida Statutes.
- (9) A local enforcement agency may coordinate directly with the owner or customer to inspect a low-voltage

alarm system to ensure compliance with applicable codes and standards. If a low-voltage alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.

- (10) A municipality, county, district, or other entity of local government may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.
- (11) A uniform basic permit label shall not be required for the subsequent maintenance, inspection, or service of an alarm system that was permitted in accordance with this section. The provisions of this act are not intended to impose new or additional licensure requirements on persons licensed in accordance with the applicable provisions of Chapter 489, Florida Statutes.

#### *SECTION 106 FLOOR AND ROOF DESIGN LOADS*

*[A] 106.1 Live loads posted.* In commercial or industrial buildings, for each floor or portion thereof designed for live loads exceeding 50 psf (2.40 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner or the owner's authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

*[A] 106.2 Issuance of certificate of occupancy.* A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

*[A] 106.3 Restrictions on loading.* It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

#### *SECTION 107 SUBMITTAL DOCUMENTS*

*[A] 107.1 General.* Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by Chapter 471, Florida Statutes or Chapter 481, Florida Statutes. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

*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, and Chapter 61G-15 of the Florida Administrative Code then he or she shall affix his or her official seal, original signature, and date 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, original signature, and date to said drawings, specifications and accompanying data as defined in Section 481.303(6)(a)(b)(c)(d), FS and Chapter 61G-15 of the Florida Administrative Code.

*[A] 107.2 Construction documents.* Construction documents shall be in accordance with Sections 107.2.1 through 107.2.8.

*[A] 107.2.1 Information on construction documents.* Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted where approved 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.

*107.2.1.1* 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.

*107.2.1.2 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, signature and date as state law requires.

*107.2.1.3 Quality of building plans.* 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 size, shape, contrast, clarity, or other items related to records management, such as Building plans shall be drawn to a minimum 1/8 inch scale upon substantial paper, cloth or other acceptable medium.

*[A] 107.2.2 Fire protection system shop drawings.* Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to 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.

*[A] 107.2.3 Means of egress.* The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

*[A] 107.2.4 Exterior wall envelope.* Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.

*[A] 107.2.5 Site plan.* The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

*[A] 107.2.5.1 Design flood elevations.* Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1.

*107.2.5.2 Reserved.*

*[A] 107.2.6 Structural information.* The construction documents shall provide the information specified in Section 1603.

*107.2.7 Hazardous occupancies.* The building official may require the following:



1. *General site plan.* A general site plan drawn at a legible scale which shall include, but not be limited to, the location of buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, utility areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property. Exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of the hazardous materials stored.
2. *Building floor plan.* A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.

*107.2.8 As-built site plan.* Upon completion of the project and before a Certificate of Occupancy is issued, the builder/owner or his or her agent is required to submit an electronic as-built copy of the plans and associated documents on computer disc (CD) or appropriate storage device.

*[A] 107.3 Examination of documents.* The building official shall examine or cause to be examined the accompanying submittal 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 and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to Rule 61-41.009, Florida Administrative Code, shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriate design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval of the Building Official, from review of plans and inspections, providing owners certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

*[A] 107.3.1 Approval of construction documents.* When the building official issues a permit, the construction documents shall be approved, 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.

*[A] 107.3.2 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.

*[A] 107.3.3 Phased approval.* 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, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. 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.

107.3.3.1 Okaloosa County Department of Growth Management may not issue any permit for construction until the appropriate fire safety inspector has reviewed the plans pursuant to Section 633.081, Florida Statutes.

[A] 107.3.4 *Design professional in responsible charge.*

107.3.4.1 *General.* When it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

[A] 107.3.4.2 *Deferred submittals.* For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

107.3.4.3 *Certifications by contractors* authorized under the provisions of Section 489.115(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.

107.3.5 *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; all fenestration penetrations; flashing; and rough opening dimensions; 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
  - Flood hazard areas, flood zones, and design flood elevations
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
    - Pre-engineered 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
  - Impact resistant coverings or systems
  - Structural calculations (if required)
  - Foundation
  - Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials
  - 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
  - Design flood elevations
13. Swimming pools:
  - Barrier requirements
  - Spas
  - Wading pools
14. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.

*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
8. Design flood elevation

*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
14. Design flood elevation

*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
16. Design flood elevation

*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
10. Design flood elevation

*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. Fire
4. Smoke detector locations
5. Egress:
  - Egress window size and location stairs
  - construction requirements
6. Structural requirements shall include:
  - Wall section from foundation through roof, including assembly and materials connector tables wind requirements structural calculations (if required)
  - Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials
  - Termite Protection
  - Wind Design loads
  - Wind requirements
  - Building envelope
  - Structural calculations (if required)
  - Foundation
  - Wall systems
  - Floor systems
  - Roof systems
7. Accessibility requirements:
  - Show/identify
  - Accessible bath
8. Impact resistant coverings or systems

*Manufactured/Mobile Homes*

1. Site requirements. Setback/separation (assumed property lines) location of septic tanks (if applicable)
2. Structural wind zone anchoring blocking
3. Plumbing. Service Hook-up (Water & Sewer) List potable water source and meter size (if applicable)
4. Mechanical Exhaust systems clothes dryer exhaust kitchen equipment exhaust
5. Electrical Service
6. Service feeder
7. Design flood elevation
8. Anchoring system to prevent flotation

*Underground Utilities*

1. Full system design drawings.
2. All associated calculations

*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. Reroofs
3. Minor electrical, plumbing and mechanical repairs
4. Annual maintenance permits
5. Prototype plans:  
Except for local site adaptations, siding, foundations and/or modifications.  
  
Except for structures that require waiver.
6. Manufactured buildings plan except for foundations and modifications of buildings on site and as noted above.

*[A] 107.4 Amended construction documents.* Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. Resubmittal must be reviewed and approved by the Building Official.

*[A] 107.5 Retention of construction documents.* One set of approved construction documents shall be retained by the building official as required by the Florida Statutes.

*107.6 Affidavits.* 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 XII of Chapter 468, Florida Statutes.

*107.6.1 Building permits issued on the basis of an affidavit.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the building official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the Florida Building Code.

#### *SECTION 108 TEMPORARY STRUCTURES AND USES*

*[A] 108.1 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.



[A] *108.2 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.

[A] *108.3 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, for a period not to exceed 180 days, 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 NFPA 70.

[A] *108.4 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 dis-continued.

#### SECTION 109 FEES

[A] *109.1 Payment of fees.* Except as provided in section 109.5, below, a permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

[A] *109.2 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 Board of County Commissioners.

*109.2.1 Types of Fees Enumerated.* Fees may be charged for but not limited to the following:

Permits;

Plans examination;

Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);

Re-inspections;

Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);

Administrative appeals;

Violations; and

Other fees as established by local ordinance.

[A] *109.3 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 adjusted to represent the correct value, 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 date of national construction cost analysis services (Marshall-Swift, Means, etc.) with regional adjustments for location as published by International Code Congress annually. Final building permit valuation shall be set by the building official.

[A] *109.4 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 of 100 percent of the usual permit fee in addition to the required permit fees or as provided by

local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit.

*[A] 109.5 Related fees and exemptions.*

*[A] 109.5.1* The Building Official and one designee appointed by the Building Official are authorized to waive fee(s) in instances the following instances:

*109.5.1.1* When the fee that otherwise would have been collected is redundant with a fee for a service for which a fee has been or will be collected during the course of the Inspection Division's review and inspections of the subject.

*109.5.1.2* Permitting fees for disabled veterans meeting the criteria of Section 295.16, Florida Statutes, and, at the Building Official's sole discretion, all or part of the fees for applications and inspections submitted on behalf of disabled veterans by private, non-profit, charitable organizations when doing so furthers the provision of providing handicapped-accessible housing for disabled veterans.

*109.5.1.3* In such instances where fees have been waived pursuant to 109.5.1.1 and 109.5.1.2, the permitting record for the subject project will be annotated to reflect the amount of fee waived, the justification, and under whose authority the fee was waived.

*[A] 109.5.2* For permits issued via fax, active contractors shall complete a Fax Permit Form for each permit sought for re-roofing, siding, windows & doors change out, electrical, pre-wire, plumbing, mechanical, irrigation, burglar alarm and gas permits. Once the permit is issued, a copy of the fax permit is sent to the requester via email or fax. At the beginning of the following month, the fax billings are summarized and are emailed or mailed to the contractors for payment. Check payments may be delivered by hand or mailed to the County offices at which building permitting occurs. Payments must be received before the 15<sup>th</sup> of the next billing cycle. For example, a permit issued in January will be billed on the first of February and will be due by March 15<sup>th</sup>. Failure to pay for fax permits within the billing cycle will result in the contractor being placed on an inactive status with permit privileges suspended until the account is paid in full.

*[A] 109.6 Refunds.* The Building Official as well as one additional manager within the Inspections Division as designated by the Building Official are authorized to refund fee(s) in instances in which the fee being collected was assessed in error, could have been waived pursuant to 109.5, above. In such instances, the permitting record for the subject project will be annotated to reflect the amount of fee refunded, the justification, and under whose authority the fee was waived.

*SECTION 110 INSPECTIONS*

*[A] 110.1 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 owner or the owner's authorized agent to cause the work to remain accessible and exposed for inspection purposes. The building official shall be permitted to require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field. 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.

*110.1.1 Manufacturers and fabricators.* When deemed necessary by the building official, he or 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.

*110.1.2 Inspection service.* The building official may make, or cause to be made, the inspections required by Section 110 herein. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468, Florida Statutes.

*[A] 110.2 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.

*[A] 110.3 Required inspections.* The building official upon notification from the permit holder or his or her agent shall make the following inspections, 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.

### *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
  - 1.1. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification shall be submitted to the authority having jurisdiction.
  - 1.2 *Slab Inspection:* To be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed and the electrical, plumbing and mechanical work is complete. Slab shall not be poured until all required inspections have been made and passed. A survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the first required inspection after the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector.
2. *Framing inspection.* To be made after the roof, all framing, fireblocking 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
  - Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
  - Draft stopping/fire blocking
  - Curtain wall framing

- Energy insulation
- Accessibility
- Verify rough opening dimensions are within tolerances.

2.1 *Insulation Inspection:* To be made after the framing inspection is approved and the insulation is in place.

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/cladding
  - Sheathing fasteners
  - Roof/wall dry-in
  - window/door buck attachment
4. *Roofing inspection.* Shall at a minimum include the following building components:
  - Dry-in
  - Insulation
  - Roof coverings
  - Flashing
5. *Final inspection.* To be made after the building is completed and ready for occupancy.
  - 5.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the authority having jurisdiction.
6. *Swimming pool inspection.* The first inspection is to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete shell. The second inspection will be an electrical grounding and bonding inspection. The third will be an underground plumbing inspection including a pressure test. The final inspection is 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 454.2.17.
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 cross-overs; 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 453.27.20 of this code).
9. Where impact-resistant coverings or impact-resistant systems are installed, the building official shall schedule adequate inspections of impact-resistant coverings or impact-resistant systems 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.

#### *Electrical*

1. *Underground inspection.* To be made after trenches or ditches are excavated, conduit or cable 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. *Final inspection.* To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
4. *Existing Swimming Pools.* To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.
5. Temporary poles.

#### *Plumbing*

1. *Underground inspection.* To be made after trenches or ditches are excavated, piping 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.

#### *Mechanical*

1. *Underground inspection.* To be made after trenches or ditches are excavated, underground duct and fuel piping 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.

#### *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.

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

#### *Underground Utilities*

1. Storm sewer piping inspection.
2. Storm manhole/catch basin inspection.
3. Sewer piping inspection.
4. Water piping inspection.
5. Sewer manhole inspection.
6. Lift station inspection.
7. Electrical conduit and boxes inspection.
8. Transformer pad inspection.

#### *Insulation Inspection*

To be made after the framing inspection is approved and the insulation is in place.

*110.3.1 Footing and foundation inspection.* Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

*[A] 110.3.2 Concrete slab and under-floor inspection.* Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor. Have to add.

*[A] 110.3.3 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.

*[A] 110.3.4 Frame inspection.* Reserved.

*[A] 110.3.5 Lath, gypsum board and gypsum panel product inspection.* Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

*Exception:* Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

*[A] 110.3.6 Fire- and smoke-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

*[A] 110.3.7 Energy efficiency inspections.* Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency.

[A] *110.3.8 Other inspections.* In addition to the inspections specified in Sections 110.3 through 110.3.7, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Growth Management Department.

[A] *110.3.9 Special inspections.* For special inspections, see Section 1704.

[A] *110.3.10 Final inspection.* The final inspection shall be made after all work required by the building permit is completed.

[A] *110.3.10.1 Flood hazard documentation.* Reserved.

*110.3.11 Termites.* Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7, Section 2304.12.9 or Section 2304.12.4, 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.

*110.3.12 Impact-resistant coverings or systems.* Where impact-resistant coverings or systems are installed to meet requirements of this code, the building official shall schedule adequate inspections of impact-resistant coverings or systems to determine the following:

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

[A] *110.4 Inspection agencies.* The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

[A] *110.5 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.

[A] *110.6 Approval required.* Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, 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 official.

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

*110.8 Threshold building.*

*110.8.1* 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.

*110.8.2* 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 § 553.71(7), Florida Statutes may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

*110.8.3* 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.

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

*110.8.4.1* 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."

*110.8.4.2* Any proposal to install an alternate structural product or system to which building codes apply 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.

*110.8.4.3* All shoring and reshoring procedures, plans and details 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.

*110.8.4.4* 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.

*110.8.5* 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.

*110.8.6* The Growth Management 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.

#### *SECTION 111 CERTIFICATE OF OCCUPANCY AND COMPLETION*

*[A] 111.1 Use and occupancy.* A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor 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.



*Exception:* Certificates of occupancy are not required for work exempt from permits in accordance with Section 105.2.

[A] 111.2 *Certificate issued.* After the building official inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the Growth Management Department, 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 or the owner's authorized agent.
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. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the authority having jurisdiction.
7. The name of the building official.
8. The edition of the code under which the permit was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3.
10. The type of construction as defined in Chapter 6.
11. The design occupant load.
12. If an automatic sprinkler system is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building permit.

111.2.1 *Certificate not issued.* If a certificate of occupancy is not issued within 180 days from the final inspection, the building permit becomes null and void. The permit will have to be repurchased at the full cost of the original building permit fee.

[A] 111.3 *Temporary occupancy.* The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

[A] 111.4 *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.

111.5 *Certificate of completion.* A certificate of completion 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 a building, such as shell building, prior to the issuance of a certificate of occupancy.

## SECTION 112 SERVICE UTILITIES

[A] 112.1 *Connection of service utilities.* A person shall not 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.

[A] 112.2 *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.

[A] 112.3 *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 this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2.

The building official shall notify the serving utility, and wherever 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 113 CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

113.1 *Appointment.* There may be established a board to be called the Okaloosa County Construction Board of Adjustment and Appeals, which should consist of nine members but not less than seven. The Board shall be appointed by the Board of County Commissioners.

##### 113.2 *Membership and terms.*

113.2.1 *Membership.* The Okaloosa County Construction Board of Adjustment and Appeals should be composed of two (2) division I contractors, one (1) electrical contractor, one (1) mechanical contractor, one (1) plumbing contractor, (1) architect, (1) engineer and two (2) members of the general public whenever possible. A board member shall not act in a case in which he has a personal or financial interest.

113.2.2 *Terms.* The terms of office of the board members shall be staggered so no more than 1/3 of the board is appointed or replaced in any 12 month period. The staggering shall be as follows: the initial term of one (1) of the division I contractors, the electrical contractor, and the mechanical contractor shall be one (1) year; the initial term of the remaining division I contractor, the plumbing contractor, and one (1) member of the general public shall be two (2) years; the initial term of the architect, the engineer, and the remaining member of the general public shall be three (3) years. After the initial term has lapsed, the term in office of each member shall be three (3) years. Membership shall automatically renew unless the member declines to renew or is removed due to repeated absences from required meetings. Vacancies shall be filled for an un-expired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the board shall, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

113.2.3 *Quorum and voting.* A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, but not less than a majority of the board, shall be required.

113.2.4 *Secretary of board.* A person shall be appointed by the Okaloosa County Department of Growth Management 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.

113.3 *Powers.* The Okaloosa County Construction Board of Adjustments and Appeals shall have the power to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

##### 113.4 *Appeals.*

113.4.1 *Decision of the building official.* The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the Okaloosa County 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 there under have been misconstrued or incorrectly interpreted.

*113.4.3 Notice of appeal.* Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the building official. Appeals relating to provisions of the Florida Building Code, other than local amendments, may be appealed to the Florida Building Commission, pursuant to section 120.569 Florida Statutes, regarding the local governments action. Notice of Administrative Rights may be obtained from the Okaloosa County Department of Growth Management.

*113.4.4 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 his order, limit the time for such appeals to a shorter period.

#### *113.5 Procedures of the Board.*

*113.5.1 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.

*113.5.2 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. The decisions of the Okaloosa County Construction Board of Adjustment and Appeals must be appealed to the local Circuit Court. This appeal must be filed within thirty (30) days of the ruling by the Okaloosa County Construction Board of Adjustment and Appeals.

### *SECTION 114 VIOLATIONS*

*114.1* 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, in violation of a detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor of the second degree. 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. Upon conviction of any such violation such person shall be punished within the limits as provided by law and local ordinance.

### *SECTION 115 STOP WORK ORDER*

*[A] 115.1 Authority.* Where the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

*[A] 115.2 Issuance.* The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing 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 immediate threat to life, health, or safety emergency exists, the Building Official shall not be required to give a written notice prior to stopping work.

*[A] 115.3 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 116 UNSAFE STRUCTURES AND EQUIPMENT*

Unsafe Buildings shall be abated according to the provisions of the International Property Maintenance Code 2006 edition, promulgated by the International Code Council, Inc., subject to all amendments, modifications or deletions hereinafter contained.

#### *SECTION 117 VARIANCES IN FLOOD HAZARD AREAS*

*117.1 Flood hazard areas.* Pursuant to Section 553.73(5), Florida Statutes, the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the building official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of Section R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.

#### *SECTION 118 SEVERABILITY*

*118.1* 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.

(Ord. No. 12-08, § 6, 3-6-12; Ord. No. 15-13, § 3, 7-7-15; Ord. No. 18-04, § 4, 2-20-18)

**Editor's note**— Ord. No. 12-08, § 6, adopted March 6, 2012, repealed the former § 6-133, and enacted a new § 6-133 as set out herein. The former § 6-133 pertained to similar subject matter and derived from Ord. No. 09-20, adopted October 6, 2009.

**Palmetto, FL - Code of Ordinances** ([https://library.municode.com/fl/palmetto/codes/code\\_of\\_ordinances](https://library.municode.com/fl/palmetto/codes/code_of_ordinances))

## Sec. 17-28. - Palmetto Property Maintenance Code.

1. The below sections of the "International Property Maintenance Code, Edition 2006," as published by the International Code Commission, Inc. and amended from time to time, are hereby adopted by reference as if fully rewritten herein and shall be referred to as the Palmetto Property Maintenance Code.

Chapter 1 ADMINISTRATION

## Section 108 Unsafe Structures And Equipment

## 108.1 General

## 108.1.1 Unsafe Structures

## 108.1.2 Unsafe Equipment

## 108.1.3 Structure Unfit For Occupancy

## 108.1.4 Unlawful Structure

## 108.2 Closing Vacant Structures

## 108.4 Placarding

## 108.5 Prohibited Occupancy

Chapter 2 DEFINITIONS

## All Sections

Chapter 3 GENERAL REQUIREMENTS

## Section 301 General

## 301.1 Scope

## 301.2 Responsibility

## 301.3 Vacant Structures &amp; Land

## Section 302 Exterior Property Areas

## 302.1 Sanitation

## 302.3 Sidewalks &amp; Driveways

## 302.5 Rodent Harborage

## 302.6 Exhaust Vents

## Section 304 Exterior Structure

## 304.1 General

## 304.2 Protective Treatment

304.4 Structural Members

304.6 Exterior Walls

304.7 Roofs & Drainage

304.8 Decorative Features

304.9 Overhang Extensions

304.10 Stairways, Decks, Porches

304.11 Chimneys & Towers

304.12 Handrails & Guards

304.13 Window, Door Frames

304.13.1 Glazing

304.13.2 Openable Windows

304.14 Insect Screens

304.15 Doors

304.18 Building Security

#### Section 305 Interior Structure

305.1 General

305.2 Structural Members

305.3 Interior Surfaces

305.4 Stairs & Walking Surfaces

305.5 Handrails & Guards

305.6 Interior Doors

#### Section 307 Rubbish and Garbage

307.1 Accumulation of Garbage

307.2.2 Refrigerators

#### Section 308 Extermination

308.1 Infestation

### Chapter 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

#### Section 401 General

401.3 Alternative Devices

#### Section 402 Light

402.1 Habitable Spaces

402.2 Common Halls & Stairways

402.3 Other Spaces

Section 403 Ventilation

403.1 Habitable Spaces

403.2 Bathrooms & Toilet Rooms

403.3 Cooking Facilities

403.5 Clothes Dryer Exhaust

Section 404 Occupancy Limitations

404.1 Privacy

404.2 Minimum Room Widths

404.4 Bedroom & Living Room

404.4.1 Room Area

404.4.2 Access From Bedrooms

404.4.3 Water Closet Accessibility

404.4.4 Prohibited Occupancy

404.4.5 Other Requirements

404.5 Overcrowding

404.6 Efficiency Unit

404.7 Food Preparation

Chapter 4 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

Section 501 General

501.2 Responsibility

Section 502 Required Facilities

502.1 Dwelling Units

502.4 Employees Facilities

Section 503 Toilet Rooms

503.1 Privacy

Section 504 Plumbing Systems and Fixtures

504.1 General

504.2 Fixture Clearances

504.3 Plumbing System Hazards

Section 505 Water System

505.1 General

505.3 Supply

505.4 Water Heater Facilities

Section 506 Sanitary Drainage System

506.1 General

506.2 Maintenance

Section 507 Storm Drainage

507.1 Storm Drainage

Chapter 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

Section 601 General

601.2 Responsibility

Section 602 Heating Facilities

602.2 Residential Occupancies

602.5 Room Temperature Measurement

Section 603 Mechanical Equipment

603.1 Mechanical Appliances

603.2 Removal of Combustion Products

603.3 Clearances

603.4 Safety Controls

603.5 Combustion Air

Section 604 Electrical Facilities

604.1 Facilities Required

604.3 Electrical System Hazards

Section 605 Electrical Equipment

605.1 Installation

605.2 Receptacles

Section 607 Duct Systems



## 607.1 General

Printed copies of the Palmetto Property Maintenance Code shall be available for review at the Office of the City Clerk and the Building Department.

2. The provisions of the Palmetto Property Maintenance Code shall not be mandatory for existing buildings or structures when such buildings or structures are:
  - (a) more than fifty (50) years old; and
  - (b) determined by the City Planner to be significant in the history, architecture, archeology, or culture of the city, county, state or United States; and
  - (c) determined, in the sole judgment of the City Building Official, to be safe and in the best interest of the public health, safety and welfare.

Structures or buildings listed on the National Register of Historic Places or the state inventory of historic places shall be deemed to have met the criteria provided in section (b) of this subsection.

3. Where, in the sole discretion of the City Building Official, a provision of the Palmetto Property Maintenance Code conflicts with another provision of the City Code of Ordinances or the Florida Building Code, the City Code of Ordinances or the Florida Building Code shall apply.
4. A violation of any provision of the Palmetto Property Maintenance Code shall constitute a nuisance under this code of ordinances.

(Ord. No. 07-949, § 2, 10-15-07)

**Winter Springs, FL - Code of Ordinances** ([https://library.municode.com/fl/winter\\_springs/codes/code\\_of\\_ordinances](https://library.municode.com/fl/winter_springs/codes/code_of_ordinances))

## Sec. 6-31. - Administrative amendments to Chapter 1 of the Florida Building Code.

Chapter 1 of the Florida Building Code, as provided for in Section 553.73, Florida Statutes, is hereby amended in the following respects: (The section numbers in italics provided below are for reference purposes only, and are included to provide ease of reference between this chapter and the Florida Building Code. Further, certain portions of Chapter 1 of the Florida Building Code unaffected by these local amendments are omitted from this section 6-31 altogether and/or indicated by ellipses (\* \* \*). Those sections of Chapter 1 of the Florida Building Code omitted from this section 6-31 and/or indicated by an ellipses shall remain in full force and effect as set forth in the Florida Building 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.

## Exception:

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 Florida Building Code, Existing.

*101.2.1* Appendices. Provisions in the appendices shall not apply unless specifically adopted. The City of Winter Springs hereby adopts Appendix F, Rodent Proofing.

*101.2.2* Florida Building Code, Residential Construction standards or practices which are not covered by Florida Building Code, Residential volume shall be in accordance with the provisions of Florida Building Code, Building,

*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* Warranty and Liability. The permitting, plan review or inspection of any building, system or plan by this 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. The city 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.

*101.4.4* Property maintenance. The provisions of the International Property Maintenance Code, 2006, as adopted by Article VIII of this Chapter, shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

*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 the Florida Building Code. 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 II (Section 553.501-553.513, Florida Statutes) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. Permits shall be required for structural support and tie down, electric supply and all other such utility connections to such mobile or modular structures as required by the City.
- 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 non-wood features.
- i) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

*102.5* Partial invalidity. In the event that any part or provision of the Florida Building Code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

*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, the International Property Maintenance Code, 2006, 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.

*103.1* Building Division. There is hereby established a division of the Community Development Department called the Building Division. The Building Division shall be led by the building official, who in turn will report to the community development director.

*103.2* Building Official. The building official shall be hired or appointed by the community development director, with the approval of the city manager, and shall be licensed in accordance with Chapter 553, Florida Statutes, as may be amended, as a Building Code Administrator by the State of Florida.

*103.3* Building Division Employees. The community development director, with the approval of the city manager, may appoint or hire such number of officers, inspectors, plans examiners, and other assistants to the building official as are needed from time to time, provided such person shall not be appointed or hired as either an inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner as established in Chapter 553, Florida Statutes, as may be amended.

*104.1* 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. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

*104.2* Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

*104.3* Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

*104.4* Inspections. The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the city manager.

*104.5* Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

*104.6* Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

*104.7* Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records pursuant to Chapter 119, Florida Statutes.

*104.8* Liability. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the city in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the city until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

*104.10* Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

*104.12* 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.

*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; nor shall ordinary repairs 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 or mechanical 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* Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

*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. Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. The system:
  1. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value of over \$125,000; and
  - 2.a. Requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system;

NOTE: It was further clarified by the Commission that the limiting factor of 240 volt or over is required to be designed by an Engineer.

- b. Requires a plumbing system with 250 fixture units or more;
- c. Requires a heating, ventilation, and air-conditioning system that exceeds a 15-ton-per-system capacity, or if the project is designed to accommodate over 100 persons.

NOTE: It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

2. 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. 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 stamped 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 to have been abandoned becoming null and void 180 days after the date of filing, 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 and justifiable cause demonstrated.

*105.3.8* Public right-of-way. A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way permit from the authority having jurisdiction over the street, alley or public lane.

*105.5* Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

*105.6* Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

*107.1* General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by Chapter 471, Florida Statutes & 61G15 Florida Administrative Code or Chapter 481, Florida Statutes & 61G1 Florida Administrative Code. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

*107.2.1* Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved 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. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design. (see also Section 107.3.5).

*107.2.3* Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

*107.2.4* Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

*107.2.5* Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan

shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

*107.3 Examination of documents.* The building official shall examine or cause to be examined the accompanying submittal 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. Photocopies of plans approved according to section 9B-1.009, F.A.C., shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriate licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval of 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.

*107.3.3 Phased approval.* 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, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. 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.

*107.3.4 Design professional in responsible charge*

*107.3.4.1 General.* When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

*107.3.4.2 Deferred submittals.* For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

107.3.5 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; all fenestration penetrations; flashing; and rough opening dimensions; and all exterior elevations:

Residential (one-and two-family):

...

7. Structural requirements shall include:

Wall section from foundation through roof, including assembly and materials connector tables wind requirements structural calculations (if required)

Termite protection

Design protection

Design loads

Wind requirements

Building envelope

Structural calculations (if required)

Foundation

Wall systems

Floor systems

Roof systems

...

12. Manufactured buildings plan except for foundations and modifications of buildings on site.

1. Site requirements

Setback/separation (assumed property lines)

Location of septic tanks (if applicable)

2. Structural

Wind zone

Anchoring

Blocking

3. Plumbing

List potable water source and meter size (if applicable)

4. Mechanical

Exhaust systems

Clothes dryer exhaust

Kitchen equipment exhaust



5. Electrical  
Exterior disconnect location

*107.4* 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 approval as an amended set of construction documents.

*109.2.1* Types of Fees Enumerated. Fees may be charged for but not limited to the following:

- Permits;
- Plans examination;
- Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- Re-inspections;
- Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- Variance requests;
- Administrative appeals;
- Violations; and
- Other fees as established by local resolution or ordinance.

*109.3* Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

*109.4* 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 of 100 percent of the usual permit fee in addition to the required permit fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

*109.5* Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

*109.6* Refunds. The building official is authorized to establish a refund policy.

*110.1* 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. The building official shall be permitted to require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field. 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.

*110.1.1* 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.

*110.1.2* Inspection service. The building official may make, or cause to be made, the inspections required by 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, Qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

*110.3* 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.

Building:

1. Foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job. and shall at a minimum include the following building components:
  - Stem-wall
  - Monolithic slab-on-grade
  - Piling/pile caps
  - Footers/grade beams
- 1.1. Slab Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

A foundation/Form board survey prepared and certified by a registered surveyor may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.
- 1.2. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.
2. Framing inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved, and shall at a minimum include the following building components:
  - Window/door framing and installation
  - Vertical cells/columns
  - Lintel/tie beams

- Framing/trusses/bracing/connectors (including truss layout & Engineered drawings)
- Draft stopping/fire blocking
- Curtain wall framing
- Energy insulation
- Accessibility
- Verify rough opening dimensions are within tolerances
- Window/door buck attachment

2.1. Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place.

2.2 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished. Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

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.
- Sheathing/cladding inspection

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

4. Roofing inspection. To be made as a minimum of two inspections and shall include the following building components:

- Dry-in
- Insulation
- Roof coverings (including In Progress as necessary)
- Flashing

5. Final inspection. To be made after the building is completed and ready for occupancy.

5.1. Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

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 shell.

Underground electric inspection.

Underground piping inspection including a pressure test

Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place

Safety Inspection: Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.

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.

...

*110.3.10* Final inspection. The final inspection shall be made after all work required by the building permit is completed.

*110.4* Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

## SECTION 113 BOARD OF APPEALS

*113.1* Construction Board of Adjustment and Appeals. There is hereby established a board to be called the construction board of adjustments and appeals, which shall consist of the five (5) members of the Winter Springs City Commission. The term of office for each of the five (5) seats which comprise the board of adjustments and appeals shall be the term of office for the commissioner who occupies that particular seat. Vacancies shall be filled for an unexpired term in the same manner in which commission seat vacancies are filled under the terms of the City Charter for the City of Winter Springs as well as the Winter Springs Code of Ordinances.

*113.2* Powers. The Construction Board of Adjustments and Appeals shall have the power, further defined in 113.3, to hear appeals of decisions and interpretations of the building official.

### *113.3* Appeals.

*113.3.1* Decision of the building official. The owner of a building, structure or service system, or his or her 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 there under have been misconstrued or incorrectly interpreted.

*113.3.2* Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the building official. Appeals relating to provisions of the Florida Building Code, other than local amendments, may be appealed to the Florida Building Commission, pursuant to section 120.569, Florida Statutes, regarding the local governments action. Notice of Administrative Rights may be obtained from the building division.

*113.3.3* 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 114 VIOLATIONS

*114.1* Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

*114.2* Notice of violation. The building official or any city law enforcement officer or code enforcement official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

*114.3* Prosecution of violation. If the notice of violation is not complied with promptly, the building official, law enforcement officer or code enforcement official is authorized to pursue code enforcement proceedings, request the city's legal counsel to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

*114.4* Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

## SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

*116.1* The standards and enforcement procedures applicable to unsafe structures and equipment shall be governed by the International Property Maintenance Code, 2006, as adopted by Article VIII of this Chapter.

(Ord. No. 2001-57, § 2, 12-10-01; Ord. No. 2012-15, § 2, 10-8-12; Ord. No. 2019-08, § 3, 5-13-19)

## ARTICLE VIII. - INTERNATIONAL PROPERTY MAINTENANCE CODE

*Footnotes:*

--- (8) ---

**Editor's note**— Ord. No. 2012-15, § 2, adopted Oct. 8, 2012, renumbered former Art. XIII as Art. VIII.

Sec. 6-300. - International Property Maintenance Code adopted.

The city hereby adopts in its entirety the 2006 International Property Maintenance Code, a copy of which is attached hereto as Exhibit "A" (herein after referred to as "Maintenance Code"), except as amended as follows:

(a) Pursuant to section 101.1 of the Maintenance Code:

The regulations shall be know as the "Property Maintenance Code of the City of Winter Springs."

(b) Section 101.3 of the Maintenance Code is amended in its entirety to read as follows:

Application of other codes, repairs, additions or alterations to structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Florida Building Code, Florida Fire Prevention Code, Florida Life Safety Code, and the City Code. It is not the intent of the Maintenance Code to affect any of the requirements in the City's zoning code.

(c) Section 102.7 of the Maintenance Code is deleted in its entirety.

(d) Section 103 is deleted in its entirety and replaced with the following:

The "code official(s)" responsible for enforcing the provisions of the Maintenance Code shall be the city's code enforcement officers and the city's building official or such other person deemed qualified by the city manager.

(e) Section 106 is deleted in its entirety and replaced with the following:

- (1) It shall be unlawful for any person, corporation, or other entity to be in violation of any provision of this Maintenance Code. Violations shall constitute a public nuisance and shall be deemed a strict liability offense.
- (2) Violations of the Maintenance Code shall be prosecuted by the city by any lawful means available including, but not limited to, actions before the code enforcement board or special magistrate, civil code enforcement citation, and by an independent action before a court of law. Penalties and additional city remedies for violations hereof shall be as provided under section 1-15 of the city code. For purposes of a civil citation, each violation shall constitute a class IV violation.
- (3) In the event that a person fails to comply with a notice of violation issued by a code official or order rendered by the code enforcement board or special magistrate, the city manager is hereby authorized to take lawful steps including, but not limited to, instituting an appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require removal or termination of the unlawful occupancy of the building in violation of this Maintenance Code. If the city causes the conditions constituting the violation to be immediately remedied, any expenses incurred by the city to remedy the violation including, but not limited to, contractor and material costs, administrative overhead, attorneys fees, and other related costs shall be assessed by lien against the property on which the violation occurs. Such assessment liens shall be prior to all other liens on such property except the lien of state, county, and municipal taxes and shall be in parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than thirty (30) days, may be foreclosed by the city in the manner provided by law for the foreclosure of mortgages.

(f) Section 109.5 is deleted in its entirety and shall read as follows:

The city manager is authorized to expend funds in the performance of emergency repairs under this section. If emergency repairs are performed by the city, any expenses incurred by the city to make said repairs including, but not limited to, contractor and material costs, administrative overhead, attorneys fees, and other related costs shall be assessed by lien against the property on which the emergency repairs occurred. Such assessment liens shall be prior to all other liens on such property except the lien of state, county, and municipal taxes and shall be in parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by the city in the manner provided by law for the foreclosure of mortgages.

(g) Section 111 is amended is as follows:

- (1) The code enforcement board shall serve as the board of appeals under the Maintenance Code.
- (2) Section 111.1 is deleted in its entirety and shall read as follows:

Any person directly affected by an administrative decision of the code official shall have the right to appeal to the board of appeals an interpretation or application of the Maintenance Code by filing a notice of appeal with the code official within twenty (20) days of said interpretation or application. However, once a code official or the city has initiated enforcement proceedings under the Maintenance Code, a person is barred from bringing an appeal under this section related to the interpretation or application of any provision of the Maintenance Code which is the subject matter of the enforcement proceeding until such time the enforcement proceeding has been concluded through all appeals.
- (3) Sections 111.2 through 111.7 are deleted in their entirety.
- (4) Section 111.7 shall read as follows:

Any person aggrieved by a final decision of the code enforcement board serving as the board of appeals under this section shall have the right to appeal said decision to a court of competent jurisdiction.

(h) Section 201.3 is deleted in its entirety and shall read as follows:

Where terms are not defined in this code and are defined in the Florida Building Code or Florida Fire and Life Safety Code, such terms shall have the meanings ascribed to them as stated in those codes.

(i) The first sentence of Section 302.4 is amended to insert "ten (10) inches."

(j) Section 304.14 is amended to delete the preface in the first sentence, "During the period from [DATE] to [DATE],".

(k) Section 602.3 and 602.4 are amended to add a date range of "October 15 to April 30."

(l) Chapter 7 is amended to substitute all references to the "International Fire Code" with the reference to the "Florida Fire Prevention Code." In addition, all references to the "International Building Code" shall be substituted with the reference to the "Florida Building Code."

(m) Chapter 8 is deleted in its entirety.

(Ord. No. 2008-07, § 2, 4-14-08; Ord. No. 2010-09, § 2, 4-26-10; Ord. No. 2015-22, § 8, 10-26-15)

Sec. 6-301. - Supplemental; minimum standards.

The Maintenance Code shall be deemed supplemental, and in addition to, any other city code. However, to the extent that a conflict exists between the Maintenance Code, and any other city code, the conflicting provision that most protects life and property shall apply. In addition, with respect to any conflicting enforcement procedures set forth in the city code, said enforcement procedures shall not be deemed conflicting, but rather alternative methods to enforce the applicable city codes.

(Ord. No. 2008-07, § 2, 4-14-08)

Sec. 6-302. - Preemption; Florida Building Code; Florida Fire and Life Safety Code.

To the extent that any provision of the Florida Building Code and Florida Fire Prevention Code conflicts with and preempts any provision of the Maintenance Code, the Maintenance Code provision which is conflicting and preempted shall not apply.

(Ord. No. 2008-07, § 2, 4-14-08)

**Destin, FL - Code of Ordinances** ([https://library.municode.com/fl/destin/codes/code\\_of\\_ordinances](https://library.municode.com/fl/destin/codes/code_of_ordinances))

Sec. 6-47. - Administrative amendments to the Florida Building Code.

*SECTION 1.* The Florida Building Code is hereby amended by the following administrative amendments:

**SECTION 101****GENERAL**

**101.1 Title.** These regulations shall be known as the "*Florida Building Code*". References to the *Florida Building Code* refer to the current *Florida Building Code*, as adopted by section 6-46 of this City Code of Ordinances, and includes these administrative amendments thereto.

**101.2 Scope.** The provisions of the *Florida Building Code* shall apply to the construction, alteration, relocation, 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, with the following two 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 not more than three stories above grade plane in height, shall comply with the *Florida Building Code, Residential*.
2. *Florida Building Code* requirements that address snow loads and earthquake protection are pervasive; they are left in place but shall not be utilized or enforced because Florida has no snow load or earthquake threat.

**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.

**101.2.2 *Florida Building Code, Residential Construction*** standards or practices which are not covered by Florida Building Code, Residential, shall be in accordance with the provisions of Florida Building Code, Building.

**101.3 Intent.** The purpose of the Florida Building 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 and emergency responders during emergency operations.

**101.3.1 Quality control.** Quality control of materials and workmanship is not within the purview of the *Florida Building Code* except as it relates to the purposes stated herein.

**101.3.2 Warranty and Liability.** The permitting, plan review or inspection of any building, system or plan by the City, under the requirements of the *Florida Building Code*, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. The City 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.

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

**101.4.1 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 the *Florida Building 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.

**101.4.2 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.

**101.4.3 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.

**101.4.4 Property maintenance.** The provisions of the most current *International Property Maintenance Code* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

**101.4.5 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, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

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

**101.4.7 Existing buildings.** The provisions of the *Florida Existing Building Code* shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

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

**101.4.9 Manufactured buildings.** For additional administrative and special code requirements, see Section 458, *Florida Building Code, Building*, and Rule 61-41 *Florida Administrative Code*.

## SECTION 102 APPLICABILITY

**102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of the *Florida Building Code*, specify different materials, methods of construction or other requirements, the most restrictive shall govern.

**102.1.1** The *Florida Building Code* does not apply to, and no code enforcement action under the *Florida Building Code* shall be brought by the building official 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 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) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
- (f) 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.
- (g) 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 non-wood features.
- (h) Family mausoleums not exceeding 250 square feet (23 m<sup>2</sup>) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (i) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (j) Reserved.
- (k) A building or structure having less than 1,000 square feet (93 m<sup>2</sup>) which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:
  1. Is not rented or leased or used as a principal residence;
  2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and
  3. Is not connected to an off-site electric power or water supply.

**102.2.1** In addition to the requirements of F.S. §§ 553.79 and 553.80, facilities subject to the provisions of F.S. ch. 395, and F.S. ch. 400, pt. II, shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of F.S. ch. 395, and F.S. ch. 400, pt. II, and the certification requirements of the federal government.

**102.2.2** Residential buildings or structures 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 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 Florida Building Code, Building for all residential buildings or structures of the same occupancy class.

**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** Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities.

1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one or more exemptions from the Florida Building Code relating to:
  - a. Addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 square feet (93 m<sup>2</sup>) or the square footage of the primary structure, whichever is less.
  - b. Addition, alteration, or repairs by a non-owner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.
  - c. Building and inspection fees.
2. However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in mapped flood hazard areas, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.
3. Each code exemption, as defined in sub-subparagraphs 1a, 1b, and 1c shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

**102.2.6** This section does not apply to swings and other playground equipment accessory to a one- or two-family dwelling, except that electrical service to such playground equipment shall be in accordance with F.S. ch. 27.

**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 the Florida Building Code.

**102.4 Referenced codes and standards.** The codes and standards referenced in the Florida Building Code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

**102.4.1 Conflicts.** Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

**102.4.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Florida Codes listed in Section 101.4, the provisions of this code or the Florida Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

**102.5 Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**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, the *Florida Building Code, Existing Building, International Property Maintenance Code* and the *Florida Fire Prevention Code*.

**102.6.1 Buildings not previously occupied.** A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the *Florida Building Code* or *Florida Residential Code*, as applicable, for new construction or with any current permit for such occupancy.

**102.6.2 Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the *Florida Fire Prevention Code International Property Maintenance 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.
- (3) A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

**102.8 Existing mechanical equipment.** The City may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved during reroofing and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

**PART 2—ADMINISTRATION AND ENFORCEMENT**

**SECTION 103  
BUILDING DIVISION**

**103.1 Creation of enforcement agency.** The Building Division is hereby created and the official in charge thereof shall be known as the building official.

**103.2 Appointment.** The building official shall be appointed or hired by the City Manager.

**103.3 Deputies.** In accordance with the prescribed procedures of the City and with the concurrence of the City Manager, the building official shall have the authority to appoint or hire a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

**SECTION 104****DUTIES AND POWERS OF BUILDING OFFICIAL**

**104.1 General.** The building official is hereby authorized and directed to enforce the provisions of the *Florida Building Code*. The building official shall have the authority to render interpretations of the *Florida Building 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 the *Florida Building Code*. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the *Florida Building Code*.

**104.2 Applications and permits.** The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official or certified flood plain manager shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official, or certified flood plain manager determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official or certified flood plain manager shall require the building to meet the requirements of Section 1612 or R322, as applicable.

**104.3 Notices and orders.** The building official shall issue all necessary notices or orders to ensure compliance with the *Florida Building Code*.

**104.4 Inspections.** The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**104.5 Identification.** The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of the *Florida Building Code*, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of the *Florida Building Code* which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

**104.7 Department records.** The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per *Chapter 119, Florida Statutes and the General Records Schedule GS1-SL for State and Local Government Agencies*.

**104.8 Liability.** The building official, member of the board of appeals or employee charged with the enforcement of the *Florida Building Code*, while acting for the City in good faith and without malice in the discharge of the duties required by the *Florida Building Code* or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of the *Florida Building Code* shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of the *Florida Building Code*.

**104.8.1 Legal defense.** Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of the *Florida Building Code* shall be defended by the City's legal representatives until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of the *Florida Building Code*.

**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 materials which meet the requirements of the *Florida Building Code* for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

**104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of the *Florida Building Code*, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of the *Florida Building Code* impractical and the modification is in compliance with the intent and purpose of the *Florida Building Code* and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the City's Building Division.

**104.10.1 Flood hazard areas.** The building official shall coordinate with the certified floodplain manager to review requests submitted to the building official that seek approval to modify the strict application of the flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 117.

**104.11 Alternative materials, design and methods of construction and equipment.** The provisions of the *Florida Building Code* are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the *Florida Building 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 the *Florida Building Code*, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in the *Florida Building Code* in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

**104.11.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in the *Florida Building 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 the *Florida Building Code*, or evidence that a material or method does not conform to the requirements of the *Florida Building 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 City. Test methods shall be as specified in the *Florida Building 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.

**104.12 Requirements not covered by code.** Any requirements necessary for 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 the *Florida Building Code* or other technical codes, shall be determined by the building official.

## SECTION 105

### PERMITS

**105.1 Required.** Any owner or owner's authorized agent 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 impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by the *Florida Building 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 or plumbing or interior nonstructural office system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations 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 facility site as deemed necessary. An annual facility permit shall be assessed with 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 Facility 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 access to such records at all times or such records shall be filed with the building official as designated.

**105.1.3 Food permit.** In accordance with F.S. § 500.12, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

**105.1.4 Public swimming pool.** The City may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to F.S. § 514.031. A certificate of completion or occupancy may not be issued until such operating permit is issued. The City shall conduct their review of the building permit application upon filing and in accordance with F.S. ch. 553. The City may confer with the Department of Health, if necessary, but may not unreasonably delay the building permit application review while awaiting comment from the Department of Health.

**105.2 Work exempt from permit.** Exemptions from permit requirements of the *Florida Building Code* shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the *Florida Building Code* or any other laws or ordinances of the City, to include work in any special flood hazard area.

Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the *Florida Building Code*, and requirements of the City's floodplain management ordinance. Permits shall not be required for the following:

**Building:**

1. Painting, papering, tiling (except multifamily structures), carpeting, cabinets, counter tops and similar finish work.
2. Temporary motion picture, television and theater stage sets and scenery.
3. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
4. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
5. Swings and other playground equipment accessory to detached one- and two-family dwellings.
6. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Groups R-3 and U occupancies.
7. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

**Electrical:**

**Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

**Radio and television transmitting stations:** The provisions of the *Florida Building Code* shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

**Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

**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 that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 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 the *Florida Building 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.

**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.

**105.2.2. Minor repairs.** Ordinary minor repairs may be made with the approval of the building official without a permit, provided the repairs shall 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; nor shall ordinary repairs 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 Public service agencies.** A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

**105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefor 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 F.S. § 713.135(5) and (6).

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.

The City shall post each type of building permit application on its website. Completed applications must be able to be submitted electronically to the Building Division. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the Building Division's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the permit application may be submitted in person in a non-electronic format, at the discretion of the building official.

**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 therefor. If the building official is satisfied that the proposed work conforms to the requirements of the *Florida Building Code* and applicable laws and ordinances, the building official shall issue a permit therefor 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, Florida college or public school district elects to use a local 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 F.S. ch. 471:

1. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. Personnel as authorized by F.S. ch. 633, 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. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000. 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 F.S. ch. 489, 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 \$125,000 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 three-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.

**NOTE:** It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4. 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.
5. Electrical documents. See F.S. § 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. The system requires an electrical system with a value of over \$125,000; and requires an aggregate service

capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system;

**NOTE:** It was further clarified by the Commission that the limiting factor of 240 volt or over is required to be designed by an Engineer.

Documents requiring an engineer seal by this article shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in F.S. § 471.025.

6. All public swimming pools and public bathing places defined by and regulated under F.S. ch. 514.

**105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned becoming null and void 180 days after the date of filing, 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 and justifiable cause demonstrated to the satisfaction of the building official.

**105.3.3** The City 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 Okaloosa 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 therefor 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 City's laws or ordinances.

**105.3.5 Identification of minimum premium policy.** Except as otherwise provided in F.S. ch. 440, 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 F.S. §§ 440.10 and 440.38.

**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.

**105.3.7 Applicable Code for Manufactured Buildings.** Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for permit, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

**105.3.8 Public right of way.** A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way permit from the authority having jurisdiction over the street, alley or public lane

**105.4 Conditions of the permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the *Florida Building Code* or of any other ordinance of the City. Permits presuming to give authority to violate or cancel the provisions of the *Florida Building Code* or other City ordinances shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of the *Florida Building Code* or of any other City ordinances.

**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 the *Florida Building Code*. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six 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 180 days 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 180 days. 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.

**105.4.1.4** The fee for renewal reissuance and extension of a permit shall be set forth by the administrative authority.

**105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced the permit holder and property owner shall

be responsible to either complete all work in accordance with the permitted plans and inspection or remove any partially completed work in a safe and code compliant manner. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the building official.

**105.5.1** The building official is authorized to reject new permit applications from a contractor who holds more than two (2) expired or inactive permits.

**105.5.1.1** For the purposes of this subsection, a closed permit shall mean a permit for which all requirements for completion have been satisfied or a permit that has been administratively closed by the building official.

**105.5.1.2** For the purposes of this subsection, an open permit shall mean a permit that has not satisfied all requirements for completion as defined in 105.5.1.1.

**105.5.2** The building official is authorized to administratively close expired or inactive trade permits after (ten (10) years for Residential One & Two Family Dwellings, commercial is not applicable) years of expiration when no safety hazard exists and no code violations have been previously identified.

**105.5.3** Closing out or resolving open or expired permits shall be the responsibility of the permit applicant and the property owner. Failure to close out or resolve open permits may be reported to the proper authority by the building official.

**105.6 Denial or revocation.** Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the City to be not in compliance with the Florida Building Code, the City shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. If the City building code administrator or inspector finds that the plans are not in compliance with the *Florida Building Code*, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the building official. The building official shall provide this information to the permit applicant.

**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.** In accordance with F.S. § 713.135, 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 14-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. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

**105.9 Asbestos.** The City 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 F.S. § 469.003, 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.

**105.10 Certificate of protective treatment for prevention of termites.** A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, providing a 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.

**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 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.

**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.** 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 shall supervise such work. In addition, they 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 stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under F.S. ch. 468, pt. XII, and that any person conducting inspections is qualified as a building inspector under F.S. ch. 468, pt. III.

**Exception:** Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code*.

**105.15 Opening protection.** When any activity requiring a building permit that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single-family detached residential structure that is located in the wind borne debris region as defined in the *Florida Building Code* and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structure is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this Code or *Florida Building Code, Residential* for new construction shall be provided.

**Exception:** Single family residential structures permitted subject to the *Florida Building Code* are not required to comply with this section.

**105.16 Inspection of existing residential building not impacted by construction.**

(a) The City, and any City building code administrator, inspector, or other official or entity, may not require as a

condition of issuance of a one- or two-family residential building permit the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought.

- (b) This subsection does not apply to a building permit sought for:
1. A substantial improvement as defined in F.S. § 161.54, or as defined in the *Florida Building Code*.
  2. A change of occupancy as defined in the *Florida Building Code*.
  3. A conversion from residential to nonresidential or mixed use pursuant to F.S. § 553.507(2)(a), or as defined in the *Florida Building Code*.
  4. A historic building as defined in the *Florida Building Code*.
- (c) This subsection does not prohibit the City, or any City building code administrator, inspector, or other official or entity, from:
1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
  2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought in accordance with the prohibition in paragraph (a).
  3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
  4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with F.S. §§ 933.20—933.30.

#### **105.17 Streamlined low-voltage alarm system installation permitting.**

- (a) As used in this section, the term:
1. "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under F.S. ch. 489, pt. II.
  2. "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in F.S. § 489.505, that is hardwired and operating at low voltage, as defined in the National Electrical Code Standard 70, and ancillary components or equipment attached to such a system, including, but not limited to, home-automation equipment, thermostats, and video cameras.
  3. "Wireless alarm system" means a burglar alarm system or smoke detector that is not hardwired.
- (b) Notwithstanding any provision of the *Florida Building Code*, this section applies to all low-voltage alarm system projects for which a permit is required by the City. However, a permit is not required to install, maintain, inspect, replace, or service a wireless alarm system, including any ancillary components or equipment attached to the system.
- (c) This section does not apply to the installation or replacement of a fire alarm if a plan review is required.
- (d) The City shall make uniform basic permit labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost as indicated in F.S. § 553.793. The City may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm.
1. The City may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or certification as a contractor.

2. A label is valid for 1 year after the date of purchase and may only be used within the jurisdiction of the local enforcement agency that issued the label. A contractor may purchase labels in bulk for one or more unspecified current or future projects.
3. A contractor shall post an unused uniform basic permit label in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project.
4. A contractor is not required to notify the City before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided under subsection (7) to the City within 14 days after completing the project. The City may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project.
5. The Uniform Notice of a Low-Voltage Alarm System Project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Low-Voltage Alarm System Project shall be in the format prescribed by the City and must comply with the requirements of F.S. § 553.793(7).
6. The City may coordinate directly with the owner or customer to inspect a low-voltage alarm system project. A low-voltage alarm system project may be inspected by the City to ensure compliance with applicable codes and standards. If a low-voltage alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.
7. The City may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.
8. A uniform basic permit label shall not be required for the subsequent maintenance, inspection, or service of an alarm system that was permitted in accordance with this section.

The provisions of this act are not intended to impose new or additional licensure requirements on persons licensed in accordance with the applicable provisions of F.S. ch. 489.

## SECTION 106

### FLOOR AND ROOF DESIGN LOADS

**106.1 Live loads posted.** Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner or the owner's authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

**106.2 Issuance of certificate of occupancy.** A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

**106.3 Restrictions on loading.** It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by the *Florida Building Code*.

## SECTION 107

### SUBMITTAL DOCUMENTS

**107.1 General.** Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by F.S. ch. 471, & 61G15 Florida Administrative Code or F.S. ch. 481, & 61G1 Florida Administrative Code. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.



**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 the Florida Building Code.

**107.2 Construction documents.** Construction documents shall be in accordance with sections 107.2.1 through 107.2.6.

**107.2.1 Information on construction documents.**

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved 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 the *Florida Building Code* and relevant laws, ordinances, rules and regulations, as determined by the building official. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

**107.2.2 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to 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 of the *Florida Building Code*.

**107.2.3 Means of egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**107.2.4 Exterior wall envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with the *Florida Building Code*. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

**107.2.5 Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

**107.2.5.1 Design flood elevations.** Where design flood elevations are not specified, they shall be established in accordance with section 1612.3.1 of the *Florida Building Code (2017)*, as may be amended from time to time.

**107.2.5.2** For the purpose of inspection and record retention, site plans for a building may be maintained in the form of an electronic copy at the worksite. These plans must be open to inspection by the building official or a duly authorized representative, as required by the *Florida Building Code*.

**107.2.6 Structural information.** The construction documents shall provide the information specified in section 1603 of the *Florida Building Code (2017)*, as may be amended from time to time.

**107.3 Examination of documents.** The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the Florida Building Code and other applicable laws or ordinances.

**Exceptions:**

1. Building plans approved pursuant to F.S. § 553.77(5), and state-approved manufactured buildings are exempt from City codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly and construction at the site are subject to City permitting and inspections. Photocopies of plans approved according to Rule 61-41.009, *Florida Administrative Code*, shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriately 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.

**107.3.1 Approval of construction documents.** When the building official issues a permit, the construction document shall be approved, 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.

**107.3.2 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.

**107.3.3 Phased approval.** 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, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the *Florida Building Code*. 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.

**107.3.4 Design professional in responsible charge.** Where it is required that documents be prepared by a registered design professional, the building official is authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform

the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

**107.3.4.1 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

**107.3.4.2** Certifications by contractors authorized under the provisions of F.S. § 489.115(4)(b), shall be considered equivalent to sealed plans and specifications by a person licensed under F.S. ch. 471, or F.S. ch. 481, by the City 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. The City 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, the building official may accept or reject plans sealed by persons licensed under F.S. ch. 471, 481 or 489.

**107.3.5 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; all fenestration penetrations; flashing; and rough opening dimensions; 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

Flood hazard areas, flood zones, and design flood elevations

2. Occupancy group and special occupancy requirements shall be determined (with cross check with the energy code submittal).
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
  - Pre-engineered systems
  - Riser diagram
  - Same as above.
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

Impact resistant coverings or systems

Structural calculations (if required)

Foundation

Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials

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

Building envelope portions of the Energy Code (including calculation and mandatory requirements)

10. Accessibility requirements shall include the following:

Site requirements

Accessible route

Vertical accessibility

Toilet and bathing facilities

Drinking fountains

Equipment

Special occupancy requirements

11. Interior requirements shall include the following:

Interior finishes (flame spread/smoke development)

Light and ventilation (including corresponding portion of the energy code)

Sanitation

12. Special systems:

Elevators

Escalators

Lifts

13. Swimming pools:

Barrier requirements

Spas

Wading pools

14. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.

**Electrical**

1. Electrical:

Wiring

Services

Feeders and branch circuits

Overcurrent protection

Grounding

Wiring methods and materials

GFCIs

Electrical portions of the Energy Code (including calculation and mandatory requirements)

2. Equipment
3. Special occupancies
4. Emergency systems
5. Communication systems
6. Low voltage
7. Load calculations
8. Design flood elevation

**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
14. Design flood elevation
15. Water/plumbing portions of the Energy Code (including calculation and mandatory requirements)

**Mechanical**

1. Mechanical portions of the 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
16. Design flood elevation

**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
10. Design flood elevation
11. Gas portions of the Energy Code (including calculation and mandatory requirements)

**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. Fire

4. Smoke detector locations

5. Egress

Egress window size and location stairs construction requirements

6. Structural requirements shall include:

Wall section from foundation through roof, including assembly and materials connector tables wind requirements structural calculations (if required)

Termite protection

Design loads

Wind requirements



Building envelope

Foundation

Wall systems

Floor systems

Roof systems

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement) if required by Section R322, equipment, and flood damage-resistant materials

7. Accessibility requirements: show/identify accessible bath
8. Impact resistant coverings or systems
9. Residential Energy Code submittal (including calculation and mandatory requirements)

**Manufactured buildings/housing:**

1. Site requirements
  - Setback/separation (assumed property lines)
  - Location of septic tanks (if applicable)
2. Structural
  - Wind zone
  - Anchoring
  - Blocking
3. Plumbing
  - List potable water source and meter size (if applicable)
4. Mechanical
  - Exhaust systems
    - Clothes dryer exhaust
    - Kitchen equipment exhaust
5. Electrical exterior disconnect location

**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. Reroofs
3. Minor electrical, plumbing and mechanical repairs
4. Annual maintenance permits
5. Prototype plans
  - Except for local site adaptations, siding, foundations and/or modifications.

Except for structures that require waiver.

6. Manufactured buildings plan except for foundations and modifications of buildings on site and as listed above in manufactured buildings/housing.

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

**107.5 Retention of construction documents.** One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

**107.6 Affidavits.** 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 F.S. ch. 468, pt. XII, and that any person conducting inspections is qualified as a building inspector under F.S. ch. 468, pt. XII.

**107.6.1 Building permits issued on the basis of an affidavit.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the building official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to sections 105.14 and 107.6, shall not extend to the flood load and flood resistance construction requirements of the *Florida Building Code*.

## SECTION 108

### TEMPORARY STRUCTURES AND USES

**108.1 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.

**108.2 Conformance.** Temporary structures and uses shall comply with the requirements in Section 3103.

**108.3 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 NFPA 70.

**108.4 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 109****FEES**

**109.1 Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

**109.2 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 City.

**109.2.1 Types of Fees Enumerated.** Fees may be charged for but not limited to the following:

- Permits;
- Plans examination;
- Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- Re-inspections;
- Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- Variance request;
- Administrative appeals;
- Violations; and
- Other fees as established by local resolution or ordinance.

**109.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

**109.4 Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or without prior approval from the building official as permitted in section 105.2.2 or 105.12 shall be subject to a fee established by the building official that shall be in addition to the required permit fees or as provided by City ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permits(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

**109.5 Related fees.** The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

**109.6 Refunds. Reserved.** The building official is authorized to establish a refund policy.

## SECTION 110

### INSPECTIONS

**110.1 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 the *Florida Building Code* or of other City ordinances. Inspections presuming to give authority to violate or cancel the provisions of the *Florida Building Code* or of other City ordinances shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain accessible and exposed for inspection purposes. The building official shall be permitted to require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field. Neither the building official nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**110.1.1 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.

**110.1.2 Inspection service.** The building official may make, or cause to be made, the inspections required by section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of the *Florida Building Code* shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to F.S. ch. 468.

**110.2 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.

**110.3 Required inspections.** The building official upon notification from the permit holder or his or her agent shall make the following inspections, or any other such inspection 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.

#### Building

- 1. Foundation inspection.** To be made after trenches are excavated, any required reinforcing steel is in place, forms erected and shall at a minimum include the following building components:

Stem-wall

Monolithic slab-on-grade

Piling/pile caps

Footers/grade beams

- 1.1. Slab Inspection:** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
    - A. Foundation/Form board survey prepared and certified by a registered surveyor may be required, prior to

approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

- 1.2. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification shall be submitted to the City.
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 the rough electrical, plumbing, heating wires, pipes and ducts are approved and shall at a minimum include the following building components:
  - Window/door framing.
  - Window U-factor/SHGC as indicated on approved calculations.
  - Vertical cells/columns.
  - Lintel/tie beams.
  - Framing/trusses/bracing/connectors (including truss layout and engineered drawings).
  - Draft stopping/fire blocking.
  - Curtain wall framing.
  - Energy insulation (Insulation R-factor as indicated on approved calculations).
  - Accessibility.
  - Verify rough opening dimensions are within tolerances.
  - Window/door buck attachment.
- 2.1. **Insulation Inspection:** To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal. Includes wall and ceiling insulation.
- 2.2. **Lath and gypsum board inspection for fire-resistance-rated or shear assemblies.** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.
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.
  - Continuous air barrier.
  - Exterior Siding/Cladding.
  - Sheathing fasteners.
  - Roof/wall dry-in.

**NOTE:** Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

4. **Roofing inspection.** Shall at a minimum be made in at least two inspections and include the following building components:
  - Dry-in.
  - Insulation.
  - Roof coverings (including In Progress as necessary).
  - Insulation on roof deck (according to submitted energy calculation).
  - Flashing.
- 4.1. **Re-Roof sheathing inspection.** An affidavit with a notarized signature of a state or locally licensed roofing contractor for the installation of additional sheathing fasteners as required by the *Florida Existing Building Code* may be accepted at the discretion of the building official.
5. **Final inspection.** To be made after the building is completed and ready for occupancy.
  - 5.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the City.
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 shell.
  1. Steel reinforcement inspection.
  2. Underground electric inspection.
  3. Underground piping inspection including a pressure test.
  4. Underground electric inspection under deck area (including the equipotential bonding).
  5. Underground piping inspection under deck area.
  6. Deck inspection: To be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place).
  7. Safety Inspection: Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.
  8. Final pool piping.
  9. Final Electrical inspection.
  10. 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 454.2.17 of the *Florida Building Code*.
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 Division 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 453.27.20 of the *Florida Building Code*).
9. Where impact resistant coverings or impact resistant systems are installed, the building official shall schedule

adequate inspections of impact resistant coverings or impact resistant systems 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.

### **Electrical**

1. Underground inspection. To be made after trenches or ditches are excavated, conduit or cable 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. Final inspection. To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
4. Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.

### **Plumbing**

1. Underground inspection. To be made after trenches or ditches are excavated, piping 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.  
Includes plumbing provisions of the energy code and approved calculations provisions.
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.

### **Mechanical**

1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping 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.  
Includes mechanical provisions of the energy code and approved calculations provisions.
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.

### **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.  
Includes gas provisions of the energy code and approved calculations provisions.
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 the *Florida*

*Building Code* and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

### 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 during the course of the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean and in a safe condition at all times.
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

**110.3.1 Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

### 110.3.2 Concrete slab and under-floor inspection.

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

**110.3.3 Lowest floor elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification shall be submitted to the building official.

**110.3.4 Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

**110.3.5 Lath, gypsum board and gypsum panel product inspection.** Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

**Exception:** Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

### 110.3.6 Fire- and smoke-resistant penetrations.

Protection of joints and penetrations in fire-resistance rated assemblies, smoke barriers and smoke partition shall not be concealed from view until inspected and approved.

**110.3.7 Energy efficiency inspections.** Inspections shall be made to determine compliance with the *Florida Building Code, Energy Conservation* and confirm with the approved energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope insulation R- and U-values, fenestration U-value and Solar Heat Gain Coefficient, duct system R-value, and HVAC, lighting, electrical and water-heating equipment efficiency.

**110.3.8 Other inspections.** In addition to the inspections specified in sections 110.3 through 110.3.7, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

### 110.3.9 Special inspections. Reserved.



**110.3.10 Final inspection.** The final inspection shall be made after all work required by the building permit is completed.

**110.3.10.1 Flood hazard documentation.** If located in a flood hazard area, all required flood hazard documentation shall be submitted to the building official prior to the final inspection.

**110.3.10.2 Energy Code documentation.** If required by energy code path submittal, confirmation that commissioning result requirements have been received by building owner.

**110.3.11 Termites.** Building components and building surroundings required to be protected from termite damage in accordance with section 1503.7, section 2304.13 or section 2304.11.6, of the Florida Building Code, 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.

**110.3.12 Impact resistant coverings or systems.** Where impact resistant coverings or systems are installed to meet requirements of this code, the building official shall schedule adequate inspections of impact resistant coverings or systems to determine the following:

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

**110.4 Inspection agencies.** The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

**110.5 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.

**110.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, 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 official.

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

**110.8 Threshold building.**

**110.8.1** The City 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 City 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.

**110.8.2** 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 F.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*.

**110.8.3** 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 City. The inspector shall be a person certified, licensed or registered under F.S. ch. 471, as an engineer or under F.S. ch. 481, as an architect.

**110.8.4** The City shall require that, on every threshold building:

**110.8.4.1** 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 City 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 City."

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

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

**110.8.4.4** 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 City in accordance with this section and F.S. ch. 633.

**110.8.5** The City may not issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in F.S. § 489.105(3)(a), or to a licensed building contractor, as defined in F.S. § 489.105(3)(b), 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.

**110.8.6** The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, F.S. § 553.73, 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 F.S. ch. 468, pt. XII, or certified as a special inspector under F.S. ch. 471 or 481. Inspections of threshold buildings required by F.S. § 553.79(5), are in addition to the minimum inspections required by this code.

## SECTION 111 CERTIFICATE OF OCCUPANCY

**111.1 Use and occupancy.** A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be

construed as an approval of a violation of the provisions of the *Florida Building Code* or other City ordinances.

**Exception:** Certificates of occupancy are not required for work exempt from permits under section 105.2 of the *Florida Building Code*.

**111.2 Certificate issued.** After the building official inspects the building or structure and finds no violations of the provisions of the *Florida Building Code* or other City ordinances, 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 or the owner's authorized agent.
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. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the City.
7. The name of the building official.
8. The edition of the code under which the permit was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3.
10. The type of construction as defined in Chapter 6.
11. The design occupant load.
12. If an automatic sprinkler system is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building permit.

**111.3 Temporary occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

**111.4 Revocation.** The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of the *Florida Building 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 the *Florida Building Code*.

**111.5 Certificate of Completion.** A Certificate of Completion 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 a building, such as shell building, prior to the issuance of a Certificate of Occupancy.

## SECTION 112 SERVICE UTILITIES

**112.1 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 the *Florida Building Code* for which a permit is required, until released by the building official.

**112.2 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.

**112.3 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 *Florida Building Code* and the referenced codes and standards set forth in section 101.4 of the *Florida Building Code* in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by section 112.1 or 112.2 of the *Florida Building Code*. The building official shall notify the serving utility, and wherever 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 113

#### BOARD OF APPEALS - Reserved

### SECTION 114

#### VIOLATIONS

**114.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by the *Florida Building Code*, or cause same to be done, in conflict with or in violation of any of the provisions of the *Florida Building Code*.

**114.2 Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of the *Florida Building Code*, including but not limited to these administrative amendments, or in violation of a permit or certificate issued under the provisions of the *Florida Building Code*. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**114.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the building official is authorized to request the City's legal counsel to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of the *Florida Building Code* or of the order or direction made pursuant thereto.

**114.4 Violation penalties.** Any person who violates a provision of the *Florida Building Code*, including but not limited to these administrative amendments, or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of the *Florida Building Code*, shall be subject to penalties as prescribed by law.

### SECTION 115

#### STOP WORK ORDER

**115.1 Authority.** Whenever the building official finds any work regulated by the *Florida Building Code* is being performed in a manner either contrary to the provisions of the *Florida Building Code*, including but not limited to these administrative amendments, or dangerous or unsafe, the building official is authorized to issue a stop work order.

**115.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing 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.

**115.3 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 116  
UNSAFE STRUCTURES AND EQUIPMENT**

See section 20-06.00, City Land Development Code

**SECTION 117  
VARIANCES IN FLOOD HAZARD AREAS**

**117.1 Flood hazard areas.** Pursuant to F.S. § 553.73(5), the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the building official for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

**SECTION 118  
BOARDING STANDARDS FOR UNSAFE STRUCTURES**

**118.1 General.** All windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

**118.2 Materials.**

1. *Boarding sheet material.* Boarding sheet material shall be minimum ½-inch (12.7 mm) thick wood structural panels complying with the International Building Code.
2. *Boarding framing material.* Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the International Building Code.
3. *Boarding fasteners.* Boarding fasteners shall be minimum ¾-inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

**118.3 Installation.**

1. *Boarding installation.* The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections 118.3.2 through 118.3.5.
2. *Boarding sheet material.* The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.
3. *Windows.* The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.
4. *Door walls.* The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.
5. *Doors.* Doors shall be secured by the same method as for windows or door openings. One door to the structure

shall be available for authorized entry and shall be secured and locked in an approved manner.

SECTION 2. The Florida Building Code is hereby amended by the following technical amendments:

**Sec. 1612.2, Florida Building Code, Building**

Modify the definition as follows:

**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a ten (10) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the ten (10) year period begins on the date of the first improvement or repair of that building or structure subsequent to May 19, 2008. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

**Sec. 1612.4, Florida Building Code, Building**

**1612.4.2 Elevation requirements.** The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus two (2) feet, whichever is higher.

**Sec. R322.2.1, Florida Building Code, Residential**

Modify as follows:

**R322.2.1 Elevation requirements.**

1. Buildings and structures in flood hazard areas including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 2 feet, or the design flood elevation, whichever is higher, except for those properties located within the South Harbor Mixed Use and Calhoun Mixed Use Zoning Districts the lowest floor shall be elevated to or above the base flood elevation plus one (1) foot or the design flood elevation, whichever is higher.
2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 2 feet, or not less than 4 feet if a depth number is not specified.
3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 2 feet, or the design flood elevation, whichever is higher, except for those properties located within the South Harbor Mixed Use and Calhoun Mixed Use Zoning Districts the lowest floor shall be elevated to or above the base flood elevation plus one (1) foot or the design flood elevation, whichever is higher.

**Exception:** Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section 322.2.2.

**Sec. R322.2.2, Florida Building Code, Residential**

Modify as follows:

**R322.2.2 Enclosed area below design flood elevation.** Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage.
2. Be provided with flood openings that meet the following criteria and are installed in accordance with Section R322.2.2.1:
  - 2.1. The total net area of non-engineered openings shall be not less than 1 square inch (645 mm<sup>2</sup>) for each square foot (0.093 m<sup>2</sup>) of enclosed area where the enclosed area is measured on the exterior of the enclosure walls, or the openings shall be designed as engineered openings and the construction documents shall include a statement by a registered design professional that the design of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters as specified in Section 2.7.2.2 of ASCE 24.
  - 2.2. Openings shall be not less than 3 inches (76 mm) in any direction in the plane of the wall.
  - 2.3. The presence of louvers, blades, screens and faceplates or other covers and devices shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
3. If used for parking, be enclosed with lattice, screening, or similar material that permits the unobstructed flow of floodwater.
4. If perimeter wall (crawl space) taller than 4 feet, the applicant shall submit a declaration of land restriction (nonconversion agreement).
5. If used for building access and storage, be not more than 200 square feet in area, of which no more than 70 square feet is designated for storage; the applicant shall submit a declaration of land restriction (nonconversion agreement).

**Sec. R322.3.2, Florida Building Code, Residential**

Modify as follows:

**R322.3.2 Elevation requirements.**

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 2 feet or the design flood elevation, whichever is higher.
2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
5. Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

**Sec. R322.3.5, Florida Building Code, Residential**

Modify as follows:

**R322.3.5 Enclosed areas below design flood elevation.** Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage, subject to the following limitations:

1. If used for parking, areas may be enclosed with lattice, screening, or similar material that permits the

unobstructed flow of floodwater.

2. If used for building access and storage, shall comply with Section R322.3.4 and shall be not more than 200 square feet in area, of which no more than 70 square feet is designated for storage; the applicant shall submit a declaration of land restriction (nonconversion agreement).

#### **Sec. 202, Florida Building Code, Existing Building**

**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a ten (10) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the ten (10) year period begins on the date of the first improvement or repair of that building or structure subsequent to May 19, 2008. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(Ord. No. 384, § 2, 4-1-02; Ord. No. 15-08-LC, § 16, 10-19-15; Ord. No. 18-07-CC, § 3, 4-2-18)



**Tavares, FL - Code of Ordinances** ([https://library.municode.com/fl/tavares/codes/code\\_of\\_ordinances](https://library.municode.com/fl/tavares/codes/code_of_ordinances))

## Section 22-4 - Property Maintenance Code

**A) Adopted**

Subject to the amendments set forth in subsection (B), the 2009 edition of the International Property Maintenance Code, as published by the International Code Council, as amended from time to time, is hereby adopted as the property maintenance standard that governs the condition and maintenance of all properties, buildings and structures within the City of Tavares.

**B) Exceptions**Chapter 1- Administration

The administrative procedures for the enforcement of this code, including, but not limited to, the issuing of notices of violations, conducting hearings, levying of fines and liens and the appeal of orders shall be as specified in the Code of Ordinances of the City of Tavares, Article 111, Division 2, Enforcement of Municipal Codes.

Section 109- Emergency Measures

For the purposes of this Section, the Building Official or the Fire Marshall for the City of Tavares shall be deemed to be the Code Official. The City's Code Enforcement Officer shall be deemed to be the Code Official for the enforcement of all other sections of this code.

Section 302.4 Weeds

Delete entire Section. (Accumulation and Excessive Growth is governed by Section 12-8 of the City's Land Development Regulations.)

**Eagle Lake, FL - Code of Ordinances** ([https://library.municode.com/fl/eagle\\_lake/codes/code\\_of\\_ordinances](https://library.municode.com/fl/eagle_lake/codes/code_of_ordinances))

## Sec. 5-2. - Property maintenance code adopted; amendments.

- (a) *Adopted.* A certain document being marked and designated as the *International Property Maintenance Code, 2015* edition, as published by the International Code Council and as may be amended from time to time, be and is hereby adopted as the property maintenance code of the City of Eagle Lake, in the State of Florida, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards of supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the City of Eagle Lake are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) of this section.
- (b) *Amendments.* The following sections are hereby revised:
- (1) *Section 101.1.* Insert: City of Eagle Lake, Florida.
  - (2) *Section 103.5.* This section is deleted in its entirety.
  - (3) *Section 112.4.* Insert: \$250/day and \$500/day.
  - (4) *Section 302.4.* Insert: 8 (eight) inches for improved property or 12 (twelve) inches for unimproved property.
  - (5) *Section 304.14.* Insert Dates: Year round.
  - (6) *Section 602.3.* Insert Dates: November 15 to March 15.
  - (7) *Section 602.4.* Insert Dates: November 15 to March 15.

(Ord. No. O-16-03, §§ 1, 2, 2-1-16)

**Hypoluxo, FL - Code of Ordinances** ([https://library.municode.com/fl/hypoluxo/codes/code\\_of\\_ordinances](https://library.municode.com/fl/hypoluxo/codes/code_of_ordinances))

Sec. 10-29. - Property maintenance code.

- (a) The town hereby adopts the International Property Maintenance Code, 2012 edition, published by the International Code Council, as the property maintenance code for the town and incorporates such code as if fully set forth herein.
- (b) Any violation of the provisions of the International Property Maintenance Code shall be a violation of this code and shall be enforced in any manner authorized by law, including, but not limited to, code enforcement proceedings.

(Ord. No. 151, § 5, 3-10-04; Ord. No. 191, § 5, 4-18-12)

Fruitland Park, FL - Code of Ordinances ([https://library.municode.com/fl/fruitland\\_park/codes/code\\_of\\_ordinances](https://library.municode.com/fl/fruitland_park/codes/code_of_ordinances))

TABLE VI. - MISCELLANEOUS

Ord. No.	Date	Description
19	6-23-26	Opening of Catawba Street from Villa Avenue east to section line.
64	<del>4</del> 8-48	Opening of Griffin Avenue from Villa Avenue east to section line between Section 9 and <u>Section 10</u>
136	12-16-65	Authorizing the purchase of certain property beginning at the southeast corner of lot 1, block 2, Palm Villa Subdivision.
205	5- 9-74	Accepting the conveyance of real property and dedicating the real property to the use of the public as a part of Shiloh Cemetery; dedicating certain real property to the use of the public as a public street.
206	5- 9-74	Accepting the conveyance of real property and dedicating the real property to the use of the public.
216	5-28-75	Accepting the conveyance of real property and dedicating the real property to the use of the public as city streets.
217	9-25-75	Accepting the conveyance of real property. and dedicating the real property to the use of the public as a city street.
229	11-11-76	Accepting the conveyance of real property and dedicating the real property to the use of the public as a city street and extension of Brown Court.
85-004	7-11-85	Authorizing the sale of surplus real property, this real property being known as the old city hall.
	3-15-94	Agreement granting New Life Presbyterian Church an easement for access off of Highway 27/441.
99-012(Res.)	<del>6</del> 8-99	Dedicating land in perpetuity as an outdoor recreation site. Description on file in office of the city clerk.

2000-013	7-27-00	Consenting to the inclusion of the City of Fruitland Park within the boundaries of the Lake County Municipal Service Taxing Unit for ambulance and emergency medical services for one year.
2001-006	7-12-01	Consenting to the inclusion of the City of Fruitland Park within the boundaries of the Lake County Municipal Service Taxing Unit for ambulance and emergency medical services for two years.
2002-029(Res.)	11-14-02	Authorizing the subdivision of real property within the City of Fruitland Park.
2003-012(Res.)	4-24-03	Approving a developer agreement for water facilities between the city of Fruitland Park and First Assembly of God, Inc.
2003-006	5-22-03	Consenting to the inclusion of the City of Fruitland Park within the boundaries of the Lake County Municipal Service Taxing Unit for ambulance and emergency medical services for an additional two years.
2003-013(Res.)	5-22-03	Approving a lot split for property located on East Mirror Lake Road.
2003-016(Res.)	5-22-03	Declaring the city's ownership interest in the real property generally located north of Mirror Lake Drive and south of Mirror Lake.
2003-017(Res.)	5-22-03	Declaring the city's ownership of those portions of the abandoned Atlantic Coast Line Railroad right-of-way lying within the city limits of the City of Fruitland Park.
2003-023(Res.)	9-11-03	Approving a lot split for property generally located at 413 North Dixie Avenue.
2003-035(Res.)	10-23-03	Authorizing the execution and delivery of a master lease/purchase agreement with Banc of America Leasing & Capital, LLC.
2004-033(Res.)	12-29-04	Approving the execution of a utility work agreement with the Florida Department of Transportation (FDOT).
2004-034(Res.)	12-29-04	Approving the execution of a utility work agreement with the Florida Department of Transportation (FDOT).
2005-003(Res.)	3-10-05	Authorizing the lease-purchase agreement for the acquisition of a fire truck.

2005-015	5-26-05	Consenting to the inclusion of the City of Fruitland Park within the boundaries of the Lake County Municipal Service Taxing Unit for ambulance and emergency medical services for an additional two years.
2006-033(Res.)	12-14-06	Authorizing the mayor and city clerk to execute an interlocal agreement between Lake County, Florida, the Lake County School Board, and the fourteen municipalities of Lake County, Florida, including the City of Fruitland Park, for school facilities planning and siting.
2007-015	5-10-07	Consenting to the inclusion of the City of Fruitland Park within the boundaries of the Lake County Municipal Service Taxing Unit for ambulance and emergency medical services for an additional two years.
2009-005	4-23-09	Consenting to the inclusion of the City of Fruitland Park within the boundaries of the Lake County Municipal Service Taxing Unit for ambulance and emergency medical services for an additional two years.
2010-026(Res)	9-23-10	Granting a variance from Chapter 154, Section 154.040 regarding setback requirements for property generally located at 503 College Avenue.
2011-001	2-10-11	Adopting certain provisions of the International Code Council's International Property Maintenance Code, 2009.
2011-003	6-23-11	Consenting to the inclusion of the City of Fruitland Park, Florida, within the county-wide municipal service taxing unit (MSTU) for the provision of ambulance and emergency medical services, as adopted by the board of county commissioners of Lake County, Florida; providing for the city to be included within said MSTU for a specified term of years (1 year).
2011-004	4-14-11	Authorizing the borrowing of money from the Florida Department of Transportation for utility relocation.
2011-005	<del>6</del> 9-11	Imposing a temporary moratorium for 180 days on the issuance of any business tax license, permit, conditional use approval, site plan approval and any other official action of the City of Fruitland Park, Florida, having the effect of permitting or allowing the construction and/or operation of certain businesses within the City of Fruitland Park, related to game rooms, arcades, internet cafes, sweepstakes redemption centers, establishments using slot machines or slot machine-like equipment and similar indoor entertainment and amusement activities.

2011-013	11-10-11	Extending by 180 days a temporary moratorium imposed by Ordinance 2011-005 on the issuance of any business tax license, permit, conditional use approval, site plan approval and any other official action of the City of Fruitland Park, Florida, having the effect of permitting or allowing the construction and/or operation of certain businesses within the City of Fruitland Park related to game rooms, arcades, internet cafes, sweepstakes redemption centers, establishments using slot machines or slot machine-like equipment and similar indoor entertainment and amusement activities.
2012-009(Res.)	2-23-12	Approving a special exception use permit for the expansion of a group home on property owned by New Inspirational Properties, Inc., and generally located at 405 Oakwood Lane; specifically allowing for an increase in the number of disabled adults served by such facility.
2012-013(Res.)	3-22-12	Adopting fees and requirements relating to the use of low-speed vehicles and golf carts within the City of Fruitland Park; specifying the streets on which golf carts are allowed; providing general rules of operation; and providing for an effective date.
2012-023	6-14-12	Extending by 90 days a temporary moratorium imposed by Ordinance 2011-005 and extended by Ordinance 2011-013 on the issuance of any business tax license, permit, conditional use approval, site plan approval and any other official action of the City of Fruitland Park, Florida having the effect of permitting or allowing the construction and/or operation of certain businesses within the City of Fruitland Park related to game rooms, arcades, internet cafes, sweepstakes redemption centers, establishments using slot machines or slot machine-like equipment and similar indoor entertainment and amusement activities as more specifically described in Ordinance 2011-005, pending the approval of regulations pertaining thereto; providing legislative findings.
2012-024	6-28-12	Consenting to the inclusion of the City of Fruitland Park, Florida, within the county-wide municipal service taxing unit (MSTU) for the provision of ambulance and emergency medical services, as adopted by the Board of County Commissioners of Lake County, Florida; providing for the city to be included within said MSTU for a specified term of years (1 year).
2012-026(Res.)	8-06-12	A resolution of the city commission of the City of Fruitland Park, Florida, establishing group numbers for the four commissioner seats.

2012-026	8-06-12	Adopting a code of ethics for city commissioners pursuant to § 10.02 of the City's Charter; providing for sanctions for violation of such code.
2012-032(Res.)	9-13-12	Approving a special exception use permit for a day care operation on property owned by Yvonne Cochran, trustee, and generally located at 207 E. Berckman Street; specifically allowing for a day care facility for the care of up to 50 children.
2013-002	6-27-13	Consenting to the inclusion of the City of Fruitland Park, Florida, within the county-wide municipal service taxing unit (MSTU) for the provision of ambulance and emergency medical services, as adopted by the Board of County Commissioners of Lake County, Florida; providing for the city to be included within said MSTU for a specified term of years.
2014-010	5-8-14	Consenting to the inclusion of the City of Fruitland Park, Florida, within the county-wide municipal service taxing unit (MSTU) for the provision of ambulance and emergency medical services, as adopted by the Board of County Commissioners of Lake County, Florida; providing for the city to be included within said MSTU for a specified term of one year.
2014-014	5-22-14	Creating Village Community Development District No. 11.



## ARTICLE IX. - INTERNATIONAL PROPERTY MAINTENANCE CODE

## Sec. 82-221. - International Property Maintenance Code adopted.

- (a) The International Property Maintenance Code, 2018 edition, as published by the International Code Council (hereinafter referred to as the "IPMC" or this "code"), is hereby adopted by reference and incorporated herein as if fully set out. Section 101.1 of the IPMC is amended to state that Section 82-221 of the City Code shall be known as the "International Property Maintenance Code of the City of Cape Canaveral, Florida."
- (b) One or more special magistrates appointed by the city council or city manager shall be authorized to hear and decide appeals pursuant to the section 111 of the IPMC. The primary special magistrate shall be appointed by the city council. However, the city manager shall have the authority to appoint secondary and alternate special magistrates on an as needed basis in situations when the primary special magistrate has a conflict of any kind; is unavailable on account of illness, disability or death; or the city's case load temporarily requires an additional special magistrate to handle cases in a timely manner. Appeal hearings shall be publicly noticed and held within 30 days of filing an appeal or at such other time required by the city manager in order to afford due process or address scheduling conflicts. Special magistrates shall be members of the Florida Bar in good standing for five or more years. Special magistrates must demonstrate satisfactory knowledge of municipal law and the general procedures for enforcement of municipal codes, and must demonstrate a temperament suitable for the exercise of quasi-judicial powers vested in each special magistrate. Consistent with the City Code and other applicable law, special magistrates shall also have the power to adopt administrative rules for the efficient conduct of hearings; subpoena alleged violators and witnesses for hearings and said subpoenas shall be served by the county sheriff, a process server, or the city staff; subpoena evidence deemed relevant to hearings; take testimony under oath; assess and order the payment of civil penalties as provided under this code; issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance. Special magistrates shall not be city employees or officers. The city manager shall be responsible for negotiating and executing a contract on behalf of the city with the special magistrate and the special magistrate may be terminated by the city council or city manager, with or without cause, and compensated at a rate to be agreed upon in the contract. The contract will be in a form prepared and approved by the city attorney.
- (c) The following sections of the IPMC are hereby revised or deleted as follows:
- (1) That references to the board of appeals in the IPMC shall refer to and mean the special magistrate appointed pursuant to subsection (b). A special magistrate shall not hear an appeal in which that magistrate has a personal, professional or financial interest or conflict. The city manager shall designate a qualified person to serve as secretary to the special magistrate. The secretary shall provide administrative assistance for, and maintain a detailed record of, all proceedings of the special magistrate. Further, sections 111.2, 111.2.1, 111.2.2, 111.2.5 and 111.3 of the IPMC are hereby deleted.
- (2) Section 102.1, entitled *General*, is hereby replaced in its entirety as follows:
- Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements or specify different requirements set forth in other applicable provisions of the City Code, the most restrictive requirement shall govern.

- (3) Section 102.3, entitled *Application of other codes*, is hereby replaced in its entirety as follows:
- Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the City Code, Florida Building Code, Florida Fire Prevention Code and other codes adopted by the city, and such codes shall apply, when deemed applicable by the code official, in lieu of any international or national code referenced in the IPMC. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Florida Building Code, Florida Fire Prevention Code or other applicable requirements of local, state or federal law. Where terms are not defined in this code and are defined in said other codes, such terms shall have the meanings ascribed to them as stated in those codes. In addition, the code officials are hereby also authorized to rely upon commonly accepted industry standards promulgated by other professional organizations that are used to provide requirements for materials and methods of construction provided such standards do not conflict with or are prohibited by local, state or federal law.
- (4) Section 102.7, entitled *Referenced codes and standards*, is hereby deleted in its entirety. Further, Chapter 8 is hereby deleted in its entirety.
- (5) That Sections 103.1, 103.2, 103.3, and 103.5 are hereby deleted. The community development department including the building division and code enforcement division and fire marshal shall be responsible for enforcing this code under the general supervision of the city manager. The community development director, building official, fire marshal, code enforcement officers and such other qualified persons appointed by the city manager shall be deemed code officials under the IPMC.
- (6) That the last sentence in Section 104.3, entitled *Right of entry*, is hereby revised to read as follows:
- If entry is refused or not obtained, the code official shall have recourse to the remedies provided by law to secure entry.
- (7) That Section 106.1, entitled *Unlawful acts*, is hereby replaced in its entirety with the following:
- It shall be unlawful for any person, corporation, or other entity to be in violation of any provision of this IPMC. Violations shall constitute a public nuisance and shall be deemed a strict liability offense.
- (8) That Section 107.3, entitled *Method of service*, is hereby replaced in its entirety with the following:
- All notices required in the IPMC shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the sheriff or law enforcement officer of the city, code official, or other person designated by the city manager; or by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice. In the case of commercial premises, leaving the notice with the manager or other person in charge.
- In addition to providing notice as set forth above, at the option of the special magistrate or the code official, notice may also be served by publication or posting as follows:
1. Such notice shall be published once during each week for four consecutive weeks, with four publications being sufficient, in a newspaper of general circulation in the city. The newspaper shall meet such requirements as are prescribed under Chapter 50, Florida Statutes, for legal and official advertisements.
  2. Proof of publication shall be made as provided in §§ 50.041 and 50.051, Florida Statutes.
  3. In lieu of publication as described in subsection 1. above, such notice may be posted for at least ten days in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at City Hall. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
  4. Notice by publication or posting may run concurrently with, or may follow, an attempt to provide notice

by hand delivery or by mail as required under this subsection.

5. Evidence that an attempt has been made to hand deliver or mail notice as provided in this subsection together with proof of publication or posting as provided in this subsection shall be sufficient to show that the notice requirement, of this part has been met, without regard to whether or not the alleged violator actually received the notice.
- (9) That Section 109.5, entitled *Cost of Emergency Repairs*, is hereby replaced in its entirety with the following:  
*109.5 Cost of Emergency and other Repairs.* The city manager is authorized to expend funds in the performance of emergency repairs and other remedial work required of the city under this code. If emergency repairs or other remedial work is performed by the city, any expenses incurred by the city to make said repairs or perform such work including, but not limited to, contractor and material costs, administrative overhead, attorney's fees, and other related costs shall be subject to reimbursement from the property owner or the person creating the need for the emergency repair or remedial work and the cost incurred by the City may be recovered and the city may impose a lien upon said property for said costs. The lien shall be superior to all other liens or encumbrances, including prior recorded mortgages or judgments and only inferior to liens for taxes. In the event the owner or person creating the need for emergency repairs, fails and refuses to pay or reimburse the City for the costs, then in that event, the City is authorized to foreclose said lien in accordance with the provisions as provided for by law for foreclosure of municipal liens, and the City may recover its reasonable attorney's fees and costs.
- (10) That Section 110.3, entitled *Failure to Comply*, is hereby replaced in its entirety with the following:  
*110.3 Failure to Comply.* If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or through contract, or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate from which the structure is located and a lien shall be imposed against said property. The lien shall be superior to all other liens or encumbrances, including prior recorded mortgages or judgments and only inferior to liens for taxes. In the event the City finds it necessary to foreclose said lien, the City is entitled to recover its reasonable attorney's fees and costs for foreclosing said lien and the foreclosure procedure shall be as authorized by law for foreclosure of municipal liens
- (11) That Section 112.4 is revised to require a fine of \$500.00 for each day that a person is in violation of a stop work order.
- (12) That Section 201.3 is hereby deleted in its entirety.
- (13) That Section 303.2, entitled *Enclosures*, is hereby replaced in its entirety with the following:  
Private swimming pools, hot tubs, and spas shall be enclosed in accordance with chapter 515, Florida Statutes, and the Florida Building Code.
- (14) That Section 302.4 weeds is hereby revised to insert in excess of twelve (12) inches. Further, the noxious weeds shall include all plants which are strictly prohibited by Section 102-53 of the City Code.
- (15) That Section 304.14 is hereby revised to delete the preface in the first sentence, "During the period from [Date] to [Date],"
- (16) That Sections 602.3 and 602.4 are hereby revised to insert heat supply during the period from November 30th to March 30th.
- (17) That Section 606.1 is hereby replaced in its entirety with the following:  
Elevators, dumbwaiters and escalators shall be maintained in compliance with the Florida Building Code. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiters, be available for public inspection in the office of the building operator or be posted in

a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in the Florida Building Code and Chapter 399, Florida Statutes.

- (d) Nothing contained in this section shall prohibit the city from enforcing its code by any other means including, but not limited to, a summons, an arrest, a notice to appear, civil action for injunctive relief, a stop work order or demolition. The enforcement procedures outlined in this section are cumulative to all others and shall not be deemed to be prerequisites to filing suit for the enforcement of any section of the IPMC.

(Ord. No. 06-2001, § 2, 12-4-01; Ord. No. 05-2019, § 2, 2-19-19)

Secs. 82-222—82-232. - Reserved.

**Palm Springs, FL - Code of Ordinances** ([https://library.municode.com/fl/palm\\_springs/codes/code\\_of\\_ordinances](https://library.municode.com/fl/palm_springs/codes/code_of_ordinances))

## Sec. 10-7. - Property maintenance; generally.

- (a) *Scope.* The provisions of this article shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. The village hereby adopts the 2018 edition of the International Property Maintenance Code (IPMC) published by the International Code Council and incorporates the same by reference as if fully set forth herein, which shall be administered by a code enforcement inspector or officer or other person designated by the village manager.
- (b) *Local amendments.* The 2018 edition of the IPMC is hereby amended as follows:
- (1) Wherever the terms "International Building Code" or "International Existing Building Code" appear in this code, the term "Florida Building Code" shall be substituted for such terms.
  - (2) Wherever the term "International Fire Code" appear in this code, the term "National Fire Protection Act" or "NFPA" shall be substituted for such term.
  - (3) Section 101.1 Title is amended to insert "Village of Palm Springs".
  - (4) Section 102.7 Referenced Codes and Standards is amended to read as follows:  
The codes and standards referenced in this code shall be the Florida Building Code, the Florida Fire Prevention Code, the Life Safety Code and any other code or standard contained in Article II of Chapter 10 and in Chapter 34. Where there are differences between provisions of this code, the Florida Building Code and any other code or standard contained in Article II of Chapter 10 and in Chapter 34, the Florida Building Code, the Florida Fire Prevention Code, the Life Safety Code, and any other code or standard contained in Articles II of Chapter 10 and in Chapter 34 shall prevail.
  - (5) Section 103.5 Fees is deleted.
  - (6) Section 112.4 Failure to Comply is amended to insert the amounts of "\$100" and "\$5,000", respectively.
  - (7) Section 302.4 Weeds is amended to insert the height of "twelve (12) inches".
  - (8) Section 304.14 Insect Screens is amended to delete the words "during the period from [date] to [date]".
  - (9) Section 602.3 Heat Supply is amended to insert the dates of "November 1st to March 31st".
  - (10) Section 602.4 Occupiable Workspaces is amended to insert the dates of "November 1<sup>st</sup> to March 31<sup>st</sup>".
- (c) *Responsibility.* The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. The owner of the structure shall provide and maintain light, ventilation and space and conditions in compliance with this article. A person shall not occupy as owner-occupant or permit another person to occupy any premises which do not comply with the requirements of this chapter.
- (d) *Vacant structures and land.* All vacant structures and premises or vacant land shall be maintained in a clean, safe, secure and sanitary condition so as not to cause a deteriorating problem or adversely affect the public health, safety or welfare.
- (1) The exterior of all vacant structures shall be maintained in a manner required of occupied structures as provided in this Code: window areas shall be maintained with appropriate glass and glazing treatment, exterior doors shall be water- and weather-tight, walls and roof areas shall be maintained in a clean, safe and intact condition, and water- and weather-tight.

(Ord. No. 2006-47, § 2, 11-9-2006; Ord. No. 2019-14, § 2, 9-12-2019)

**Bartow, FL - Code of Ordinances** ([https://library.municode.com/fl/bartow/codes/code\\_of\\_ordinances](https://library.municode.com/fl/bartow/codes/code_of_ordinances))

## Sec. 18-15. - Property Maintenance Code adopted.

The International Property Maintenance Code, 2009 edition, as published by International Code Council, Inc. is hereby adopted and incorporated by reference as the Minimum Property Maintenance Standards of the City of Bartow subject to and including by reference such additions and amendments that may be adopted by the city by ordinance.

(Ord. No. 2012-07, §§ 2, 3(Exh. A), 8-6-12)

## Sec. 18-16. - Modifications, amendments, deletions.

The following amendments are made to the International Property Maintenance Code, 2009 edition, and shall be a part of the Minimum Property Maintenance Standards of the City of Bartow:

- (a) Section 101.1 is amended to read:

*101.1 Title.*

These regulations shall be known as the Minimum Property Maintenance Standards of the City of Bartow, hereinafter referred to as "this code"

- (b) Section 102.1 is amended to read:

*102.1 General.*

Where there is a specific conflict between a general requirement of this code and a specific requirement of this code, the specific requirement shall govern. Where differences occur between provisions of this code, and any referenced standard in this code, this code shall generally govern, except that F.S. Chapter 553, the Florida Building Code and all referenced standards in the Florida Building Code shall control all matters relating to building construction, repair and remodeling and the Florida Fire Prevention Code and Florida Life Safety Code shall control all matters relating to fire safety. Where, in a specific case, different sections of this code specify different requirements, the most restrictive will govern.

- (c) Section 102.3 is amended to read:

*102.3 Application of other codes.*

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of F.S. Chapter 553 and any applicable building codes, including, but not limited to, the Florida Building Code. Nothing in this code shall be construed to cancel, modify or set aside any of the provisions of F.S. Chapter 553 or any applicable building codes to a particular project, including, but not limited to, the Florida Building Code or any referenced standard therein.

- (d) Section 102.6 is amended to read:

*102.6 Historic Buildings.*

The provisions of this code shall not be mandatory for existing buildings or structures that are designated as historic by the National Park Service and listed on the National Register of Historic Places when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety, and welfare.

- (e) Section 102.7 is amended to read:

*102.7 Referenced codes and standards.*

The codes and standards referenced throughout this code shall be considered part of this code and are accordingly adopted and incorporated herein by reference to the prescribed extent of such reference. Where differences occur between provisions of this code and the referenced standards, the more stringent standard shall apply.

- (f) Section 102.8 is amended to read:

*102.8 Requirements not covered by code.*

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health, and general welfare, not specifically covered by this code shall be determined by the code official using the following:

- (1) Reference to the manufacturer's suggested guidelines or instructions for installation and use;
- (2) Reference to the Florida Building Code or any other applicable building code;
- (3) Reference to primary law (including federal, state, and local sources);
- (4) Reference to any generally accepted practice in the industry, occupation, or general use for which the existing fixture, structure or equipment is primarily designated for, or for which the public health, safety, and welfare requires; or
- (5) Reference to any other suitably acceptable source of custom or practice reasonably accepted by society and sufficiently reliable in nature such that the requirement would be generally known and accepted in the community.

The code official, upon observing a deficiency in a requirement necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health, and general welfare, shall, in addition to regular enforcement protocol, issue along with the first notice a written determination including the basis for requirement and the necessary steps to correct the deficiency observed to meet the requirement.

- (g) Section 103 is renamed "Code Enforcement Unit"

- (h) Section 103.1 is amended to read:

*103.1 Code officials.*

Each Code Enforcement Officer of the City is deemed a "code official" for purposes of this code. Any notices required to be delivered to the code official under this code shall be delivered to the responsible code official for the case.

- (i) Sections 103.2 and 103.3 are deleted.

- (j) Section 103.4 is amended to read:

*103.4 Liability.*

In accordance with F.S. §768.28(9)(a), a City official or employee charged with the enforcement of this code shall not be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function, unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

- (k) Section 103.5 is deleted.

- (l) Section 104.1 is amended to read:

*104.1 General.*

The code official shall enforce the provisions of this code.

(m) Section 105.1 is amended to read:

*105.1 Modifications.*

Whenever there are practical difficulties involved in carrying out the provisions of this code, the city manager, or his or her designee, shall have the authority to grant modifications to structures for individual cases as may be deemed necessary in his or her discretion. No modification from the terms of this code shall be issued unless the city manager, or his or her designee finds, based on competent substantial evidence submitted to the city, that all of the following conditions are met:

- (1) The requested modification is in compliance with the intent and purpose of this code;
- (2) The requested modification does not lessen health, life, safety and fire requirements;
- (3) The circumstances giving rise to the requested modification are peculiar to the structure and do not arise from the actions of a structure owner or occupant;
- (4) The requested modification, if approved, will not confer any special privilege that is denied by the provisions of this code to other similarly situated structures;
- (5) Literal interpretation of the provisions of this code would deprive the structure owner or occupant of rights commonly enjoyed by other similarly situated structures; and
- (6) The requested modification, if approved, is the minimum modification that will allow reasonable use of the structure.

Should the a modification to this code be approved, the city manager shall draft a modification order and shall forward a copy of the modification order to the code official for placement in the code official's files and a copy of the modification order to the building official for placement in the building official's files.

Modifications to this code granted under authority of the city manager are not variances and do not run with the land, and upon the application for a building permit from the City for the subject building, structure or premises by the owner or occupant thereof, such modifications shall cease to be in existence and the subject building, structure or premises must be brought into compliance with this code as a condition of issuance of the permit.

Any aggrieved person adversely affected by a decision of the city manager pursuant to this Section may, within thirty (30) days of rendition of the decision, appeal the same to circuit court by way of certiorari review. Such appeal shall be in the nature of an appeal from a final administrative order.

(n) Section 105.3 is amended to read:

*105.3 Required testing.*

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 code official shall have the authority, but not the obligation, to require tests to be made as evidence of compliance at the property owner's expense.

(o) Sections 105.3.1, 105.3.2 and 105.6 are deleted.

(p) Section 106.2 is amended to read:

*106.2 Enforcement Protocol.*



The code official shall enforce the provisions of this Code in any manner or protocol available including, but not limited to, issuance of a citation pursuant to F.S. §162.21, a "Notice of Hearing" pursuant to F.S. §162.12, a "Notice to Appear" pursuant to F.S. §162.23, a "Demand for Removal" or "Demand for Correction" pursuant to §106.3 of this code, or referral to the city attorney for filing a civil enforcement action. The enumeration of remedies and protocols herein does not constrain the code official who, as an officer of a Florida municipality endowed with home rule authority, may use any lawful means necessary to bring a code violation into compliance, to restrain, correct, or to prevent illegal occupancy of any building, structure or premises, or to stop an illegal act, conduct, business or utilization of any building, structure or premises.

(q) Section 106.3 is amended to read:

*106.3 Declaration of nuisance; demand for removal or correction.*

A violation of any provision of this code is deemed to be a nuisance affecting the public health, safety and welfare, and accordingly, the code official is hereby authorized and empowered to demand removal or correction and notify, in writing, the owner or agent of such owner, of any building, structure or premises within the city, to make such repairs as may be required to abate the nuisance condition and bring such building, structure or premises into compliance. Notice shall be provided to the owner or agent of such owner by certified mail, return receipt requested, by hand delivery, by posting, or by any combination of the same.

The notice required to be given herein shall set forth the legal description of the property underlying the building, structure or premises as is set forth in the latest tax roll prepared by the county, and shall specify a reasonable time in which the owner or agent of the owner shall abate the condition and bring such building, structure or premises into compliance. Such notice shall have attached thereto a true copy of this section. Included in the notice shall be a statement informing the owner that all costs incurred by the city in abating the nuisance condition and repairing the condition and bring such building, structure or premises into compliance shall be billed to the property owner.

Upon the failure, neglect or refusal of any owner or the agent of such owner so notified to abate the nuisance condition and make repairs within the reasonable time specified after posting the building, structure or premises, the code official is hereby authorized to order the repair of the building, structure or premises and bill the owner for the work.

Any owner aggrieved by the findings and order of the code official shall have the right to appeal said decision prior to the expiration of the time within which such owner was given to abate the nuisance. Any appeal taken must be requested, in writing, and timely received by the city clerk. In the event the time for owner to abate the nuisance expires on a weekend, evening or a holiday, the owner shall have until 5:00 p.m. the next business day to file the request for appeal. Such written notice or request may be in any form which clearly notifies the city of the owner's request. The code official shall place the appeal on the agenda of the next scheduled city special magistrate hearing or may request a special meeting to hear the appeal. Any appeal shall stay all proceedings in furtherance with the action appealed from until after the hearing is held. At such hearing, the rules of the special magistrate concerning appeals shall be followed. It shall be the responsibility of the owner of the property in question to show that the city's actions are without reason. The special magistrate shall determine whether the appeal is justified. If not, the city shall proceed with the abatement.

After abatement and billing by the city, where the full amount due the city is not paid by the owner of the building, structure or premises within 30 days after the billing date, the code official shall cause to be recorded in the public records of the county, a sworn statement showing the cost and expense incurred for the work and the date, place and property on which such work was done, and the recordation of such sworn statement shall

constitute a special assessment lien on the property equivalent to the lien of municipal taxes and taking precedence over all other recorded liens, and shall remain in full force and effect for the amount due on principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such special assessment lien may be foreclosed in the manner provided for by general law.

This provision is supplemental in nature and is not intended to be the exclusive remedy by which this code may be enforced. An order issued on appeal by the special magistrate pursuant to this section shall be considered final administrative action taken pursuant to home rule authority.

- (r) Section 106.4 is amended to read:

*106.4 Violation penalties; remedies additional and supplemental.*

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, may be prosecuted within the limits provided by general or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Each remedy provided for in this code is an additional and supplemental means of enforcing city codes and ordinances and may be used for the enforcement of this code singularly or in tandem. Nothing contained herein shall prohibit the city from enforcing its codes and ordinances by any other means.

- (s) Section 106.5 is amended to read:

*106.5 Abatement of violation.*

The imposition of the penalties herein shall not preclude the code official from referring a particular case to the city attorney to institute an appropriate action to restrain, correct, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

- (t) Section 107.1 is amended to read:

*107.1 Notices.*

Notice of a violation of this code shall be delivered in accordance with the substantive law governing the code official's chosen enforcement protocol or protocols.

- (u) Sections 107.2, 107.3 and 107.5 are deleted.

- (v) Section 107.6 is amended to read:

*107.6 Transfer of ownership.*

It shall be unlawful for the owner of any building, structure or premises who has received a citation, a notice of violation, a demand for removal or a demand for correction to sell, transfer, mortgage, lease, or otherwise dispose of such building, structure, or premises until the provisions of the citation, notice of violation, demand for removal or demand for correction have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of the citation, notice of violation, demand for removal or demand for correction and then provide to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of such citation, notice of violation, demand for removal or demand for correction and fully accepting the responsibility without condition for making the corrections or repairs required thereby.

A true and correct copy of this section shall be attached to all citations, notices of violation, demands for removal and demands for correction issued pursuant to this code, although the failure to attach a copy thereto will not affect the validity of the instrument, nor shall it affect the validity of this section.

Any person violating this section shall be subject to the penalty found in §1-14 of the Code of Ordinances of the City of Bartow.

(w) Section 108.1.5 is amended to read:

*108.1.5 Dangerous structure or premises.*

For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the requirements for existing buildings identified in F.S. Chapter 553, the Florida Building Code, the Florida Fire Prevention Code or the Florida Life Safety Code.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of lack of sufficient or proper fire-resistance-related construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an

attractive nuisance or hazard to the public.

(x) Section 108.2 is amended to read:

*108.2 Closing of vacant structures.*

If a structure is vacant and unfit for human habitation and occupancy, and is not in danger for structural collapse, but is open such that the interior of the structure is easily accessible through open or broken windows, open or broken doors, or missing structural elements, the code official is authorized to issue a demand for correction in accordance with §106.3 of this code.

Alternatively, should the vacant structure

(1) pose an imminent danger to the health, safety, and welfare of the general public;

(2) be occupied periodically by transients or itinerants; or

(3) be utilized for illegal conduct in violation of any federal, state or local law,

the code official is authorized to have the structure immediately closed up so as not to be an attractive nuisance by posting a notice at each entrance to the building entitled "Notice of Section 108.2 Closing" and by sealing each accessible entrance. A "Notice of Section 108.2 Closing" shall be in substantially the following form:

"NOTICE OF SECTION 108.2 CLOSING

This vacant structure is uninhabitable and has been closed by Order of the City of Bartow Code Enforcement Unit pursuant to Section 108.2(1), (2), and/or (3) of the Minimum Property Maintenance Standards of the City.

For information, please call (863) 534-0100".

When the code official elects to post a "notice of closing" on a vacant structure at each accessible entrance, in accordance with subsection (1), (2) or (3) above, the code official shall send a bill for the City's expense in closing the structure to the owner of the property underlying the structure or the agent of such owner of the property underlying the structure by United States certified mail, return receipt requested. Should the City's bill be returned unclaimed, the City may then post the bill on the closed structure and at a conspicuous location at City Hall for ten (10) days, which, on the tenth day after posting, shall constitute the equivalent of delivery. After billing by the City, if the full amount due the City is not paid by the owner of the structure or the agent of the owner of the structure within thirty (30) days after receipt of the bill or after the expiration of ten (10) days after posting the bill, the code official shall cause to be recorded in the public records of the county, a sworn statement showing the cost and expense incurred for the work and the date, place and property on which such work was done, and an affidavit of constructive service by posting, if any, and the recordation of such sworn statement shall constitute a special assessment lien on the property equivalent to the lien of municipal taxes and taking precedence over all other recorded liens, and shall remain in full force and effect for the amount due on principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such special assessment lien may be foreclosed in the manner provided for by general law.

Any owner aggrieved by the findings and order of the code official shall have the right to appeal said decision prior to the expiration of the time within which to pay the bill for closing the structure due the City. Any appeal taken must be requested, in writing, and timely received by the City Clerk. In the event the time for owner to pay expires on a weekend, evening or a holiday, the owner shall have until 5:00 p.m. the next business day to file the request for appeal. Such written notice or request may be in any form which clearly notifies the City of the owner's request. The code official shall place the appeal on the agenda of the next scheduled Code Enforcement Board Hearing or may request a special meeting to hear the appeal. Any appeal shall stay all proceedings in furtherance with the action appealed from until after the hearing is held. At such hearing, the rules of the Code

Enforcement Board concerning appeals shall be followed. It shall be the responsibility of the owner of the property in question to show that the City's actions are without reason. The Code Enforcement Board shall determine whether the appeal is justified. If it is determined by the Code Enforcement Board, based on competent substantial evidence in the record, that the City's actions are without reason, the cost for closing the structure shall be borne by the City.

No structure closed by the City pursuant to this section may be reopened unless said structure is wholly compliant with this code or unless it is shown during a timely appeal after hearing that the City's actions in closing the structure were without reason. An order issued on appeal by the Code Enforcement Board pursuant to this section shall be considered final administrative action taken pursuant to home rule authority.

(y) Section 108.3 is amended to read:

*108.3 Notice.*

Whenever the code official has reason to condemn a structure or equipment, a notice of violation shall be posted in a conspicuous place on or about the structure affected by such notice and served on the owners of land, the agent of such owners, or the person or persons responsible for the structure or equipment by United States certified mail, return receipt requested. If the notice pertains to equipment, it shall also be placed on the equipment in violation. The notice shall specify a reasonable time in which the structure or equipment owner or the person or persons responsible for the structure or equipment shall abate the condition and bring such structure or equipment into compliance.

(z) Section 108.5 is amended to read:

*108.5 Prohibited occupancy.*

Any occupied structure condemned by the code official shall be placarded and vacated. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, agent of such owner, or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be subject to the penalty in §1-14 of the Code of Ordinances of the City of Bartow.

(aa) Section 108.6 is added to read as follows:

*108.8 Boarded up structures.*

No vacant structure may be boarded up by its owner for a period of time exceeding one hundred twenty (120) days unless

- (1) the owner is granted a written waiver signed by the Building Official and the Code official; or
- (2) the structure has been closed in accordance with §108.2 of this code.

All vacant structures shall be maintained in accordance with §304.6 of this code ("Exterior walls"), and all materials used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the rest of the building. Closing a structure in accordance with §108.2 of this code does not relieve the owner from complying with this provision.

(bb) Section 109.1 is amended to read:

*109.1 Emergency closing.*

When,

- (1) in the opinion of either the code official or building official, there is imminent danger of failure or collapse of a building or structure which endangers life, or

- (2) any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or
- (3) in the opinion of either the code official or building official, there is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes, or vapors or the presence of toxic fumes, gases or materials or operation of defective or dangerous equipment;
- both the code official and the building official are authorized and empowered to order and require the occupants to vacate the premises forthwith. The official ordering the vacation of the premises shall immediately thereafter post, at each entrance to the structure, a notice in substantially the following form:

"DANGER! THIS STRUCTURE IS CLOSED TO THE PUBLIC! DANGER!

NOTICE OF EMERGENCY CLOSING

IMMEDIATE ORDER OF CLOSURE

This structure is unsafe and has been closed by Order of the City of Bartow pursuant to Section 109.1 of the Minimum Property Maintenance Standards of the City.

For information, please call (863) 534-0100".

Any person ordered to take emergency measures shall comply with such order forthwith. It shall be unlawful for a person to enter a posted structure except for the purpose of securing the structure, making the required inspections and repairs, removing the hazardous condition, or to demolish the structure. Any such person in violation of this provision is subject to the penalty found in §1-14 of the Code of Ordinances of the City of Bartow and may be immediately removed from the structure by City personnel.

- (cc) Section 109.2 is amended to read:

*109.2 Safeguards.*

Whenever, in the opinion of the code official or building official as the situation may require, there is an emergency situation warranting an emergency closing of a structure pursuant to §109.1(1), (2), or (3) of this code, the City and the official ordering the closing of the structure is authorized to order that work be done in an attempt to secure the structure such that it may be rendered temporarily safe. Neither the City nor the official ordering the closing of the structure however is under any obligation under this Section to perform any work to ensure that the structure is rendered safe. Further, should the City or the official ordering the closing of the structure choose to order that work be done in an attempt to secure the structure, neither the City nor the official ordering the closing of the structure shall be liable for any damage done to the structure during the performance of such safeguard work.

- (dd) Section 109.4 is amended to read:

*109.4 Notification of Emergency Closing to City Commission.*

The City Manager shall provide the City Commission notice of any emergency closing actions taken by the City pursuant to this Code. The failure to provide such notice shall have no effect on the validity of enforcement actions taken hereunder.

- (ee) Section 109.5 is amended to read:

*109.5 Costs of safeguard work.*

Costs incurred in the performance of safeguard work shall be paid by the City, but shall be assessed against the owner of the structure, as a special assessment on the real property underlying the structure, upon a showing at the mandatory hearing described in §109.6 of this code, by competent substantial evidence, that the safeguard work was required by exigencies of the situation, given the totality of the circumstances.

(ff) Section 109.6 is amended to read:

*109.6 Mandatory Hearing; appeal.*

Immediately after closing a structure pursuant to Section 109.1 of this code, the official closing the structure shall request a hearing as soon as possible before the Code Enforcement Board for the purpose of reviewing the decision of the official to determine whether it was reasonable under the totality of the circumstances. Such hearing shall be conducted in accordance with the rules for the Code Enforcement Board and any decision rendered by the Code Enforcement Board as to the propriety of the closure must be based on competent substantial evidence. Any appeal from the decision of the Code Enforcement Board under this provision shall be taken by filing a petition for certiorari with the appropriate court under the Florida Rules of Appellate Procedure. The nature of such an appeal shall be from a final administrative order of the City.

(gg) Sections 110, 111 and 112 are deleted in their entirety.

(hh) Section 201.3 is deleted.

(ii) Term Definitions.

Certain term definitions in Section 202 are revised to read as follows:

- (1) Easement. Deleted.
- (2) Equipment Support. Deleted.
- (3) Strict Liability Offense. Deleted.
- (4) Ultimate Deformation. Deleted.

All term definitions in Section 202 not modified by this subsection shall remain as published in the International Property Maintenance Code, 2009 edition.

(jj) Section 302.1 is amended to read:

*302.1 Sanitation and storage of materials.*

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

No owner or occupant shall permit old or broken lumber, rusted or unused equipment, discarded refrigerators, discarded stoves, old pipe or other used, discarded and worn, unsightly articles or materials to remain in any yard or open area owned, occupied or in the possession of such person for a period of more than five (5) days.

Further, unless authorized by the zoning category of the property, no owner or occupant of a building, structure or premises may utilize such property for the open storage of abandoned, untagged, or inoperative motor vehicles, iceboxes, refrigerators, stoves, glass, building material rubbish or similar items.

(kk) Section 302.4 is amended to read:

*302.4 Weeds and overgrowth.*

All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided that the term weeds shall not include cultivated flowers, cultivated gardens and Central region plants listed on the most current edition of the Florida-Friendly Plant List issued by the University of Florida Institute of Food and Agricultural Sciences, so long as such flowers, gardens and plants are maintained in an aesthetically pleasing manner and do not constitute a dangerous or nuisance condition as determined in the sole discretion of the code official; provided further however that all noxious weeds shall be prohibited.

(ll) Section 304.1.1 is deleted.

(mm) Section 304.3 is amended to read:

*304.3 Premises Identification.*

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters. Numbers shall be a minimum of three (3) inches (76.2 mm) high with a minimum one-half (.5) inch (12.7 mm) stroke width.

(nn) Section 304.14 is amended to read as follows:

*304.14 Insect screens.*

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per one (1) inch (25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. All screens shall be maintained free from open rips, tears, or other defects.

Exception: Screens shall not be required where other approved means, such as central air conditioning, air curtains, or insect repellent fans are employed.

(oo) Section 304.15 is amended to read:

*304.15 Doors.*

All Exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

(pp) Section 304.19 is created to read:

*304.19 Skirting around foundations.*

Latticework or similar approved material must be installed along continuous openings on the outside perimeter of buildings with floors elevated above the ground and where more than twelve (12) inches of vertical opening area exists from the ground to the building wall. The installation must be performed in an approved aesthetic manner in accordance with typical construction methods in practice. Existing skirting shall be maintained in good repair and free from broken or missing sections, pieces or cross members.

(qq) Section 305.1.1 is deleted.

(rr) Section 306 is deleted in its entirety.

(ss) Section 307.1 is amended to read as follows:



*307.1 General*

Every exterior and interior flight of stairs shall have handrails and guardrails installed in accordance with F.S. Chapter 553 and applicable portions of the Florida Building Code.

(tt) Sections 308.2.1 and 308.3.1 are deleted.

(uu) Section 401.3 is amended to read:

*401.3 Alternative devices.*

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Florida Building Code shall be permitted.

(vv) Section 404.1 is amended to read:

*404.1 Privacy.*

Dwelling units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(ww) Section 502.3 is deleted

(xx) Section 502.5 is amended to read:

*502.5 Public toilet facilities.*

Public toilet facilities shall be maintained in a safe, sanitary and working condition. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

(yy) Section 503.2 is amended to read:

*503.2 Location.*

Toilet rooms and bathrooms serving rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

(zz) Section 503.4 is amended to read:

*503.4 Floor surface.*

Every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

(aaa) Section 505.1 is amended to read:

*505.1 General.*

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. In dwelling units, housekeeping units, rooming units and dormitory units all kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with both hot or tempered running water and cold running water.

(bbb) Section 506.3 is deleted.

(ccc) Section 602.2 is amended to read:

*602.2 Residential occupancies.*

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

(ddd) Section 602.3 is amended to read:

*602.3 Heat supply.*

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to March 30 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

(eee) Section 602.4 is amended to read:

*602.4 Occupiable work spaces.*

Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to March 30 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

- (1) Processing, storage and operation areas that require cooling or special temperature conditions.
- (2) Areas in which persons are primarily engaged in vigorous physical activities.

(fff) Section 604.2 is deleted.

(ggg) Sections 604.3.1, 604.3.1.1, 604.3.2, and 604.3.2.1 are deleted.

(hhh) Section 606 is deleted in its entirety.

(iii) Section 701 is deleted.

(jjj) Section 702.1 is amended to read:

*702.1 General.*

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Florida Fire Prevention Code.

(kkk) Section 702.2 is deleted.

(lll) Section 702.3 is amended to read:

*702.3 Locked doors.*

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Florida Building Code.

(mmm) Section 702.4 is deleted.

(nnn) Section 703 is deleted.

(ooo) Section 704.1 is amended to read:

*704.1 General.*

A person shall not occupy as owner-occupant nor shall let to another for occupancy, any building or structure which is not equipped with adequate fire prevention equipment in accordance with the Florida Fire Prevention Code. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any

combination thereof shall be maintained in an operable condition at all times in accordance with the Florida Fire Prevention Code.

(ppp) Section 704.1.1 is deleted.

(qqq) Section 704.2 is amended to read:

*704.2 Smoke Alarms.*

Every dwelling unit shall be provided with an approved listed smoke alarm, installed in accordance with the manufacturer's recommendations and listing. When activated, the device shall provide an audible alarm.

(rrr) Sections 704.3 and 704.4 are deleted.

(Ord. No. 2012-07, §§ 2, 3(Exh. A), 8-6-12; Ord. No. 2016-03, § 3, 1-19-16)

**Okeechobee County, FL - Code of Ordinances** ([https://library.municode.com/fl/okeechobee\\_county/codes/code\\_of\\_ordinances](https://library.municode.com/fl/okeechobee_county/codes/code_of_ordinances))

## 8.00.00. - Incorporation of standards and codes.

The following standard codes are hereby adopted and incorporated in this Code by reference:

- A. *Florida Building Code*. The 2004 Florida Building Code with 2006 supplement, effective until September 30, 2008. Beginning October 1, 2008, the 2007 Florida Building Code with subsequent new supplements as adopted by the State of Florida.  
  
Note: The Florida Building Code is adopted and updated with new editions triennially by the Florida Building Commission. It is amended annually to incorporate interpretations, clarifications and to update standards. Minimum requirements for permitting, plans review and inspections are established by the Code, and local jurisdictions may adopt additional administrative requirements that are more stringent. Local technical amendments are subject to strict criteria established by F.S. § 553.73. They are subject to commission review and adoption into the code or repeal when the code is updated triennially and are subject to appeal to the Commission according to the procedures established by F.S. § 553.73.
- B. *Florida Residential Building Code*. The 2004 Florida Residential Building Code with 2006 supplement, effective until September 30, 2008. Beginning October 1, 2008, the 2007 Florida Residential Building Code with subsequent new supplements as adopted by the State of Florida, together with appendices "A", "B", "G", and "O".
- C. *Florida Plumbing Code*. The 2004 Florida Plumbing Code with 2006 supplement, effective until September 30, 2008. Beginning October 1, 2008, the 2007 Florida Plumbing Code with subsequent new supplements as adopted by the State of Florida, together with Appendices "B", "C", "D", "E", and "F".
- D. *Florida Mechanical Code*. The 2004 Florida Mechanical Code with 2006 supplement, effective until September 30, 2008. Beginning October 1, 2008, the 2007 Florida Mechanical Code with subsequent new supplements as adopted by the State of Florida, together with Appendix: "A".
- E. *Florida Fuel and Gas Code*. The 2004 Florida Fuel and Gas Code 2006 supplement, effective until September 30, 2008. Beginning October 1, 2008, the 2007 Florida Fuel and Gas Code with subsequent new supplements as adopted by the State of Florida, together with Appendices "A" and "B".
- F. *National Electrical Code*. The 2005 National Electric Code as promulgated by the National Fire Protection Association and approved by the American National Standards Institute and known as ANSI/NFPA 70 effective until such date when the State of Florida adopts the 2008 or later versions.
- G. *International Property Maintenance Code*. The 2006 International Property Maintenance Code as promulgated by the International Code Council.
- H. *Florida Existing Buildings Code*. The 2004 Florida Existing Building Code with 2006 supplement, effective until September 30, 2008. Beginning October 1, 2008, the 2007 Florida Existing Building Code with subsequent new supplements as adopted by the State of Florida, together with Appendices "B", "C", and "D".
- I. *Model Administrative Code*. The 2004 Model Administrative Code with 2006 supplement as prepared by the Building Officials Association of Florida, effective until September 30, 2008. Beginning October 1, 2008, the 2008 Model Administrative Code with subsequent new supplements as prepared by the Building Officials Association of Florida.
- J. *Florida Fire Prevention Code*. The 2004 Florida Fire Prevention Code as promulgated by the State Fire Marshall.
- K. *Florida Department of Transportation Standards*. The latest edition of:
  - 1. Plans Preparation Manual.

2. Design Standards 2006.
3. Design Standards 2008, effective July 2008.
4. Drainage Handbook: Hydrology.
5. Drainage Handbook: Optional Pipe Materials.
6. Drainage Handbook: Storm Drains.
7. Drainage Handbook: Stormwater Management Facility.
8. Drainage Manual.
9. Erosion and Sediment Control Handbook.
10. Flexible Pavement Design Manual.
11. Florida Roundabout Guide.
12. Guide to Asphalt Repair 1988.
13. Interchange Handbook 2003.
14. Traffic Engineering Manual.
15. Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

L. *American Association of State Highway and Transportation Officials*. The latest edition of:

1. AASHTO—A Policy on Geometric Design of Streets and Highways.
2. AASHTO—Standard Specifications for Highway Bridges.

M. *Traffic Devices*. The latest edition of:

1. FHWA—Manual on Uniform Traffic Control Devices—A Policy on Geometric Design of Streets and Highways.

(Ord. No. 94-8, § 1 (8.00.00), 10-5-94; Ord. No. 95-1, § 1 (8.00.00), 6-8-95; Ord. No. 97-02, § 1, 2-27-97; Ord. No. 2008-02, § 3(Exh. C), 5-22-08)

**Palm Beach Gardens, FL - Code of Ordinances** ([https://library.municode.com/fl/palm\\_beach\\_gardens/codes/code\\_of\\_ordinances](https://library.municode.com/fl/palm_beach_gardens/codes/code_of_ordinances))

## Section 116 - Unsafe structures and equipment.

*116.1 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 ordered by the building official to be abated by the owner, through repair and rehabilitation or by demolition in accordance with this Code. The extent of repairs shall be determined by the building official.

*116.1.1* 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, or in reference to the International Property Maintenance Code, current edition, promulgated by the International Code Council, Inc., he/she shall provide the owner, agent or person in control of such building, structure, electrical, gas, mechanical or plumbing system a written notice of violation 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. At the option of the local government, the processes and procedures for code enforcement under Chapter 162 Florida Statutes may be utilized to abate a violation under this section. If this statutory method of enforcement is invoked, the building official shall act in the role of code inspector to initiate enforcement proceedings, and notice shall be in accordance with the provisions of the Statute. The building official shall refer to the International Property Maintenance Code exclusively for safety purposes and not aesthetic purposes and only as to structural, electric, gas, mechanical or plumbing deficiencies for the purposes of protecting life, health, and property, and ensuring public safety. Enforcement activity by the building official shall be limited to Chapter 2; Chapter 3 Sections 303 and 304, but excluding sections 3304, 305 and 306; Chapter 4; Chapter 5 and Chapter 6 of the International Property Maintenance Code.

*116.1.2* If necessary, the notice shall also require the building, structure, electrical, gas, mechanical, plumbing systems or portion thereof to be vacated and/or disconnected, and not reoccupied and/or reconnected until the specified repairs and improvements are completed, inspected and approved by the building official. The building official shall post at each entrance to the building a placard stating: THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL. This placard 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 the posting without written permission of the building official, or for any person to enter the building, or use the building or system(s) except for the purpose of making the required repairs or of demolishing same.

*116.1.3* 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, acting as a code inspector, shall notify an enforcement board and request a hearing. In the case of the violation posing a serious threat, and after having ascertained the cost, the building official may take action to cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof, to be demolished, secured, repaired, or required to remain vacant or unused. Taking such action does not create a continuing obligation on the part of the building official to continue with maintaining such building, structure, or system; or create liability for any damage to the property.

*116.1.4* 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.

*116.2 Enforcement proceedings; hearings.* Violation proceedings and hearings for unsafe structures and equipment will be conducted before the code enforcement board or special magistrate in accordance with the provisions set forth in Chapter 162, Florida Statutes. The owner of property that is subject to an enforcement proceeding before an enforcement board, special magistrate, or court is required to make disclosures as outlined in Chapter 162, Florida Statutes before a transfer of property, and failure to make the required disclosures creates a presumption of fraud.

*116.3 Administrative fines; costs to repair; liens.* All costs associated with taking a case before the enforcement board shall be recovered where the jurisdiction prevails. Whenever one of the orders of the enforcement board or the special magistrate has not been complied with by the time set for compliance, for each day thereafter during which each violation continues past the date set for compliance, the enforcement board or the special magistrate may impose a fine. All costs incurred as a result of actions taken per Section 116.1.3 are charged to the violator. A certified copy of an order imposing a fine, or a fine plus repair, and the costs of prosecuting the case, may be recorded in the public records and shall thereafter constitute a lien against the land where the violation exists and upon any other real or personal property owned by the violator. If an order is recorded in the public records pursuant to this subsection, and it has been complied with by the date specified in the order, the enforcement board shall issue an order acknowledging compliance that shall be recorded in the public record. A hearing is not required for the issuance of such a compliance order.

*116.4 Appeal.* An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board or special magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

**Satellite Beach, FL - Code of Ordinances** ([https://library.municode.com/fl/satellite\\_beach/codes/code\\_of\\_ordinances](https://library.municode.com/fl/satellite_beach/codes/code_of_ordinances))

Sec. 3-3. - Adoption of administration code for the Florida Building Code.

The following administration section is adopted and replaces Chapter 1 of the Florida Building Code:

CHAPTER 1

SCOPE AND ADMINISTRATION

**PART 1—SCOPE AND APPLICATION**

**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.

Exception:

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 Florida Building Code, Existing Building.

**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.

**101.2.2 Residential Building Code.** Residential construction standards or practices which are not covered by the Florida Building Code, Residential volume shall be in accordance with the provisions of Florida Building Code, Building.

**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 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 Warranty and Liability.** The permitting, plan review or inspection of any building, system or plan by this 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. This jurisdiction 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.

**101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.8 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 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.

**101.4.2 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.

**101.4.3 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. The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.

**101.4.4 Property maintenance.** The provisions of the Southern Building Code Congress International Standard Housing Code 1994 edition shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

**101.4.5 Fire prevention.** The provisions of 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.

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

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

**101.4.8 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 there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

**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. 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 II (Section 553.501—553.513, Florida Statutes) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. Permits shall be required for structural support and tie down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.
- 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 non-wood features.
- i) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

**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.

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

**Exception:** Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

**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 Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**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, Southern Building Code Congress International Standard Housing Code 1994 edition or 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.
3. A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

**102.8 Existing mechanical equipment.** An agency or local government may not require that existing mechanical equipment on the surface of a roof be installed in compliance with the requirements of the Florida Building Code until the equipment is required to be removed or replaced.

## PART 2—ADMINISTRATION AND ENFORCEMENT

### SECTION 103 DEPARTMENT OF BUILDING SAFETY

**103.1 Creation of enforcement agency.** The Department of Building Safety is hereby created and the official in charge thereof shall be known as the building official.

**103.2 Appointment.** The building official shall be appointed by the chief appointing authority of the jurisdiction.

**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

For the maintenance of existing properties, see the International Property Maintenance Code. (Or what you have referenced in 101.4.4)

### SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL

**104.1 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. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**104.2 Applications and permits.** The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**104.3 Notices and orders.** The building official shall issue all necessary notices or orders to ensure compliance with this code.

**104.4 Inspections.** The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**104.5 Identification.** The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized To enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

**104.7 Department records.** The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per FS 119.

**104.8 Liability.** The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**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 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 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases (except in a Special Flood Hazard Area), upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

**104.10.1 Modifications of the strict application of the requirements of the Florida Building Code.** The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

**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.

**104.12 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.

## **SECTION 105 PERMITS**

**105.1 Required.** Any owner or authorized agent 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 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 office system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations 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 facility site as deemed necessary. An annual facility permit shall

be assessed with 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 access to such records at all times or such records shall be filed with the building official as designated.

**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 or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m<sup>2</sup>).
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Groups R-3 and U occupancies.
13. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

**Electrical:**

**Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

**Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

**Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

**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 that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 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:**

9. 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.
10. 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.

**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.

**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; nor shall ordinary repairs 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 or mechanical 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 Public service agencies.** A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

**105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety 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 there for. 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.

**105.3.1.2** 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. Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. The system:
  - a. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value of over \$125,000; and
  - b. Requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system;  
NOTE: It was further clarified by the Commission that the limiting factor of 240 volt or over is required to be designed by an Engineer.
  - c. Requires a plumbing system with 250 fixture units or more;
  - d. Requires a heating, ventilation, and air-conditioning system that exceeds a 15-ton-per-system capacity, or if the project is designed to accommodate over 100 persons.  
NOTE: It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.
2. 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. 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 stamped 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 to have been abandoned becoming null and void 180 days after the date of filing, 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 and justifiable cause demonstrated.

**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.

**105.3.7 Applicable Code for Manufactured Buildings.** Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for permit, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Community Affairs.

**105.3.8 Public right of way.** A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way permit from the authority having jurisdiction over the street, alley or public lane.

**105.4 Conditions of the permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

**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 become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six 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 180 days 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 180 days. 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.

**105.4.1.4** The fee for renewal reissuance and extension of a permit shall be set forth by the administrative authority.

**105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**105.6 Suspension or revocation.** The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

**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 14 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.

**105.10 Certificate of protective treatment for prevention of termites.** A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, providing a 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.

**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 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.

**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.** 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 shall supervise such work. In addition, they 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 stead a competent person or agency whose qualifications are reviewed by the building official. 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. (Exception: affidavits not allowed in a Special Flood Hazard Area)

**105.15 Opening protection.** When any activity requiring a building permit that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single family detached residential structures that is located in the wind borne debris region as defined in this Code and that has an insured value of \$750,000 or more, or, if the site built single family detached residential structures is uninsured or for which documentation of insured value

is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this Code or Florida Building Code, Residential for new construction shall be provided.

**Exception:** Single family residential structures permitted subject to the Florida Building Code are not required to comply with this section.

## SECTION 106 FLOOR AND ROOF DESIGN LOADS

**106.1 Live loads posted.** Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

**106.2 Issuance of certificate of occupancy.** A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

**106.3 Restrictions on loading.** It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

## SECTION 107 SUBMITTAL DOCUMENTS

**107.1 General.** Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by Chapter 471, Florida Statutes & 61G15 Florida Administrative Code or Chapter 481, Florida Statutes & 61G1 Florida Administrative Code. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

**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.

**107.2 Construction documents.** Construction documents shall be in accordance with Sections 107.2.1 through 107.2.5.

**107.2.1 Information on construction documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved 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. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design. (see also Section 107.3.5).

**107.2.1.1 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to 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.

**107.2.1.2** 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.

**107.2.3 Means of egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**107.2.4 Exterior wall envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

**107.2.5 Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

**107.2.5.1 Design flood elevations.** Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1.

**107.3 Examination of documents.** The building official shall examine or cause to be examined the accompanying submittal 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. Photocopies of plans approved according to FAC 9B-1.009, F.A.C., shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriate licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval of 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.

**107.3.1 Approval of construction documents.** When the building official issues a permit, the construction documents shall be approved, 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.

**107.3.2 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.

**107.3.3 Phased approval.** 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, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. 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.

**107.3.4 Design professional in responsible charge.**

**107.3.4.1 General.** When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

**107.3.4.2 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

**107.3.4.3** Certifications by contractors authorized under the provisions of Section 489.115(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.

**107.3.5 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; all fenestration penetrations; flashing; and rough opening dimensions; 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

Flood hazard areas, flood zones, and design flood elevations

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

Pre-engineered systems

Riser diagram

Same as above.

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

Impact resistant coverings or systems

Structural calculations (if required)

Foundation

Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials

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

GFCI's

2. Equipment

3. Special occupancies

4. Emergency systems

5. Communication systems

6. Low voltage

7. Load calculations

8. Design flood elevation

**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

14. Design flood elevation

**Mechanical**

1. Energy calculations
  2. Exhaust systems:
3. Clothes dryer exhaust
4. Kitchen equipment exhaust
5. Specialty exhaust systems
6. Equipment
7. Equipment location
8. Make-up air
9. Roof-mounted equipment
10. Duct systems
11. Ventilation
12. Combustion air
13. Chimneys, fireplaces and vents
14. Appliances
15. Boilers
16. Refrigeration
17. Bathroom ventilation
18. Laboratory
19. Design flood elevation

#### **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
10. Design flood elevation

#### **Demolition**

1. Asbestos removal
2. Disconnection of all utilities

#### **Residential (one- and two-family)**

1. Site requirements
  - Set back/separation (assumed property lines)
2. Location of septic tanks
3. Fire-resistant construction (if required)

4. Fire sprinklers (if required)

5. Smoke detector locations

6. Egress

Egress window size and location stairs construction requirements

7. Structural requirements shall include:

Wall section from foundation through roof, including assembly and materials connector tables wind requirements structural calculations (if required)

Termite protection

Design loads

Wind requirements

Building envelope

Structural calculations (if required)

Foundation

Wall systems

Floor systems

Roof systems

8. Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials

9. Accessibility requirements: show/identify accessible bath

10. Impact resistant coverings or systems

11. 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. Reroofs

3. Minor electrical, plumbing and mechanical repairs

4. Annual maintenance permits

5. Prototype plans

6. Except for local site adaption's, siding, foundations and/or modifications.

7. Except for structures that require waiver.

12. Manufactured buildings plan except for foundations and modifications of buildings on site.

1. Site requirements:

setback/separation (assumed property lines) location of septic tanks (if applicable)

2. Structural

• wind zone

• anchoring

- blocking
3. Plumbing:
    - List potable water source and meter size (if applicable)
  4. Mechanical:
    - Exhaust systems
    - clothes dryer exhaust
    - kitchen equipment exhaust
  5. Electrical:
    - exterior disconnect location

**107.4 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 approval as an amended set of construction documents.

**107.5 Retention of construction documents.** One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by Florida Statutes.

**107.6 Affidavits.** 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 XII of Chapter 468, Florida Statutes. (Exception: affidavits not allowed in a Special Flood Hazard Area)

**107.6.1 Building permits issued on the basis of an affidavit.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

## **SECTION 108 TEMPORARY STRUCTURES AND USES**

**108.1 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.

**108.2 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.

**108.3 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.

**108.4 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 109 FEES**

**109.1 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.

**109.2 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.

**109.2.1 Types of Fees Enumerated.** Fees may be charged for but not limited to the following:

- Permits;
- Plans examination;
- Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- Re-inspections;
- Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- Variance requests;
- Administrative appeals;
- Violations; and
- Other fees as established by local resolution or ordinance.

**109.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

**109.4 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 of 100 percent of the usual permit fee in addition to the required permit fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within

three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

**109.5 Related fees.** The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

**109.6 Refunds.** The building official is authorized to establish a refund policy.

## SECTION 110 INSPECTIONS

**110.1 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. The building official shall be permitted to require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field. 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.

**110.1.1 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.

**110.1.2 Inspection service.** The building official may make, or cause to be made, the inspections required by 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, Qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

**110.2 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.

**110.3 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.

Building:

**1. Foundation inspection:** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in

accordance with ASTM C 94, the concrete need not be on the job and shall at a minimum include the following building components:

1. Stem-wall
2. Monolithic slab-on-grade
3. Piling/pile caps
4. Footers/grade beams

**1.1. Slab Inspection:** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

A foundation/Form board survey prepared and certified by a registered surveyor may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

**1.2.** In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

**2. Framing inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved, and shall at a minimum include the following building components:

1. Window/door framing and installation
2. Vertical cells/columns
3. Lintel/tie beams
4. Framing/trusses/bracing/connectors(including truss layout & Engineered drawings)
5. Draft stopping/fire blocking
6. Curtain wall framing
7. Energy insulation
8. Accessibility.
9. Verify rough opening dimensions are within tolerances.
10. Window/door buck attachment

**2.1. Insulation Inspection:** To be made after the framing inspection is approved and the insulation is in place.

**2.2 Lath and gypsum board inspection.** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

**Exception:** Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

**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:

1. Roof sheathing



2. Wall sheathing
3. Sheathing fasteners
4. Roof/wall dry-in.
5. Sheathing/cladding inspection

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

**4. Roofing inspection.** To be made as a minimum of two inspections and shall include the following building components:

1. Dry-in
2. Insulation
3. Roof coverings (including In Progress as necessary)
4. Flashing
5. Final

**5. Final inspection.** To be made after the building is completed and ready for occupancy.

**5.1. Lowest floor elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

**6. Swimming pool inspection.**

1. First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete shell.
2. Underground electric inspection.
3. Underground piping inspection including a pressure test
4. Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place)
5. Safety Inspection; Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.
6. 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.

**7. Demolition inspections.**

1. 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.
2. 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 or impact resistant systems are installed the building official shall schedule adequate inspections of impact resistant coverings or impact resistant systems 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.

#### **Electrical**

1. Underground inspection. To be made after trenches or ditches are excavated, conduit or cable 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. Final inspection. To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

#### **Plumbing**

1. Underground inspection. To be made after trenches or ditches are excavated, piping 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 P312 of the Florida Building Code, Plumbing for required tests.

#### **Mechanical**

1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping 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.

#### **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.

#### **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.

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

**110.3.3 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.

**110.3.4 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.

**110.3.5 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.

**110.3.7 Threshold building.**

**110.3.7.1** 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.

**110.3.7.2** 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.

**110.3.7.3** 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.

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

**110.3.7.4.1** 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."

**110.3.7.4.2** Any proposal to install an alternate structural product or system to which building codes apply 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.

**110.3.7.4.3** All shoring and reshoring procedures, plans and details 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.

**110.3.7.4.4** 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.

**110.3.7.5** 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.

**110.3.7.6** 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.

**110.3.9 Special inspections. Reserved.**

**110.3.10 Final inspection.** The final inspection shall be made after all work required by the building permit is completed.

**110.4 Inspection agencies.** The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

**110.5 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.

**110.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, 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 official.

## **SECTION 111 CERTIFICATE OF OCCUPANCY AND COMPLETION**

**111.1 Use and 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.

**Exception:** Certificates of occupancy are not required for work exempt from permits under Section 105.2.

**111.2 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. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the department of building safety.
7. The name of the building official.
8. The edition of the code under which the permit was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3.
10. The type of construction as defined in Chapter 6.
11. The design occupant load.
12. If an automatic sprinkler system is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building permit.

**111.3 Temporary occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

**111.4 Certificate of Completion.** A Certificate of Completion 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 a building, such as shell building, prior to the issuance of a Certificate of Occupancy.

**111.5 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 112 SERVICE UTILITIES

**112.1 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.

**112.2 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.

**112.3 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 this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 112.1 or 112.2. The building official shall notify the serving utility, and wherever 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 113 BOARD OF APPEALS.

**113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

**113.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

**113.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

**113.4 Appeal Process without a local appeals board.** Appeal(s) of a technical decision of the Building Official without a local appeal board shall be handled thru the Binding Interpretation process. Per FS 553.775.

## **SECTION 114 VIOLATIONS**

**114.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**114.2 Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**114.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**114.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

## **SECTION 115 STOP WORK ORDER**

**115.1 Authority.** Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

**115.2 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.

**115.3 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 116 UNSAFE STRUCTURES AND EQUIPMENT**

**116.1 Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

**116.2 Record.** The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**116.3 Notice.** If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

**116.4 Method of service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

**116.5 Restoration.** The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and the Florida Building Code Existing.

## **117 VARIANCES IN FLOOD HAZARD AREAS**

**117.1 Flood hazard areas.** Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.

## **SECTION 118 DEFINITIONS**

**118.1 Words not defined.** Words not defined herein shall have the meaning stated in the Florida Statutes or other nationally recognized codes, or other documents, manuals or standards adopted elsewhere in this chapter. Words not defined in those documents shall have the meaning stated in the Webster's Ninth New Collegiate Dictionary, as revised.

**118.2** In case of a conflict in definitions or codes, the appropriate definition (or code) to be applied shall be the one applicable to the trade in question. In case of a conflict between different parts of this chapter; conflicts within the same code; or conflicts between code; the more stringent requirements shall be applicable.

### 118.3 Words Defined

*Abandon or abandonment.*

1. Termination of a construction project by a contractor without just cause or proper notification to the owner including the reason for termination.
2. Failure of a contractor to perform work without just cause for 90 days.
3. Failure to obtain an approved inspection within 180 days from the previous approved inspection.

*Appraised value.* For the purpose of this section, appraised value is defined as either (1) 120 percent of the assessed value of the structure as indicated by the County Property Appraiser's Office or (2) the value as indicated in a certified appraisal from a certified appraiser.

*Assessed value.* The value of real property and improvements thereon as established by the County Property Appraiser.

*Authorized agent.* A person specifically authorized by the holder of a certificate of competency to obtain permits in his stead.

*Basic Wind Speed Line.* The basic wind speed line for the jurisdiction shall be as established by the wind speed contour map attached to, and made part of, this chapter if applicable.

*Board.* The appropriate City or County Board of Adjustment and Appeals, unless otherwise specifically stated.

*Building component.* An element or assembly of elements integral to or part of a building.

*Building shell.* The structural components that completely enclose a building, including, but not limited to, the foundation, structural frame, floor slabs, exterior walls and roof system.

*Building system.* A functionally related group of elements, components and/or equipment, such as the electrical, plumbing and mechanical systems of a building.

*Certification.* The act or process of obtaining a certificate of competency from the state or municipality through the review of the applicant's experience and financial responsibility as well as successful passage of an examination.

*Certificate of competency (certificate).* An official document evidencing that a person is qualified to engage in the business of contracting, subcontracting or the work of a specific trade.

*Certificate of experience.* An official document evidencing that an applicant has satisfied the work experience requirements for a certificate of competency.

*Certificate of occupancy (C.O.).* An official document evidencing that a building satisfies the requirements of the jurisdiction for the occupancy of a building.

*Certified contractor.* Any contractor who possesses a certificate of competency issued by the Department of Professional Regulation of the State of Florida.

*Change of occupancy.* A change from one Building Code occupancy classification or sub-classification to another.

*Commercial building.* Any building, structure, improvement or accessory thereto, other than a one- or two-family dwelling.

*Cumulative construction cost.* The sum total of costs associated with any construction work done to a building or structure either at one time or at different times within a specified period of time.



*Demolition.* The act of razing, dismantling or removal of a building or structure, or portion thereof, to the ground level.

*Examination.* An exam prepared, proctored and graded by a recognized testing agency unless otherwise implied in context or specifically stated otherwise.

*FCILB.* The Florida Construction Industry Licensing Board.

*Imminent Danger.* Structurally unsound conditions of a structure or portion thereof that is likely to cause physical injury to a person entering the structure: Or Due to structurally unsound conditions, any portion of the structure is likely to fall, be carried by the wind, or otherwise detach or move, and in doing so cause physical injury or damage to a person on the property or to a person or property nearby: Or The condition of the property is such that it harbors or is inhabited by pests, vermin, or organisms injurious to human health, the presence of which constitutes an immediate hazard to people in the vicinity.

*Inspection warrant.* A court order authorizing the official or his designee to perform an inspection of a particular property named in the warrant.

*Intensification of use.* An increase in capacity or number of units of a residential or commercial building.

*Interior finish.* The preparation of interior spaces of a commercial building for the first occupancy thereof.

*Licensed contractor.* A contractor certified by the State of Florida or the local jurisdiction who has satisfied all state or local requirements to be actively engaged in contracting.

*Market value.* As defined in floodplain regulations of this code.

*Owner's agent.* A person, firm or entity authorized in writing by the owner to act for or in place of the owner.

*Permit.* An official document authorizing performance of a specific activity regulated by this chapter.

*Permit card or placard.* A document issued by the jurisdiction evidencing the issuance of a permit and recording of inspections.

*Qualifying agent, primary.* A person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage, and control the contracting activities of the business organization with which he is associated; who has the responsibility to supervise, direct, manage and control construction activities on a job for which he has obtained a permit; and whose technical and personal qualifications have been determined by investigation and examination and is evidenced by his possession of a certificate of competency.

*Qualifying agent, secondary.* A person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage and control construction activities on a job for which he has obtained a permit, and whose technical and personal qualifications have been determined by investigation and examination and is evidenced by his possession of a certificate of competency.

*Reciprocity.* To accept a verified affidavit from any municipality or county of the State of Florida that the applicant has satisfactorily completed a written examination in its jurisdiction equal in content with the examination required by this chapter.

*Registered contractor.* A contractor who has registered with the department of professional regulation of the State of Florida pursuant to fulfilling the competency requirements of the local jurisdiction.

*Registration.* The act or process of registering a locally obtained certificate of competency with the state, or the act or process of registering a state issued certificate of competency with the municipality.

*Remodeling.* Work which changes the original size, configuration or material of the components of a building.

*Residential building.* Any one- or two-family building or accessory.

*Roofing.* The installation of roof coverings.

*Spa.* Any constructed or prefabricated pool containing water jets.

*Specialty contractor.* A contractor whose services do not fall within the categories specified in F.S. § 489.105(3), as amended.

*Start of construction:*

*Site:* The physical clearing of the site in preparation for foundation work including, but not limited to, site clearing, excavation, de-watering, pilings and soil testing activities.

*Building:* The removal, disassembly, repair, replacement, installation or assembly of the building, structure, building system or building components in whole or parts thereof.

*Stop work order.* An order by the building official, or his designee, which requires the immediate cessation of all work and work activities described in the order.

*Structural component.* Any part of a system, building or structure, load bearing or non-load bearing, which is integral to the structural integrity thereof, including but not limited to walls, partitions, columns, beams and girders.

*Structural work or alteration.* The installation or assembling of new structural components into a system, building or structure. Also, any change, repair or replacement of any existing structural component of a system, building or structure.

*Substantial completion.* Where the construction work has been sufficiently completed in accordance with the applicable city, state and federal codes, so that the owner can occupy or utilize the project for the use for which it is intended.

*Value.* Job cost.

(Ord. No. 824, § 3, 1-2-02; Ord. No. 1088, §§ 3(Exh. A), 5, 3-5-14)

**Avon Park, FL - Code of Ordinances** ([https://library.municode.com/fl/avon\\_park/codes/code\\_of\\_ordinances](https://library.municode.com/fl/avon_park/codes/code_of_ordinances))

## Sec. 26-51. - Annual inspection required.

Each dwelling unit licensed for rental must pass an annual property maintenance inspection conducted by a city code enforcement officer(s). The singular for the term "code enforcement officer" includes the plural for purposes of this article, and the term is gender neutral. The purpose of the annual inspection shall be to determine compliance with the International Property Maintenance Code as modified by this ordinance, other applicable codes, and the supplemental provisions of this article. Annual inspection of such properties shall be accomplished in a systematic manner according to administratively determined plans and schedules.

(Ord. No. 14-07, § 3, 6-25-2007)

## Sec. 26-57. - Inspection checklist.

The city shall administratively adopt an official rental housing inspection form, based upon the International Property Maintenance Code, with a checklist of items to be noted by the inspector. This form shall be made available to the public. Any rental housing inspection shall focus upon, but not necessarily be limited to, the items set out on such checklist.

(Ord. No. 14-07, § 3, 6-25-2007)

**DeBary, FL - Code of Ordinances** ([https://library.municode.com/fl/debary/codes/code\\_of\\_ordinances](https://library.municode.com/fl/debary/codes/code_of_ordinances))

## Sec. 14-98. - Adopted.

Except as added to, deleted, modified, or amended herein, the city hereby adopts, as the Property Maintenance Code of the City of DeBary, the most current edition of the International Property Maintenance Code, 2009 Edition, First Printing, as prepared, edited, and published by the International Code Council, Inc. and incorporates the same by reference as if fully set forth herein. Copies of such property maintenance code, together with this division, shall be made available for reference in the office of the City Clerk of the City of DeBary.

(Ord. No. 06-10, § 2, 9-15-10)

## Sec. 14-99. - Amendments.

Certain sections and portions of sections of the International Property Maintenance Code, 2009 Edition, as adopted in section 14-98 of this Code, are hereby amended, deleted, modified, or added as stated herein and shall have full force and effect as if set therein:

- (1) *Section 101.1.1.* is hereby added, shall be entitled "Adoption," and shall read as follows: These regulations shall be known as the Property Maintenance Code of the City of DeBary, hereinafter referred to as "this code."
- (2) *Section 103.5*, entitled "Fees," is hereby deleted in its entirety.
- (3) *Section 302.4*, entitled "Weeds," shall remain numbered and titled as such, but the content thereof is deleted, and the following text shall be substituted therefor: All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches.
- (4) *Section 304.14*, entitled "Insect Screens," shall remain numbered and titled as such, but the content thereof is deleted, and the following text shall be substituted therefor: Year-round, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any other areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved, tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door for insect control shall have a self-closing device in good working condition.
- (5) *Section 602.3*, entitled "Heat Supply," shall remain numbered and titled as such, but the content thereof is deleted, and the following text shall be substituted therefor: Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 1<sup>st</sup> to March 30<sup>th</sup> sufficient to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.
- (6) *Section 602.4*, entitled "Occupiable Work Spaces," shall remain numbered and titled as such, but the content thereof is deleted, and the following text shall be substituted therefor: Indoor occupiable work spaces shall be supplied with heat during the period of November 1<sup>st</sup> to March 30<sup>th</sup> sufficient to maintain a temperature of not less than 68 degrees Fahrenheit during the period the spaces are occupied.
- (7) *Supplemental code.* The provisions of this code shall be supplemental to all other codes and other ordinances of the city.

(Ord. No. 06-10, § 2, 9-15-10)

**Fernandina Beach, FL - Code of Ordinances** ([https://library.municode.com/fl/fernandina\\_beach/codes/code\\_of\\_ordinances](https://library.municode.com/fl/fernandina_beach/codes/code_of_ordinances))

## Sec. 22-26. - Adoption of codes by reference.

The city hereby adopts the following codes by reference as though they were copied fully in this section:

- (1) Standard Amusement Device Code, 1997 edition.
- (2) Florida Building Code, 7th edition.
- (3) Florida Existing Building Code, 7th edition.
- (4) International Fuel Gas Code with 7th edition Florida Supplements.
- (5) Standard Housing Code, as adopted in section 22-101, 1997 edition.
- (6) Florida Building Code - Mechanical, 7th edition.
- (7) Florida Building Code - Plumbing, 7th edition.
- (8) Standard Unsafe Building Abatement Code, 1985 edition.
- (9) National Electric Code, 2017 edition, effective December 31, 2020.
- (10) Standard for Existing High Rise Code - SSTD- 3-97.
- (11) Florida Building Code - Residential, 7th edition.
- (12) International Property Maintenance Code 2012 edition.
- (13) Florida Energy Conservation Code, 7th edition.
- (14) Florida Accessibility Code, 7th edition.

(Code 1955, § 6-2; Ord. No. 257, 5-26-54; Code 1991, § 150.01(A), (B); Ord. No. 95-20, § 1, 8-15-95; Ord. No. 2000-22, § 1, 5-16-00; Ord. No. 2002-13, § 1, 6-4-02; Ord. No. 2006-07, § 1, 5-16-06; Ord. No. 2007-07, § 1, 3-6-07; Ord. No. 2009-08, § 1, 6-16-09; Ord. No. 2012-02, § 1, 5-1-12; Ord. No. 2015-10, § 1, 7-7-15; Ord. No. 2018-15, § 1, 7-3-18; Ord. No. 2021-06, § 1, 3-16-21)

**Oakland, FL - Code of Ordinances** ([https://library.municode.com/fl/oakland/codes/code\\_of\\_ordinances](https://library.municode.com/fl/oakland/codes/code_of_ordinances))

## Sec. 14-31. - Adopted.

The following codes are hereby adopted as ordinances of this town with regard to the matters and standards set forth in such codes:

- (1) The most current Florida Plumbing Code, as adopted by the state, and as thereafter subsequently revised.
- (2) The most current Florida Building Code, as adopted by the state, and as thereafter subsequently revised.
- (3) The most current Florida Mechanical Code, as adopted by the state, and as thereafter subsequently revised.
- (4) The most current edition of the National Electrical Code, as adopted by the state, and as thereafter subsequently revised.
- (5) The most current Florida Gas Code, as adopted by the state, and as thereafter subsequently revised.
- (6) The most current Fire Protection Code, and Florida Life Safety Code as adopted by the state, and as thereafter subsequently revised.
- (7) The International Property Maintenance Code, 2018 edition.

(Code 1999, § 14-36; Ord. No. 75-1, § 1, 3-4-1975; Ord. No. 87-2, § 4, 4-21-1987; Ord. No. 95-20, § 1, 7-11-1995; Ord. No. 2004-02, § 1, 2-10-2004; Ord. No. 2004-04, § 1, 8-24-2004)

## Sec. 14-79. - Rental dwellings.

- (a) *Business tax receipt required.* It shall be unlawful for any owner of residential property to rent or lease, or offer to rent or lease therein any dwelling or dwelling unit, whether single-family, duplex, multifamily, boardinghouse or more than one room unless a current business tax receipt has been issued by the town.
- (b) *Annual inspection required; supplemental inspections authorized.* Each dwelling unit licensed for rental must pass an annual inspection by the code enforcement officer or designee prior to issuance of a business tax receipt. The purpose of the annual inspection shall be to determine compliance with the International Property Maintenance Code, zoning code, this Code, and comprehensive plan. The town may also conduct unscheduled supplemental inspections whenever there is a belief that the property is not in compliance with local codes.
- (c) *Business tax receipt fee.* The rental housing business tax receipt fee is set out in section 58-120, rental housing/boardinghouse, and a separate such fee shall be charged for each rental dwelling unit irrespective of the number of rental dwelling units under single ownership and irrespective of the number of business tax receipts held by a particular licensee.
- (d) *License application.* The owner of record of each dwelling unit which is rented, or offered for rent, shall make written application to the town clerk for a rental housing business tax receipt to engage in the business of renting residential property, setting forth the address, classification (whether single-family, duplex, multifamily, boardinghouse or more than one room). An agent of one or more owners may apply for multiple licenses, upon written and notarized authorization from each owner represented.
- (e) *Special inspection provisions.*
  - (1) *Electrical inspection required.* The owner of each dwelling unit licensed for rental must, prior to initial application or renewal, have the dwelling inspected by a state-licensed electrical contractor. The electrical contractor shall certify in writing that the dwelling meets all applicable electrical codes. The certification shall be signed by the contractor and include the contractor's license number.
  - (2) *Provisions for properties with septic tanks.* The town's annual rental housing inspection shall include an

assessment of the condition of the septic tank system. If the code enforcement officer or designee determines that the condition of the septic tank system is inadequate, the property owner shall be required to obtain the services of a licensed septic tank contractor to inspect the system and repair or replace it.

- (3) *Provisions for properties with potable water wells.* Every year, as part of the annual rental housing inspection, the property owner whose property is subject to inspection but not connected to a public potable water supply system shall provide to the inspector evidence that water from the private potable water source has been tested and found sanitary and potable through a standard and customary bacteriological test done by a state-certified laboratory within three months of the date of inspection.
- (4) *Rights of privacy and freedom from unreasonable search.* Each property owner engaged in the business of renting residential property shall undertake to make such property available for reasonable inspection by the code enforcement officer or designee to determine compliance with the International Property Maintenance Code, other applicable codes and the supplemental provisions of this division, provided that the town shall at all times honor the rights of the licensee and the lessee, as provided in this subsection:
- a. Inspections required under this section shall be made only by the code enforcement officer and/or the code enforcement officer's designee.
  - b. The code enforcement officer or designee shall make his inspections during daylight hours, unless:
    1. The code enforcement officer or designee has made an appointment for another inspection time, at the request of the lessee or owner; or
    2. The code enforcement officer or designee has previously attempted two or more times to complete an inspection during daylight hours and has found no adult person on the premises authorized to admit the inspector.
  - c. At the commencement of each inspection, the code enforcement officer or designee shall present credentials and identification and advise the owner, lessee, or adult person authorized to admit the code enforcement officer, that an inspection is required under the provisions of this section. If need be, the code enforcement officer or designee shall provide the referenced owner, occupant or other authorized person with a copy of this section.
  - d. If the code enforcement officer or designee is denied admittance by the owner or lessee, or if the code enforcement officer fails in at least three attempts to complete an inspection of the premises because there was no adult person on the premises to admit him, the code enforcement officer or designee shall provide notice of failure of inspection to the owner by certified mail to the address shown on the business tax receipt or other legal service. Within ten days after receipt or refusal of such notice, the owner shall arrange the admittance of the code enforcement officer or designee to the premises for the completion of the required inspection. If the owner fails to arrange such admittance, the town commission shall revoke the rental housing business tax receipt and shall notify the owner of such revocation by certified mail or other legal service. If the owner thereafter continues to permit the rental of the premises for residential use without inspection, he shall be subject to proceedings before the code enforcement board for violation of this section and for any other code violations which may be apparent. Nothing in this subsection limits any other legal remedy available to the town.
  - e. Notwithstanding any other enforcement provisions of this Code, whenever the code enforcement officer or designee notices violations, the owner shall be cited and enforcement pursued through the code enforcement process.
  - f. The town shall administratively adopt an official rental housing inspection form, based upon the international property maintenance code, with a checklist of items to be noted by the code enforcement officer or designee. This form shall be made available to the public. Any rental housing inspection shall focus upon, but

not necessarily be limited to, the items set out on such a checklist.

- g. Responsibility of property owner; disclaimer. The property owner shall be solely responsible for the safety and condition of the property and dwelling. The town's inspections shall not be construed as a guarantee that every aspect of a dwelling's structural, plumbing, HVAC, or other component is in compliance with applicable codes. Only visible areas can be inspected and the report is not a guarantee of condition, but a written documentation of observed conditions. The inspection is not a substitute for the services of a qualified engineer or private home inspector. No comment is made concerning any latent defects or violations not reasonably observable at the time of the inspection, or of items that require the removal of major or permanent coverings or furniture.

(Ord. No. 2014-16, § 5(14-85), 7-22-2014)

#### Sec. 14-112. - Rental dwellings.

- (a) *Business tax receipt required.* It shall be unlawful for any owner of residential property to rent or lease, or offer to rent or lease therein any dwelling or dwelling unit, whether single-family, duplex, multifamily, boardinghouse or more than one room, unless a current business tax receipt has been issued by the town. The holder of a business tax receipt is sometimes referred to herein as a holder.
- (b) *Annual inspection required; supplemental inspections authorized.* Each dwelling unit licensed for rental must pass an annual inspection by a town building official prior to issuance of a business tax receipt. The purpose of the annual inspection shall be to determine compliance with the International Property Maintenance Code, zoning code, this Code, and comprehensive plan. The town may also conduct unscheduled supplemental inspections whenever there is a belief that the property is not in compliance with local codes.
- (c) *Business tax receipt fee.* A rental housing business tax receipt, in an amount as set by resolution, shall be charged for each rental dwelling unit irrespective of the number of rental dwelling units under single ownership and irrespective of the number of business tax receipts held by a particular holder.
- (d) *Business tax receipt application.* The owner of record of each dwelling unit which is rented, or offered for rent, shall make written application to the town clerk for a rental housing business tax receipt to engage in the business of renting residential property, setting forth the address, classification (whether single-family, duplex, multifamily, boardinghouse or more than one room). An agent of one or more owners may apply for multiple business tax receipts, upon written and notarized authorization from each owner represented.
- (e) *Special inspection provisions.*
- (1) *Electrical inspection required.* The owner of each dwelling unit licensed for rental must, prior to initial application or renewal, have the dwelling inspected by a state-licensed electrical contractor. The electrical contractor shall certify in writing that the dwelling meets all applicable electrical codes. The certification shall be signed by the contractor and include the contractor's license number.
  - (2) *Provisions for properties with septic tanks.* The town's annual rental housing inspection shall include an assessment of the condition of the septic tank system. If the building official determines that the condition of the septic tank system is inadequate, the property owner shall be required to obtain the services of a licensed septic tank contractor to inspect the system and repair or replace it.
  - (3) *Provisions for properties with potable water wells.* Every year as part of the annual rental housing inspection, the holder whose property is subject to inspection but not connected to a public potable water supply system shall provide to the inspector evidence that water from the private potable water source has been tested and found sanitary and potable through a standard and customary bacteriological test done by a state-certified laboratory within three months of the date of inspection.



- (4) *Rights of privacy and freedom from unreasonable search.* Each holder engaged in the business of renting residential shall undertake to make such property available for reasonable inspection by the town building official to determine compliance with the International Property Maintenance Code, other applicable codes and the supplemental provisions of this division, provided that the town shall at all times honor the rights of the holder and the lessee, as provided in this section.
- a. Inspections required under this section shall be made only by a building official and the code enforcement officer or designee.
  - b. No law enforcement officer may accompany a building official unless there is reason to believe that the inspector's personal safety is at risk during the inspection.
  - c. The building official shall make his inspections during daylight hours, unless:
    1. The building official has made an appointment for another inspection time, at the request of the lessee; or
    2. The building official has previously attempted two or more times to complete an inspection during daylight hours and has found no adult person on the premises authorized to admit the inspector.
  - d. At the commencement of each inspection, the building official shall present credentials and identification and advise the holder, lessee, or adult person authorized to admit the inspector that an inspection is required under the provisions of this section. If need be, the inspector shall provide the referenced occupant or other authorized person with a copy of this section.
  - e. If the building official is denied admittance by the holder or lessee, or if the building official fails in at least three attempts to complete an inspection of the premises because there was no adult person on the premises to admit him, the inspector shall provide notice of failure of inspection to the holder by certified mail to the address shown on the license or other legal service. Within ten days after receipt or refusal of such notice, the holder shall arrange the admittance of the inspector to the certified premises for the completion of the required inspection. If the holder fails to arrange such admittance, the town council shall revoke the rental housing business tax receipt and shall notify the holder of such revocation by certified mail or other legal service. If the holder thereafter continues to permit the rental of the premises for residential use without inspection, he shall be subject to proceedings before the special magistrate for violation of this section and for any other code violations, which may be apparent. Nothing in this subsection limits any other legal remedy available to the town.
  - f. Notwithstanding any other enforcement provisions of this Code, whenever the building official notices violations, the holder shall be cited and enforcement pursued through the code enforcement process.
  - g. The town shall administratively adopt an official rental housing inspection form, based upon the International Property Maintenance Code, with a checklist of items to be noted by the inspector. This form shall be made available to the public. Any rental housing inspection shall focus upon, but not necessarily be limited to, the items set out on such a checklist.
- (f) *Responsibility of property owner; disclaimer.* The property owner shall be solely responsible for the safety and condition of the property and dwelling. The town's inspections shall not be construed as a guarantee that every aspect of a dwelling's structural, plumbing, HVAC, or other component is in compliance with applicable codes. Only visible areas can be inspected and the report is not a guarantee of condition, but a written documentation of observed conditions. The inspection is not a substitute for the services of a qualified engineer or private home inspector. No representation or comment is made concerning any latent defects or violations not reasonably observable at the time of the inspection or of items that require the removal of major or permanent coverings or furniture.

**Wellington, FL - Code of Ordinances** ([https://library.municode.com/fl/wellington/codes/code\\_of\\_ordinances](https://library.municode.com/fl/wellington/codes/code_of_ordinances))

## Sec. 18-31. - Wellington's 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 7<sup>th</sup> Edition (2020).
    - a. Building.
    - b. Accessibility.
    - c. Residential.
    - d. Existing buildings.
    - e. Plumbing.
    - f. Fuel Gas.
    - g. Mechanical.
    - h. Energy Conservation
  - (2) 2017 National Electrical Code.
  - (3) Florida Fire Prevention Code.
  - (4) International Property Maintenance Code, 2021 Edition as published by the International Code Council, Inc.

(Ord. No. 99-05, § 2, 2-9-99; Ord. No. 99-12, § 1, 6-22-99; Ord. No. 00-09, § 1, 3-21-00; Ord. No. 2001-17, § 1, 12-11-01; Ord. No. 2005-17, § 1, 11-3-05; Ord. No. 2009-03, § 1, 1-27-09; Ord. No. 2012-08, § 1, 3-13-12; Ord. No. 2016-02, § 1, 2-9-16; Ord. No. 2018-04, § 1, 1-23-18; Ord. No. 2020-16, § 1, 12-8-20)

**State Law reference—** Building code inspection fees, F.S. § 16.222; State Plumbing Code, F.S. § 553.06; adoption of electrical standards, F.S. § 553.19; state minimum building codes, F.S. § 553.73; minimum fire safety standards, F.S. § 633.025.

## 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, relocation, 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 not more than three stories above grade plane in height, shall comply with the Florida Building Code, Residential.

2. Code Requirements that address snow loads and earthquake protection are pervasive; they are left in place but shall not be utilized or enforced because Florida has no snow load or earthquake threat.

*101.2.1 Appendices.* Provisions in the appendices shall not apply unless specifically adopted.

*101.2.2 Florida Building Code, Residential.* Construction standards or practices which are not covered by the Florida Building Code, Residential Volume, shall be in accordance with the provisions of the Florida Building Code, Building.

*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 Warranty and Liability.* The permitting plan review or inspection of any building, system, or plan by 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. 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 F.S. § 768.28, as may be amended or replaced

*101.4 Referenced codes.* The other codes listed in Sections 101.4.1 through 101.4.11 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 Gas.* The provisions of the Florida Building Code, Fuel Gas Volume 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.

*101.4.2 Mechanical.* The provisions of the Florida Building Code, Mechanical Volume 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.

*101.4.3 Plumbing.* The provisions of the Florida Building Code, Plumbing Volume 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.

*101.4.4 Property maintenance.* The provisions contained within the 2021 International Property Maintenance Code as published by the International Code Council 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.

*101.4.5 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, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

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

*101.4.7 Accessibility.* For provisions related to accessibility, refer to the Florida Building Code, Accessibility.

*101.4.8 Manufactured buildings.* For additional administrative and special code requirements, see section 458, Florida Building Code, Building, and Rule 61-41 Florida Administrative Code.

*101.4.9 Electrical.* The provisions of Chapter 27 of the Florida Building Code, Building Volume and Part VIII - Electrical, of the Florida Building Code Residential Volume, 7th Edition (2020) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

*101.4.10 Existing buildings.* The provisions of the Florida Existing Building Code shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

*101.4.11 Article III, - Flood Damage Prevention of Wellington Code of Ordinances shall be considered part of the requirements of this code relative to flood control. Conflicting requirements between the Florida Building Code and Article III of Wellington Code of Ordinances shall be resolved in favor of the requirement that offers the greatest degree of flood damage prevention or alternatives that would provide an equivalent degree of flood damage prevention and an equivalent method of construction.*

## **SECTION 102 APPLICABILITY**

*102.1 General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

*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 Volume 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 the Florida Building Code, Existing Building. The

following buildings, structures and facilities, except for those located in a Special Flood Hazard Area, 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 II (Section 553.501—553.513, Florida Statutes) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. Permits shall be required for structural support and tie down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.
- (f) Those structures or facilities of electric utilities, as defined in F.S. § 366.02 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 non-wood features.
- (i) Family mausoleums not exceeding 250 square feet (23 m<sup>2</sup>) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (k) A building or structure having less than 1,000 square feet (93 m<sup>2</sup>) which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:
  1. Is not rented or leased or used as a principal residence;
  2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and
  3. Is not connected to an off-site electric power or water supply.
- (l) Service providers of water, sewer, storm, gas, cable, telephone, or other similar utility systems are exempt to the point of service connection for the building or structure. Additional telecommunication exemptions may be found in Section 489.503(14), Florida Statutes.

However, these structures may be subject to local zoning and/or land development regulations.

*102.2.1 In addition to the requirements of F.S. §§ 553.79 and 553.80, Florida Statutes, facilities subject to the provisions of Chapter 395, Florida Statutes, and Part II of Chapter 400, Florida Statutes, 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 Residential buildings or structures moved into or within a 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 Florida Building Code, Building for all buildings or structures of the same residential occupancy class.
7. The requirements of Florida Building Code, Existing Building Volume, 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 Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities.*

1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one or more exemptions from the Florida Building Code relating to:
  - (a) Addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 square feet (93 m<sup>2</sup>) or the square footage of the primary structure, whichever is less.
  - (b) Addition, alteration, or repairs by a non-owner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.
  - (c) Building and inspection fees.
2. However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in mapped flood hazard areas, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.
3. Each code exemption, as defined in sub-subparagraphs 1a, 1b, and 1c shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.
4. Each enforcement district or local enforcement agency may establish an alternative permitting program for replacing nonstructural components of building systems in a residential dwelling unit. A licensed contractor performing such work for the resident shall also be exempt from individual permits and inspections if either the owner or the licensed contractor obtains a valid Annual Permit per Section 105.1.1 of this code and all

such work is reported as required in Section 105.1.2 of this code for compliance evaluation. No added capacity, system expansion or new building work of any type shall be excluded from individual permit and inspection by this provision.

*102.2.6 This section does not apply to* traditional swings and other standard playground equipment accessory to a one or two-family dwelling, as determined by the building official. Exempt structures covered under this section may still be subject to zoning permits.

*Exception:* Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code or Part VIII, Electrical, of the Florida Building Code Residential Volume, 7th Edition (2020), as applicable.

*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 as further regulated in Sections 102.4.1 and 102.4.2. of this code.

*102.4.1 Conflicts.* Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

*102.4.2 Provisions in referenced codes and standards.* Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Florida Codes listed in Section 101.4, the provisions of this code or the Florida Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

*102.5 Partial invalidity* In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions of this code.

*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 section, or the Florida Fire Prevention Code, or 2021 Property Maintenance Code as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

*102.6.1 Buildings not previously occupied.* A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the Florida Building Code or Florida Residential Code, as applicable for new construction or with any current permit for such occupancy.

*102.6.2 Buildings previously occupied.* The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change except as otherwise specifically provided in this code, the Florida Building Code, Existing Building Volume; Florida Fire Prevention Code; the adopted International Property Maintenance Code; the codes referenced in Section 101.4 of this 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.

3. A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

*102.8 Existing mechanical equipment.* An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved during reroofing and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

## **PART 2—ADMINISTRATION AND ENFORCEMENT**

### **SECTION 103**

#### **BUILDING DEPARTMENT**

*103.1 Creation of enforcement agency.* The Building Department is hereby created and the official 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 Appointment.* The building official shall be appointed by the appointing authority of the jurisdiction.

*103.3 Deputies* In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

*103.4 Restrictions on employees.* An employee connected with the department, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he/she is the owner of such. This employee shall not engage in any other work which is inconsistent with his/her duties or conflict with the interests of the department, or which violates Florida Statutes Section 112.313(7)(a).

### **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 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. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

*104.2 Applications and permits.* The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings, structures, and service systems, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

*104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.* For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines



that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612 or R322 of this code, and Article III, - Flood Damage Prevention of Wellington Code of Ordinances.

*104.3 Notices and orders.* The building official shall issue all necessary notices or orders to ensure compliance with this code.

*104.4 Inspections.* The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

*104.5 Identification.* The building official shall carry proper identification, as issued by the jurisdiction, when inspecting structures or premises in the performance of duties under this code.

*104.6 Right of entry.*

*104.6.1* Where it is necessary to make an inspection to enforce any of the provisions of this code, or where the building official has reasonable cause to believe that there exists in any structure or upon any premises a condition which is contrary to or in violation of this code which makes such structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform any duty imposed by this code, provided that If such structure or premises are occupied, that credentials be presented to the occupant and entry requested. If such structure, or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the structure, or premises, and request entry. If entry is refused, the building official shall have recourse to every remedies provided by law to secure entry.

*104.6.2* When the building official obtains 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 the 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 Department records.* The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per F.S. [ch.] 119.

*104.8 Liability.* The building official, member of the board of appeals or employee charged with the enforcement of this code while acting for the jurisdiction in good faith and without malice in the discharge of the duties, required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer, employee or board member because of an act performed by that officer or employee or board member in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

*104.8.1 Legal defense.* Any suit or criminal complaint instituted against an officer or employee or board member because of an act performed by that officer or employee or board member in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final

termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

*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, 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 Modifications.* Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department.

*104.10.1 Flood hazard areas.* Modifications in flood hazard areas may only be granted in accordance with Article III, - Flood Damage Prevention of Wellington Code of Ordinances.

*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, level of sanitation, and safety. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

*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.

*104.12 Requirements not covered by this 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.

## 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 tenancy or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical, fire protection or plumbing system, or accessible or flood resistant site element, the installation of which is regulated by this code, or Article III, - Flood Damage Prevention of Wellington Code of Ordinances 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 office system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations 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 facility sites as deemed necessary. An annual facility permit shall be assessed with 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 facility 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 access to such records at all times or such records shall be filed with the building official as designated. The building official is authorized to revoke such permit and deny future permits, if code violations are found to exist.

*105.1.3 Food permit.* In accordance with F.S. § 500.12 a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

*105.1.4 Public swimming pool.* The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to Section 514.031, Florida Statutes. A certificate of completion or occupancy may not be issued until such operating permit is issued. The local enforcing agency shall conduct their review of the building permit application upon filing and in accordance with Chapter 553, Florida Statutes. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

*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 or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code and requirements of Article III, - Flood Damage Prevention of Wellington Code of Ordinances. As determined by the building official, permits shall not be required for the following:

***Building:***

1. Cabinets and countertops with no reconfiguration for 1 & 2 Family Dwellings, papering, tiling, carpeting, and similar finish work, with no electrical or plumbing work.
2. Temporary motion picture, television and theater sets and scenery.
3. Traditional swings and other standard playground equipment accessory to detached one-and two-family dwellings, as determined by the building official, but they may be subject to Zoning permits.
4. Retractable awnings supported by an exterior wall and do not require additional support or electric in Groups R-3 and U occupancies, but they may be subject to Zoning permits.

5. Non fixed and movable fixtures, cases, racks, and counters not over 5 feet 9 inches (1753 mm) in height.

**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 that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Portable self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.
8. The installation, replacement, removal or metering of any electrical load management control device where installed by a utility service provider.

**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 in 1 & 2 Family Dwellings. This does not include water heaters bathtubs, and showers.

**Electrical:**

1. *Repairs and maintenance:* Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles, or repair and replacement of like for like common household electrical fixtures, switches, and outlets on the load side of the electrical source.
2. *Radio and television transmitting stations:* The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas, except as exempted by Florida Statute Chapter 489.503(14).
3. *Temporary testing systems:* A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
4. In accordance with F.S. § 553.793, as used in this section, the term:
  - (a) "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the Florida Department of Business and Professional Regulation under part II of Chapter 489, Florida Statutes or by the Palm Beach County Construction Industry Licensing Board under Chapter 67-1876, Laws of Florida.

- (b) "Low-voltage alarm system project" related to the installation, maintenance, inspection, replacement, or service of an existing alarm system, as defined in Section 489.505, Florida Statutes, operating at low voltage, as defined in Electrical Code Standard 70, and ancillary components or equipment attached to such a system, including, but not limited to, home-automation equipment, thermostats, and video cameras. This section does not apply to the installation of a fire alarm if plan review is required.
- (c) "Low-voltage electric fence" means an alarm system, as defined in § 489.505, that consists of a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact with the fence structure.

A low-voltage electric fence must meet all of the following requirements to be exempt as a low-voltage alarm system project:

- The electric charge produced by the fence upon contact must not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition.
  - A nonelectric fence or wall must completely enclose the low-voltage electric fence. The low-voltage electric fence may be up to 2 feet higher than the perimeter nonelectric fence or wall.
  - The low-voltage electric fence must be identified using warning signs attached to the fence at intervals of not more than 60 feet.
  - The low-voltage electric fence shall not be installed in an area zoned exclusively for single-family or multi-family residential use.
  - The low-voltage electric fence shall not enclose the portions of a property which are used for residential purposes.
- (d) "Wireless alarm system" means a burglar alarm system or smoke detector that is not hardwired.
- (e) This section does not apply to the installation or replacement of a fire alarm, or access control system affecting required means of egress as required by Florida Building Code Chapter 10, if a plan review is required.

*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 immediately in person or via email or voice mail.

*105.2.2 Minor repairs.* Ordinary minor repairs 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; 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 Public service agencies.* A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

*105.3 Application for permit.* To obtain a permit, the applicant shall first file an application therefore in writing or electronically 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 F.S. § 713.135(5) and (6).

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.

Effective October 1, 2017, a local enforcement agency shall post each type of building permit application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the permit application may be submitted in person in a non-electronic format, at the discretion of the building official.

*105.3.1 Action on application.* Except for applications filed without the prerequisite fees, 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, Florida 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. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. Personnel as authorized by chapter 633 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. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000. 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 \$125,000 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 three-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.

*NOTE:* It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4. 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.
5. Electrical documents. See Florida Statutes, Section 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. Any system which:
  1. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value greater than \$125,000; and
  2. a. Requires an aggregate service capacity of greater than 600 amperes (240 volts) on a residential electrical system or greater than 800 amperes (240 volts) on a commercial or industrial electrical system;
  - b. Requires a plumbing system with more than 250 fixture units; or
  - c. Requires a heating, ventilation, and air-conditioning system which exceeds a 15-ton-per-system capacity, or if the project is designed to accommodate more than 100 persons.

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 stamped such document as provided in Section 471.025, Florida Statutes.

6. All public swimming pools and public bathing places defined by and regulated under Chapter 514, Florida Statutes.

*105.3.2 Time limitation of application.* An application for a permit for any proposed work shall be deemed to have been abandoned and becoming null and void after six months of no activity, abandonment or failure to respond to requested corrections occurs during the application process after the date of filing unless such application has been pursued in good faith or 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 prior to the abandonment date, with justifiable cause demonstrated. Abandoned applications shall be subject to

destruction in accordance with state law. The fee for extension of a permit application shall be set forth by the administrative authority. There may be fees or requirements from other government agencies for permit application extensions.

*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 such as the requirement for Home or Property Owners Association approval 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 F.S. § 440.10 and 440.38.

*105.3.6 Asbestos removal contractor exemption.* Refer to Section 105.9 for additional requirements. A licensed asbestos removal contractor is not required when 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 and Florida Statutes Chapter 489.103(7). 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 out building 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.

*105.3.7 Applicable Code for Manufactured Buildings.* Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for permit, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

*105.3.8 Public right-of-way.* A permit shall not be issued by the building official for the construction, alteration, or relocation of any building, structure, or system impacting any street, alley or public lane, unless the applicant has received a right-of-way permit from the authority having jurisdiction over the right of way.



*105.4 Conditions of the permit.* The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other federal, state and local laws ordinance, codes and regulations. Permits presuming to give authority to violate or cancel the provisions of this code or of any other federal, state and local laws ordinances codes and regulations shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data, requiring corrections to work already performed, and/or revocation of the permit. No deviations from the permit may be made without prior written authorization. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other federal, state and local laws, ordinances, codes and regulations.

*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 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.

*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, or revalidation of the original permit, covering the proposed construction shall be obtained before proceeding with the work.

*105.4.1.2* If a new permit, or revalidation (renewal) of the original 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. Alternatively, 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, or due to action by an environmental or archeological agency having jurisdiction. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than three (3) months each. The extension shall be requested in writing and justifiable cause demonstrated, prior to expiration.

*105.4.1.4* The fee for renewal, reissuance and extension of a permit shall be set forth by the administrative authority. There may be fees or requirements from other government agencies for permit extensions and renewals.

*105.5 Expiration.* Every permit issued shall become inactive or expired pursuant to Section 105.4.1 of this code, and shall be renewed pursuant to Section 105.4.1.1 of this code before the work may resume. Permits that remain inactive or expired for more than six months shall lose all rights vested in the permit pursuant to Section 105.4.1.2 of this code. In order to complete the work authorized under a permit which has lost all vested rights, the permit holder and property owner shall be responsible to either remove the work from the site or obtain a new permit to complete all work in accordance with the current code requirements and approved permitted plans. Inspections performed and accepted prior to expiration may be accepted subject to the discretion of the building official.

*105.5.1 Additional options for closing a permit.* Pursuant to Section 553.79(15), Florida Statutes, a property owner, regardless of whether the property owner is the one listed on the application for the building permit, may close a building permit by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspection in order to close the permit. If a contractor other than the original contractor listed on the permit is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.
2. The property owner may assume the role of an owner-builder, in accordance with Sections 489.103(7) and 489.503(6), Florida Statutes.
3. If a building permit is inactive or expired and its requirements have been substantially completed and no life safety issues exist, as determined by the local enforcement agency, the permit may be closed without having to obtain a new building permit, and the work required to close the permit may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the permit, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.
4. A local enforcement agency may close a building permit 6 years after the issuance of the permit, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazard exists.
5. For purposes of this section, the term "close" means that the requirements of the permit have been satisfied.
6. For purposes of this section, an open permit shall mean a permit that has not satisfied all requirements for completion as listed in Section 110.

*105.5.2 Closing out or resolving open or expired permits shall be the responsibility of the permit applicant and the property owner.* Failure to close out or resolve open permits may result in a referral of the matter to the County Construction Industry Licensing Board (CILB) or Wellington Construction Board of Adjustments and Appeals (CBAA), as applicable, and Wellington Code Enforcement Department.

*105.6 Denial or Revocation of permits.* Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

*105.6.1 Arms Length Purchaser* Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building permit to; issue a notice of violation to; or fine, penalize sanction or assess fees against an arm's-length purchaser of a property for value solely because a building permit applied for by a previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner and contractor listed on the permit.

*105.6.2 Discipline* Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building permit to a contractor solely because the contractor is listed on other building permits that were not closed. However, the local enforcement agency shall maintain all other rights and remedies against the contractor listed on the permit(s), including, but not limited to, potential referral to the appropriate licensing authority for potential discipline.

*105.6.3 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.

*105.6.4 Violation of code provisions.* The building official may require correction or 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.

*105.7 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.* In accordance with F.S. § 713.135 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 14-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. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. 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 F.S. § 469.003 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 Contractor Exemption" of this code for additional requirements.

*105.10 Certificate of protective treatment for prevention of termites.* A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates 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 re-inspection 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 only applies to 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 and owner'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. This provision only applies to the Florida Building Code, all other agency approvals necessary for construction must be secured prior to this provision being applied.

*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. 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 shall supervise such work. In addition, they 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 stead a competent person or agency whose qualifications are reviewed by the building official. 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 XII of Chapter 468, Florida Statutes. Nothing aforesaid shall preclude plan review or inspections by the building official (See also Section 107.6).

*Exception:* Permits issued on the basis of an affidavit shall not extend to the flood load and flood resistance requirements of the Florida Building Code.

*105.15 Opening protection.* When any activity requiring a building permit, not including roof covering replacement or repair work associated with the prevention of degradation of the residence, that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single-family detached residential structures that is located in the wind borne debris region as defined in this Code and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structures is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this Code or Florida Building Code, Residential for new construction shall be provided.

*Exception:* Single family residential structures permitted subject to the Florida Building Code are not required to comply with this section.

*105.16 Inspection of existing residential building not impacted by construction.*

- (a) A local enforcing agency, and any local building code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building permit the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought.
- (b) This subsection does not apply to a building permit sought for:

1. A substantial improvement as defined in Section 161.54, Florida Statutes or as defined in the Florida Building Code.
  2. A change of occupancy as defined in the Florida Building Code.
  3. A conversion from residential to nonresidential or mixed use pursuant to Section 553.507(2)(a), Florida Statutes or as defined in the Florida Building Code.
  4. A historic building as defined in the Florida Building Code.
- (c) This subsection does not prohibit a local enforcing agency, or any local building code administrator, inspector, or other official or entity, from:
1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
  2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought in accordance with the prohibition in paragraph (a).
  3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
  4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with Sections 933.20 through 933.30, Florida Statutes.

## SECTION 106

### FLOOR AND ROOF DESIGN LOADS

*106.1 Live loads posted.* Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices. For residential construction where roof trusses have been designed for 30 psf for light attic storage, a permanent sign shall be posted in the attic area at final building inspection.

*106.2 Issuance of certificate of occupancy.* A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

*106.3 Restrictions on loading.* It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

## SECTION 107

### SUBMITTAL DOCUMENTS

*107.1 General.* Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in approved format with each permit application. The construction documents shall be prepared by a registered design professional where required by the Chapter 471, Florida Statutes or Chapter 481, Florida Statutes & 61G15 Florida Administrative Code or Chapter 481, Florida Statutes & 61G1 Florida Administrative Code. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Electronic media documents shall be submitted in the approved format as 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, interior designer, or engineer legally registered under the laws of this state regulating the practice of architecture or interior design as provided for in Chapter 481, Florida Statutes, Part I, or landscape architecture as provided for in Chapter 481, Florida Statutes, Part II, 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.

*107.2 Construction documents.* Construction documents shall be in accordance with Sections 107.2.1 through 107.2.6.

*107.2.1 Information on construction documents.* Construction documents shall be dimensioned and prepared as electronic media documents and submitted in the format approved 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. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design. (see also Section 107.1).

*107.2.1.1 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 certifying suitability for the specific site must be submitted with the construction documents.

*107.2.1.2 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, signature and date as state law requires.

*107.2.1.3 Quality of building plans.* Building plans shall be drawn to a minimum 1/8-inch scale. The building official may establish through departmental policy, standards for plans and specifications, including electronic format in order to provide conformity to its electronic permit review and 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. Electronic media must be compatible with the archive requirements of Florida Statutes.

*107.2.2 Fire protection system shop drawings.* Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to 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.

*107.2.3 Means of egress.* The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the exit, the exit access, and the path of the exit discharge to the public way in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

*107.2.4 Exterior wall envelope.* Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

*107.2.5 Exterior balcony and elevated walking surfaces.* Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier the construction documents shall include details for all element of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

*107.2.6 Site plan.* The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines and between buildings, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The site plan shall include accessible parking and accessible routes as required by the FBC Accessibility when applicable. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

*107.2.6.1 Design flood elevations.* Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3 1. Design flood elevations shall be uniformly specified utilizing the currently effective NAVD 88.

*107.2.6.2 For the purpose of inspection and record retention,* site plans for a building shall be maintained at the worksite in a form acceptable to the building official. These plans must be open to inspection by the building official or a duly authorized representative, as required by the Florida Building Code.

*107.2.7 Structural information.* The construction documents shall provide the information specified in Section 1603 of this code and include shoring details, where applicable, for new construction and alterations. Where construction includes excavation, shoring details shall demonstrate protection of the angle of repose for foundation systems of existing adjacent structures.

*107.3 Examination of documents.* The building official shall examine or cause to be examined the accompanying submittal 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 F.S. § 553.77(5) 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. Photocopies of plans approved according to FAC 9B-1.009, F.A.C., shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.

2. Industrial construction on sites where design, construction and fire safety are supervised by appropriately licensed 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.

*107.3.1 Approval of construction documents.* When the building official issues a permit, the construction documents shall be noted, 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.

*107.3.2 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 6 months after the effective date of this code and has not been abandoned.

*107.3.3 Phased approval.* 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, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. 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. This provision only applies to the Florida Building Code; all other agency approvals necessary for construction must be secured prior to this provision being applied.

*107.3.4 Design professional in responsible charge.* When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Those products which are regulated by FAC Rule 61G20 shall be reviewed and approved in writing by the designer of record prior to submittal for jurisdictional approval.

*107.3.4.1 Deferred submittals.* For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

*Documents for deferred submittal items* shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.



*107.3.4.2 Certifications by contractors authorized under the provisions of F.S. § 489.115(4)(b) 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.*

*107.3.5 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; all fenestration penetrations; flashing; and rough opening dimensions and all exterior elevations:

***Commercial Buildings:***

*107.3.5.1.1 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

Flood hazard areas, flood zones, and design flood elevations

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

Pre-engineered 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

Safeguards during construction, as applicable

7. System schematic

Occupancy load/egress requirements shall include:

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 (including Section 107.2.4)

Impact resistant coverings or systems

Structural calculations (if required)

Foundation

Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials

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

Deck coatings

Insulation

Building envelope portions of the Energy Code (including calculation and mandatory requirements)

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. Commercial Energy Code submittal

14. Swimming pools:

Barrier requirements

Spas

Wading pools

15. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.

*107.3.5.1.2 Electrical:*

1. Electrical:

Wiring

Services

Feeders and branch circuits

Overcurrent protection

Grounding

Wiring methods and materials

GFCIs

Electrical requirements of the Energy Code

2. Equipment

3. Special occupancies

4. Emergency systems

5. Communication systems

6. Low voltage

7. Load calculations

8. Design flood elevation

*107.3.5.1.3 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
14. Design flood elevation
15. Water/plumbing requirements of the Energy Code (including calculation and mandatory requirements)

#### *107.3.5.1.4 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
16. Design flood elevation

#### *107.3.5.1.5 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
10. Design flood elevation
11. Gas portions of the Energy Code (including calculation and mandatory requirements)

#### *107.3.5.2 Demolition*

1. Asbestos removal

#### *107.3.5.3 Residential (One- and Two-Family)*

1. Site requirements

Set back/separation (assumed property lines)

Location of septic tanks

2. Fire-resistant construction and fire protection systems (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 wind requirements, and structural calculations (if required)

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials

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. Impact resistant coverings or systems

8. Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and

flood damage-resistant materials

9. Electrical:

Electric service riser with wire sizes, conduit detail and grounding detail. Complete load calculations, Panel schedules

10. Mechanical:

Equipment and location, Duct systems

11. Plumbing:

Plumbing riser

12. Gas:

Gas piping

Venting

Combustion air

Chimneys and vents

Appliances

Type of gas

Fireplaces

LP tank location

Riser diagram/shutoffs

13. Residential Energy Code submittal (including calculations and mandatory requirements)

14. Swimming Pools:

Barrier requirements

Spas

Wading pools

Manufactured buildings/housing -

1. Site requirements

Setback/separation (assumed property lines)

Location of septic tanks (if applicable)

2. Structural

Wind zone

Anchoring

Blocking

3. Plumbing

List potable water source and meter size (if applicable)

4. Mechanical
  - Exhaust systems
  - Clothes dryer exhaust
  - Kitchen equipment exhaust

5. Electrical exterior disconnect location

*107.3.5.4 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. (as determined by the building official)
2. Minor electrical, plumbing, and mechanical repairs
3. Annual maintenance permits
4. Prototype plans: except for local site adaption, siding, foundations and/or modifications Except for structures that require waiver
5. Manufactured buildings plan except for foundations and modifications of buildings on site and as listed below in manufactured buildings/housing.

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

*107.5 Retention of construction documents.* One set of approved construction documents shall be retained by the building official as required by state or local laws.

*107.6 Affidavits.* 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 XII of Chapter 468, Florida Statutes. Nothing aforesaid shall preclude plan review or inspections by the building official (See also Section 105.14). On applications in which private provider services are utilized, all time frames shall adhere to time frames as indicated in Florida Statutes 553.791 7(a).

*107.6.1 Building permits issued on the basis of an affidavit in special flood hazard areas.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.



**SECTION 108****TEMPORARY STRUCTURES AND USES**

*108.1 General.* The building official is authorized to require 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 six months. The building official is authorized to grant extensions for demonstrated cause.

*108.2 Conformance.* Temporary structures and uses shall comply with the requirements in Section 3103.

*108.3 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 NFPA 70. (National Electrical Code [NEC])

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

**SECTION 109****FEES**

*109.1 Payment of Fees.* An application shall not be valid and shall not be reviewed until the applicable fees prescribed by law have been paid. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

*109.2 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.

*109.3 Building permit valuations.* The applicant for a permit shall provide an estimated permit value at time of application. For permitting purposes, permit valuations shall include total replacement value of work, including materials and labor, for which the permit is being issued, such as structural, electrical, gas, mechanical, plumbing equipment, interior finish, related site work, 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, such as Marshall-Swift, Means, etc., or as published by the International Code Council. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed quantity estimates, or bona fide signed contracts, acceptable to the building official. Final building permit valuation shall be set by the building official.

*109.4 Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or without prior approval from the building official as permitted in Section 105.2.2 or 105.12 shall be subject to a penalty fee in addition to the required permit fees, as set in the approved schedule of fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases, the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a penalty fee. The payment of a penalty fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or adjust penalties when justifiable cause has been demonstrated in writing.

*109.5 Related fees.* The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law

*109.6 Refunds.* The building official is authorized to establish and publish a refund policy through local ordinance.

## SECTION 110 INSPECTIONS

*110.1 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 exposed and provided with access 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 owner or the owner's authorized agent to cause the work to remain exposed and provided with access for inspection purposes. The building official shall be permitted to require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field. 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.

*110.1.1 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.

*110.1.2 Other inspections services.* The building official may make, or cause to be made the inspections required by Section 110 of this code. He/she may accept reports of department inspectors, independent inspectors or recognized inspection services, provided that after investigation he/she is satisfied as to their qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are certified by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

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 in excess of 3000 pounds per square inch
4. For pile driving
5. For buildings with area greater than 20,000 square feet
6. For buildings more than two (2) stories in height; or
7. For buildings and structures of unusual design or methods of construction

Such inspectors shall be present when work is underway on the structural elements of the building to adequately attest to its compliance. Such inspectors shall be a registered architect, or engineer. An employee of the architect or engineer licensed under Chapter 468, Part XII, Florida Statutes may perform the inspections, under the direction of and with final certification from the architect or engineer. 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, the architect or engineer 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.

*110.1.3 Affidavit for inspection.* With specific prior approval of, and in a format acceptable to the building official, an affidavit for certification of inspection may be accepted from the permit qualifier; when accompanied by extensive photographic evidence of sufficient detail to demonstrate code compliance. The photographic evidence shall be comprehensive in the display of the installation and/or construction and job location identifiers. The affidavit and accompanying photographs shall be provided to the inspector prior to or at the next scheduled inspection. If the photographs are found to be insufficient by the building official to demonstrate compliance with this code and/or the permitted document, or clearly display location identifiers, or are missing, the contractor may be required to obtain the services of a Registered Florida Design Professional to inspect and certify the installation and/or construction. Inspection by Registered Florida Design Professional shall be in person and certification by Registered Florida Design Professional shall be accompanied by new extensive photographic evidence of sufficient detail to demonstrate code compliance.

*110.1.3.1 Exception:* Affidavits may not be accepted for inspection of elements of construction which require inspection by the local jurisdiction under the requirements of Title 44, Code of Federal Regulations, Parts 59 and 60, and the local flood damage prevention ordinance.

*110.2 Preliminary inspection.* Subject to the limitations of F.S. Chapter 553.79(20), 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.

*110.2.1 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. The building official 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. The building official 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 Volume, may apply.

*110.3 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, any required reinforcing steel is in place, forms erected and shall at a minimum include the following building components:
  - Stem-wall
  - Monolithic slab-on-grade
  - Piling/pile caps

- Footers/grade beams

1.1. Slab/Floor Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel or framing members installed and all building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

A foundation/Form board survey prepared and certified by a registered surveyor may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

1.2. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification as required in Section 1612.5, shall be submitted to the building official.

2. Shell Inspections:

2.1. Lintel/tie beams/columns/masonry units. To be made after masonry units, forms, reinforcing steel, shoring, conduit, piping accessories, and other ancillary equipment items are in place, but before any concrete is placed.

2.2. 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
- Floor sheathing
- Continuous air barrier
- Sheathing fasteners
- Roof/wall dry-in
- Gypsum board, as required
- Sheathing/cladding inspection

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be corrected prior to installation of the dry-in material.

2.3. Roofing inspection. Shall at a minimum include the following building components:

- Dry-in
- Insulation (according to submitted energy calculations)
- Roof coverings (including in-progress)
- Flashing

Re-Roof Sheathing Inspection is required prior to application of the roof covering.

2.4. Framing inspection. To be made after the roof deck or sheathing, all framing, fireblocking and bracing is in place, all concealed wiring, all pipes, chimneys, ducts and vents are complete and the rough electrical,

plumbing, heating wires, pipes and ducts are approved, and shall at a minimum include the following building components:

- Window/door framing and installation. Verify rough opening dimensions are within tolerances, buck and attachments
- Window U-factor/SHGC as indicated on approved calculations
- Window/door buck attachment
- Vertical cells/columns complete, if applicable
- Lintel/tie beams complete, if applicable
- Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
- Draft stopping/fire blocking
- Curtain wall framing
- Fire resistant assemblies joints and penetrations, as required
- Lath, as required
- Accessibility

2.5. Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal. Includes wall and ceiling insulation, thermal and ignition barriers.

2.6. Lath/Drywall, as required Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance- rated assembly or a shear assembly in a single-family dwelling, unless otherwise determined by the building official.

2.7. Exterior wall coverings. Shall at a minimum include the following building components in progress inspections:

- Exterior wall coverings and veneers
- Soffit coverings

3. Final inspection. To be made after the building is completed, all sub-trade inspections have passed and the structure is ready for occupancy.

3.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the authority having jurisdiction.

*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 of this code.
- 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.

*Demolition inspections.*

- First inspection (pre-demolition) 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.

*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. (See also Section 107.3.5 Manufactured/Modular Buildings) Additional inspections may be required for public educational facilities (see Section 423.27.20).

*Impact-resistant coverings.* Where impact resistant coverings or impact resistant systems are installed the building official shall perform inspections at the request of the applicant, on all impact-resistant coverings or impact resistant systems 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 building is dried-in, framing, fire blocking 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 building electrical system is substantially complete, or completed in phases, with all circuitry installed and electrical fixtures and devices in place, or properly tagged and safed-off.
5. Final inspection. To be made after the building electrical system is complete, all required electrical fixtures are in place and properly connected, tested and the structure is ready for occupancy.
6. Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.

**C. Plumbing:**

1. Underground inspection. To be made after trenches or ditches are excavated, piping is installed, and before any in place.
2. Rough-in inspection. To be made after the roof, framing, fire blocking and bracing is in place and all soil, waste, vent, water, and other piping is complete, and prior to this installation of wall or ceiling membranes.
3. Final inspection. To be made after the building plumbing system 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 building is dried-in, 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 mechanical system is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

E. *Gas:*

1. Underground piping and tanks. To be made after trenches or ditches are excavated, underground gas piping is installed, and before backfill is put in place.
2. 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.
3. 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.
4. 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.

F. *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 during the course of the construction project and prior to receiving final inspection approval Construction job sites must be kept clean and in a safe condition at all times. (See also Section 110.9)
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

*110.3.1 Footing and foundation inspection.* Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job. (See also Section 110.3 Building)

*110.3.2 Concrete slab and under-floor inspection.* Reserved. (See Section 110.3 Building 1.1).

*110.3.3 Lowest Floor elevation.* (Reserved). (See Section 110.3 Building 1.2).

*110.3.4 Frame Inspection.* (Reserved). (See Section 110.3 Shell 2.4).

*110.3.5 Lath and Gypsum Board Inspection.* (Reserved). (See Section 110.3 Shell 2.6).

*110.3.6 Weather-exposed balcony and walking surface waterproofing.* Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious-moisture-barrier system shall not be concealed until inspected and approved.

*110.3.7 Fire- and smoke-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved by the building official.

*110.3.8 Energy efficiency inspections.* Inspections shall be made to determine compliance with FBC, Energy Conservation and confirm with the approved energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope insulation R- and U-values, fenestration U-value and Solar Heat Gain Coefficient, duct system R-value, and HVAC lighting, electrical and water-heating equipment efficiency.

*110.3.9 Other Inspections.* In addition to the inspections specified in Sections 110.3 through 110.3.7, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Building Division.

*110.3.10 Special Inspections.* (Reserved).

*110.3.11 Final 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.

*110.3.11.1 Flood hazard documentation* For properties located in a flood hazard area, all required documentation shall be submitted to the building official at the time of the final inspection.

*110.3.11.2 Energy Code documentation.* As required by Section C408.2.4.1 of the Energy Conservation Volume, confirmation that the preliminary commissioning report has been received by building owner shall be provided at the time of final mechanical inspection

*110.3.12 Termites.* Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7 of this code, Section 2304.13 of this code or Section 2304.11.6 of this code, specifically required to be inspected for termites in accordance with Section 2114 of this code, or required to have chemical soil treatment in accordance with Section 1816 of this code 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 of this code)

*110.3.13 Impact Resistant coverings or systems.* Where impact resistant coverings or systems are installed to meet requirements of this code, the building official shall schedule adequate inspections of impact resistant coverings or systems to determine the following:

1. The system indicated on the plans was installed
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.



*110.3.14 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.

*110.4 Inspection agencies.* The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

*110.5 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.

*110.6 Approval required.* Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, 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 official.

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

*110.7.1 Other shoring.* The Building Official may require engineered shoring drawings and procedures for reshoring for temporary support of vertical and horizontal loads and stabilization of foundation soils when applicable. Inspections are required to ensure the shoring is installed in accordance with the approved engineered shoring drawings. The Building Official may require the inspections to be made by qualified third parties when deemed necessary. (See also Section 110.1.2 Inspection Services).

*110.8 Threshold building.*

*110.8.1* During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, 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.

*110.8.2* 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 Florida Statute 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.

*110.8.3* 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.

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

*110.8.4.1* 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."

*110.8.4.2* 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.

*110.8.4.3* 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.

*110.8.4.4* 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.

*110.8.5* 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.

*110.8.6* The building division 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.

*110.9 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 runoffs, 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 professional, as appropriate under Florida law, shall be submitted to the inspector in order to receive approval of the final inspection.

## SECTION 111

## CERTIFICATES OF OCCUPANCY AND COMPLETION

*111.1 Use and 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 other federal, state and local laws and 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.

*Exception:* Certificates of occupancy are not required for work exempt from permits under Section 105.2.

*111.2 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, or other agency whose approval is inherent in the building permitting process, 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 or the owner's authorized agent.
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. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the building department.
7. The name of the building official.
8. The edition of the code under which the permit was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3 of this code.
10. The type of construction as defined in Chapter 6 of this code.
11. The design occupant load
12. If an automatic sprinkler system is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building permit.

*111.3 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 110 percent 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

cashier's 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.

*111.4 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.

*111.5 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.

*111.6 Fixturing and Stocking.* The Building Official is authorized to issue approval for fixturing, stocking, training, or decorating, when appropriate, to allow the builder to prepare the structure for permanent occupancy. The building may not open to the general public or be used for the transaction of any commerce. Such approval must be conditioned upon the approval of the Fire Marshal, when applicable.

*111.7 Digital Submittal Requirements for New Construction.*

*111.7.1 Building Footprints.* The Building Official is authorized to require the submittal of digital shape (CAD) files, in a specific format, depicting a geo-referenced footprint with elevation for all new structures as a condition of the issuance of a Certificate of Occupancy.

*111.7.2 Subdivision Topography.* The Building Official is authorized to require the submittal of electronic topographical data and re-delineated 100-year floodplain boundaries for all new subdivisions or lots of record for the purposes of updating and maintaining the community's flood maps.

## SECTION 112 SERVICE UTILITIES

*112.1 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.

*112.2 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.

*112.3 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, this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life, property, or unsafe condition, or when such utility connection has been made without the approval required by Section 112.1 or 112.2 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 113**  
**CONSTRUCTION BOARD OF**  
**ADJUSTMENTS AND APPEALS**

*113.1 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:

*113.2 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.

*113.3 Powers.* The Construction Board of Adjustments and Appeals shall have the power, as further defined in 113.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

*113.4 Local Construction Regulation Board.* The Construction Board of Adjustments and Appeals (CBAA) shall also constitute and act as the Local Construction Regulation Board ("LCRB"), as provided in F.S. § 489.113. As the LCRB, the CBAA may deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permits with specific conditions, if the 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. For purposes of this section, a "willful building code violation" means an act that is voluntarily and intentionally performed with the intent to violate or disregard the requirements of the law. The board may also, deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if it has proof through the public hearing process, that a contractor has been found guilty in another county or municipality within the past 12 months, of fraud or a willful building code violation and after providing notice and an opportunity to be heard to the contractor, finds that such fraud or willful violation would have been fraud or a violation if committed in the county or municipality that the local construction board represents. Notification of and information concerning such permit denial shall be submitted to the department within 15 days after the LCRB decides to deny the permit.

*113.5 Appeals.*

*113.5.1 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 the specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case, which the building official has rejected or refused.
4. The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

*113.5.2 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 that are peculiar to the building, structure or service system involved and that 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; and
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.

*113.5.2.1 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.

*113.5.3 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.

*113.5.4 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.

#### *113.6 Procedures of the board.*

*113.6.1 Meetings.* The board shall meet upon call of the chair. The board shall meet within 30 calendar days after notice of appeal has been received.

*113.6.2 Rules and regulations.* The board shall comply with the procedures set forth in Village Council Resolution No. R2011-75.

*113.6.3 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 provided 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 114 VIOLATIONS**

Any person, including an individual, firm, partnership, corporation, or any of their agents, 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 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 law. Nothing in this section shall prevent the authority having jurisdiction from imposing fines, liens, or seeking 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 115 STOP WORK ORDER

*115.1 Authority.* Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

*115.2 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.

*115.3 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 116 UNSAFE STRUCTURES AND EQUIPMENT

*116.1 Unsafe buildings or systems.* All buildings, structures, electrical, gas, mechanical, and plumbing systems that 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.

*116.1.1* When the building official determines a building, structure, electrical, gas, mechanical, or plumbing system, or any 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. The notice shall require the owner within a stated time to either complete specified repairs or improvements, or to demolish and remove the building, structure, electrical, gas, mechanical, or plumbing system, or portion thereof.

*116.1.2* If necessary to protect the life, health and safety of occupants, such notice shall also require the building, structure, electrical, gas, mechanical, plumbing systems, or portion thereof, to be vacated forthwith and not to be 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, partnership, corporation or any of its officers, agents, or other servants, to remove such notice without written permission from 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.

*116.1.3* 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.

*116.1.4* 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.

*116.1.5* 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, health, safety, or the property of others. The building official 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, the building official 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. The building official 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.

*116.1.6* Costs incurred under 116.1.4 and 116.1.5 shall be charged to the owner of the premises involved. Notice of such charges shall be provided to the owner by certified mail. If the charges are not paid within ten days following notification, 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 Clerk shall record 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 recording and shall recite the names of all persons notified and interested persons. After three months from the recording of any such lien, which remains unpaid, the governing body may authorize foreclosure of the lien in the same manner as mortgage liens are foreclosed. Such lien shall bear interest from date such costs were incurred at the rate of ten percent per annum and shall be enforceable if unsatisfied as other liens may be enforced by the governing agency.

## **SECTION 117**

### **VARIANCES IN FLOOD HAZARD AREAS**

*117.1 Flood hazard areas.* Pursuant to Section 553.73(5), Florida Statutes, the variance procedures adopted in the Article III, - Flood Damage Prevention of Wellington Code of Ordinances shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building Volume or, as applicable, the provisions of R322 of the Florida Building Code, Residential Volume. This section shall not apply to Section 3109 of the Florida Building Code, Building Volume.

## **SECTION 118**

### **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.



(Ord. No. 2001-17, § 3, 12-11-01; Ord. No. 2005-17, § 1, 11-3-05; Ord. No. 2009-03, § 2, 1-27-09; Ord. No. 2012-08, § 2, 3-13-12; Ord. No. 2016-02, § 2, 2-9-16; Ord. No. 2018-04, § 2, 1-23-18; Ord. No. 2020-16, § 2, 12-8-20)

Sec. 30-51. - Definitions.

The following words, terms and phrases, as used in this division, shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates otherwise:

*Adjacent property* means the lot immediately adjoining a lot that is subject to review under this division.

*Department* means the village planning, zoning, and building department.

*Developed property* means any real property upon which a structure, paving, lake, waterway, water body, golf course or sports field improvement, or other improvement has been erected or installed. Overhead, underground, and other public or private franchised utility installations shall not be considered improvements for the purposes of this definition.

*Dilapidated structure* means any unoccupied real property upon which all or a portion of the structure is not maintained in good repair, in a structurally sound manner, or in a sanitary manner, including but not limited to the following items when such items are visible from a public right-of-way, public property or adjacent property; broken window or door glass; broken or damaged windows or window frames; broken or damaged doors or entryways; broken or damaged garage doors; roofs with damage that may cause interior leaks; or unsecured or stagnant swimming pools.

*Landscaped areas* means outdoor areas required to consist of or consisting of any of the following or combination thereof: grass, ground covers, shrubs, vines, hedges, trees, or palms; and non-living durable material commonly used in landscaping, such as rocks, pebbles, sand, walls, or fences, but excluding paving.

*Lot* means any tract or parcel of land other than an approved landfill site.

*Native vegetation* means any plant species with a geographic distribution indigenous to all or part of the village. Plant species that have been introduced by man are not native vegetation.

*Natural area* means an area of native vegetative cover.

*Non-native* means any plant not native to the State of Florida.

*Noxious vegetation* means *Schinus terebinthifolius* (commonly known as Florida Holly or Brazilian Pepper); *Melaleuca quinquenervia* (commonly known as Punk Tree, Cajeput, or Paper Bark Tree); and *Casuarina* spp. (commonly known as Australian Pine).

*Owner* means the owner of record of a lot as appears in the official records of Palm Beach County.

*Special magistrate* means the special magistrate appointed as provided in [Chapter 2](#), "Administration", Article 4, "Code Enforcement", [Section 2-293](#), "Special Magistrate".

*Stagnant residential swimming pool* means a pool with water that does not comply with the water clarity or turnover requirements as provided in [Chapter 3](#), "General Standards", Section 303, "Swimming Pools, Spas and Hot Tubs", Section 303.1 of the International Property Maintenance Code or as provided in Sec. 9.1.3 of the American National Standards Institute/National Spa and Pool Institute 5-2003 (ANSI/NSPI-5 2003) "Standards for Residential Inground Swimming Pools."

*Undeveloped property* means any real property that is not developed property.

*Unoccupied structure* means any structure without the daily or normal use associated with the structure, including the residing of an individual or individuals overnight or the use equipment, merchandise, or machinery in any public, commercial or industrial building.

*Unsecured swimming pool* means an existing swimming pool that is not in compliance with the pool barrier requirements of Section 4.2.4.1.3.1.9 or Section 424.2.17 of the 2004 edition of the Florida Building Code.

*Untended vegetation* means grass, weeds, and underbrush allowed to grow in an uncontrolled manner, or not cared for or maintained on a regular basis.

*Waste* shall be defined in section 46-23, Code of Ordinances of the Village of Wellington.

(Ord. No. 2008-15, § 1, 9-9-08; Ord. No. 2019-01, § 1, 1-22-19)

**Cross reference**— Definitions generally, § 1-2.

**Madeira Beach, FL - Code of Ordinances** ([https://library.municode.com/fl/madeira\\_beach/codes/code\\_of\\_ordinances](https://library.municode.com/fl/madeira_beach/codes/code_of_ordinances))

## Sec. 14-32. - Same—Uniform Code for the Abatement of Dangerous Buildings.

- (a) The International Property Maintenance Code, 2015 edition, as amended, promulgated by the International Code Council, shall be used for the minimum standards for maintenance of residential properties.
- (b) The National Electrical Code (NEC), 2008 edition, as amended, including appendices.
- (c) Uniform fire safety standards adopted pursuant to F.S. § 633.022 shall apply, as may be subsequently amended.
- (d) Florida Fire Prevention Code adopted pursuant to F.S. § 633.0215 shall apply, as may be subsequently amended.

(Ord. No. 1107, § 1, 5-8-07; Ord. No. 2014-14, § 3, 11-12-14)

## Sec. 14-130.2. - Definitions.

*International Property Maintenance Code or property maintenance code* refers to the minimum standards for maintenance of residential properties as set forth in the 2009 edition of the International Property Maintenance Code, as it may be amended from time to time. *Residential rental property* means the contiguous lot or parcel of real property under single ownership on which one or more residential rental units are located. *Residential rental unit* means any building, structure, living unit, room, enclosure, mobile home, or part thereof, located within the city which is rented or offered for rent as the primary residence of any person, or which is rented or offered for rent to serve or which does serve as the residence of such person for a continuous period of more than 30 days. Residential rental unit does not include living quarters provided by any institution or facility, whether public or private, incidental to the provision of medical, geriatric, educational, counseling, religious, or similar services; a property or unit which is occupied under a contract for sale; transient lodgings occupied for less than a 30-day period and which are not the primary residence of the transient occupant.

(Ord. No. 2013-08, § 1, 12-10-13; Ord. No. 2015-02, § 2, 3-10-15; Ord. No. 2015-07, § 1, 6-9-15)

## Sec. 14-130.6. - Inspection; issuance of license and renewal.

- (a) After receipt of the initial complete application satisfying the requirements above and the application fee, the city shall schedule the inspection of the residential rental property and units to determine compliance with all applicable provisions of the Land Development Code, including the International Property Maintenance Code, and shall issue the license or provide the applicant with written notice of any defects upon the completion of the inspection.
- (b) The license shall be renewed each year in the same manner as, and concurrent with, the business tax receipt renewal as provided in chapter 62 of this Code.
- (c) Each residential rental property and unit regulated by this division shall be re-inspected within a period of 24 months from the last inspection, contingent upon department resources and the number of units to be inspected. The city shall maintain a re-inspection schedule for currently licensed units. In addition, any currently licensed unit or property may be inspected upon reasonable notice. The property owner and agent shall permit the city to inspect all premises governed by this division to determine compliance, and shall fully cooperate with such inspections. The property owners or their agents shall notify tenants of planned inspections of their residential rental units for inspection purposes.
- (d) A tenant may request an inspection of the residential rental property or unit in which he or she currently resides at any time if violations of International Property Maintenance Code are suspected.

(Ord. No. 2013-08, § 1, 12-10-13; Ord. No. 2015-02, § 4, 3-10-15)

**South Daytona, FL - Land Development Code** ([https://library.municode.com/fl/south\\_daytona/codes/land\\_development\\_code](https://library.municode.com/fl/south_daytona/codes/land_development_code))

## Sec. 3.10. - Building permits.

The department is responsible for creation of the necessary forms to assure that the proposed construction drawings, methods, and management at construction-sites is done in conformance with local, county, and state building and safety practices. Through Ordinance Number 10-9 the City has adopted the 2007 edition of the Florida Building Code and future editions, adopted the 2007 edition of the Building Officials Association of Florida Model Administrative Code for the 2007 Florida Building Code and future editions, adopted the 2009 edition of the International Property Maintenance Code and International Fire Code and future editions as published by the International Code Council which will serve as the basic minimum criteria for a building permit to be issued.

Internal procedures will be established by the director who along with the chief building official is responsible for the administration of this Code and the building codes. The chief building official will be responsible for reviewing plans, issuing permits, and conducting inspections on-site to assure that the building is being constructed in conformance with the plans and permits. In the absence of the chief building official, the director will have the authority to issue permits and cause the inspections, seek remedial action for violations, and stop work that is not in compliance with established codes. Upon an approved final inspection, the chief building official, or director, may issue a certificate of occupancy, which authorizes the legal occupancy of the structure. In the event of business location or relocation, a local business tax receipt is also required.

(Ord. No. 07-03, § 1, 2-13-07; Ord. No. 11-04, § 3.10, 4-26-11)

**Deltona, FL - Code of Ordinances** ([https://library.municode.com/fl/deltona/codes/code\\_of\\_ordinances](https://library.municode.com/fl/deltona/codes/code_of_ordinances))

## Sec. 18-5. - Property maintenance code.

The provisions of the latest edition of the International Property Maintenance Code published by the International Code Council shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, safety hazards; responsibilities of owners, operators, and occupants; and occupancy of existing premises and structures. References to the International Building Code and to the International Fire Code shall be deemed to be references to the comparable provisions of the Florida Building Code and the Florida Fire Prevention Code.

(Ord. No. 40-2005, § 1, 9-19-2005; Ord. No. 20-2015, § 2, 11-16-2015)

## Sec. 22-235. - Local business tax receipt application.

- (a) *Inclusions.* On or before September 30 of each year, or at the same time thereafter as residential property is first offered for rent, the owner of record of each dwelling unit or rooming house in which residential quarters are rented or offered for rent to persons other than the owner or owner's immediate family, shall make written application to the city for a local business tax receipt to engage in the business of renting residential property, setting forth the address, classification (whether single-family, multiple-family or rental room), and the local point of contact person of each dwelling unit to be issued a business tax receipt for rental, in such form or forms as the City of Deltona shall from time to time designate, together with such fees as the city commission may from time to time adopt by resolution. A separate business tax receipt is needed for each and every tax parcel on which a residential rental property is located. An agent of one or more owners may apply for multiple tax receipts, upon certifying that the agent has received written authorization from each owner represented provided that such authorization acknowledges receipt of a copy of this ordinance and applicable sections of the International Property Maintenance Code and acknowledges that failure to abide by this ordinance or other applicable codes and ordinances may result in a lien upon the property of the owner. The owner of record shall notify the city within 30 days when the local point of contact person changes.
- (b) *Exceptions.* No tax receipt is required for any (1) owner occupied single-family dwelling unit; (2) rented duplex units in which the property owner, or members of their immediate family as evidenced by submittal of a sworn affidavit indicating the relationship between the property owner and the family member, resides within the attached on-site dwelling unit; or (3) apartment building or condominiums in which there is on-site property management and maintenance; provided that nothing in these exceptions otherwise excuses such owners from compliance with the International Property Maintenance Code or any other applicable code or ordinance.
- (c) *Local business tax receipt fee.* The local business tax fee shall be set by the city commission.

(Ord. No. 11-2007, § 5, 5-21-2007; Ord. No. 01-2013, § 1, 2-18-2013)

## Sec. 22-237. - Emergency inspections and remediation.

- (a) Nothing in this Ordinance shall limit or supplant the power of the rental inspector under the International Property Maintenance Code to placard and order the vacation of property which:
- (1) Is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public.
  - (2) Lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants of the public.
- (b) Nothing in this Ordinance limits the right of the city to abate or remediate such emergency or nuisance by any other

lawful means or proceedings.

(Ord. No. 11-2007, § 7, 5-21-2007)

Sec. 37-4. - Definitions.

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

*Applicable codes* includes, but is not be limited to, the city's land use regulations, the city's Code of Ordinances ("City Code"), the Florida Building Code, and the International Property Maintenance Code.

*Blighted property* means:

- (1) Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
- (2) Properties that are accessible through a comprised/breached gate, fence, wall, window, door, etc. or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons; or
- (3) Properties cited for a public nuisance pursuant to the City Code; or
- (4) Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lack maintenance as required by the applicable codes;
- (5) Properties that are inhabited, but do not have active water and electric service accounts through local utility service providers; or
- (6) Properties that have roof tarps or boarded windows or doors for a period in excess of 60 days.

*Distressed real property* means any real property located in the city that i) has had a lis pendens filed against it by the mortgagee or is subject to an ongoing foreclosure action by the mortgagee, or the mortgage has been declared to be in default; or ii) is subject to an application for a tax deed or pending tax assessor's lien sale; or iii) has been transferred to the mortgagee under a deed in lieu of foreclosure; or iv) has been the subject of a foreclosure sale where title is retained by the mortgagee or related party. The designation of a property as "distressed" shall remain in place until such time as the property has been sold or transferred to a new owner, and any foreclosure action has been dismissed and the borrower is no longer in default. Until the mortgage or lien on the property in question is satisfied, or legally discharged, and the mortgagee is no longer pursuing foreclosure, the filing of a dismissal of lis pendens and/or summary final judgment and/or certificate of title, voluntary or otherwise, does not exempt any mortgagee, or lien holder who initiated foreclosure proceedings, from all the requirements of this article as long as the borrower is in default.

*Enforcement officer* means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the city to enforce the applicable codes.

*Evidence of vacancy* means any condition, on its own or combined with other conditions present, which would lead a reasonable person to believe the property is vacant. Such conditions may include, but are not limited to lack of habitation by persons, uncollected mail, lack of furniture, lack of cars in the driveway, accumulation of newspapers, circulars, flyers or notices on the property, and/or lack of active water and/or electric service.

*Mortgagee* means any person or entity that has a lien on real property that has the contractual right, upon the mortgagor's failure to perform the covenants and agreements contained in security instruments and/or promissory note, to enter upon such real property to secure and repair such property.

*Mortgage servicer* means a company to which borrowers pay their mortgage loan payments and which performs other services in connection with mortgages and mortgage-backed securities. Under this chapter, a mortgage servicer as to a particular mortgage is jointly and severally liable to perform the duties of, and be subject to the liabilities of, a mortgagee as to that particular mortgage.

*Property management company* means a property manager, property maintenance company or similar entity responsible for the maintenance of distressed real property which is located within Volusia County or within 35 miles from the closest city limit of the City of Deltona.

*Temporary emergency security* measures mean the boarding of windows and/or doors, to temporarily secure a property pending the permanent repair of the property, which temporary measures shall not remain in place for longer than 30 days.

*Vacant* means any building or structure that is not legally occupied.

(Ord. No. 12-2014, § 1, 7-21-2014)

**Orlando, FL - Code of Ordinances** ([https://library.municode.com/fl/orlando/codes/code\\_of\\_ordinances](https://library.municode.com/fl/orlando/codes/code_of_ordinances))

## Sec. 14.02. - International Property Maintenance Code.

With the amendments referenced below, the City of Orlando hereby adopts the 2018 edition of the International Property Maintenance Code (IPMC) published by the International Code Council and incorporates the same by reference as if fully set forth herein. The IPMC is adopted as the City of Orlando Property Maintenance Code and shall be the governing law relative to all buildings, structures and premises as defined herein.

<http://codes.iccsafe.org/content/IPMC2018>

(A) *General Amendments.* The IPMC is hereby amended in that

- (1) wherever the words "International Building Code" or "International Existing Building Code" are found, the words "Florida building codes" shall be substituted.
- (2) wherever the term "owner-occupant" is found in the IPMC it shall be deleted.
- (3) wherever the words "International Fire Code" are found, the words "National Fire Protection Act" or "NFPA" shall be substituted. Any reference to section numbers in the International Fire Code are hereby deleted.
- (4) wherever the words "International Residential Code" are found they shall be deleted.

(B) *Technical Amendments.* The following sections of the IPMC are hereby amended as follows:

- (1) Section 101.1 entitled "Title" is amended to read as follows: These regulations shall be known as the City of Orlando Property Maintenance Code, hereafter referred to as "this Code."
- (2) Section 102.3 entitled "Application of Other Codes" is amended to read as follows: Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Florida building codes as adopted by the City of Orlando and the State of Florida. If there is inconsistency between this Code and the Florida building codes, the Florida building codes shall prevail.
- (3) Section 102.6 entitled "Historic Buildings" is hereby deleted in its entirety.
- (4) Section 103.1 entitled "General" is amended to read as follows: The provisions of this Chapter shall be administered by the code official for the City of Orlando or such other person or persons designated by said official or the City Council of the City of Orlando. All inspections, regulations, enforcement and hearings on violations of the provisions of this Code, unless expressly stated to the contrary, shall be under his or her direction and supervision.
- (5) Section 103.2 entitled "Appointment" is hereby deleted in its entirety.
- (6) Section 103.4 entitled "Liability" is amended so that the words "board of appeals" is substituted with the words "Code Enforcement Board."
- (7) Section 103.4.1 entitled "Legal Defense" is hereby deleted in its entirety.
- (8) Section 103.5 entitled "Fees" is hereby deleted in its entirety.
- (9) Section 104.2 entitled "Inspections" is hereby deleted in its entirety.
- (10) Section 104.3 entitled "Right of Entry" is hereby deleted in its entirety.
- (11) Section 106.2 entitled "Notice of Violation" is hereby deleted in its entirety.
- (12) Section 106.3 entitled "Prosecution of Violation" is hereby deleted in its entirety.
- (13) Section 106.4 entitled "Violation Penalties" is amended to read as follows: Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws.



- (14) Section 107 entitled "Notices and Orders" is hereby deleted in its entirety.
- (15) Section 108.2 entitled "Closing of Vacant Structures" is hereby deleted in its entirety.
- (16) Section 108.3 entitled "Notice" is hereby deleted in its entirety.
- (17) Section 108.4 entitled "Placarding" is hereby deleted in its entirety.
- (18) Section 108.4.1 entitled "Placard Removal" is hereby deleted in its entirety.
- (19) Section 108.5 entitled "Prohibited Occupancy" is hereby deleted in its entirety.
- (20) Section 108.7 entitled "Record" is amended so that the word "occupancy" is substituted with the word "nature."
- (21) Section 109 entitled "Emergency Measures" is hereby deleted in its entirety, except for Section 109.2 entitled "Temporary Safeguards."
- (22) Section 110 entitled "Demolition" is hereby deleted in its entirety.
- (23) Section 111 entitled "Means of Appeal" is hereby deleted in its entirety.
- (24) Section 112.1 entitled "Authority" is amended to read as follows: Whenever the code official, or his or her designee, finds any work regulated by this Code being performed in a manner contrary to the provisions of this Code, the code official or designee is authorized to issue a stop work order after consultation with the Building Official.
- (25) Section 112.4 entitled "Failure to Comply" shall be deleted in its entirety.
- (26) Section 202 entitled "General Definitions," the following terms shall be deleted in their entirety: Cost of Such Demolition or Emergency Repairs; Deterioration; Dwelling Unit; Exterior Property; Garbage; Habitable Space; Historic Building; Housekeeping Unit; Infestation; Operator; Owner; Person; Pest Elimination; Rooming House; Rooming Unit; Strict Liability Offense; Structure; Ultimate Deformation; and Yard.
- (27) Section 202 entitled "General Definitions" the definition for the term "Rubbish" is amended to read as follows: Combustible or noncombustible waste materials, except garbage; the term shall include, but not be limited to, the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.
- (28) Section 302.1 entitled "Sanitation" is amended to read as follows: Exterior property and premises, including shared and common areas, shall be maintained in a clean, safe and sanitary condition.
- (29) Section 302.3 entitled "Sidewalks and Driveways," the term "sidewalks" is hereby deleted.
- (30) Section 302.4 entitled "Weeds" is hereby deleted in its entirety.
- (31) Section 302.6 entitled "Exhaust Vents," the term "odors" is hereby deleted.
- (32) Section 302.7 entitled "Accessory Structures" is amended to read as follows: Accessory structures, including garages, fences, walls and storage buildings shall be maintained structurally sound and in good repair.
- (33) Section 302.8 entitled "Motor Vehicles" is amended to read as follows: Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be kept at any time in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
- (34) Section 302.9 entitled "Defacement of Property" is amended to read as follows: A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair using like or similar color(s) to the original surface prior to defacement.

- (35) Section 303.1 entitled "Swimming Pools" is amended to read as follows: Swimming pools shall be secured and in clean and sanitary condition, and in good repair, including eliminating all stagnant water by either filling the pool or restoring water quality or clarity.
- (36) Section 303.2 entitled "Enclosures" is hereby deleted in its entirety.
- (37) Section 304.2 entitled "Protective Treatment," the first sentence is amended to read as follows: Exterior surfaces, including but not limited to, siding, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition.
- The following language is hereby included: Existing skirting shall be maintained free from broken or missing sections, pieces or cross members. Skirting shall be securely attached and sized from the ground to the lower outside perimeter of the structure. Replacement or new skirting shall be constructed of materials intended for exterior use and properly sized and mounted to prevent free access to the crawl space of the structure. Crawl space access grille or door and ventilation grilles shall be sized according to local code requirements.
- (38) Section 304.6 entitled "Exterior Walls" is amended to read as follows: Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.
- (39) Section 304.13 entitled "Window, Skylight, and Door Frames" is hereby deleted in its entirety.
- (40) Section 304.13.1 entitled "Glazing" is hereby deleted in its entirety.
- (41) Section 304.13.2 entitled "Openable Windows" is hereby deleted in its entirety.
- (42) Section 304.14 entitled "Insect Screens" is hereby deleted in its entirety.
- (43) Section 304.15 entitled "Doors" is hereby deleted in its entirety.
- (44) Section 305.3 entitled "Interior Surfaces" is amended to read as follows: Interior surfaces, including windows, doors, walls and ceilings shall be maintained in good, clean and sanitary condition and rodent-proof. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.
- (45) "Section 305.6 entitled "Interior Doors" is hereby deleted in its entirety.
- (46) Section 403.1 entitled "Habitable Spaces" is hereby deleted in its entirety.
- (47) Section 403.2 entitled "Bathrooms and Toilet Rooms" is amended to reference Orlando City Code Section 14.11(1) and (2) instead of Section 403.1.
- (48) Section 403.4 entitled "Process Ventilation," the term "irritating" is hereby deleted.
- (49) Section 502.1 entitled "Dwelling Units" is hereby deleted in its entirety.
- (50) Section 602.2 entitled "Residential Occupancies" shall be amended to read as follows: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F (20° C) in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used as a means to provide required heating. If the heating facility is a portable electric space heater, then it must have a tip-over switch with automatic shut-off capability and overheat protection with automatic shut-off capability.
- (51) Section 602.3 entitled "Heat Supply" is amended to require the supply of heat year-round and Exception Number 2 is hereby deleted in its entirety.
- (52) Section 602.4 entitled "Occupiable Work Spaces" is amended to require the supply of heat year-round.
- (53) Section 603.5 entitled "Combustion Air" shall include the following language: Inflammable or combustible liquids or other materials may not be stored on the premises unless they are of a type approved for storage

by the regulations of the City of Orlando Fire Department and then only in such quantities and in such fireproof storage containers as may be prescribed by the regulations of said department. Operating chimneys and all flue and vent attachments thereto shall be maintained structurally sound, free from defects and so maintained as to capably perform at all times the function for which they were designed. Chimneys, flues, gas vents or other draft producing equipment shall provide sufficient draft to develop the rated output of the connected equipment and shall be structurally safe, durable, smoketight and capable of withstanding the action of flue gasses.

- (54) Section 604.1 entitled "Facilities Required" is amended to read as follows: Every occupied building shall be provided with an electrical system that is in compliance with this Code. Such building shall be properly connected to and be provided with electric power through safely insulated conductors conforming to the National Electrical Code as adopted and amended by Chapter 22 of the Orlando City Code.
- (55) Section 604.3.1.1 entitled "Electrical Equipment," the exception is amended to read as follows: Equipment shall be allowed to be repaired where an inspection report from a licensed electrical contractor indicates that the equipment has not sustained damage that required replacement.
- (56) Section 604.3.2.1 entitled "Electrical Equipment," the exception is amended to read as follows: Electrical switches, receptacles and fixtures shall be allowed to be repaired where an inspection report from a licensed electrical contractor indicates that the equipment has not sustained damage that requires replacement.
- (57) Section 605.1 entitled "Installation" is amended to read as follows: Electrical equipment, wiring, outlets, and appliances shall be properly installed and maintained in a safe and approved manner in accordance with the provisions of the electrical code of the authority having jurisdiction.
- (58) Section 606 entitled "Elevators, Escalators and Dumbwaiters" is hereby deleted in its entirety except for Section 606.2.
- (59) Section 702.1 entitled "General" is hereby deleted in its entirety.
- (60) Section 702.4 entitled "Emergency Escape Openings" is amended to delete the phrase "in accordance with the code in effect at the time of construction" and the phrase "that was in effect at the time of construction."
- (61) Section 704.1.3 entitled "Fire Protection Systems" is amended to read as follows: Fire protection systems shall be inspected, maintained and tested in accordance with the NFPA. The remainder of this subsection is hereby deleted.
- (62) Section 704.2.1 entitled "Records" is hereby deleted in its entirety.
- (63) Section 704.2.2 entitled "Records Information" is hereby deleted in its entirety.
- (64) Section 704.3.1 entitled "Emergency Impairments" is amended to delete the last sentence.
- (65) Section 704.6.4 entitled "Smoke Detection System" is amended to read as follows: Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms.
- (66) Section 705 entitled "Carbon Monoxide Alarms and Detection" shall include the following language: Any dwelling unit that contains fuel-burning appliances, fuel-burning fireplaces, and/or fuel-burning forced air furnaces shall be provided with carbon monoxide detection that is installed in accordance with NFPA 720.

(Ord. No. 2018-33, § 2, 8-6-2018, eff. 1-1-2019, Doc. #1808061204)

**Clearwater, FL - Community Development Code** ([https://library.municode.com/fl/clearwater/codes/community\\_development\\_code](https://library.municode.com/fl/clearwater/codes/community_development_code))

## Section 3-1502. - Property maintenance requirements.

- A. *Minimum building and fire code requirements.* All buildings shall be maintained in accordance with the Florida Building Code, the Florida Fire Prevention Code, and the International Property Maintenance Code.
- B. *Exterior surfaces.* All building walls shall be maintained in a secure and attractive manner. All defective structural and decorative elements of any building wall shall be repaired or replaced in a workmanlike manner to match as closely as possible the original materials and construction of the building. All exterior surfaces shall be free of:
1. Mildew;
  2. Rust;
  3. Loose material, including peeling paint; and
  4. Patching, painting or resurfacing shall be accomplished to match the existing or adjacent surfaces as to materials, color, bond and joining.

All cornices, trim and window frames that are damaged, sagging or otherwise deteriorated shall be repaired or replaced to be made structurally sound. All exterior surfaces other than decay-resistant wood and other weather durable finishes, shall be protected from the elements by paint or other protective covering applied and maintained according to manufacturer's specifications and otherwise treated in a consistent manner.

- C. *Door and window openings.*
1. All windows and doors shall be secured in a tight fitting and weatherproof manner and have sashes of proper size and design.
  2. Sashes with rotten wood, broken joints or deteriorated mullions or muntins must be repaired or replaced.
  3. Windows shall be maintained in an unbroken, and clean state. No windows shall be permanently removed and enclosed, covered or boarded up unless treated as an integral part of the building façade using wall materials and window detailing comparable with any upper floors and the building façade in general. All damaged or broken windows shall be promptly restored, repaired or replaced. All awnings, screens or canopies facing or visible from the public right-of-way or any other parcel shall be maintained in a good and attractive condition and torn, loose and/or bleached awnings, screens or canopies shall be promptly replaced, repaired or removed.
  4. Doors and windows not facing the public right-of-way and upper level window and door openings fronting a public right-of-way shall be similarly maintained and repaired as the doors and windows facing the public right-of-way, except that such doors and windows may be enclosed or removed provided the sills, lintels and frames are removed and the opening properly closed to match and be compatible with the design, material and finish of the adjoining wall of which the opening is a part.
- D. *Roofs.*
1. All roofs shall be maintained in a safe, secure and watertight condition.
  2. Any new mechanical equipment, including replacement equipment placed on a roof, shall be so located as to be screened from view from the public right-of-way at street level from adjoining properties.
  3. Roofs shall be maintained in a clean, mildew-free condition and kept free of trash, loose shingles and debris or any other element, including grass or weeds, which is not a permanent part of the building or a functional element of its mechanical or electrical system.
  4. Tile roofs with peeling paint shall be repainted or have the paint removed.
  5. Any false roof, mansard or similar roof element or other auxiliary structure on the roof shall be finished and

maintained in a condition comparable to and compatible with the exterior side of the building wall to which the roof element abuts.

E. *Auxiliary and appurtenant structures.*

1. Chimneys and elevator shafts, and mechanical and electrical structures shall be maintained in a satisfactory state of repair and their exterior finish must be architecturally consistent with the exterior side of the building wall from which they can be seen.
2. Freestanding walls and fences shall be maintained in accordance with the provisions of section 3-808 of this development code.
3. Fountains and other amenities shall be maintained in good working order and all structural components shall be maintained in a satisfactory state of repair, free of chipping, pitting, cracking, discoloration, peeling or fading.

F. *Exterior storage and display/ nonresidential properties.*

1. All equipment, materials and merchandise shall be stored and located at all times within an enclosed structure and no exterior storage of merchandise for sale shall be permitted unless expressly authorized pursuant to the provisions of this Development Code.
2. Garbage and trash shall be deposited only in dumpsters or cans or other receptacles specifically manufactured and intended for such purpose, and secured at all times with a tight fitting cover or lid.

G. *Exterior storage and display for residential properties.*

1. As provided in Section 3-913 of this Development Code, outdoor storage is prohibited. For the purposes of this section, carports are subject to the outdoor storage provisions.
2. Equipment, materials or furnishings not designed for use outdoors, such as automobile parts and tires, building materials, and interior furniture, may not be stored outdoors.
3. Construction materials, unless such materials are related to an active building permit related to the property on which the materials are located, shall not be stored outdoors on a residentially zoned property.
4. Bulk items intended for pick up by the city may not be placed at the curb more than 24 hours prior to the scheduled pick up.
5. Any motor vehicle that is lawfully parked and is covered in a manner to protect the motor vehicle shall allow at least the bottom six inches of each tire to be visible. The required license plate shall be clearly visible from the right-of-way or the license plate number shall be printed legibly on the cover with characters not less than two inches in height so that it is clearly visible from the right-of-way. Covers shall not be faded and shall be in good condition, without tears, rips or holes.

H. *Yards and landscape areas.*

1. All required landscaping materials shall be maintained in accordance with the provisions of Article 3, Division 12.
2. Any portion of a lot not covered by a building or structure or otherwise devoted to parking, a service drive or a walkway shall be landscaped with grass or other appropriate ground cover and shall be maintained in a neat and orderly manner.
3. All landscape materials, including turf, shrubs, and trees, whether required or optional, shall be maintained in a healthy live condition so as to present a neat and attractive appearance and so as to discourage the accumulation of trash or debris and/or infestation by pests.
4. No yard, landscape area or growth of landscape material shall encroach upon the public right-of-way so as to hinder safe and convenient vehicular or pedestrian movement in the public right-of-way.
5. No yard shall be used for dumping or accumulation of any garbage, rubbish, dead animals, trash, waste vegetable or animal matter of any kind or construction debris.

- I. *Signs.* All signs shall be maintained in good condition in the form in which the signs were originally approved, free of rust, loose material, including peeling or fading paint or materials. Any loose, broken, peeling or faded parts of the sign be promptly repaired, painted or replaced.
- J. *Vacant parcels.*
  1. Vacant parcels of land shall be properly maintained consistent with section 3-1502 H and be free of weeds, litter, rubble or debris.
  2. Erosion and sedimentation mitigation measures may be required if it is determined that runoff from a vacant parcel causes harm to adjacent property, city drainage systems or navigable waters which receive the runoff.
  3. No temporary or permanent storage of materials or equipment shall be allowed on any vacant parcel except in compliance with the regulations for the use of such property as set forth under Article 2 and Article 3 Division 9 of this Development Code.
- K. *Public rights-of-way and sidewalks and parking surfaces.*
  1. Public rights-of-way and sidewalks adjoining an improved parcel of land which, because of its location and character, is used as if it were appurtenant to or an extension of the parcel of land, shall be maintained in a safe and clean condition by the owner of the parcel of land. The owner shall, at a minimum, keep such rights-of-way and sidewalks clear of litter, trash, debris, equipment, weeds, trees, shrubs and other vegetation and refuse and provide a height clearance of at least eight feet from the sidewalk pavement measured vertically from the pavement surface, unless an exception has been granted by the urban forester for protected trees. All unpaved areas shall be landscaped with grass or other ground cover and such areas shall be regularly mowed or otherwise maintained in a neat and attractive condition.
  2. No person shall erect, place or locate any structure, display materials, merchandise, or similar objects within the limits of any street right-of-way unless specifically permitted pursuant to the provisions of this Development Code.
  3. No trash receptacles, newspaper racks or other dispensing machines shall be located in a public right-of-way unless specifically authorized by the city and other applicable agencies.
  4. Parking lot and driveway surfaces shall be maintained in a safe and clean condition by the owner of the parcel of land. The owner shall, at a minimum, keep such surface free of pot holes, litter, trash, debris, equipment, weeds, dead vegetation and refuse and shall promptly repair cracked or heaved parking lot surfaces.
  5. All sidewalks located on private property shall be maintained in a safe and clean condition by the owner of the parcel of land. The owner shall, at a minimum, keep sidewalks clear of litter, trash, debris, equipment, weeds, dead vegetation and refuse. Sidewalks that are cracked, heaved or otherwise unsafe for pedestrians shall be promptly replaced.
- L. *Maintenance of seawalls.* All seawalls shall be maintained in structurally sound condition and shall comply with applicable building and coastal construction codes.
- M. *Adoption of the International Property Maintenance Code, 2018 edition.* There shall be enforced in the city, by the building official, the "International Property Maintenance Code," 2018 Edition, a copy of which is kept with the office of the city clerk, which is incorporated into the Code and adopted by reference with the following local amendments:
  1. *General amendments.* The International Property Maintenance Code, 2018 addition is amended in that:
    - a. Wherever the terms "International Building Code," "International Energy Conservation Code," "International Existing Building Code," "International Fire Code," "International Fuel Gas Code," International Mechanical Code." "International Plumbing Code," "International Residential Code," or "International Zoning Code" are found, the term "Florida Building Code" shall be substituted.
    - b. Whenever the term "code official" is found it shall be replaced with the term "building official."

2. Section 101.1 "*Title*" is amended to read as follows: These regulations shall be known as the City of Clearwater Prop Maintenance Code, hereinafter referred to as "this code."
3. Section 102.1 "*General*" is amended to read as follows: Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the Clearwater Code of Ordinances or the Clearwater Community Development Code and any ordinance of the City which is not specifically set forth therein, the most restrictive shall apply. Where differences occur between provisions of this code and a referenced code other than the Clearwater Code of Ordinances or the Clearwater Community Development Code and any ordinance of the City which is not specifically set forth therein, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall apply.
4. Section 102.3 "*Application of other codes*" is amended to read as follows: Repairs, additions, or alterations to a structure or changes of occupancy shall be done in accordance with the provisions of the Florida Building Code, Florida Fuel Gas Code, Florida Mechanical Code, and the National Fire Protection Act 70. Any conflict between this code and Chapter 553, Florida Statutes, as may be amended, the Florida Building Code, and the Florida Fire Prevention Code shall be resolved in favor of Chapter 553, Florida Statutes, the Florida Building Code, or the Florida Fire Prevention Code and nothing herein shall be deemed to be an amendment to those provisions of Florida law.
5. Section 103.1 "*General*" is amended to read as follows: The provisions of this code shall be administered by the building official or such other person or persons designated by the building official or the community development coordinator.
6. Section 103.2 "*Appointment*" is deleted in its entirety.
7. Section 103.4 "*Liability*" is amended so that the term "board of appeals" is replaced with the terms "the municipal code enforcement board" and "the building/flood board of adjustment and appeals."
8. Section 103.5 "*Fees*" is deleted in its entirety.
9. Section 104.3 "*Right of entry*" is deleted in its entirety.
10. Section 106.3 "*Prosecution of violation*" is amended to read as follows: The building official may, in addition to or in alternative of, any criminal or civil penalties or seeking injunctive relief, bring violations of this code for prosecution before the municipal code enforcement board or the building/flood board of adjustment and appeals. In any case in which either board finds that a violation has occurred, the board may order corrective action to be taken by a date certain, which corrective action may include the repair, improvement, vacation, or demolition of the building or structure. Both boards may also enter an order declaring that the city has the right to enter the property and have such work done on behalf of the owner at the owner's cost, including administrative costs, which shall become a lien against the property as provided in Section 7-103(G) of the Clearwater Community Development Code.
11. Section 107.1 "*Notice to person responsible*" is amended to read as follows: Whenever the building official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the property owner for the violation as specified in this code. Notices for condemnation procedures shall comply with Section 108.3.
12. Section 107.2 "*Form*" is amended to read as follows: Such notice prescribed in Section 107.1 shall be in accordance with Section 7-102(B) of the Clearwater Community Development Code.
13. Section 107.3 "*Method of Service*" is amended to read as follows: Such notice prescribed in Section 107.3 shall be served upon the alleged violator as provided in Section 162.12, Florida Statutes (2018), and all subsequent amendments.
14. Section 107.6 "*Transfer of ownership*" is deleted in its entirety.

15. Section 108.2 "*Closing of vacant structures*" is deleted in its entirety.
16. Section 108.3 "*Notice*" is amended to read as follows: Whenever the building official has condemned a structure or equipment under the provisions of this section, notice shall be given to the person responsible in a form substantially similar to that found in Section 7-102(B) of the Clearwater Community Development Code and served upon the property owner as provided in Section 162.12, Florida Statutes, and all subsequent amendments.
17. Section 109 "*Emergency Measures*" is deleted in its entirety except for Section 109.2 "*Temporary Safeguards*" which is amended to read as follows: Notwithstanding other provisions of this code, whenever in the opinion of the building official there is imminent danger due to an unsafe condition, the building official shall order the necessary work to be done, including the boarding of openings, to render such building or structure temporarily safe whether or not the legal procedure herein described has been instituted and shall cause such other action to be taken as the building official deems necessary to meet such emergency. Any costs associated with this, including administrative costs, which shall become a lien against the property as provided in Section 7-103(G) of the Clearwater Community Development Code.
18. Section 110.3 "*Failure to Comply*" is amended to read as follows: If the owner of a premises or the owner's authorized agent fails to comply with a demolition order or an unsafe notice given pursuant to Section 108.3 within the time prescribed, the building official in addition to or in alternative of any criminal or civil penalties or seeking injunctive relief, may request a hearing before the municipal code enforcement board or the building/flood board of adjustment and appeals. In any case in which either board finds that a building or structure is dangerous, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, the board may order corrective action to be taken by a date certain, which corrective action may include the repair, improvement, vacation, or demolition of the building or structure. Both boards may also enter an order declaring that the city has the right to enter the property and have such work done on behalf of the owner at the owner's cost, including administrative costs, which shall become a lien against the property as provided in Section 7-103(G) of the Clearwater Community Development Code. Both boards may also issue fines as provided in Section 7-103(B) of the Clearwater Community Development Board.
19. Section 111 "*Means of Appeal*" is deleted in its entirety except for Section 111.1 "*Application for Appeal*" which is amended to read as follows: Any person directly affected by a decision of the building official shall have the right to appeal that decision to the building/flood board of adjustment and appeals as provided in section 47.035 of the Clearwater Community Development Code.
20. Section 112.2 "*Issuance*" is amended to read as follows: A stop work order shall be in writing and shall be given to the property owner. 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 is authorized to resume.
21. Section 112.4 "*Failure to comply*" is amended to read as follows: any personal 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 conditions, shall be prosecuted in any manner authorized by the Clearwater Code of Ordinances or the Clearwater Community Development Code.
22. Section 302 "*Exterior Property Areas*" is deleted in its entirety.
23. Section 303.2 "*Enclosures*" is deleted in its entirety.
24. Section 304.2 "*Protective Treatment*" is deleted in its entirety.
25. Section 304.3 "*Premises identification*" is deleted in its entirety.
26. Section 304.14 "*Insect screens*" is amended to read as follows: Every window in a residential structure that is capable of being opened and every door, window, and other outside opening required for ventilation of



habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. Screens shall not, however, be required where other approved means, such as air curtains or insect repellent fans, are employed.

27. Section 304.18.1 "*Doors*" is amended to read as follows: Doors providing access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased, or let shall be equipped with a lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort. Such locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable lock.
28. Section 308 "*Rubbish and Garbage*" is deleted in its entirety.
29. Section 602.2 "*Residential Occupancies*" is amended to read as follows: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F (20° C) in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used as a means to provide required heating. If the heating facility is a portable electric space heater, then it must have a tip-over switch with automatic shut-off capability and overheat protection with automatic shut-off capability.
30. Section 602.3 "*Heat Supply*" is amended to require the supply of heat year-round and Exceptions Number 1 and 2 are hereby deleted in their entirety.
31. Section 602.4 "*Occupiable Work Spaces*" is amended to require the supply of heat year-round.
32. Section 603 "*Mechanical Equipment*" is deleted in its entirety.
33. Section 606 "*Elevators, escalators and dumbwaiters*" is deleted in its entirety.
34. Section 607 "*Duct Systems*" is deleted in its entirety.
35. Chapter 7 "*Fire Safety Requirements*" is deleted in its entirety except for Section 702 "*Means of Egress*" and Section 704.1 "*Inspection, testing and maintenance.*" Further, Section 704.1.3 "*Fire protection systems*" is amended to read as follows: The following fire protection systems shall be inspected, maintained, and tested in accordance with the Florida Building Code: 1) carbon monoxide alarms and carbon monoxide detection systems; and 2) single- and multiple-station smoke alarms.
36. Chapter 8 "*Referenced Standards*" is deleted in its entirety.
37. Appendix A101.1 "*General*" is amended to read as follows: Windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons.
38. Appendix A102 "*Materials,*" Appendix A103 "Installation," and Appendix A104 "Referenced Standard" are deleted in their entirety and replaced with the following specifications:

To secure structures: materials to be used are as follows:

Wire mesh ½ inch hardware cloth 19 gauge, galvanized to resist rust. Edges must be finished with no sharp projections.

Frame 1"x4" pressure treated wood pre-drilled for screws.

Installation: Wire will cover window and or door with mitered corners wood frame on the outside 2 inches of the perimeter of wire and be screwed no more than 12 inches apart in center of run and at each end of wood, frame, and screwed to solid surface of metal, wood, and or concrete walls.

Section 3-2304. - Residential rental compliance—Notice requirements of minimum applicable standards form acknowledging notice of housing and development standards.

Each owner of real property to which this division is applicable shall receive notice of and shall file, with an initial business tax receipt application or, for existing licensees, by October 1 of each business tax receipt year, a notice requirements of minimum applicable standards form with the development and neighborhood services department acknowledging receipt of housing and development standards contained in Section 28.82, the International Property Maintenance Code, 2018 edition, as adopted by section 3-1502(M) of the Clearwater Community Development Code, and the Development Standards, Divisions 8, 12, 13, 14, 15, 18, contained in Community Development Code, Article 3.

(Ord. No. 6932-02, § 1, 4-4-02; Ord. No. 7725-07, § 1, 2-15-07; Ord. No. 9349-20, § 2, 1-16-20)

Section 3-2305. - Inspections; noncompliance inspection fee.

Complaint-driven or inspector-initiated inspections of properties subject to this division shall be conducted by the city to ensure that such properties are in compliance with the provisions of the International Property Maintenance Code, 2018 edition, and the city's development standards; provided, however, this provision shall not be interpreted as authorizing the city to conduct inspections of properties without the consent of the owner or occupant or without a warrant.

If the inspection of a property reveals violations of three or more of the provisions of Section 28.82, the International Property Maintenance Code, 2018 edition, or the city's development standards contained within Division 8, 12, 13, 14, 15, and/or 18, or a combination thereof, this may trigger a code inspector's request with the consent of the owner/occupant or designee, for an inspection of the interior of the property and/or a random sampling of the properties involved which may include multiple units.

For inspections involving multiple units at one location and upon consent of owner or designee or issuance of inspection warrant, a random sampling of the properties will be inspected as follows:

- One—four units, all units
- Five—ten units, 50 percent of units
- 11—29 units, 20 percent of units
- 30—49 units, 15 percent of units
- 50 or greater, if one location, five percent of the units with a maximum of 20 units

In the case of 50 or greater units, buildings/developments if the inspector finds one or more, major, life safety or habitability violations in five percent of the units, the inspector may ask to see more units up to a total of 100 percent of the units in the community.

The development services director shall assess a noncompliance inspection fee of \$50.00 per unit inspected per re-inspection if any violation still exists after allowance of a reasonable time period for compliance.

(Ord. No. 6932-02, § 1, 4-4-02; Ord. No. 9349-20, § 3, 1-16-20)

Sec. 47.033. - Powers.

The building/flood board of adjustment and appeals shall have the power to hear appeals from decisions and interpretations of the building official and to grant variances from the provisions of the technical codes adopted in this chapter and from the provisions of the flood protection ordinance of the city. The board shall have the power to hear appeals from decisions of the building official relating to unsafe buildings, structures and service systems, but the procedures for such

appeals shall be as provided in the International Property Maintenance Code, 2018 edition adopted in section 3-1502(M) of the Clearwater Community Development Code. The board shall also have the power to hear alleged violations of the International Property Maintenance Code, 2018 edition and in any case in which the board finds that a building or structure is dangerous, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, the board may order corrective action to be taken by a date certain, which corrective action may include the repair, improvement, vacation, or demolition of the building or structure. The board may also enter an order declaring that the city has the right to enter the property and have such work done on behalf of the owner at the owner's cost, including administrative costs, which shall become a lien against the property as provided in Section 7-103(G) of the Clearwater Community Development Code. The board shall also have the power to issue fines as provided in Section 7-103(B) of the Clearwater Community Development Board.

(Ord. No. 5767-95, § 1, 3-16-95; Ord. No. 9349-20, § 4, 1-16-20)

**Daytona Beach, FL - Land Development Code** ([https://library.municode.com/fl/daytona\\_beach/codes/land\\_development\\_code](https://library.municode.com/fl/daytona_beach/codes/land_development_code))

## Sec. 2.11. - Board of Building Codes.

- A. **Establishment.** The Board of Building Codes is hereby established in accordance with State law to decide appeals of decisions concerning the Building Code, Fire Prevention Code, Life Safety Code, condemnation of unsafe or dilapidated buildings, and any other authorized City Codes or ordinances.
- B. **Powers and Duties.** The Board of Building Codes shall have the following powers and duties under this Code:
1. *General Powers and Duties.*
    - a. To resolve conflicts among the Building Code, Fire Prevention Code, and Life Safety Code;
    - b. To adopt rules governing its proceedings, conduct regular public meetings, call special meetings, and create committees to help carry out its powers and duties; and
    - c. To carry out any other powers and duties delegated to it by the City Commission, in accordance with State law.
  2. *Decide Appeals.* To review and decide applications for an Appeal from:
    - a. City staff decisions directly related to administration of the provisions of the construction Codes (Florida Building Code and International Property Maintenance Code) adopted by reference and amended in Article 9: Construction Codes.
- C. **Membership, Appointment, and Terms of Office.**
1. The Board of Building Codes shall consist of five members appointed by the City Commission as a whole.
  2. Board members shall be chosen on an at-large basis. Each member shall have substantial experience in one or more areas of professional service within the building industry such as fire safety consulting, building inspection, engineering, architecture, or general contracting.
  3. A majority of board members shall be residents of the City.
  4. Board members shall be appointed for three-year, staggered terms, and may be reappointed to successive terms. Members shall continue to serve until their successors are appointed.
  5. Vacancies occurring for reasons other than expiration of term shall be filled for the period of the unexpired term only.
  6. Board members shall serve without compensation.
- D. **Attendance.** If a voting member of the Board of Building Codes fails to attend three regularly scheduled board meetings during any 12-month period, the board shall consider the cause of the absences and if it deems it necessary, may request that the member resign or that the City Commission remove the member in accordance with subsection E below. The City Commission shall fill any vacancy created by resignation or removal of the board member in accordance with Section 2.11.C.5.
- E. **Removal.** Members of the Board of Building Codes serve at the will of the City Commission and may be removed by the City Commission at any time, with or without cause. If a member is removed, the City Commission shall fill the vacancy in accordance with Section 2.11.C.5.
- F. **Chair and Vice-Chair.**
1. The Board of Building Codes shall elect a Chair and a Vice-Chair from among its members, each to serve a one-year term. No member shall serve more than two consecutive terms as Chair. The Vice-Chair may be elected to successive terms without limitation.
  2. The Chair shall preside over all board meetings. The Vice-Chair shall perform the duties of the Chair in the

absence of the Chair. If both the Chair and Vice-Chair are absent, the board shall vote to determine who shall serve as acting Chair for the meeting.

- G. **Staff.** The City shall provide clerical and professional staff liaison to the Board of Building Codes and shall provide for notification of board members of all meetings, the keeping of the minutes of the meetings, and administrative support.
- H. **Meetings.**
1. *Schedule.* The Board of Building Codes shall meet when and where as needed to perform its powers and duties, as determined by the Chair.
  2. *Official Record.* The Board of Building Codes shall keep a written record of its recommendations, transactions, and determinations. Such record shall include minutes of meetings in accordance with State law and shall be a public record. The record shall be filed with the City Clerk and shall be available for inspection by the public during normal business hours.
  3. *Notice of Meetings.* Notice of all Board of Building Codes meetings and public hearings shall be provided to the public in accordance with State law and the public hearing requirements in Section 3.3.E.3, Public Hearing Notice, as appropriate.
  4. *Open Meetings.* All meetings of the Board of Building Codes shall be open to the public.
- I. **Quorum and Necessary Vote.**
1. *Quorum.* Three members of the Board of Building Codes shall constitute a quorum. No official business of the board shall be conducted without a quorum present.
  2. *Voting.* The affirmative vote of a majority of Board of Building Codes members present and voting is required to approve any item.
- J. **Voting Conflicts.** All board members shall comply with State law regarding voting conflicts.
- K. **Rules of Procedure.** The Board of Building Codes may adopt rules of procedure governing its procedures and operations.
- L. **Sunshine Law Requirements.** All meetings and decisions of the board shall comply with State Sunshine Law requirements.

(Ord. No. 17-225, § 1, 7-19-2017; Ord. No. 18-139, § 1, 4-18-2018; Ord. No. 18-262, § 1, 8-1-2018)

Sec. 9.2. - International Property Maintenance Code and Local Amendments.

- A. **International Property Maintenance Code Adopted.** The International Property Maintenance Code, most recent edition, with local amendments as set forth in subsection B below, is hereby adopted as a supplement to the Florida Building Code.
- B. **Local Amendments to International Property Maintenance Code.**
1. City staff shall administer the International Property Maintenance Code and all codes incorporated therein. All references in the International Property Maintenance Code to the "code official" shall be deemed to refer to City staff except that for purposes of sections 108 through 111 of the International Property Maintenance Code, the "code official" shall be the City's building official or designee.
  2. All expenses incurred by the city in abating building conditions in accordance with sections 108, 109, or 110 of the International Property Maintenance Code shall constitute a lien against the property until paid, including statutory interest. The city may recover such expenses by any means authorized by law or equity. "Expenses"

shall include, but not be limited to, costs incurred in ascertaining ownership, architectural or engineer consultation, mailing or delivery of notices, costs for closing, repair, or demolition of structures, and recording fees.

3. All references in the International Property Maintenance Code to the "appeals board" shall be deemed to refer to the City's Board of Building Codes, and the composition of the Board of Building Codes as required by City ordinance shall be deemed to satisfy the board compositional requirements otherwise provided in the International Property Maintenance Code.
4. Section 106.4 of the International Property Maintenance Code is hereby amended to read as follows:  
*106.4 Violations.* Violations of this code shall be subject to enforcement via any of the methods set forth in the Land Development Code.
5. Section 107.2 of the International Property Maintenance Code is hereby amended to read as follows:  
*107.2 Form.* Such notice prescribed in Section 107.1 shall be in accordance with all of the following:
  - a. Be in writing.
  - b. Include a description of the real estate sufficient for identification.
  - c. Include a statement of the violation or violations and why the notice is being issued.
  - d. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code. For a correction order given pursuant to section 110, the time to be given to make the repairs and improvements required to bring the structure and/or equipment into compliance with this code shall, at a minimum, be 20 days from the date of service of the notice.
  - e. Inform the property owner or owner's authorized agent of the right to appeal.
  - f. Include a statement of the City's right to file a lien in accordance with Section 106.3 of this code or the City's Land Development Code.
6. Section 108.3 of the International Property Maintenance Code is hereby amended to read as follows:  
*108.3 Notice.* Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice; and if the structure is a multi-tenant building, at such locations on the property as are reasonably necessary to provide tenants notice. If the notice pertains to equipment, it shall be placed on the condemned equipment. Such notice shall also be served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment; and where required by law, on mortgagees of record, lienholders, and lawful tenants. The notice shall be served in accordance with Section 107.3. The notice shall be in the form prescribed in Section 107.2.
7. Section 111.4 of the International Property Maintenance Code is hereby amended to read as follows:  
*111.4 Open hearing.* Hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. ~~A quorum shall consist of not less than two-thirds of the board membership.~~
8. Section 111.5 of the International Property Maintenance Code is hereby deleted in its entirety:  
~~*111.5 Postponed hearing.* When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.~~

**DeLand, FL - Code of Ordinances** ([https://library.municode.com/fl/deland/codes/code\\_of\\_ordinances](https://library.municode.com/fl/deland/codes/code_of_ordinances))

Sec. 7-2. - Local supplement to the Florida Building Code, administration.

Section 101 General.

*101.1 Title.* These regulations shall be known as the City of DeLand's Administrative Section of 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 city.

*Exceptions:*

1. Detached one-and two-family dwellings and multiple single-family dwellings (town houses) 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 be permitted to comply with the current edition of the Florida Existing Building Code.

*101.2.1* Unsafe buildings shall be abated using the International Property Maintenance Code 2003 edition, promulgated by the International Code Council, Inc., subject to all amendments, modifications or deletions hereinafter contained.

*101.2.2 Appendices.* Provisions in the appendices to the Florida Building Code shall not apply unless specifically adopted by the City of DeLand.

*101.2.3* There are hereby adopted the following appendices:

1. Existing Building Code:
  - Appendix B: Standard for Rehabilitation, the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
  - Appendix D: Type of Construction.
2. Fuel Gas Code:
  - Appendix A: Sizing and Capacities of Gas Piping
  - Appendix B: Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use with Type B Vents.
3. Plumbing Code:
  - Appendix D: Degree Day Design Temperatures
  - Appendix E: Sizing of Water Piping System
4. Residential Code:
  - Appendix A: (IFGS): Sizing and Capacities of Gas Piping

Appendix B: Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use with Type B Vents.

Appendix C: (IFGS): Exit Terminals of Mechanical Draft and Direct- Vent Venting Systems.

*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 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, Plan Review and Inspection.* The permitting, plan review or inspection of any building, system or plan by this 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. The City of DeLand 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 damages 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 101.4.8 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 Reserved.*

*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.

#### 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. 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 (§§ 553.501-553.513, FS) relating to accessibility by persons with disabilities and permits shall be required for structural support and tie down, electric supply and all other such utility connections to such mobile or modular structures as required by the City of DeLand.
- (f) Those structures or facilities of electric utilities, as defined in § 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.

*102.2.1* In addition to the requirements of §§ 553.79 and 553.80 Florida Statutes, facilities subject to the provisions of chapter 395 Florida Statutes and part II of Chapter 400 Florida Statutes 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, meeting the wind speed requirements of the new location and is 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 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.

*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 Reserved.*

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

*Exception:* Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

*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 of the Standard Building Code (prior to March 1, 2002), or the wind speed map of the Florida Building Code (after March 1, 2002), the wind speed map of the Florida Building Code shall be applicable.

*102.8 Rules of Construction.* The rules set out in this section shall be observed, unless such construction is inconsistent with the manifest intent of this chapter. The rules of construction and definitions set out here shall not be applied to any section of this chapter which contains any express provisions excluding such construction, or where the subject matter or content of such section would be inconsistent with this section.

*102.8.1 Generally.* All provisions, terms, phrases and expressions contained in this division shall be liberally construed in order that the true intent and meaning of the administration of the jurisdiction may be fully carried out. Terms used in this division, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.

*102.8.2 Text.* In case of any difference of meaning or implication between the text of this division and any figure, the text shall control.

*102.8.3 Delegation of authority.* Whenever a provision appears requiring the building official or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the building official or other officer to designate, delegate and authorize professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

*102.8.4 Month.* The word "month" shall mean a calendar month.

*102.8.5 Shall, may.* The word "shall" is mandatory; "may" is permissive. The word "shall" takes precedence over "may."

*102.8.6 Written or in writing.* The term "written" or "in writing" shall be construed to include any representation of words, letters or figures whether by printing or otherwise.

*102.8.7 Year.* The word "year" shall mean a calendar year, unless a fiscal year is indicated.

*102.8.8 Interpretation.* Interpretations of this chapter shall be made by the building official.

#### *102.9 Words Defined*

*Abandon or abandonment.* (1) Termination of a construction project by a contractor without just cause or proper notification to the owner including the reason for termination. (2) Failure of a contractor to perform work without just cause for ninety (90) days. (3) Failure to obtain an approved inspection within one hundred eighty (180) days from the previous approved inspection.

*Appraised value.* For the purpose of this section, appraised value is defined as either (1) one hundred and twenty (120) percent of the assessed value of the structure as indicated by the County Property Appraiser's Office or (2) the value as indicated in a certified appraisal from a certified appraiser.

*Assessed value.* The value of real property and improvements thereon as established by the County Property Appraiser.

*Authorized agent.* A person specifically authorized by the holder of a certificate of competency to obtain permits in his stead.

*Basic Wind Speed Line.* The basic wind speed line for the jurisdiction shall be as established by the wind speed contour map attached to, and made part of, this chapter if applicable.

*Board.* The Volusia County Contractor Licensing & Construction Appeals Board, unless otherwise specifically stated.

*Building shell.* The structural components that completely enclose a building, including, but not limited to, the foundation, structural frame, floor slabs, exterior walls and roof system.

*Building system.* A functionally related group of elements, components and/or equipment, such as the electrical, plumbing and mechanical systems of a building.

*Certificate of occupancy (C.O.).* An official document evidencing that a building satisfies the requirements of the City of DeLand for the occupancy of a building.

*Certificate of Completion (C. of C.).* An official document evidencing that a building satisfies the requirements of the City of DeLand for the completion of a building.

*Change of occupancy.* A change from one Building Code occupancy classification or sub-classification to another.

*Commercial building.* Any building, structure, improvement or accessory thereto, other than a one- or two-family dwelling.

*Demolition.* The act of razing, dismantling or removal of a building or structure, or portion thereof, to the ground level.

*Examination.* An exam prepared, proctored and graded by a recognized testing agency unless otherwise implied in context or specifically stated otherwise.

*Imminent Danger.* Structurally unsound conditions of a structure or portion thereof that is likely to cause physical injury to a person entering the structure: Or Due to structurally unsound conditions, any portion of the structure is likely to fall, be carried by the wind, or otherwise detach or move, and in doing so cause physical injury or damage to a person on the property or to a person or property nearby: Or The condition of the property is such that it harbors or is inhabited by pests, vermin, or organisms injurious to human health, the presence of which constitutes an immediate hazard to people in the vicinity.

*Inspection warrant.* A court order authorizing the official or his designee to perform an inspection of a particular property named in the warrant.

*Intensification of use.* An increase in capacity or number of units of a residential or commercial building.

*Permit.* An official document authorizing performance of a specific activity regulated by this chapter.

*Permit card or placard.* A document issued by the City of DeLand evidencing the issuance of a permit and recording of inspections.

*Site.* The physical clearing of the site in preparation for foundation work including, but not limited to, site clearing, excavation, de-watering, pilings and soil testing activities.

*Stop work order.* An order by the building official, or his designee which requires the immediate cessation of all work and work activities described in the order.

### 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 Reserved.*

*103.3 Restrictions on employees.* An officer or employee connected with the department, shall not be financially interested (except as a property owner) in the furnishing of labor, material, or appliances, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, within the City of DeLand, unless he is the owner of such, if such financial interest is inconsistent with his duties or conflict with the interest of the department.

*103.4 Records.* The Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

*103.5 Liability.* Any officer or employee charged with the enforcement of this code, acting for the City of DeLand in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provisions of this code shall be defended by the City of DeLand's Legal Department until the final termination of the proceedings, unless such person is found to have acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for the safety, health, and welfare of the public.

#### Section 104 Duties and Powers of Building Official.

*104.1 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.

#### *104.2 Right of entry.*

*104.2.1* 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, he 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.

*104.2.2* 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.

*104.3 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 his 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.

*104.4 Suspension or Revocation of permits.* The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any provisions of this code.

*104.4.1 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 the material fact in the application or plans on which the permit or approval was based.

*104.4.2 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.

*104.5 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 the provisions of the International Property Maintenance Code.

*104.6 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.

*104.9 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 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.*

*104.10.1 Modifications of the strict application of the requirements of the Florida Building Code.* The building official shall coordinate with the floodplain administrator to review requests submitted to the building official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to [Section 117](#).

*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.* Alternate designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with § 11-2.2. § 104.11.3.

#### Section 105 Permits.

*105.1 Required.* Any owner or authorized agent 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 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 office system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations 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 facility site 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 access to such records at all times or such records shall be filed with the building official as designated.

*105.1.3 Food permit.* As per § 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.

*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.

*105.2.2 Minor repairs.* Ordinary minor repairs or installation of replacement parts may be made with the 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.

*105.3 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 comply with the requirements of Section 713.135(6) and (7).

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 latest edition of 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 hereto, the building official shall issue a permit therefore as soon as practicable. When authorized through contractual agreement with 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 which 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 and which costs more than \$50,000.
2. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$50,000.
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 § 633.521, 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.
4. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$50,000. 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-family, two-family, three-family 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 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 6 individual offices where each office has a single three-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.

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 stamped such document as provided in § 471.025 Florida Statutes.

*105.3.2 Time limitation of application.* An application for a permit for any proposed work shall be deemed to have been abandoned, becoming null and void 180 days after the date of filing, 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 prior to the abandonment date and justifiable cause demonstrated.

*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 there for 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, 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 §§ 440.10 and 440.38, Florida Statutes. Participation in Volusia County's Contractor Licensing Program satisfies this requirement.

*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.

*105.3.7 Special foundation permit.* When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the building official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at their own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the technical codes.

*105.3.8 Public right of way.* A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application for right of way permits from the authority having jurisdiction over the street, alley or public lane.

*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 become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six 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 180 days 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 180 days. 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.

*105.4.1.4* The fee for renewal reissuance and extension of a permit shall be set by the City Commission for the City of DeLand.

*105.5 Reserved.*

*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.

*105.5 Expiration.* Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Failure to obtain an approved inspection within 180 days of the previous approved inspection shall constitute suspension or abandonment. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Permits issued for the demolition of a structure shall expire sixty (60) days from the date of issuance. For a justifiable cause, one (1) extension of time for a period not exceeding thirty (30) days may be allowed. Such request shall be in writing to the building official.

*105.6 Suspension or revocation.* The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

*105.8 Notice of commencement.* As per § 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 § 469.003 Florida Statutes and to notify the Department of Environmental Protection of her or his intentions to remove asbestos, when applicable, in accordance with state and federal law.

*105.10 Certificate of protective treatment for prevention of termites.* A weather resistant jobsite posting board shall be provided to receive duplicate Treatment Certificates as each required protective treatment is completed, providing a 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.

*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 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.

*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.* 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 shall supervise such work. In addition, they 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 stead a competent person or agency whose qualifications are reviewed

by the building official. 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.

#### Section 106 Construction Documents.

*106.1 Submittal documents.* Construction documents, special inspection and structural observation programs, and other data shall be submitted in one 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.

*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 FS Chapter 481, Part II, or engineering as provided for in FS Chapter 471 & 61G15 Florida Administrative Code then he/she shall affix his/her official seal, original signature and date 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 FS Chapter 481, Part II, then he or she shall affix his or her seal, original signature and date to said drawings as defined in § 481.303(b)(a)-(b)(c)(d), FS. & 61G1 Florida Administrative Code.

*106.1.1 Information on construction documents.* Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved 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* 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.* 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 size, shape, contrast, clarity, or other items related to records management, such as Building plans shall be drawn to a minimum 1/8 inch scale upon substantial paper, cloth or other acceptable medium.

*106.1.4 Hazardous occupancies.* The building official may require the following:

1. *General site plan.* A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.
2. *Building floor plan.* A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.

*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 with the exception of the following:

1. Building plans approved pursuant to § 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 of 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 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 Reserved.*

*106.3.4 Reserved.*

*106.3.4.1 Reserved.*

*106.3.4.2 Reserved.*

*106.3.4.3* Certifications by contractors authorized under the provisions of § 489.115(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 (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 calculated fire resistance.

5. Fire suppression systems shall include:

Early warning smoke evacuation systems

Schematic fire sprinklers

Standpipes

Pre-engineered systems

Riser diagram

Same as above

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 develop)

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) Building

1. Site requirements
  - Set back/separation (assumed property lines)
  - Location of septic tanks
2. Fire-resistant construction (if required)
3. Fire
4. Smoke detector locations
5. Egress

Egress window size and location stairs construction requirements

6. 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

7. Accessibility requirements:

Show/identify accessible bath

Manufactured/Mobile Homes

1. Site requirements

Setback/separation (assumed property lines)

Location of septic tanks (if applicable)

2. Structural

Wind zone

Anchoring

Blocking

3. Plumbing

List potable water source and meter size (if applicable)

4. Mechanical

Exhaust systems

Clothes dryer exhaust

Kitchen equipment exhaust

5. Electrical

Exterior disconnect location

*106.3.6 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. Prototype plans, except for local site adoptions, siding, foundations and/or modifications; except for structures that require waiver.
5. Manufactured buildings plan except for foundations and modifications of buildings on site.

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

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

*106.6 Affidavits.* 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 XII of Chapter 468, Florida Statutes.

*106.6.1 Building permits issued on the basis of an affidavit.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 CFR 59 and 60), the authority granted to the building official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 106.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

#### 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 the 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 the 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 s. 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, technical, 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.

*108.2.1 Types of Fees Enumerated.* Fees may be charged for but not limited to the following:

- Permits;
- Plans examination;
- Re-inspections;
- Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- Variance requests;
- Administrative appeals;
- Violations; and
- Other fees as established by local ordinance.

*108.3 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, marketing costs, overhead and profit; excluding only land value. Valuation references may include the latest published date of national construction cost analysis services (Marshall-Swift, Means, etc.) or as published by International Code Congress bi-annually.

*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 of 100 percent of the usual permit fee in addition to the required permit fees or such greater sum as may be provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

*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 City of DeLand.

Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the City of DeLand 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. The building official shall be permitted to require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field. Neither the building official nor the City of DeLand 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 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.

*109.1.2 Inspection service.* The building official may make, or cause to be made, the inspections required by 109. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

*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.

*109.3 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.

**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 beam

*1.1. Slab Inspection:* To be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed and the electrical, plumbing and mechanical work is complete. Slab shall not be poured until all required inspections have been made and passed.

A foundation/Form board survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

2. *Framing inspection.* To be made after the roof, all framing, fireblocking 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 and installation

\_vertical cells/columns

\_lintel/tie beams

\_framing/trusses/bracing/connectors (including truss layout & engineered drawings)

\_draft stopping/fire blocking

\_curtain wall framing

\_energy insulation

\_accessibility.

*2.1. Insulation Inspection:* To be made after the framing inspection is approved and the insulation is in place.

*2.2 Gypsum board nailing inspection.*

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.

\_Sheathing/cladding inspection

\_window/door buck attachment

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

4. *Roofing inspection:* To be made as two inspections and 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 shell.

\_ Underground electric inspection.

\_ Underground plumbing inspection including a pressure test

\_ Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place

\_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 § 424.2.17 of The Florida Building Code.

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 § 423.27.20 of the Florida Building Code.

#### Electrical

1. *Underground inspection.* (including bonding and ground.) To be made after trenches or ditches are excavated, conduit or cable 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. *Final inspection.* To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

4. *Temporary power inspection.* To be made after temporary power pole is in place and properly supported

5. *Replacement electrical service inspection.* To be made after all electrical work is complete and prior to energizing the electrical service.

#### Plumbing

1. *Underground inspection.* To be made after trenches or ditches are excavated, piping 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 P312 of the Florida Building Code, Plumbing for required tests.

#### Mechanical

1. *Underground inspection.* To be made after trenches or ditches are excavated, underground duct and fuel piping 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.

#### 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 insure 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.

#### 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 14 days.

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

*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.

*109.3.4 Termites.* Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.6, Section 2304.11 or Section 2304.11.6.1, specifically required to be inspected for termites in accordance with Section 2116, 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.

*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.

*109.3.6.2* The special inspector shall inspect the shoring and re-shoring for conformance to the shoring and re-shoring 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 § 553.71(7) Florida Statutes, may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code, Building.

*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 re-shoring conforms to the shoring and re-shoring 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 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 re-shoring procedures, plans and details be submitted to the enforcement agency for recordkeeping. Each shoring and re-shoring 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 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 § 489.105(3)(a) Florida Statutes, or to a licensed building contractor, as defined in § 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, § 553.73, FS., 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 Chapter 481, Florida Statutes. Inspections of threshold buildings required by § 553.79(5), Florida Statute, are in addition to the minimum inspections required by this code.

*109.3.7 Reserved.*

*109.3.8 Reserved.*

*109.3.9 Reserved.*

*109.3.10 Reserved.*

*109.4 Reserved.*

*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 approval of the building official. The building official, 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 official.

#### Section 110 Certificate of Occupancy.

*110.1 Use and 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 City of DeLand.

*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 occupancy.* The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

*110.4 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.

*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.

*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 this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever 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 Reserved.

#### Section 113 Reserved.

#### Section 114 Stop Work Order.

*114.1 Authority.* Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

*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.

*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 Reserved.

Section 116 Tests.

*116.1* For products not covered under the statewide product evaluation and approval system, 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 his agent, by an approved testing laboratory or other approved agency.

Section 117 Variances in Flood Hazard Areas.

*117.1 Flood hazard areas.* Pursuant to section 553.73(5), Florida Statutes, the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the building official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building, or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.

Section 118 Violations and Penalties.

*118.1* 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, in violation of a detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor of the second degree. 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. Upon conviction of any such violation such person shall be punished within the limits as provided by section 1-6 of the Code of Ordinances of the City of DeLand.

(Ord. No. 2007-35, § 1, 7-2-07; Ord. No. 2013-21, § 3, 12-16-13)

**St. Cloud, FL - Code of Ordinances** ([https://library.municode.com/fl/st.\\_cloud/codes/code\\_of\\_ordinances](https://library.municode.com/fl/st._cloud/codes/code_of_ordinances))

Sec. 8-4. - Keeping of pigs, hogs and other swine.

It shall be unlawful for any person to keep within the city any pig, hog or other swine except subject to the conditions below, if such animal is a purebred miniature Vietnamese potbellied pig:

- (1) No household shall own or keep more than one potbellied pig.
- (2) No potbellied pigs shall be kept outdoors. Potbellied pigs may be exercised from time to time within a securely fenced enclosure on the owner's residential property or while under the secure physical control of the owner or other custodian, by means of a secure leash. No potbellied pig shall run at large.
- (3) At anytime and within 15 days of a request of code enforcement, the owner or other custodian shall be required to show a letter executed before a notary public by a Florida licensed veterinarian certifying that the pig is a spayed or neutered Vietnamese potbellied pig (*sus scrofa bittatus*) to a code enforcement officer and, upon the request of code enforcement, allow photographs to be taken by a code enforcement officer for identification of the animal.
- (4) No potbellied pig shall be kept, maintained or raised in violation of Chapter 24, Article III, Noise Control of the City Code, or so as to constitute an unlawful sanitary condition as set forth in the International Property Maintenance Code as adopted in section 10-33 of the City Code.

(Code 1967, § 4-7; Code 1994, § 10-5; Ord. No. 95-19, § V, 5-11-1995; Ord. No. 2010-26, § 1, 4-22-2010)

Sec. 10-33. - International Property Maintenance Code adopted.

(a) *Adoption.* The 2009 edition of the International Property Maintenance Code as adopted by the International Code Council, and any amendments or successor code thereto, is hereby adopted and such code shall be in force and in effect as if fully set out in this article except as amended as set forth in subsection (b) of this section. Copies of the 2009 International Property Maintenance Code, and any amendments or successor code thereto, shall be on file in the office of the building official. Any reference to the Standard Unsafe Building Abatement Code contained in the city Code or the Land Development Code shall be construed and serve as a reference to the International Property Maintenance Code as adopted herein. All references to the International Codes will mean the current edition of the Florida building, electrical and fire codes in force at the time.

(b) *Amendments.* The following amendments to the International Property Maintenance Code are hereby adopted:

*Section 101.1. Title.* The jurisdiction shall be the City of St. Cloud.

*Section 103.5. Fees.* The fee schedule shall be such fees as adopted by resolution of the city council and on file in the office of the city clerk.

*Section 302.4. Weeds.* All premises and exterior property shall be maintained free from weeds and plant growth in excess of eight inches for an improved lot and 12 inches for a vacant lot.

*Section 304.14. Insert screens.* The applicable period shall be January 1 though and including December 31.

*Section 602.3. Heat supply.* The applicable period shall be January 1 though and including December 31.

*Section 602.4. Occupiable work spaces.* The applicable period shall be January 1 though and including December 31.

(Code 1994, §§ 14-66, 14-67; Ord. No. 92-P-1, § II(7-2, 7-4), 8-13-1992; Ord. No. 2009-13, § 1, 5-28-2009)

**Cocoa Beach, FL - Land Development Code** ([https://library.municode.com/fl/cocoa\\_beach/codes/land\\_development\\_code](https://library.municode.com/fl/cocoa_beach/codes/land_development_code))

## Section 1-32. - International Property Maintenance Code.

The International Property Maintenance Code, as may be amended and adopted from time to time is hereby adopted as fully as if incorporated and set forth at length in this section and incorporated by reference

(Ord. No. 1616, § 2(Exh. A), 2-1-2018; Ord. No. 1649, § 2(Exh. A), 10-1-2020)

## Section 3-51. - General landscape requirements.

- A. The use of appropriate Florida-Friendly Landscaping (<http://www.floridayards.org/>) is encouraged in order to reduce irrigation needs and to minimize the chemical additives (fertilizers and pesticide) contained in stormwater. The nine (9) principles of this design methodology are as follows:
1. *Right plant, right place:* Plants selected to suit a specific site will require minimal amounts of water, fertilizers and pesticides.
  2. *Water efficiently:* Irrigate only when your lawn needs water. Efficient watering is the key to a healthy yard and conservation of limited resources.
  3. *Fertilize appropriately:* Less is often best. Over-use of fertilizers can be hazardous to your yard and the environment.
  4. *Mulch:* Maintain two (2) to three (3) inches of mulch to help retain soil moisture, prevent erosion and suppress weeds.
  5. *Attract wildlife:* Plants in your yard that provide food, water and shelter can conserve Florida's diverse wildlife.
  6. *Manage yard pests responsibly:* Unwise use of pesticides can harm people, pets, beneficial organisms and the environment.
  7. *Recycle:* Grass clippings, leaves and yard trimmings composted and recycled on site provide nutrients to the soil and reduce waste disposal.
  8. *Reduce stormwater runoff:* Water running off your yard can carry pollutants, such as fertilizer, pesticides, soil and debris that can harm water quality. Reduction of this runoff will help prevent pollution.
  9. *Protect the waterfront:* Waterfront property, whether on a river, stream, pond, canal, bay or beach, is very fragile and should be carefully protected to maintain freshwater and marine ecosystems.
- B. Preservation and protection of existing native and non-invasive plant species is required wherever possible. Where additional plants are to be included in an existing landscaped area, there shall be minimum disturbance to native species during the installation of new plant material.
- C. The planting of invasive species, as identified on the Florida Exotic Pest Plant Council's (FLEPPC) List of Invasive Plant Species, most recent edition, or listed as invasive by the University of Florida's Institute of Food and Agricultural Sciences (UF/IFAS), is prohibited.
- D. At the time of planning, landscaping shall be in accordance with the following standards:
1. All plants shall be sound, healthy and vigorous, free from mutilation, plant diseases, pest insects or their eggs, or fungus, and shall have healthy root systems.
  2. Diameter at breast height (DBH), as defined in section 1-20, height measurement, bare root and ball dimensions, number of canes, types of vines and ground covers, etc., shall conform to the most recently adopted American Standards for Nursery Stock (ASNS), published by the American Association of Nurserymen, Inc.
  3. Trees shall be installed at a minimum of two (2) inches DBH. Trees shall not be planted any closer than four (4)



feet from the edge of any parking areas or within ten (10) feet of any ingress/egress points.

4. Shrubs shall be planted at a minimum of twelve (12) inches high with eighteen (18) inches of spread for internal landscaped areas of parking lots, and a minimum of twenty-four (24) inches high for landscaped strips between parking areas, and public or private streets.
  5. A continuous hedge shall be a minimum of thirty-six (36) inches high upon planting, or if in a constrained area, twenty-four (24) inches high when permitted and approved by the administrator.
  6. Ground covers shall be planted to provide complete coverage within one (1) year.
  7. Grass species shall be those normally grown within the area, and may be sodded or plugged. Sod and/or ground cover plants are required for slopes greater than 4:1 (four horizontal units to one vertical unit).
  8. Installation of all landscaping shall conform to standard acceptable horticultural practices.
  9. Deviations due to topography, building layout, or other special circumstances may be granted by the administrator, on a case-by-case basis subject to meeting the intent of the landscape regulations.
- E. Where it is not possible to retain existing natural ground cover, landscaped areas shall be provided with other acceptable ground cover.
  - F. Landscaping that aids in soil stabilization and protection of local waterways shall be used to minimize potential erosion.
  - G. Landscaping should maximize shading of the lot and off-street parking areas.
  - H. Where berms are used, side slopes shall not exceed 3:1 (three horizontal units to one vertical unit) and the berm shall be completely covered with vegetation.
  - I. Maintenance of all landscaping is required by the property owner. Failure to maintain landscaped areas, keeping plants and underbrush in an orderly and healthy state, is a violation of the International Property Maintenance Code and subject to enforcement as provided for in chapter 30 of the City's Code of Ordinances.
  - J. Landscaping shall meet the requirements of the sight visibility triangle, as detailed in section 3-07.
  - K. Per State of Florida Statutes, call Sunshine State One (811 or <http://www.callsunshine.com>) 72 hours prior to digging to have all utilities located.
  - L. All automatic in-ground irrigation systems shall have a functioning rain or soil moisture sensor.
  - M. No person shall wash, sweep, or blow off fertilizers, vegetative material, and/or vegetative debris into stormwater drains, ditches, canals, conveyances, water bodies, wetlands, sidewalks or roads. Such practice is punishable under the city code of ordinances chapter 30.
  - N. Florida-friendly fertilizers shall be used and all fertilizer applications must be in compliance with the fertilizer use requirements provided within the City Code of Ordinances chapter 28, article V.

(Ord. No. 1627, § 2(Att.), 3-7-2019; Ord. No. 1649, § 2(Exh. A), 10-1-2020)

**Eustis, FL - Code of Ordinances** ([https://library.municode.com/fl/eustis/codes/code\\_of\\_ordinances](https://library.municode.com/fl/eustis/codes/code_of_ordinances))

Sec. 50-26. - International Property Maintenance Code—Adopted by reference.

- (a) The International Property Maintenance Code, published by the International Code Council, latest edition, except sections 103, 106.2 through 106.5, 107, 110, 111, 112.4, 302.4 and 304.14 is adopted by reference and as amended by section 50-27 by the city, for the purpose of establishing minimum standards for occupancy. The appendices thereto are expressly not adopted. Any reference in the International Property Maintenance Code to the International Code shall be construed to be a reference to the Florida Building Code and applicable volumes, as well as the Florida Fire Prevention Code and the city's land development regulations.
- (b) Every building in the city, used in whole or in part as a dwelling unit or as two or more dwelling units, or as roominghouses or boardinghouses, shall conform to the requirements of the International Property Maintenance Code, irrespective of the primary use of such building, and irrespective of when such building may have been constructed, altered or repaired.
- (c) One copy of the code is to be filed in the office of the building official; and the provisions thereof shall be controlling within the corporate limits of the city.

(Ord. No. 10-24, § 1(exh. A), 9-23-2010)

Sec. 50-28. - Housing official.

The city's building official or his designee shall be the housing official and enforcement officer under the International Property Maintenance Code.

(Ord. No. 10-24, § 1(exh. A), 9-23-2010)

**Longwood, FL - Code of Ordinances** ([https://library.municode.com/fl/longwood/codes/code\\_of\\_ordinances](https://library.municode.com/fl/longwood/codes/code_of_ordinances))

## Sec. 18-61. - Adoption of Standard Housing Code.

- (a) There is hereby adopted by reference the 2014 edition of the International Property Maintenance Code, as published by the International Code Council, subject however to such amendments and additions which may appear elsewhere in this article and except insofar as such provisions, by their very nature, could have no application in the city.
- (b) Future editions and revisions of the International Property Maintenance Code shall go into effect 90 days after receipt by the city clerk of three copies of such edition or revision, provided the city commission does not act otherwise during the 90-day period.
- (c) After a new edition or revision of the International Property Maintenance Code goes into effect, the modifications which may be contained in this article shall remain in effect until revised by the city commission.
- (d) Section 101.1 of these regulations shall be known as the Property Maintenance Code of the City of Longwood, hereafter referred to as "this code".
- (e) Section 102.3 entitled "Application of other codes", is hereby amended to read as follows: Repairs, additions or alterations to a structure or change of occupancy, shall be done in accordance with the provisions of the current edition(s) of the Florida Building Code, Florida Fuel Gas Code, Florida Plumbing Code, Florida Mechanical Code, Florida Residential Code and the Florida Existing Building Code and the National Electrical Code (NFPA-70). Nothing in this code shall be construed as to cancel, modify or set aside any provisions of the City of Longwood Land Use Development Code.

(Code 1982, § 5-106; Ord. No. 16-2110, § 2, 1-16-2017; Ord. No. 19-2159, § 2, 9-16-2019)

## Sec. 18-63. - Minimum property standards.

All buildings, structures, accessory structures including fences, electrical, gas, mechanical and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe, operational and sanitary condition per the 2014 International Property Maintenance Code. All buildings, structures and accessory structures shall be free of rotted wood, fungus, mold and standing water. The property owner or designated agent shall be responsible for the maintenance of buildings, structures, and electrical, gas, mechanical and plumbing systems.

(Ord. No. 16-2110, § 2, 1-16-2017; Ord. No. 19-2159, § 2, 9-16-2019)

**Panama City, FL - Code of Ordinances** ([https://library.municode.com/fl/panama\\_city/codes/code\\_of\\_ordinances](https://library.municode.com/fl/panama_city/codes/code_of_ordinances))

## Sec. 6-92. - Adopted.

The International Property Maintenance Code (IPMC), 2018 edition, and as may be amended from time to time, is hereby adopted by reference.

(Code 1982, § 7-343; Code 1992, § 7-224; Ord. No. 2762, § A.2., 2-9-2021)

## Sec. 6-93. - Amendments.

The International Property Maintenance Code, adopted by the provisions of this article is hereby amended in the following respects:

Section 103 is hereby repealed.

Section 111.2 and all subsections thereof are amended to read as follows:

*111.2. Appointment.* There is hereby established in the city a board to be called the housing board of adjustments and appeals, which shall consist of five members. Such board shall be composed of the five members of the city commission.

*111.2.1. Term of office.* All five members of the city commission shall be members of the board of adjustments and appeals during their tenure in office and shall serve until reorganization of the city commission after each general municipal election.

*111.2.2. Quorum.* Four members of the board shall constitute a quorum. In varying the application of any provisions of this code or in modifying an order of the building official, affirmative votes of the majority present, but not less than three affirmative votes shall be required. No board member shall act in a case in which he has a personal interest.

Section 111.4.1 is hereby amended to read as follows:

*111.4.1. Procedure.* The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet at regular intervals, to be determined by the chairman, or in any event, the board shall meet within ten days after notice of appeal has been received.

Section 106.4 is hereby amended to read as follows:

*Section 106.4. Violations and penalties.*

Any person, firm or corporation who violates a provision of this code or fails to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure or has erected, constructed, altered, repaired, demolished or moved a building or structure in violation or contrary to a detailed statement or drawing submitted and approved thereunder, shall upon conviction be punished as provided in section 1-8 of the Panama City Municipal Code,

(Code 1982, § 7-344; Code 1992, § 7-225)

**Tequesta, FL - Code of Ordinances** ([https://library.municode.com/fl/tequesta/codes/code\\_of\\_ordinances](https://library.municode.com/fl/tequesta/codes/code_of_ordinances))

Sec. 14-121. - International Property Maintenance Code adopted.

The most current edition of the International Property Maintenance Code, of which copies have been and are now filed in the office of the building official of the village, is hereby adopted and incorporated in part within Appendix B, and from the date on which this section shall take effect, those incorporated provisions of the International Property Maintenance Code therein shall be controlling in the area of jurisdiction of the village.

However, in the event of a conflict between those incorporated provisions of the International Property Maintenance Code and the village code and/or the Florida Building Code, the Village Code and/or Florida Building Code shall apply.

All enforcement of incorporated provisions of the International Property Maintenance Code shall be enforced in accordance with chapter 2, article IV of the Village Code and F.S. ch. 162.

The village hereby adopts and incorporates the following provisions of the most current edition of the International Property Maintenance Code:

Chapter	Section	Subsections
CHAPTER 1. SCOPE AND APPLICATION [in part]	<u>Section 101.</u> General.	Subsection 101.1 Title.
		Subsection 101.4 Severability.
	<u>Section 108.</u> Unsafe structures and equipment.	Subsection 108.1 General.
		Subsection 108.1.1 Unsafe structures.
		Subsection 108.1.2 Unsafe equipment.
		Subsection 108.1.3 Structure unfit for human occupancy.
		Subsection 108.1.4 Unlawful structure.
		Subsection 108.1.5 Dangerous structure or premises.
		Subsection 108.2 Closing of vacant structures.
		Subsection 108.3 Notice.
		Subsection 108.4 Placarding.
		Subsection 108.4.1 Placard removal.

		Subsection 108.5 Prohibited occupancy.
		Subsection 108.6 Abatement methods.
	<u>Section 109.</u> Emergency measures.	Subsection 109.1 Imminent danger.
		Subsection 109.2 Temporary safeguards.
		Subsection 109.3 Closing streets.
		Subsection 109.4 Emergency repairs.
	<u>Section 110.</u> Demolition.	Subsection 110.1. General.
		Subsection 110.3. Failure to comply.
CHAPTER 3. GENERAL REQUIREMENTS [in part]	<u>Section 301.</u> General.	[all subparts]
	<u>Section 302.</u> Exterior property areas.	Subsection 302.1. Sanitation.
Subsection 302.2. Grading and drainage.		
Subsection 302.3. Sidewalks and driveways.		
Subsection 302.5. Rodent harborage.		
Subsection 302.6. Exhaust vents.		
Subsection 302.7. Accessory Structure.		
Subsection 302.9. Defacement of property.		
<u>Section 303.</u> - Swimming pools, spas and hot tubs.	Subsection 303.1 Swimming pools.	
<u>Section 304.</u> Exterior structure.	Subsection 304.1. General.	

	Subsection 304.2. Protective treatment.
	Subsection 304.4. Structural members.
	Subsection 304.5. Foundation walls.
	Subsection 304.6. Exterior walls.
	Subsection 304.7. Roofs and drainage.
	Subsection 304.8. Decorative features.
	Subsection 304.9. Overhang extensions.
	Subsection 304.10. Stairways, decks, porches and balconies.
	Subsection 304.11. Chimneys and towers.
	Subsection 304.12. Handrails and guards.
	Subsection 304.13. Windows, skylights and door frames. [with all subparts]
	Subsection 304.14. Insect screens.
	Subsection 304.19. Gates.
<u>Section 306.</u> - Component serviceability.	Subsection 306.1. General.

<u>Section 308.</u> Rubbish and garbage.	[all subparts]	
CHAPTER 4. LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS [in part]	<u>Section 404.</u> Occupancy limitations.	[all subparts]

The village expressly does *not* adopt the following provisions of the most current edition of the International Property Maintenance Code:

Chapter	Section	Subsections
CHAPTER 1. SCOPE AND APPLICATION [in part]	<u>Section 101.</u> General.	Subsection 101.2 Scope.
		Subsection 101.3 Intent
	Section 102. - Applicability.	[all subparts]
	Section 103. - Department of property maintenance inspection.	[all subparts]
	Section 104. Duties and powers of the code official.	[all subparts]
	Section 105. Approval.	[all subparts]
	Section 106. Violations.	[all subparts]
	Section 107. Notices and orders.	[all subparts]
	Section 107. Notices and orders.	[all subparts]
	<u>Section 108.</u> Unsafe structures and equipment	Subsection 108.2.1 Authority to disconnect service utilities.
Subsection 108.7 Record.		



	<u>Section 109.</u> Emergency measures.	Subsection 109.5 Costs of emergency repairs.
		Subsection 109.6 Hearing.
	<u>Section 110.</u> Demolition.	Subsection 110.2 Notices and orders.
		Subsection 110.4 Salvage materials.
	Section 111. Means of appeal.	[all subparts]
Section 112. Stop work order.	[all subparts]	
<u>CHAPTER 2.</u> DEFINITIONS [in its entirety]		
CHAPTER 3. GENERAL REQUIREMENTS [in part]	<u>Section 302.</u> Exterior property areas.	Subsection 302.4 Weeds.
		Subsection 302.8 Motor vehicles.
	<u>Section 303.</u> Swimming pools, spas and hot tubs.	Subsection 303.2 Enclosures.
	<u>Section 304.</u> Exterior structure.	Subsection 304.1.1 Unsafe conditions.
		Subsection 304.3 Premises identification.
		Subsection 304.15 Doors.
		Subsection 304.16 Basement hatchways.
		Subsection 304.17 Guards for basement windows.
		Subsection 304.18 Building security. [all subparts]
	Section 305. Interior structure.	[all subparts]
<u>Section 306.</u> - Component serviceability.	Subsection 306.1.1 Unsafe conditions.	

	Section 307. Handrails and guardrails.	[all subparts]
	Section 309. Pest elimination.	[all subparts]
CHAPTER 4. LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS [in part]	Section 401. General.	[all subparts]
	Section 402. Light.	[all subparts]
	Section 403. Ventilation.	[all subparts]
<u>CHAPTER 5.</u> PLUMBING FACILITIES AND FIXTURE REQUIREMENTS [entirety]		
<u>CHAPTER 6.</u> MECHANICAL AND ELECTRICAL REQUIREMENTS [entirety]		
CHAPTER 7. FIRE SAFETY REQUIREMENTS [entirety]		
CHAPTER 8. REFERENCED STANDARDS [entirety]		
APPENDIX A - BOARDING STANDARD [entirety]		

(Ord. No. 580, § 2, 8-12-2003; Ord. No. 5-12, § 1, 5-10-2012; Ord. No. 02-20, § 1, 6-11-2020)

#### APPENDIX B - INTERNATIONAL PROPERTY MAINTENANCE CODE

*Footnotes:*

--- (1) ---

**Editor's note**— Per the city's request, the International Property Maintenance Code, which was adopted by Ord. No. 02-20, is herein set out. Pursuant to § 14-121 of this Code, the 2018 International Property Maintenance Code is set out to read herein.

**Cross reference**— International Property Maintenance Code adopted, § 14-121.

**Note**— Code Development Committee Responsibilities (Letter Designations in Front of Section Numbers) [Page IV of 2018 International Property Maintenance Code:]

In each code development cycle, proposed changes to this code are considered at the Committee Action Hearings by the International Property Maintenance Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed changes. Proposed changes to a code section having a number beginning with a letter in brackets are considered by a different code development

committee. For example, proposed changes to code sections that have the letter [F] in front of them (e.g., [F] 704.1) are considered by the International Fire Code Development Committee at the Committee Action Hearings.

The content of sections in this code that begin with a letter designation is maintained by another code development committee in accordance with the following:

[A] = Administrative Code Development Committee;

[F] = International Fire Code Development Committee;

[P] = International Plumbing Code Development Committee;

[BE] = IBC—Egress Code Development Committee; and

[BG]= IBC—General Code Development Committee.

## CHAPTER 1. - SCOPE AND APPLICATION

### Section 101. - General.

**[A]101.1 Title.** These regulations shall be known as the *International Property Maintenance Code* of Tequesta, Florida, hereinafter referred to as "this code."

**[A]101.4 Severability.** If a 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 108. - Unsafe structures and equipment.

**108.1 General.** When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

**108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**108.1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

**108.1.3 Structure unfit for human occupancy.** A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

**108.1.4 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

**108.1.5 Dangerous structure or premises.** For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration, neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

**108.2 Closing of vacant structures.** If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* or owner's authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

**108.3 Notice.** Whenever the *code official* has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner*, owner's authorized agent or the person or persons responsible for the structure or equipment. in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

**108.4 Placarding.** Upon failure of the *owner*, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

**108.4.1 Placard removal.** The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

**108.5 Prohibited occupancy.** Any occupied structure condemned and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner*, owner's authorized agent or person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

**108.6 Abatement methods.** The *owner*, owner's authorized agent, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

#### Section 109. - Emergency measures.

**109.1 Imminent danger.** When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**109.2 Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

**109.3 Closing streets.** When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

**109.4 Emergency repairs.** For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

#### Section 110. - Demolition.

**110.1 General.** The *code official* shall order the *owner* or owner's authorized agent of any *premises* upon which is located any structure, which in the *code official's* or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of

more than two years, the *code official* shall order the *owner* or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

**110.3 Failure to comply.** If the *owner* of a *premises* or owner's authorized agent fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

## CHAPTER 3. - GENERAL REQUIREMENTS

**User note:** *About this chapter: Chapter 3 is broad in scope and includes a variety of requirements for the maintenance of exterior property areas, as well as the interior and exterior elements of the structure, that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building's structural and weather-resistance performance. Specifically, Chapter 3 contains criteria for the maintenance of building components; vacant structures and land; the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; extermination of insects and rodents; access barriers to swimming pools, spas and hot tubs; vehicle storage and owner/occupant responsibilities.*

### Section 301. - General.

**301.1 Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

**301.2 Responsibility.** The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit, rooming unit or housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit, rooming unit, housekeeping unit* or *premises* they occupy and control.

**301.3 Vacant structures and land.** Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

### Section 302. - Exterior property areas.

**302.1 Sanitation.** *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

**302.2 Grading and drainage.** *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

**302.3 Sidewalks and driveways.** Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

**302.5 Rodent harborage.** Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

**302.6 Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly on abutting or adjacent public or private property or that of another *tenant*.

**302.7 Accessory structures.** Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

**302.9 Defacement of property.** A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

Section 303. - Swimming pools, spas and hot tubs.

**303.1 Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

Section 304. - Exterior structure.

**304.1 General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**Exceptions:**

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

**304.2 Protective treatment.** Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**304.4 Structural members.** Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

**304.5 Foundation walls.** Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

**304.6 Exterior walls.** Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

**304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**304.8 Decorative features.** Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**304.9 Overhang extensions.** Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.10 Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**304.11 Chimneys and towers.** Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

**304.12 Handrails and guards.** Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**304.13 Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**304.13.1 Glazing.** Glazing materials shall be maintained free from cracks and holes.

**304.13.2 Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**304.14 Insect screens.** During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

**Exception:** Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

**304.19 Gates.** Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

#### Section 306. - Component serviceability.

**306.1 General.** The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

#### Section 308. - Rubbish and garbage.

**308.1 Accumulation of rubbish or garbage.** *Exterior property* and *premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

**308.2 Disposal of rubbish.** Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

**308.2.1 Rubbish storage facilities.** The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

**308.2.2 Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.



**308.3 Disposal of garbage.** Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

**308.3.1 Garbage facilities.** The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit*; an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit*; or an *approved* leakproof, covered, outside garbage container.

**308.3.2 Containers.** The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

## CHAPTER 4. - LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

### Section 404. - Occupancy limitations.

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

**404.2 Minimum room widths.** A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

**404.3 Minimum ceiling heights.** *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

#### Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not greater than 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one- third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

**404.4 Bedroom and living room requirements.** Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

**404.4.1 Room area.** Every living room shall contain not less than 120 square feet (11.2 m<sup>2</sup>) and every bedroom shall contain not less than 70 square feet (6.5 m<sup>2</sup>) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

**404.4.2 Access from bedrooms.** *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

**Exception:** Units that contain fewer than two *bedrooms*.

**404.4.3 Water closet accessibility.** Every *bedroom* shall have access to not less than one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to not less than one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

**404.4.4 Prohibited occupancy.** Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

**404.4.5 Other requirements.** *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

**404.5 Overcrowding.** Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5 - MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET		
	1—2 occupants	3—5 occupants	6 or more occupants
Living room <sup>a, b</sup>	120	120	150
Dining room <sup>a, b</sup>	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.0929 m<sup>2</sup>.

- a. See Section 404.5.2 for combined living room/dining room spaces.
- b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

**404.5.1 Sleeping area.** The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

**404.5.2 Combined spaces.** Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

**404.6 Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m<sup>2</sup>). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three *occupants* shall have a minimum clear floor area of 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

**404.7 Food preparation.** Spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(Ord. No. 580, § 2, 8-12-2003; Ord. No. 5-12, § 1, 5-10-2012; Ord. No. 02-20, § 1, 6-11-2020)

**Newberry, FL - Code of Ordinances** ([https://library.municode.com/fl/newberry/codes/code\\_of\\_ordinances](https://library.municode.com/fl/newberry/codes/code_of_ordinances))

## Sec. 14-36. - Amendments.

The Florida Building Code as adopted is amended in the following respects:

## 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 this jurisdiction.

*101.2.1 Unsafe buildings* shall be abated using the International Property Maintenance Code, 2003 edition, promulgated by the International Code Council, Inc., subject to all amendments, modifications or deletions hereinafter contained: or as outlined in the City of Newberry Land Development Regulations (LDR) section 9.11 and section 10, the most restrictive code shall apply.

*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, plan review and inspection.* The permitting, plan review or inspection of any building, system or plan by this 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. This jurisdiction 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 damages from such conditions, in accordance with F.S. § 768.28(9)(a), as may be amended.

*102.2 Building.* The provision 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 of facility or floating residential structure, or any appurtenances connected or attached to such building, 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. 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 (F.S. §§ 553.501—553.513) relating to accessibility by persons with disabilities and permits shall be required for structural support and tie down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdictions.

102.2.2 Building 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, meeting the wind speed requirements of the new location and is in acceptable 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 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.

*102.8 Rules of construction.* The rules set out in this section shall be observed, unless such construction is inconsistent with the manifest intent of this chapter. The rules of construction and definitions set out here shall not be applied to any section of this chapter which contains any express provisions excluding such construction, or where the subject matter or content of such section would be inconsistent with this section.

*102.8.1 Generally.* All provisions, terms, phrases and expressions contained in this division shall be liberally construed in order that the true intent and meaning of the administration of the jurisdiction may be fully carried out. Terms used in this division, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.

*102.8.2 Text.* In case of any difference of meaning or implication between the text of this division and any figure, the text shall control.

*101.8.3 Delegation of authority.* Whenever a provision appears requiring the building official or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the building official or other officer to designate, delegate and authorize professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

*101.8.4 Month.* The word "month" shall mean a calendar month.

*101.8.5 Shall, may.* The word "shall" is mandatory; "may" is permissive. The word "shall" take precedence over "may".

*101.8.6 Written or in writing.* The term "written" or "in writing" shall be construed to include any representation of words, letters or figures whether by printing or otherwise.

*101.8.7 Year.* The word "year" shall mean a calendar year, unless a fiscal year is indicated.

*101.8.8 Interpretation.* Interpretations of this chapter shall be made by the building official.

#### *102.9 Words defined.*

*Abandon or abandonment:* (1) Termination of a construction project by a contractor without just cause or proper notification to the owner including the reason for termination. (2) Failure of a contractor to perform work without just cause for 90 days. (3) Failure to obtain an approved inspection within 180 days from the previous approved inspection.

*Appraised value:* For the purpose of this section, appraised value is defined as either (1) 120 percent of the assessed value of the structure as indicated by the county property appraiser's office or (2) the value as indicated in a certified appraisal from a certified appraiser.

*Assessed value:* The value of real property and improvements thereon as established by the county property appraiser.

*Authorized agent:* A person specifically authorized by the holder of a certificate of competency to obtain permits in his stead.

*Basic wind speed line:* The basic wind speed line for the jurisdiction shall be as established by the wind speed contour map attached to, and made part of, this chapter if applicable.

*Board:* The city's board of adjustment and appeals, unless otherwise specifically stated.

*Building component:* An element or assembly of elements integral to or part of a building.

*Building shell:* The structural components that completely enclose a building, including, but not limited to, the foundation, structural frame, floor slabs, exterior walls and roof systems.

*Building system:* A functionally related group of elements, components and/or equipment, such as the electrical, plumbing and mechanical systems of a building.

*Certification:* The act or process of obtaining a certificate of competency from the state or municipality through the review of the applicant's experience and financial responsibility as well as successful passage of an examination.

*Certificate of competency (certificate):* An official document evidencing that a person is qualified to engage in the business of contracting, subcontracting or the work of a specific trade.

*Certificate of experience:* An official document evidencing that an applicant has satisfied the work experience requirements for a certificate of competency.

*Certificate of occupancy (C.O.):* An official document evidencing that a building satisfies the requirements of the jurisdiction for the occupancy of a building.

*Certificate of completion (C. of C.):* An official document evidencing that a building component satisfies the requirements of the jurisdiction for the completion of a building.

*Certified contractor:* Any contractor who possesses a certificate of competency issued by the Department of Professional Regulation of the State of Florida.

*Change of occupancy:* A change from one building code occupancy classification or sub classification to another.

*Commercial building:* Any building, structure, improvement or accessory thereto, other than a one- or two-family dwelling.

*Cumulative construction cost:* The sum total of costs associated with any construction work done to a building or structure either at one time or at different times within a specified period of time.

*Demolition:* The act of razing, dismantling or removal of a building or structure, or portion thereof, to the ground level.

*Examination:* An exam prepared, proctored and graded by a recognized testing agency unless otherwise implied in context or specifically stated otherwise.

*FCILB:* The Florida Construction Industry Licensing Board.

*Imminent danger:* Structurally unsound conditions of a structure or portion thereof that is likely to cause physical injury to a person entering the structure; or due to structurally unsound conditions, any portion of the structure is likely to fall, be carried by the wind, or otherwise detach or move, and in doing so cause physical injury or damage to a person on the property or to a person or property nearby; or the condition of the property is such that it harbors or is inhabited by pests, vermin, or organisms injurious to human health, the presence of which constitutes an immediate hazard to people in the vicinity.

*Inspection warrant:* A court order authorizing the official or his designee to perform an inspection of a particular property named in the warrant.

*Intensification of use:* An increase in capacity or number of units of a residential or commercial building.

*Interior finish:* The preparation of interior spaces of a commercial building for the first occupancy thereof.

*Licensed contractor:* A contractor certified by the State of Florida or the local jurisdiction that has satisfied the all state or local requirements to be actively engaged in contracting.

*Owner's agent:* A person, firm or entity authorized in writing by the owner to act for or in place of the owner.

*Permit:* An official document authorizing performance of a specific activity regulated by this chapter.

*Qualifying agent, primary:* A person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage, and control the contracting activities of the business organization with which he is associated, who has the responsibility to supervise, direct, and manage and control construction activities on a job for which he has obtained a permit; and who technical and personal qualifications have been determined by investigation and examination and is evidenced by his possession of a certificate of competency.

*Qualifying agent, secondary:* A person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage and control construction activities on a job for which he has obtained a permit, and who technical and personal qualifications have been determined by investigation and examination and is evidenced by his possession of a certificate of competency.

*Reciprocity:* To accept a verified affidavit from any municipality or county of the State of Florida that the applicant has satisfactorily completed a written examination required by this chapter.

*Registered contractor:* A contractor who has registered with the department of professional regulation of the State of Florida pursuant to fulfilling the competency requirements of the local jurisdiction.

*Registration:* The act or process of registering a locally obtained certificate of competency with the state, or the act or process of registering a state issued certificate of competency with the municipality.

*Remodeling:* Work which changes the original size, configuration or material of the components of a building.

*Residential building:* Any one- or two-family building or accessory.

*Roofing:* The installation of roof coverings.

*Spa:* Any constructed or prefabricated pool containing water jets.

*Specialty contractor:* A contractor whose services do not fall within the categories specified in F.S. § 489.105(3), as amended.

*Start of construction:*

*Site:* The physical clearing of the site in preparation for foundation work including, but not limited to, site clearing, excavation, dewatering, pilings and soil testing activities.

*Building:* The removal, disassembly, repair, replacement, installation or assembly of the building, structure, building system or building components in whole or parts thereof.

*Stop work order:* An order by the building official, or his designee, which requires the immediate cessation of all work and work activities described in the order.

*Structural component:* Any part of a system, building or structure, load bearing or non-load bearing, which is integral to the structural integrity thereof, including but not limited to walls, partitions, columns, beams and girders.

*Structural work or alterations:* The installation or assembling of new structural components into a system, building or structure. Also any change, repair or replacement of any existing structural component of a system, building or structure.

*Substantial completion:* Where the construction work has been sufficiently completed in accordance with the applicable city, state and federal codes, so that the owner can occupy or utilize the project for the use for which it is intended.

*Value:* Job cost.

## 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 F.S. ch. 468 pt. XII.

*103.2 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 governing authority and shall not be removed from office except for cause after full opportunity has been given to be heard on specific charges before such applicable governing authority.

*103.2.1 Employee qualifications.* The building official, with the approval of the applicable governing authority, 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 inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner, in the appropriate trade as established by the State of Florida.

*103.3 Restrictions on employees.* An officer or employee connected with the department, except one whose only connection is as a member of the board established by this code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, within the jurisdiction of the department, unless he is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with his duties or conflict with the interest of the department.

*103.4 Records.* The building official shall keep, or cause to be kept, a record of the business of the division. The records of the division shall be open to public inspection, unless amended by Florida law.

*103.5 Liability.* Any officer or employee, or member of the construction board of adjustments and appeals, charged with the enforcement of this code, acting for governing authority in the discharge of his duties, shall not thereby render himself 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 his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provisions of this code shall be defended by the department of law until the final termination of the proceedings, unless such person is found to have acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for the safety, health, and welfare of the public.

## SECTION 104. POWERS AND DUTIES 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 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.

*104.2 Right of entry.*

*104.2.1* 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, he 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.

*104.2.2* 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.

*104.3 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 the code ordinances of the City of Newberry 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 his agent, or to the person doing the work, or by posting the building, structure or property upon which work is being performed and shall state the reason(s) for stopping work. The building official shall not be required to give a written notice prior to stopping the work.

*104.4 Revocation of permits.* The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any provisions of this code.

*104.4.1 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 the material fact in the application or plans on which the permit or approval was based.

*104.4.2 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.

*104.5 Unsafe buildings or systems.*

*104.5.1 Abatement.* 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 unsafe 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 the provisions of the Standard Unsafe Building Abatement Code, or other provisions of the building and property maintenance code of the city. All repairs shall be in performed in accordance with the Florida Building Code.

*104.5.2 Public nuisances.* Public nuisances are defined in [article 2](#) of the land development regulations. When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings, or other buildings regulated by this code, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the building official or his designee or the code enforcement board is authorized to order the property owner or city agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined in this chapter or in the standard unsafe building abatement. Powers are hereby declared to be remedial and essential for the public interest and it is intended that such powers be liberally construed to effectuate the purposes stated herein.

*104.5.3 Vacant buildings.* No vacant building may be boarded up for a period of time exceeding 60 days unless granted a waiver by the building official. All vacant buildings or buildings permitted to be boarded up shall be maintained in accordance with the land development regulations, and all boards used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the rest of the building.

*104.6 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 code, shall be determined by the building official.

*104.10.1. Modifications of the strict application of the requirements of the Florida Building Code.* The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

## SECTION 105. PERMITS.

*105.1.6 Time limitations.* Except as otherwise provided in this chapter, an application for a permit for any proposed work shall be deemed to have been abandoned, and shall expire by limitation and become null and void 6 months after the date of filing for the permits, or plan approval, whichever is later unless before than a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the building official for the application provided the extension is requested in writing and justifiable cause is demonstrated.

*105.1.7 Additional data.* The building official may require details, computations, stress diagrams, surveys and other data necessary to describe the construction or installation and the basis of calculations.

*105.2.4 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 prepared by a qualified surveyor whenever the boundary lines cannot be readily determined by the field.

*105.2.5 Hazardous occupancies.* The building official may require the following: general site plan. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

*Building floor plan.* A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous material storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.

*105.2.6 Minimum plan review criteria for buildings.*

Manufactured/mobile homes

1. Site requirements:
  - a. Setback/separation (assumed property lines)
  - b. Location of septic tanks (if applicable).
2. Structural:

- a. Wind zone.
- b. Anchoring.
- c. Blocking.
- 3. Mechanical:
  - a. Exhaust systems; clothes dryer exhaust and kitchen equipment exhaust.
- 4. Electrical:
  - a. Exterior disconnect location.

*105.3.8 Public right-of-way.* A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application for right-of-way permits from the authority having jurisdiction over the street, alley or public lane.

*105.4 Conditions of 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 become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced. Failure to obtain an approved inspection within 180 days of the previous approved inspection shall constitute suspension or abandonment. One or more extensions of time, for periods not more than 180 days each, may be allowed by the building official for the permit, provided the extension is requested in writing and justifiable cause is demonstrated prior to the expiration date. The building official shall record the extension of time granted.

*105.5.1 Conditions of permit; permit term and intent.*

- (a) No substantial building site preparation, including but not limited to excavation or placement of fill or foundation construction, shall take place prior to the issuance of a building, foundation or site development permit. Issuances of such permits are limited to meeting all other city site development requirements, and are subject to the approval of the building official.
- (b) Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced: provided, however, that in the case of constructing or renovating or building additions onto one- and two-family dwellings or accessory buildings, work under the permit must be substantially completed within 12 calendar months after the time the work is commenced or else the permit shall become invalid. If such permit becomes invalid, no new permit shall be issued covering the same work or any portion thereof if the effect of such permit would be to allow completion of the work begun under the original permit. Furthermore any structural work partially completed on the property where the permit became invalid shall be removed and the property cleaned to the satisfaction of the building official. If the property owner or holder of the invalidated permit fails to remove the structure and clean the property within 30 days of the invalidation date, then the building official may take the necessary action to have the structure removed and the property cleaned with all costs assessed as a lien on the property.

With respect to commercial or multifamily building projects, construction activity which has commenced under a valid building permit shall proceed without stoppages of work exceeding 90 days. The licensed contractor and/or property owner shall maintain all construction sites in a safe condition and shall provide fencing or other protective barriers on construction sites where work has ceased for a period of time more than seven days. Such inactive building sites shall be kept clean so as to minimize unsafe conditions and unsightly appearance.

- (c) For good cause shown, in order to keep the permit valid, the building official may grant one or more extensions of time for periods not exceeding 90 days each. Requests for extensions shall be in writing and addressed to the building official, shall state the basis for the request, and shall be filed prior to the expiration of the permit period or any extension thereof previously granted. Such extensions as may be granted shall be in writing by the building official.
- (d) Good cause for an extension shall include, but not be limited to, the following circumstances beyond the control of the permit holder:
  - (1) Acts of God and other natural disasters.
  - (2) Material shortages.
  - (3) Interruptions due to strikes or other employee job actions.
  - (4) Fire, explosion, or some similar catastrophe.
  - (5) Financial reversals of a temporary nature.
  - (6) Other situations beyond the control of the permit holder.
- (e) The contractor and/or owner of any active or inactive construction project shall be responsible for the cleanup 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, free of overgrown weeds and grass over 12 inches and the accumulation of construction debris must not remain on the property for a period of time exceeding 14 days.
- (f) Violation of these conditions shall authorize the building official to place a stop work order on such jobs in violation of this section. Other remedies may include having all debris removed by the city and charging all costs to the contractor and/or the property owner or by referring the matter to the code enforcement board.

*105.5.2 Temporary toilet facilities for workers.* Suitable temporary toilet facilities as determined by the building official in reliance upon normal industry standards shall be provided and maintained in a sanitary condition for the use of workers during construction. Such facilities shall be regularly cleaned and provided in a well-ventilated location and shall be placed at least 15 feet from the side property line of the lot on which it is located and may not be placed in the public right-of-way. The number of facilities shall be one per 20 employees—within 200 feet of work area.

*105.12 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 of \$150.00 double the permit fee. This provision does not apply if the building official determines that due to emergency work a delay would clearly have placed life or property in imminent danger. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

#### SECTION 107. SUBMITTAL DOCUMENTS.

*107.6.1. Building permits issued on the basis of an affidavit.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and

plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

#### SECTION 108. FEES.

*108.3 Building permits valuations.* If, in the opinion of the building official, the 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 to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the International Code Council or other applicable model code organization, at the option of the building official. Values are based on the most current issue of the Building Safety Publication.

#### SECTION 109. INSPECTIONS.

*109.1 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 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 shall make a record of every such examination and inspection and of all violations of the technical codes.

*109.1.1 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.

*109.1.2 Inspection service.* The building official may make, or cause to be made, the inspections required by Section 109. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector, architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to F.S. ch. 468.

Required inspections listed in Section 109.3 are amended as follows:

##### 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.
  - Column pads.
  - Waterproofing.
  - Footer steel grounding.

1.2 Slab Inspection: To be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed, termite soil treatment, sub-grade electrical, plumbing, and mechanical work is complete. Slab shall not be poured until all previous required inspections have been approved.

1.3 A foundation/form board survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the floor slab inspection. The survey shall certify placement of the building on the site, finish floor elevation and indicate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

1.4 Tie beam/lintel or column inspection (masonry/reinforced concrete construction only): To be made after all reinforcing steel is in place and clean outs provided.

2.0 Framing inspection: To be made after the roof, all framing, fire blocking 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 and installation.
- Framing/trusses/bracing/connectors (including truss layout and engineered drawings).
- Draft stopping/fire-blocking.
- Curtain wall framing.
- Fire caulk all penetrations.
- Accessibility provisions.

2.1 Insulation inspection: To be made after the framing inspection is approved and the insulation is in place.

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.

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

4 Roofing inspection: To be made as two inspections on tile, slate or similar roof coverings or as one inspection on all other roof coverings, and shall at a minimum include the following building components:

- Dry-in.
- Insulation.
- Roof coverings.
- Roof battens.

- Flashing.

#### 4.1 Gypsum board nailing inspection (ceiling and or tenant separation).

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 shell.
- Underground electric inspection.
- Underground plumbing inspection including a pressure test.
- Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place.
- 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 of the Florida Building Code.

#### 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.

### Electrical

1. Underground inspection: To be made after trenches or ditches are excavated, conduit or cable installed, footer steel grounding is in place and before any backfill is put in place.
2. Rough-in inspection: To be made after the roof, framing, fire-blocking and bracing is in place and prior to the installation of wall or ceiling membranes.
3. Final inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
4. Temporary power inspection: To be made after temporary power pole is in place and properly supported.
5. New electrical service inspection: To be made when all electrical work is complete and prior to energizing the electrical service.

### Plumbing

1. Underground inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. Rough-in inspection: To be made after the roof, framing, fire-blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to the installation of wall or ceiling membranes. Additional inspections shall include top out, tub sets, sewer and water service inspections.
3. Final inspection: To be made after the building is complete, all required plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

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

Section 109.7 is added as follows:

*109.7 Final inspections.* The licensed contractor and/or permit holder shall be responsible for obtaining final inspections and a certificate of occupancy/completion for all permits within a timely manner after completion of work. Timely shall mean within 30 days after completion of work and within the time limits established in section 105.5.1 for residential construction. Failure to obtain such final inspections and certificates of occupancy/completion shall be a violation of this chapter.

## SECTION 116. TESTS.

*116.1* For products not covered under the statewide product evaluation and approval system, 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 his agent, by an approved testing laboratory or other approved agency.

Section 117 is added as follows:

## SECTION 117. VARIANCES IN FLOOD HAZARD AREAS.

*117.1. Flood hazard areas.* Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.

## SECTION 118. VIOLATIONS AND PENALTIES.

*118.1* 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, in violation of a detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor of the second degree. Each such person shall be considered guilty of a separate offense for each every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. Upon conviction of any such violation such person shall be punished within the limits as provided by law and local ordinance.

## SECTION 119. CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS.

*119.1 Appointment.* There may be established a board to be called the construction board of adjustment and appeals, which shall consist of five members. The board shall be comprised of three licensed contractors, a practicing architect, an engineer and or a member of the general public. The board shall be appointed by the applicable governing body the city commission.

### *119.2 Membership and terms.*

*119.2.1 Membership.* Members shall be appointed for terms of two and three years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made.



*119.2.2 Terms.* The terms of office of the board members shall be staggered so no more than one-third of the board is appointed or replaced in any 12-month period. Continued absence of any member from the required meetings of the board shall, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

*119.2.3 Quorum.* Three members of the board shall constitute a quorum. In varying the application of any provisions of this code or in modifying an order of the building official, affirmative votes of the majority present, but not less than three affirmative votes, shall be required. A board member shall not act in a case in which he has a personal interest.

*119.2.4 Secretary of board.* A person shall be appointed by the local Jurisdiction to act as secretary of the construction board of adjustment and appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member, and any failure of a member to vote.

*119.3 Powers.* The construction board of adjustment and appeals shall have the power to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes in accordance with Section 117.1 and shall also have the authority to suspend or revoke the certificate of competency or state certification (within the city) of any residential, building, general, roofing, swimming pool or other specialty contractor doing work in the city who is found by the board to be guilty of one or more of the following acts or omissions:

- (1) Fraud or deceit in obtaining a certificate of competency.
- (2) Negligence, incompetence or misconduct in the practice of contracting within the meaning of this chapter.
- (3) Willful and deliberate disregard of or violation of this chapter or of any state statute concerning contractor licensing.

#### *119.4 Appeals.*

*119.4.1 Decision of the building official.* The owner of a building, structure or service system, or his 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 there under have been misconstrued or incorrectly interpreted.

*119.4.2 Variances.* The construction board of adjustment and appeals, when so appealed to and after a hearing, may vary the application of any provision of the 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 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, 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.

*119.4.2.1 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.

*119.4.3 Notice of appeal.* Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the building official. Appeals relating to provisions of the Florida Building Code, other than local amendments, may be appealed to the Florida Building Commission, pursuant to F.S. § 120.569, regarding the local government's action. Notice of administrative rights may be obtained from the local building department.

*119.4.4 Unsafe or dangerous buildings or service systems.* In 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 his order, limit the time for such appeals to a shorter period.

#### *119.5 Procedures of the board.*

*119.5.1 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.

*119.5.2 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 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. Appeals from the decision of the construction board of adjustment and Appeals relating to provisions of the Florida Building Code, other than local amendments, may be appealed to the Florida Building Commission, pursuant to F.S. § 120.569, regarding the local government's action.

#### SECTION 120. SEVERABILITY.

*120.1* 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.

(Code 1977, § 5-20.1; Ord. No. 8-02, §§ 1—14, 6-24-2002; Ord. No. 14-06, § 2, 6-26-2006; Ord. No. 05-15, § 1, 3-9-2015; Ord. No. 12-14, § 1, 4-28-2014)

**Edgewood, FL - Code of Ordinances** ([https://library.municode.com/fl/edgewood/codes/code\\_of\\_ordinances](https://library.municode.com/fl/edgewood/codes/code_of_ordinances))

Sec. 102-71. - International Property Maintenance Code adopted by reference.

- (a) The city hereby adopts the 2015 edition of the International Property Maintenance Code, published by the International Code Council, and incorporates the same by reference as if fully set forth herein. At least one copy of the 2015 International Property Maintenance Code is on file in the city clerk's office together with a copy of the ordinance codified in this article.
- (b) The following sections and subsections of the 2015 edition of the International Property Maintenance Code are hereby amended as follows:
  - (1) *Subsection 101.1*. These regulations shall be known as the Property Maintenance Code of the City of Edgewood, hereinafter referred to as "this code."
  - (2) *Subsection 102.3*, entitled "Application of other codes," shall read as follows: Repairs, additions or alterations to a structure, or changes in occupancy, shall be done in accordance with the provisions of the Florida Building Code and amendments thereto.
  - (3) *Subsection 103.1*, entitled "General," shall read as follows: The City of Edgewood, Code Enforcement Division, is hereby charged with the primary responsibility of enforcing this code.
  - (4) *Subsection 103.2*, entitled "Appointment," shall read as follows: The code inspector shall be appointed by the Mayor of the City of Edgewood.
  - (5) *Subsection 103.5*, entitled "Fees," is hereby deleted in its entirety.
  - (6) *Subsection 104.1*, entitled "General," shall read as follows: The code official is hereby authorized and directed to enforce the provisions of this code. The code 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. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. The code enforcement official shall report to the council any policies and procedures adopted pursuant to this subsection.
  - (7) *Subsection 106.2*, entitled "Notice of Violation," is hereby deleted in its entirety.
  - (8) *Subsection 106.3*, entitled "Prosecution of Violation," is hereby deleted in its entirety.
  - (9) *Section 107*, entitled "Notices and Order," is hereby deleted in its entirety.
  - (10) *Subsection 108.3*, entitled "Notice," shall read as follows: Whenever the code inspector has condemned a structure or equipment under the provisions of this section, notice shall be protected from the weather and posted in a conspicuous place on or about the structure affected by such notice and served on the owner, the owner's authorized agent, or the person or persons responsible for the structure or equipment in accordance with F.S. ch. 162. If the notice pertains to equipment, it shall be placed on the condemned equipment.
  - (11) *Subsection 109.5*, entitled "Costs of emergency repairs," shall read as follows: Costs incurred in the performance of emergency work shall be paid by the owner or agent responsible for the property and if not paid by the owner or agent responsible for the property the city may thereafter file a lien on the property for such costs.
  - (12) *Subsection 109.6*, entitled "Hearing," shall read as follows: Any person ordered to take emergency measures shall comply with such order forthwith. Any adversely affected person shall thereafter, upon application directed to the city council, be afforded an appeal from the code inspector's decision upon payment of appeal fees as set by resolution of council.
  - (13) *Section 111*, entitled "Means of Appeal," of this Code is hereby deleted in its entirety.

- (14) *Section 112.4*, entitled "Failure to Comply," shall read as follows: Any person who shall continue any work after having 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 a fine in accordance with limits established by Florida Statutes.
- (15) *Subsection 302.4*, entitled "Weeds," is hereby deleted in its entirety.
- (14) *Subsection 302.8*, entitled "Motor vehicles," is hereby deleted in its entirety.
- (16) *Subsection 304.14*, entitled "Insect Screens," shall read as follows: Year-round, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved, tightly-fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.
- (17) *Subsection 602.3*, entitled "Heat Supply," shall read as follows: Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15th to April 15th to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms.
- (18) *Subsection 602.4*, entitled "Occupiable Work Spaces," shall read as follows: Indoor occupiable work spaces shall be supplied with heat during the period from November 15<sup>th</sup> to April 15<sup>th</sup> during the period the spaces are occupied.
- (19) References in this code to the International Plumbing Code shall be replaced with the Plumbing Code of the Florida Building Code.
- (20) References throughout this code to the ICC Electrical Code shall be replaced with the Florida Building Code.
- (21) *Supplemental code*. The provisions of this code shall be supplemental to all other codes and other ordinances of the city.

(Ord. No. 2007-12, § 2, 8-7-2007; Ord. No. 2010-01, § 2, 2-16-2010; Ord. No. 2015-03, § 2, 6-16-2015)

**Fort Myers, FL - Code of Ordinances** ([https://library.municode.com/fl/fort\\_myers/codes/code\\_of\\_ordinances](https://library.municode.com/fl/fort_myers/codes/code_of_ordinances))

## Sec. 54-396. - International Property Maintenance Code adopted.

- (a) The 2015 International Property Maintenance Code, which is on file in the city clerk's office, as published by the International Code Council, Inc., is adopted by reference as if totally copied herein, with revisions to sections as follows:
- (1) *Section 101.1.* Insert City of Fort Myers, Florida.
  - (2) *Section 103.5.* Insert (fees) to be amended, if applicable, at a later date.
  - (3) *Section 304.14.* Insert January to December.
  - (4) *Section 602.3.* Insert September to May.
  - (5) *Section 602.4.* Insert September to May.
- (b) All references to the building official in the 2015 International Property Maintenance Code shall be construed as meaning the community development director or her designee(s.) All references in the code to building, plumbing, mechanical, electric, fire safety or other codes or standards shall be construed to mean the Florida Building Code and Florida Fire Prevention Code.

(Code 1991, § 11-290; Ord. No. 3109, § 17, 2-3-2003; Ord. No. 3202, § 1, 5-17-2004; Ord. No. 3354, § 1, 10-2-2006; Ord. No. 3799, § 1, 3-6-2017.)

## Sec. 54-425. - Inspections.

Inspections of residential rental dwelling units subject to this section shall be conducted by the property owner, property management company, or by city staff or contractor at the property owner's expense, to ensure that such rental dwelling units comply with the provisions of the Florida Building Code and Florida Fire Prevention Code. Properties that do not meet the definition of public lodging establishments as defined in Section 509.013, Florida Statutes, shall also be subject to inspection for compliance with the International Property Maintenance Code. Inspections conducted by the city shall be with the express consent of the tenant and/or owner.

Prior to an inspection of a residential rental dwelling unit by the city, the city shall provide the property owner or local agent at least three business days written notice, unless emergency circumstances warrant immediate inspection of the unit(s) for life safety reasons. Notice may be delivered in person, by electronic mail or by first class U.S. mail. The notice shall advise that the city desires to undertake an inspection of a particular property and unit or units on a certain date and time and that objections may be filed with the city prior to the intended date for inspection.

If an inspection reveals violations of the provisions of the Florida Building Code, Florida Fire Prevention Code, or International Property Maintenance Code, or a combination thereof, an inspector may request additional inspections of the interior of the property and/or a random sampling of the properties involved which may include multiple units.

For inspections involving multiple units at one location, a random sampling of the properties will be inspected as follows:

- One—20 units; all units
- Twenty-one—50 units; 50 percent of units
- More than 51 units; 25 percent of units

In the case of more than 20 units, if the inspector finds one or more, major, life safety or habitability violation(s), the inspector may request to inspect additional units up to a total of 100 percent of the units in the development.

It is the general intent of this section that a residential rental building and/or residential rental dwelling unit be inspected at least once every three years, unless a more frequent inspection schedule is required by the city. The community development director, or designee, shall establish a schedule of periodic inspections of buildings and/or residential dwelling units to carry out the purposes of this section. Inspections shall be scheduled and conducted in a manner consistent with the following parameters:

- (1) A uniform system of periodic inspections shall be implemented throughout the city based on the frequency and date of prior inspections conducted under this section and based on the identification of violations of the City of Fort Myers Code of Ordinances, the Florida Building Code, the Florida Fire Prevention Code and the International Property Maintenance Code, where applicable.
- (2) Frequency of inspections shall be determined by the severity of previously identified violations in which there may be threats to the health, safety or welfare of the public and/or tenants if observed and documented by the city.
- (3) More frequent inspections may occur if warranted to address legitimate complaints by the tenants or surrounding neighbors.

A property owner shall have the right to employ an independent qualified inspector in order to demonstrate compliance with this section. If an independent inspector certifies to the city that the building and or units are in full compliance, the property owner shall not be subject to a periodic inspection for 36 months from the date of the certificate of compliance, unless a complaint-driven or inspector-initiated inspection is required. If a property owner chooses to utilize the services of an independent inspector, the property owner shall notify the city at least 72 hours in advance of the inspection and the city shall have the right, to attend the inspection.

(Ord. No. 3896, § 2, 4-19-2021)

**Orange City, FL - Code of Ordinances** ([https://library.municode.com/fl/orange\\_city/codes/code\\_of\\_ordinances](https://library.municode.com/fl/orange_city/codes/code_of_ordinances))

Sec. 9-8. - Local supplement to the 2012 International Property Maintenance Code.

The city shall utilize the 2012 International Property Maintenance Code, and all amendments from time to time hereafter is hereby adopted by reference in addition to the standards outlined in this chapter.

(Ord. No. 493, § 2(Att. A), 1-22-13)

**Tallahassee, FL - Land Development Code** ([https://library.municode.com/fl/tallahassee/codes/land\\_development\\_code](https://library.municode.com/fl/tallahassee/codes/land_development_code))

Sec. 3-486. - Applicability; violation.

The International Property Maintenance Code, 2003 Edition, as may be amended, shall apply to all existing residential buildings, structures, and premises and constitute the minimum requirements and standards for such building, structures, and premises. Any person violating the provisions of the International Property Maintenance Code shall be deemed guilty of a violation of the Land Development Code and shall be punished as provided in section 1-7 of this Code.

(Ord. No. 05-O-83, § 1, 10-26-2005)

**Editor's note**— Ord. No. 05-O-83, § 1, adopted October 26, 2005, amended § 3-486 in its entirety to read as herein set out. Formerly, § 3-486 pertained to the adoption of the Standard Housing Code and derived from the Code of 1957, § 18A-1; the Code of 1984, § 12-1; Ord. No. 81-O-1877, § 1, adopted May 26, 1981, and Ord. No. 95-O-0014, § 1, adopted April 26, 1995.

Sec. 3-488. - Maintenance.

- (a) All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the International Property Maintenance Code shall be the minimum requirements in a building regardless of when erected, altered or repaired, and shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures and premises to the extent set out in this article. The tenant shall be responsible for the maintenance of buildings, structures and premises to the extent set out in this division.
- (b) It shall be unlawful for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage of any inoperable motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish, or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the enforcement official.

(Code 1984, § 12-3; Ord. No. 95-O-0014, § 2, 4-26-1995; Ord. No. 05-O-83, § 2, 10-26-2005)

Sec. 3-571. - Code adopted.

There is hereby adopted by reference, and made a part of this code, the 2003 Edition of the International Property Maintenance Code, as may be amended by the International Code Council, for regulating and governing the conditions and maintenance of existing residential and commercial properties, buildings, and structures. The International Property Maintenance Code shall provide the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use. Where the International Property Maintenance Code conflicts with specific provisions of the Tallahassee Land Development Code or Tallahassee General Code of Ordinances, the specific code provisions shall control over the International Property Maintenance Code. The International Property Maintenance Code shall be maintained on file in the office of the city treasurer-clerk and is hereby referred to, adopted, and made a part hereof, as if fully set out in the ordinance, with the insertions and deletions prescribed below:

Section 302.4 Insert: [12 inches]

Section 304.14 Insert: [January 1 through December 31]

Section 602.3 Insert: [January 1 through December 31]



Section 602.4 Insert: [January 1 through December 31].

Chapter 1, Sections 101 through 111. Delete.

(Ord. No. 05-O-83, § 3, 10-26-2005)

**North Port, FL - Code of the City** ([https://library.municode.com/fl/north\\_port/codes/code\\_of\\_the\\_city](https://library.municode.com/fl/north_port/codes/code_of_the_city))

Sec. 14-20. - Adoption of standards by reference.

- (a) The Florida Building Code, as adopted by the Florida Building Commission, (excluding Chapter 1, Administration) including all appendices and/or amendments thereto, and all such revisions, recodification, appendices and/or amendments as may be hereafter promulgated by the Florida Building Commission, is hereby adopted as the North Port Building Code in and for the City of North Port and shall be construed to be an integral part hereto.

Sections 104, 106, 107 and 108 of the International Property Maintenance Code, 2012 edition, including all appendices, and/or amendments thereto, and all such revisions, recodifications, appendices and/or amendments as may be hereafter promulgated by the International Code Council is hereby adopted and incorporated by reference by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of existing structures are hereby referred to , adopted, and made a part hereof, as if fully set out in this legislation.

- (b) The City of North Port hereby approves and adopts Chapter 1, Administrative Code, as amended by the City of North Port in accordance with F.S. 553.73(4)(a), including all appendices thereto, as part of the North Port Building Code, as contained in Exhibit A, which is available for inspection in the neighborhood development services' office. All previous versions of Chapter 1 Administrative Code are repealed.

(Code 1990, § 87-26; Ord. No. 05-38, § 1, 11-14-2005; Ord. No. 06-40, § 3(3.01), 11-13-2006; Ord. No. 2015-10, § 2, 4-13-2015)

Cocoa Beach, FL - Code of Ordinances ([https://library.municode.com/fl/cocoa\\_beach/codes/code\\_of\\_ordinances](https://library.municode.com/fl/cocoa_beach/codes/code_of_ordinances))

## Sec. 6-11. - Property maintenance code adopted.

The "International Property Maintenance Code, First Edition, 1998", or as amended as published by the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, and the Southern Building Code Congress International, Inc., be and is hereby adopted as the property maintenance code of the City of Cocoa Beach, Florida; for the control of buildings and structures and each and all of the regulations provisions, penalties, conditions and terms of said property maintenance code are hereby referred to, adopted, and made a part hereof, with the additions, insertions, deletions and changes prescribed in section 6-12 of this article.

(Ord. No. 1323, § 2, 12-6-2001)

## Sec. 6-32. - 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.

*Applicable codes* includes, but is not limited to, the city's land use regulations, the city's Code of Ordinances ("City Code"), the Florida Building Code, and the International Property Maintenance Code.

*Blighted real property* means:

- (1) Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
- (2) Properties that are accessible through a comprised/breached gate, fence, wall, window, door, etc. or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons; or
- (3) Properties cited for a public nuisance pursuant to the City Code; or
- (4) Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lack maintenance as required by the applicable codes;
- (5) Properties that are inhabited, but do not have active water and electric service accounts through local utility service providers; or
- (6) Properties that have roof tarps or boarded windows or doors for a period in excess of one hundred eighty (180) days.
- (7) Properties that are infested with vermin, rodents, termites or other harmful animals or insects.
- (8) Properties that show evidence of hoarding including excessive accumulations of materials inside and/or outside of a dwelling that create fire hazards, tripping hazards, locations for vermin infestation, health code violations, and/or unsightly accumulations of what would typically be deemed refuse.

*Default.* The mortgagor has not complied with the terms of a mortgage on property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

*Distressed real property.* Any real property located in the city that i) has had a lis pendens filed against it by the mortgagee or is subject to an ongoing foreclosure action by the mortgagee, or the mortgage has been declared to be in default; or ii) is subject to an application for a tax deed or pending tax assessor's lien sale; or iii) has been transferred to the mortgagee under a deed in lieu of foreclosure; or iv) has been the subject of a foreclosure sale where title is retained by the mortgagee or related

party. The designation of a property as "distressed" shall remain in place until such time as the property has been sold or transferred to a new owner, and any foreclosure action has been dismissed and the borrower is no longer in default. Until the mortgage or lien on the property in question is satisfied, or legally discharged, and the mortgagee is no longer pursuing foreclosure, the filing of a dismissal of lis pendens and/or summary final judgment and/or certificate of title, voluntary or otherwise, does not exempt any mortgagee, or lien holder who initiated foreclosure proceedings, from all the requirements of this article as long as the borrower is in default.

*Enforcement officer.* Any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the City of Cocoa Beach to enforce applicable code(s).

*Evidence of vacancy.* Any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

*Foreclosure or foreclosure action.* The legal process by which a mortgagee, or other lien holder, terminates or attempts to terminate a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. The legal process is not concluded until the property obtained by the mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien, or the property is redeemed by the owner with the mortgage coming into a current status or paid off.

*Inspection and inspect.* The process by which a mortgagee, owner, or its or their designee, personally visits the real property and photographs the portions of the real property to which the mortgagee, or its designee, has access, checks the occupancy of the real property, and completes the other requirements under this article.

*Mortgagee.* The creditor, including but not limited to, trustees, mortgage servicing companies, lenders in a mortgage agreement, any agent, servant, or employee of the creditor, any successor in interest to a mortgagee, or any assignee of the creditor's rights, interests or obligations under the mortgage agreement, or any other person or entity with the legal right to foreclose on the real property, excluding governmental entities.

*Mortgagee in possession.* A mortgagee, before, during, or after a foreclosure, who has a legal right to possession real property.

*Owner.* Every person, entity, mortgagee, mortgagee in possession, who alone or severally with others, has legal or equitable title to any real property as defined by this article, has legal care, charge, or control of any such property, is in possession or control of any such property, and/or is vested with possession or control of any such property. The property manager shall not be considered the owner.

*Property manager.* Any party designated by the mortgagee or owner as responsible for inspecting, maintaining and securing the property as required in this article.

*Real property.* Any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the city limits of the City of Cocoa Beach, but not including a condominium unit or cooperative apartment.

*Registrable property.* The following real property located in the City of Cocoa Beach, whether vacant or occupied, shall be deemed to be registrable property:

- (1) Any real property that is encumbered by a mortgage, which mortgage has been in default for a period of more than days;
- (2) Any real property that is subject to an ongoing foreclosure action by a mortgagee, has been the subject of a foreclosure action by a mortgagee and a judgment has been entered, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure, and any real property transferred under a deed in lieu of foreclosure. The designation of real property as "registrable" shall remain in place until such time as the real property is sold to a non-related bona fide purchaser in an arm's length transaction or the foreclosure action has been dismissed and any default on the mortgage has been cured;
- (3) Real property that is vacant, or has been subject to any cancellation of utility or service, whichever occurs first;
- (4) Blighted real property; or
- (5) Distressed real property.

*Registry.* A web-based electronic database of searchable real property records, used by the City of Cocoa Beach to allow mortgagees and owners the opportunity to register properties and pay applicable fees as required in this article.

*Utility or service.* Any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all City of Cocoa Beach and Florida Building Code requirements. This includes, but is not limited to, electrical, water and sewer.

*Vacant property.* Any real property that contains any building or structure that is not lawfully occupied for a period in excess of sixty (60) days, or which no longer has utility or service, whichever occurs first.

(Ord. No. 1640, § 1, 9-5-2019; Ord. No. 1655, § 1, 4-1-2021)

**Marco Island, FL - Code of Ordinances** ([https://library.municode.com/fl/marco\\_island/codes/code\\_of\\_ordinances](https://library.municode.com/fl/marco_island/codes/code_of_ordinances))

Sec. 6-111. - Administration chapter of Florida Building Code adopted; amendments.

- (a) *Adoption.* There is hereby adopted by reference, Chapter 1, Administration, of the Florida Building Code, 6th edition (2017), as the administrative provisions of the Florida Building Code, enforced by the City of Marco Island.
- (b) *Amendment.* That Chapter 1, Administration of the Florida Building Code, 6th edition (2017), is adopted in this section and is hereby amended by local amendment to read as follows:

CHAPTER 1  
ADMINISTRATION

SECTION 100  
PURPOSE

*100.1 Purpose.* The purpose of this Ordinance is to establish and adopt a single ordinance uniformly addressing the non-technical and administrative requirements for the Florida Building Code, 6th Edition (2017), and any supplements, additions and or deletions, approved by the Department of Community Affairs, the Department of Business and Professional Regulation, the National Electric Code, 2014 edition, Florida Fire Prevention Code, current edition, and all other adopted technical codes and ordinances not superseded by the Florida Building Code.

*100.1.1* Marco Island Administrative Construction Code shall constitute and be known and cited as the Marco Island Administrative Construction Code ("ACC") hereinafter referred to as the "ACC."

Chapter 1

Scope and Administration

PART 1—SCOPE AND APPLICATION

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, relocation, 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.

*Exception:*

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 not more than three stories above grade plane in height, shall comply with the Florida Building Code, Residential.
2. Code Requirements that address snow loads and earthquake protection are pervasive; they are left in place but shall not be utilized or enforced because Florida has no snow load or earthquake threat.

*101.2.1 Appendices.* Provisions in the appendices shall not apply unless specifically adopted.

- a) Appendix F - Rodent-proofing is specifically adopted

*101.2.2* Florida Building Code, Residential Construction standards or practices which are not covered by Florida Building Code, Residential volume shall be in accordance with the provisions of Florida Building Code, Building.

*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 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 Warranty and Liability.* The permitting, plan review or inspection of any building, system or plan by this 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. This jurisdiction 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 Services Division employee shall be liable in tort for damages 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 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.

*101.4.2 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.

*101.4.3 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.

*101.4.4 Property maintenance.* The provisions of the International Property Maintenance Code are hereby adopted and incorporated herein and shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

*101.4.5 Fire prevention.* The Florida Fire Prevention Code is hereby adopted and incorporated herein and 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, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

*101.4.6 Energy.* The provisions of the Florida Building Code, Energy Conservation are hereby adopted and incorporated herein and shall apply to all matters governing the design and construction of buildings for energy efficiency.

*101.4.7 Existing buildings.* The provisions of the Florida Existing Building Code are hereby adopted and incorporated herein and shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

*101.4.8 Accessibility.* The provisions of the Florida Building Code, Accessibility shall apply to matters related to accessibility.

*101.4.9 Manufactured buildings.* The provisions of Section 458, Florida Building Code, Building, and Rule 61-41 Florida Administrative Code are hereby adopted and incorporated herein and shall apply as additional administrative and special code requirements.

## SECTION 102 APPLICABILITY

*102.1 General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

*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, the code compliance official 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 the Florida Building Code, Existing Building. The following buildings, structures and facilities, except for those located in a Special Flood Hazard Area 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 II (Section 553.501-553.513, Florida Statutes) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. Permits shall be required for structural support and tie down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.
- 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 | the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditio materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- i) Family mausoleums not exceeding 250 square feet (23 m<sup>2</sup>) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- k) A building or structure having less than 1,000 square feet (93 m<sup>2</sup>) which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:
  - 1. Is not rented or leased or used as a principal residence;
  - 2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and
  - 3. Is not connected to an off-site electric power or water supply.

*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, and Part II of Chapter 400, Florida Statutes, 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* Residential buildings or structures 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 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 Florida Building Code, Building for all residential buildings or structures of the same occupancy class.

*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* Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities.

1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner family residence one or more exemptions from the Florida Building Code relating to:
  - a) Addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 square feet (93 m<sup>2</sup>) or the square footage of the primary structure, whichever is less.
  - b) Addition, alteration, or repairs by a non-owner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.
  - c) Building and inspection fees.
2. However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in mapped flood hazard areas, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.
3. Each code exemption, as defined in sub-subparagraphs 1a, 1b, and 1c shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

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

*Exception:* Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

*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 and as further regulated in Sections 102.4.1 and 102.4.2.

*102.4.1 Conflicts.* Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

*102.4.2 Provisions in referenced codes and standards.* Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Florida Codes listed in Section 101.4, the provisions of this code or the Florida Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

*102.5 Partial invalidity.* In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

*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, the Florida Building Code, Existing Building, International Property Maintenance Code and the Florida Fire Prevention Code.

*102.6.1 Buildings not previously occupied.* A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the Florida Building Code or Florida Residential Code, as applicable, for new construction or with any current permit for such occupancy.

*102.6.2 Buildings previously occupied.* The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the Florida Fire Prevention Code, International Property Maintenance 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.
3. A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

*102.8 Existing mechanical equipment.* An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved during reroofing and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

*102.9 Words defined.*

*Appraised value.* For the purpose of this section, appraised value is defined as either (1) one hundred and twenty (120) percent of the assessed value of the structure as indicated by the County Property Appraiser's Office or (2) the value as indicated in a certified appraisal from a certified appraiser.

*Assessed value.* The value of real property and improvements thereon as established by the County Property Appraiser.

*Basic Wind Speed Line.* The basic wind speed for the jurisdiction shall be as required by the windspeed maps in Section 1609 of the 5<sup>th</sup> Edition (2014 Florida Building Code):

Risk Category I: 155 mph

Risk Category II (Single Family Home): 170 mph

Risk Category III-IV: 185 mph

*Board.* The City Board of Adjustment and Appeals, unless otherwise specifically stated.

*Building Official.* The term "building official" shall have that meaning as set forth in Section 6-32 of this Code of Ordinances.

*Building shell.* The structural components that completely enclose a building, including, but not limited to, the foundation, structural frame, floor slabs, exterior walls and roof system.

*Building system.* A functionally related group of elements, components and/or equipment, such as the electrical, plumbing and mechanical systems of a building.

*Certificate of occupancy (C.O.).* An official document evidencing that a building satisfies the requirements of the jurisdiction for the occupancy of a building.

*Certificate of Completion (C. of C.).* An official document evidencing that a building satisfies the requirements of the jurisdiction for the completion of a building, or component of a building or an accessory structure.

*Code.* The Florida Building Code, or the Code of Ordinances, as the context may require.

*Commercial building.* Any building, structure, improvement or accessory thereto, other than a one or two-family dwelling.

*Demolition.* The act of razing, dismantling or removal of a building or structure, or portion thereof.

*Department or department.* The Department of Building Safety.

*Examination.* An exam prepared, proctored and graded by a recognized testing agency unless otherwise implied in context or specifically stated otherwise.

*Inspection warrant.* A court order authorizing the official or his designee to perform an inspection of a particular property named in the warrant.

*Intensification of use.* An increase in capacity or number of units of a residential or commercial building.

*NGVD - National Geodetic Vertical Datum of 1929 (NGVD 29).* A system of measurement used by surveyors and engineers, the basis for relating ground and flood elevations. It has been replaced by the North American Vertical Datum of 1988 (NAVD 88).

*NAVD - North American Vertical Datum of 1988 (NAVD 88).* A revised system of measurement used by surveyors and engineers, the basis for relating ground and flood elevations. It is also based on satellite systems that account for differences in gravitational forces in different areas. Note: NGVD + 1.3 ft = NAVD

*Permit card or placard.* A document issued by the jurisdiction evidencing the issuance of a permit and recording of inspections.

## PART 2—ADMINISTRATION AND ENFORCEMENT

### SECTION 103

#### DIVISION OF BUILDING SERVICES

*103.1 Appointment.* The building official shall be appointed by the chief appointing authority of the jurisdiction.

*103.2 Deputies.* In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

### SECTION 104

#### DUTIES AND POWERS OF BUILDING OFFICIAL

*104.1 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. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

*104.2 Applications and permits.* The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

*104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.* For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612.

*104.3 Notices and orders.* The building official shall issue all necessary notices or orders to ensure compliance with this code.

*104.4 Inspections.* The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

*104.5 Identification.* The building official and all deputies, technical officers and inspectors shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

*104.6 Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

*104.7 Department records.* The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records in accordance with Chapter 119, Florida Statutes.

*104.8 Liability.* The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the City until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

*104.8.1 Legal defense.* Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the City until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

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

*104.9.1 Used materials and equipment.* The use of used 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 Modifications.* Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department.

*104.10.1 Flood hazard areas.* The building official shall coordinate with the floodplain administrator to review requests submitted to the building official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

*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, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

*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 City. 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.

*104.12 Requirements not covered by code.* Any requirements necessary for 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 other technical codes, shall be determined by the building official.

## SECTION 105

## PERMITS

*105.1 Required.* Any owner or owner's authorized agent 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 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 or plumbing or interior nonstructural office system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations 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 facility site as deemed necessary. An annual facility permit shall be assessed with 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 Facility 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 access to such records at all times or such records shall be filed with the building official as designated.

*105.1.3 Food permit.* In accordance with 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.

*105.1.4 Public swimming pool.* The department may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to Section 514.031, Florida Statutes. A certificate of completion or occupancy may not be issued until such operating permit is issued. The department shall conduct its review of the building permit application upon filing and in accordance with Chapter 553, Florida Statutes. The department may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

*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 or any other laws or ordinances of the City, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the local floodplain management ordinance. Permits shall not be required for the following:

*Electrical:*

*Repairs and maintenance:* Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

*Temporary testing systems:* A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

*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 that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 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.

*105.2.1 Emergency repairs.* Where equipment replacements and repairs must be performed in an emergency, the permit application shall be submitted within the next working business day to the building official.

*105.2.2. Minor repairs.* Ordinary minor repairs may be made with the approval of the building official without a permit, provided the repairs shall 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; nor shall ordinary repairs 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 Public service agencies.* A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

*105.3 Application for permit.* To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department for that purpose.

Permit application forms shall be in the format prescribed by the department 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.



The department shall post each type of building permit application on the City website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the permit application may be submitted in person in a nonelectronic format, at the discretion of the building official.

*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 therefor. 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 therefor as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for permits, the building official shall give 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, Florida college or public school district elects to use the services of the department, fees charged by the department 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 department 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. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. Personnel as authorized by Chapter 633, 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. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000. 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 \$125,000 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.

4. 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.

5. Electrical documents. Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer: when the system requires an electrical system with a value of over \$125,000; and requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system;

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 stamped such document as provided in Section 471.025, Florida Statutes.

6. All public swimming pools and public bathing places defined by and regulated under Chapter 514, Florida Statutes.

*105.3.2 Time limitation of application.* An application for a permit for any proposed work shall be deemed to have been abandoned, becoming null and void, 180 days after the date of filing, 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 must be requested in writing and justifiable cause demonstrated prior to the grant of an extension.

*105.3.3* The department 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 Collier 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 therefor 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 City's 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 Sections 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 department 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.

*105.3.7 Applicable Code for Manufactured Buildings.* Manufacturers are permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for permit, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

*105.3.8 Public right of way.* A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way permit from the authority having jurisdiction over the street, alley or public lane.

*105.3.9 Permit transfers.* A building permit issued to a licensed contractor by the Department may be transferred to the subject property owner as an owner-builder contractor to complete construction of a single-family residence. Prior to the actual transfer of the building permit from the licensed contractor to the owner-builder contractor either of the following must occur:

1. The licensed contractor shall execute and submit to the Department a sworn affidavit consenting to the full and complete release and transfer of the building permit from the contractor's control to the owner-builder contractor to complete construction of the single-family residence; or
2. In the event the licensed contractor will not execute the aforementioned affidavit of release and transfer, the owner-builder shall enter into an agreement with the City addressing the following to the satisfaction of the building official:
  - a) That the owner-builder has requested that the licensed contractor provide an affidavit of release and transfer, and that the licensed contractor has refused;
  - b) That the owner has requested that the City transfer the building permit from the licensed contractor to the owner-builder to complete the construction of a single-family residence;
  - c) That the owner-builder contractor will comply fully with the terms and conditions of Section 105.3.9 and will complete all applicable Building Department applications prior to permit release and transfer;
  - d) That the owner-builder is responsible for fully complying with all requirements of Chapter 173, Florida Statutes; and
  - e) That in consideration for the release and transfer of the building permit by the Department, the owner-builder agrees to indemnify and hold the City harmless from any and all liability, losses, penalties, damages, and professional fees, including attorney fees and all costs of litigation and judgments associated with the release and transfer of the building permit.

*105.4 Conditions of the permit.* The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building

official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

*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 become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six 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 180 days 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 180 days. 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.

*105.4.1.4* The fee for renewal reissuance and extension of a permit shall be set forth by the administrative authority.

*105.5 Expiration.* Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced the permit holder and property owner shall be responsible to either complete all work in accordance with the permitted plans and inspection or remove any partially completed work in a safe and code compliant manner. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the building official.

*105.5.1* Closing out or resolving open or expired permits shall be the responsibility of the permit applicant and the property owner. Failure to close out or resolve open permits may be reported to the proper authority by the building official.

*105.6 Denial or revocation.* Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the department shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. If the building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the building code administrator or

inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The department shall provide this information to the permit applicant.

*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.* In accordance with Section 713.135, Florida Statutes, when any person applies for a building permit, the department shall print on the face of each permit card in no less than 14-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. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

*105.9 Asbestos.* The department 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.

*105.10 Certificate of protective treatment for prevention of termites.* A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, providing a 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.

*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 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.

*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.* 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 shall supervise such work. In addition, they 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 stead a competent person or agency whose qualifications are reviewed by the building official. 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.

*Exception:* Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the Florida Building Code.

*105.15 Opening protection.* When any activity requiring a building permit that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single-family detached residential structure that is located in the wind borne debris region as defined in this Code and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structure is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this Code or Florida Building Code, Residential for new construction shall be provided.

*Exception:* Single family residential structures permitted subject to the Florida Building Code are not required to comply with this section.

*105.16 Inspection of existing residential building not impacted by construction.*

- a) The Code compliance official, the building official and any building code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building permit the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought.
- b) This subsection does not apply to a building permit sought for:
  1. A substantial improvement as defined in Section 161.54, Florida Statutes or as defined in the Florida Building Code.
  2. A change of occupancy as defined in the Florida Building Code.
  3. A conversion from residential to nonresidential or mixed use pursuant to Section 553.507(2)(a), Florida Statutes or as defined in the Florida Building Code.
  4. A historic building as defined in the Florida Building Code.
- c) This subsection does not prohibit a Code compliance official, the building official, or any building code administrator, inspector, or other official or entity, from:
  1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
  2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought in accordance with the prohibition in paragraph (a).
  3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
  4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with Sections 933.20-933.30, Florida Statutes.

*105.17 Streamlined low-voltage alarm system installation permitting.*

- a) As used in this section, the term:
1. "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of chapter 489, Florida Statutes.
  2. "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in Section 489.505, Florida Statutes, that is hardwired and operating at low voltage, as defined in the National Electrical Code Standard 70, and ancillary components or equipment attached to such a system, including, but not limited to, home-automation equipment, thermostats, and video cameras.
  3. "Wireless alarm system" means a burglar alarm system or smoke detector that is not hardwired.
- b) Notwithstanding any provision of this Code, this section applies to all low-voltage alarm system projects for which a permit is required by a local enforcement agency. However, a permit is not required to install, maintain, inspect, replace, or service a wireless alarm system, including any ancillary components or equipment attached to the system.
- c) This section does not apply to the installation or replacement of a fire alarm if a plan review is required.
- d) The department shall make uniform basic permit labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost as indicated in Section 553.793, Florida Statutes. The department may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm.
1. The department may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or certification as a contractor.
  2. A label is valid for 1 year after the date of purchase and may only be used within the jurisdiction of department. A contractor may purchase labels in bulk for one or more unspecified current or future projects.
- e) A contractor shall post an unused uniform basic permit label in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project.
- f) A contractor is not required to notify the department before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided under subsection (7) to the department within 14 days after completing the project. The department may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project.
- g) The Uniform Notice of a Low-Voltage Alarm System Project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Low-Voltage Alarm System Project shall be in the format prescribed by the department and must comply with the requirements of Section 553.793(7), Florida Statutes.
- h) The department may coordinate directly with the owner or customer to inspect a low-voltage alarm system project may be inspected by the department to ensure compliance with applicable codes and standards. If a low-voltage alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.
- i) The City may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.
- j) A uniform basic permit label shall not be required for the subsequent maintenance, inspection, or service of an alarm system that was permitted in accordance with this section.

The provisions of this ordinance are not intended to impose new or additional licensure requirements on persons licensed in accordance with the applicable provisions of chapter 489, Florida Statutes.

*105.18 Waste materials management.* Inert waste materials may be buried on-site provided that such disposal is in conformance with federal, state, and local laws and regulations. Inert waste materials as used herein are specifically limited to brick, block, concrete, rock, stone, earth and sand that is free from contamination and of other types of waste, and that is capable of serving as fill material without environmental harm to, or pollution of, ground waters or surface waters. All other wastes, including garbage, hazardous waste, rubbish, refuse, paper products, containers, cloth, wood and wood products, sweepings, liquids other than water, sludge, tree limbs and trunks, undergrowth, and material produced by clearing and grubbing, and other horticultural wastes, shall not be buried on-site but shall be otherwise lawfully disposed of.

*105.19 Dust control.* Adequate dust control measures shall be employed by the permittee to prevent complaints arising from unhealthy, unsafe, or damaging conditions. Failure to utilize adequate dust control procedures shall be sufficient cause to order cessation of the work causing such dust and to decline inspection requests.

*105.20 Noise control.* Construction activities are permitted in accordance with the City of Marco Island Noise Control Ordinance.

*105.21 Tenant improvements.* The general contractor of record for the building shell permit will be allowed to apply for a permit for tenant improvements before the shell has been given a Certificate of Occupancy. Only the general contractor of the building shell will be able to obtain a permit for a tenant improvement prior to the shell being given a Certificate of Occupancy. Each tenant space (i.e., unit, suite, etc.) that is not finished under the original building contract will require its own permit for improvements. Revisions to the original scope of work will not be considered for complete tenant improvements after the original permit is issued. No tenant spaces will receive a Certificate of Occupancy until after the shell has been given a Certificate of Completion. Exceptions will be considered and reviewed by the building official, or his/her designee. Final decision will be made based upon life, health and safety issues. The shell permit will be referenced on the tenant improvement permit.

## SECTION 106

### FLOOR AND ROOF DESIGN LOADS

*106.1 Live loads posted.* Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner or the owner's authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices

*106.2 Issuance of certificate of occupancy.* A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

*106.3 Restrictions on loading.* It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

## SECTION 107

### SUBMITTAL DOCUMENTS

*107.1 General.* Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by Chapter 471, Florida



Statutes & 61G15 Florida Administrative Code or Chapter 481, Florida Statutes & 61G1 Florida Administrative Code. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

*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.

*107.2 Construction documents.* Construction documents shall be in accordance with Sections 107.2.1 through 107.2.6 hereof.

*107.2.1 Information on construction documents.* Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved 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. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

*107.2.2 Fire protection system shop drawings.* Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to 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](#).

*107.2.3 Means of egress.* The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

*107.2.4 Exterior wall envelope.* Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

*107.2.5 Site plan.* The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing

structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

*107.2.5.1 Design flood elevations.* Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1.

*107.2.5.2* For the purpose of inspection and record retention, site plans for a building may be maintained in the form of an electronic copy at the worksite. These plans must be open to inspection by the building official or a duly authorized representative, as required by the Florida Building Code.

*107.2.6 Structural information.* The construction documents shall provide the information specified in Section 1603.

*107.3 Examination of documents.* The building official shall examine or cause to be examined the accompanying submittal 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 and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to FAC 61-41.009, Florida Administrative Code, shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriately 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.

*107.3.1 Approval of construction documents.* When the building official issues a permit, the construction document shall be approved, 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.

*107.3.2 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.

*107.3.3 Phased approval.* 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, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. 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.

*107.3.4 Design professional in responsible charge.* Where it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

*107.3.4.1 Deferred submittals.* For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

*107.3.4.2 Certifications by contractors authorized under the provisions of Section 489.115(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. The department 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.

*107.3.5 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; all fenestration penetrations; flashing; and rough opening dimensions; 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

Flood hazard areas, flood zones, and design flood elevations

2. Occupancy group and special occupancy requirements shall be determined (with cross check with the energy code submittal).
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 draft stopping and calculated fire resistance
5. Fire suppression systems shall include:
  - Early warning smoke evacuation systems Schematic fire sprinklers
  - Standpipes
  - Pre-engineered systems
  - Riser diagram
  - Same as above.
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

Impact resistant coverings or systems

Structural calculations (if required)

Foundation

Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials

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

Building envelope portions of the Energy Code (including calculation and mandatory requirements)

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 (including corresponding portion of the energy code)

Sanitation

12. Special systems:

Elevators

Escalators

Lifts

13. Swimming pools:

Barrier requirements

Spas

Wading pools

14. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.

*Electrical*

1. Electrical:

Wiring

Services

Feeders and branch circuits

Overcurrent protection

Grounding

Wiring methods and materials

GFCIs

Arc-fault protection

Electrical portions of the Energy Code (including calculation and mandatory requirements)

2. Equipment
3. Special occupancies
4. Emergency systems
5. Communication systems
6. Low voltage
7. Load calculations
8. Riser Diagram
9. Design flood elevation

#### *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
14. Design flood elevation
15. Water/plumbing portions of the Energy Code (including calculation and mandatory requirements)

#### *Mechanical*

1. Mechanical portions of the 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
16. Design flood elevation

#### *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
10. Design flood elevation
11. Gas portions of the Energy Code (including calculation and mandatory requirements)

#### *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. Fire
4. Smoke detector locations



5. Egress  
Egress window size and location stairs construction requirements
6. Structural requirements shall include:  
Wall section from foundation through roof, including assembly and materials connector tables wind requirements structural calculations (if required)  
  
Termite protection  
  
Design loads  
  
Wind requirements  
  
Building envelope  
  
Foundation  
  
Wall systems  
  
Floor systems  
  
Roof systems  
  
Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials
7. Accessibility requirements: show/identify accessible bath
8. Impact resistant coverings or systems
9. Residential Energy Code submittal (including calculation and mandatory requirements)

*Manufactured buildings/housing -*

1. Site requirements  
Setback/separation (assumed property lines)  
  
Location of septic tanks (if applicable)  
  
Structural  
  
Wind zone  
  
Anchoring  
  
Blocking  
  
Plumbing  
  
List potable water source and meter size (if applicable)  
  
Mechanical  
  
Exhaust systems  
  
Clothes dryer exhaust  
  
Kitchen equipment exhaust

## Electrical exterior disconnect location

*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. Reroofs
3. Minor electrical, plumbing and mechanical repairs
4. Annual maintenance permits
5. Prototype plans

Except for local site adaptations, siding, foundations and/or modifications. Except for structures that require waiver.

6. Manufactured buildings plan except for foundations and modifications of buildings on site and as listed above in manufactured buildings/housing.

*107.3.6 Additional document requirements.*

1. Drawings to scale, minimum scale is 1/8".
2. A site plan which, shows the location of the proposed building or structure and every existing building or structure on the site or lot.
3. The first sheet of the Architectural Plans shall provide an information block with the following details:
  - a) Occupancy classification(s). If the building contains more than one (1) occupancy classification and/or tenant use areas, list each separately with the individual square footages.
  - b) Establish the required live load for the intended use of each floor and/or mezzanine area.
  - c) Building area (sq. ft.) for each floor and mezzanine area.
  - d) Grade elevation of first floor + NAVD
  - e) Applicable Flood zone.
  - f) Elevation of first habitable floor + NAVD
  - g) Height of building in feet above grade.
  - h) Building height in stories.
  - i) Type of construction.
  - j) Designed for applicable wind load.
  - k) Parking summary for occupancy classification(s) consistent with the calculation and supporting documentation from the approved final site development plan.
4. The permit documents (blueprint drawings) should be no larger than 24" when rolled up and blueprint plans with more than 3 sheets will be rolled, not folded.
5. Specification manuals may be submitted in electronic format provide one copy is in print. The print copy will be used as the job site copy.
6. Pre-manufactured building components.
  - a) Building components designed by specialty engineers (i.e. roof trusses, floor trusses, precast floor slabs, etc.) are required to be submitted at time of permit application. Extra loading of the trusses, beams or girders with hot water heaters, air handlers, compressors or other loads not specifically considered in the specialty design will not be allowed without engineered sealed drawings acknowledging such extra loads.

- b) The specialty engineer shall acknowledge that additional loading has been considered in the design and the covering shall be designated on the truss plans.
  - c) There will be no jobsite modifications of product allowed without an approved design by the specialty engineer.
  - d) During the design, process of roof trusses, floor trusses, or precast floor slabs, consideration must be given to the possibility that point loading (i.e. girders and columns) may dictate redesign of bearing footing. This shall be coordinated by the design professional.
  - e) The design professional shall make a statement on his plan that he has considered and coordinated the truss layout plans, anchor details, uplift loads and reaction loads into his architectural plans by naming the truss manufacturer, their job number, and the date of the truss manufacturers plans on his architectural plans.
  - f) Provide the truss layout plans and details by the truss manufacturer to include the profiles for all special trusses that have reaction loads over 5000# and uplift loads over 1000#. These special reaction and uplift connections shall be keyed into a schedule that coordinates with the truss layout plan by a highlighted indication on the truss layout plan for quick reference. The truss manufacturer or the design professional shall provide the recommended anchor for each special connection in the required schedule. The engineered cut sheets for all trusses shall be available at the job site prior to the required inspection.
  - g) Provide an anchor bolt plan, fastener schedule and shop drawings as furnished by the steel building manufacturer. Special Inspectors will be required to inspect the fasteners, bolts, tension cables, and torqueing required to properly construct a metal building.
  - h) Product approval is required, all exterior doors, windows, skylights, vents, etc. shall be verified with a certification sticker, by an approved testing laboratory and applied to the product by the manufacturer.
  - i) Engineered drawings shall be submitted with a signature and raised seal for all miscellaneous structures such as awnings, shutters, screen enclosures, swimming pools, spas, and seawalls. NOTE: Job specific engineering is required for aluminum structures. Screen Enclosures and carport drawings shall include the requirements set forth in the Aluminum Structures minimum requirements checklist, attached to the Screen Enclosure Application.
  - j) All signs and electric light standards shall meet structural and other standards regarding sign and light pole construction, erection, electrical wiring, etc. set forth in the building code. Plans for any pole or ground sign exceeding 32 square feet in area and/or eight (8) feet in height or light pole exceeding 8 ft. in height shall be accompanied by foundation drawings signed and sealed by a licensed architect or engineer or the manufacturers recommendations as published by their representative engineer.
  - k) The Florida State certified architect or engineer of record shall sign and seal all submitted documents that were prepared under his/her license for the structural and functional components of the structure. The architect or engineer of record shall also indicate their company name, his/her legal name and State of Florida license number, address and phone number in the title block.
  - l) For products not covered under the statewide product evaluation and approval system, 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 his agent, by an approved testing laboratory or other approved agency.
7. Lot drainage.

A lot drainage plan shall be submitted by the permittee at time of application for a building permit. Lot drainage shall comply with the approved lot drainage at time of Certificate of Occupancy inspection. Ground elevation shall be gradually sloped away from the building to effectively drain water away and to be managed

onsite through roof guttering or earth grading. No significant stormwater run-off is permitted to flow from the subject premises onto abutting properties.

8. Structures located in a SFHZ-AE

Structures located in a SFHZ-AE where BFE is greater than one (1) foot above natural grade of the site or the lowest adjacent grade of an exterior wall, will require spread footings or grade beam with a maximum elevation of 6 Feet NAVD.

9. Lowest finished floor.

Plans shall show that construction of the lowest floor and lowest living floor (in NAVD) meets the elevation criteria listed below or engineered property to a site-specific design and is certified by an architect or engineer, when conflicts exist between the FIRM elevation and others, the higher elevation shall be required:

- a) FIRM elevation - the elevation that has been established by the Flood Insurance Rate Maps (FIRM). These are the approved maps adopted by the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP), for both Marco Island and Collier County, Florida.
- b) Paved Road - a minimum of 18 inches above the crown of the nearest street or interior roadway system if finished with paving; or
- c) Graded or Unfinished Road - 24 inches above the crown if graded or otherwise unfinished; or
- d) 9 Feet NAVD; or
- e) One (1) foot above base flood elevation (BFE): or
- f) Water Management Design
  1. Buildings within projects which have water management routing and storage facilities designed and built for a 25-year, three (3) day storm event in accordance with South Florida Water Management District's criteria may use a finish floor elevation in accordance with the project's water management designed 100-year zero discharge elevation or the FIRM elevation, whichever is higher.
  2. Buildings which are not within projects having a water management storage facility designed and built for a 25-year, three (3) day storm event in accordance with South Florida Water Management District's criteria shall use a finish floor elevation of 18 inches above the adjacent roadway crown elevation or the FIRM elevation, whichever is higher.

10. Grading.

On parcels where unusual topographic conditions exist, and the above standards conditions cannot be reasonably applied, the Building Official will consider requests to decrease the finished-floor elevation. All requests will require an analysis by a Florida registered professional engineer of the 25-year, three (3) day storm event and the 100-year, three (3) day storm event, using zero discharge for the entire drainage basin in which the proposed structure is located. Reductions may be allowed on the basis of the analysis, but in no case, shall the finished floor be less than the FIRM.] NOTE: Slabs for garages, carports, screen enclosures, etc., must be at least equal in elevation to the crown of the nearest street, or at least six (6) inches above grade.

11. Boundary survey.

Building permits that require a foundation inspection or floor elevation inspection shall be submit a current survey with the permit application.

12. Fire damage.

For fire damage issues, a Design professional shall review, and a written report shall be submitted concerning the components to be salvaged or repaired and all structural systems shall be certified by an architect or engineer. These documents will be required before issuing a permit for reconstruction of as fire-damaged structure.

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

*107.5 Retention of construction documents.* One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

*107.6 Affidavits.* 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 XII of Chapter 468, Florida Statutes.

*107.6.1 Building permits issued on the basis of an affidavit.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the building official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

## SECTION 108

### TEMPORARY STRUCTURES AND USES

*108.1 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.

*108.2 Conformance.* Temporary structures and uses shall comply with the requirements in Section 3103.

*108.3 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 NFPA 70.

*108.4 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 109

## FEES

*109.1 Payment of fees.* A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

*109.2 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 City Council.

*109.2.1 Types of Fees Enumerated.* Fees may be charged for but not limited to the following:

- Permits;
- Plans examination;
- Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- Re-inspections;
- Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- Variance requests;
- Administrative appeals;
- Violations; and
- Other fees as established by local resolution or ordinance.

*109.3 Building permit valuations.* The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

*109.4 Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or without prior approval from the building official as permitted in Section 105.2.2 or 105.12 shall be subject to a fee established by the building official that shall be in addition to the required permit fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

*109.5 Related fees.* The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

*109.6 Refunds.* Reserved

SECTION 110  
INSPECTIONS

*110.1 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 City ordinances. Inspections presuming to give authority to violate or cancel the provisions of this code or of other City ordinances shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain accessible and exposed for inspection purposes. The building official shall be permitted to require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field. Neither the building official nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

*110.1.1 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.

*110.1.2 Inspection service.* The building official may make, or cause to be made, the inspections required by Section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

*110.2 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.

*110.3 Required inspections.* The building official upon notification from the permit holder or his or her agent shall make the following inspections, or any other such inspection 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.

*Building*

1. Foundation inspection. Is to be made after trenches are excavated, any required reinforcing steel is in place, forms erected and shall at a minimum include the following building components:

Stem-wall

Monolithic slab-on-grade

Piling/pile caps

Footers/grade beams

- 1.1. Slab Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

A foundation/Form board survey prepared and certified by a registered surveyor may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

- 1.2. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification shall be submitted to the authority having jurisdiction. In coastal high hazard areas and coastal A zones, the elevation certification shall be submitted upon the placement of the lowest horizontal structural member, and prior to further vertical construction.
2. Framing inspection. Is 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 the rough electrical, plumbing, heating wires, pipes and ducts are approved and shall at a minimum include the following building components:
  - Window/door framing
  - Window U-factor/SHGC as indicated on approved calculations
  - Vertical cells/columns
  - Lintel/tie beams
  - Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
  - Draft stopping/fire blocking
  - Curtain wall framing
  - Energy insulation (Insulation R- factor as indicated on approved calculations)
  - Accessibility
  - Verify rough opening dimensions are within tolerances.
  - Window/door buck attachment
- 2.1. Insulation Inspection: Is to be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal Includes wall and ceiling insulation.
- 2.2. Lath and gypsum board inspection for fire-resistance-rated or shear assemblies. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.
3. Sheathing inspection. Is 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
  - Continuous air barrier
  - Exterior Siding/Cladding



Sheathing fasteners

Roof/wall dry-in.

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

4. Roofing inspection. Shall, at a minimum, be made in at least two inspections and include the following building components:

Dry-in

Insulation

Roof coverings (including In Progress as necessary)

Insulation on roof deck (according to submitted energy calculation)

Flashing

- 4.1. Re-Roof sheathing inspection. An affidavit with a notarized signature of a state or locally licensed roofing contractor for the installation of additional sheathing fasteners as required by the Existing Building Code may be accepted at the discretion of the building official.
5. Final inspection. To be made after the building is completed and ready for occupancy.
  - 5.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the authority having jurisdiction.
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 shell.
  1. Steel reinforcement inspection
  2. Underground electric inspection.
  3. Underground piping inspection including a pressure test.
  4. Underground electric inspection under deck area (including the equipotential bonding)
  5. Underground piping inspection under deck area..
  6. Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place
  7. Safety Inspection; Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.
  8. Final pool piping.
  9. Final Electrical inspection.
10. 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 454.2.17. of The Florida Building Code.

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 453.27.20 of the Florida Building Code).
9. Where impact resistant coverings or impact resistant systems are installed, the building official shall schedule adequate inspections of impact resistant coverings or impact resistant systems 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.

#### *Electrical*

1. Underground inspection. Is to be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
2. Rough-in inspection. Is to be made after the roof, framing, fire blocking and bracing is in place and prior to the installation of wall or ceiling membranes.
3. Final inspection. Is to be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
4. Existing Swimming Pools. Is to be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.

#### *Plumbing*

1. Underground inspection. Is to be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. Rough-in inspection. Is to be made after the roof, framing, fire blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes and includes plumbing provisions of the energy code and approved calculations provisions.
3. Final inspection. Is to be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

#### *Mechanical*

1. Underground inspection. Is to be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. Rough-in inspection. Is 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 and includes mechanical provisions of the energy code and approved calculations provisions.
3. Final inspection. Is to be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

#### *Gas*

1. Rough piping inspection. Is 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 and includes gas provisions of the energy code and approved calculations provisions.

2. Final piping inspection. Is to be made after all piping authorized by the permit has been installed and after all pipes are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances are connected. This inspection shall include a pressure test.
3. Final inspection. Is 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.

#### *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 during the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean and in a safe condition at all times.
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

*110.3.1 Footing and foundation inspection.* Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

*110.3.2 Concrete slab and under-floor inspection.* Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

*110.3.3 Lowest floor elevation.* In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification shall be submitted to the building official.

*110.3.4 Frame inspection.* Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

*110.3.5 Lath, gypsum board and gypsum panel product inspection.* Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

*Exception:* Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

*110.3.6 Fire- and smoke-resistant penetrations.* Protection of joints and penetrations in fire-resistance rated assemblies, smoke barriers and smoke partition shall not be concealed from view until inspected and approved.

*110.3.7 Energy efficiency inspections.* Inspections shall be made to determine compliance with FBC, Energy Conservation and confirm with the approved energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope insulation R- and U-values, fenestration U-value and Solar Heat Gain Coefficient, duct system R-value, and HVAC, lighting, electrical and water-heating equipment efficiency.

*110.3.8 Other inspections.* In addition to the inspections specified in Sections 110.3 through 110.3.7, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

*110.3.9 Special inspections.* Reserved.

*110.3.10 Final inspection.* The final inspection shall be made after all work required by the building permit is completed.

*110.3.10.1 Flood hazard documentation.* If located in a flood hazard area, shall be submitted to the building official prior to the final inspection.

*110.3.10.2 Energy Code documentation.* If required by energy code path submittal, confirmation that commissioning result requirements have been received by building owner.

*110.3.11 Termites.* Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7, 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.

*110.3.12 Impact resistant coverings or systems.* Where impact resistant coverings or systems are installed to meet requirements of this code, the building official shall schedule adequate inspections of impact resistant coverings or systems to determine the following:

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

*110.4 Inspection agencies.* The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

*110.5 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.

*110.6 Approval required.* Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, 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 official.

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

*110.8 Threshold building.*

*110.8.1* The department 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 department 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.

*110.8.2* 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 Section 553.71(7), Florida Statutes, may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

*110.8.3* 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.

*110.8.4* The department shall require that, on every threshold building:

*110.8.4.1* 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."

*110.8.4.2* Any proposal to install an alternate structural product or system to which building codes apply be submitted to the department for review for compliance with the Florida Building Codes and made part of the department's recorded set of permit documents.

*110.8.4.3* All shoring and reshoring procedures, plans and details 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.

*110.8.4.4* 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 appropriate City authority in accordance with this Section and Chapter 633, Florida Statutes.

*110.8.5* The department may not 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.

*110.8.6* 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.

SECTION 111  
CERTIFICATE OF OCCUPANCY

*111.1 Use and occupancy.* A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor 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.

*Exception:* Certificates of occupancy are not required for work exempt from permits under Section 105.2.

*111.2 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 or the owner's authorized agent.
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. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the authority having jurisdiction.
7. The name of the building official.
8. The edition of the code under which the permit was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3 of the Florida Building Code.
10. The type of construction as defined in Chapter 6 of the Florida Building Code.
11. The design occupant load.
12. If an automatic sprinkler system is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building permit.

*111.3 Temporary occupancy.* The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

*111.4 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.

*111.5 Certificate of Completion.* A Certificate of Completion 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 a building, such as shell building, prior to the issuance of a Certificate of Occupancy.

SECTION 112  
SERVICE UTILITIES

*112.1 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.

*112.2 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.

*112.3 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 this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 112.1 or 112.2. The building official shall notify the serving utility, and wherever 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 113 BOARD OF APPEALS

*SECTION 113 Construction Board of Appeals.* Provisions concerning the Construction Board of Rules and Appeals are set forth in Chapter 6, Article II of the Code of Ordinances. In the event there is no Construction Board of Rules and Appeals in accordance with such provision, the City Council shall act as the duly authorized board.

### SECTION 114 VIOLATIONS

*114.1 Unlawful acts.* It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

*114.2 Notice of violation.* The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

*114.3 Prosecution of violation.* If the notice of violation is not complied with promptly, the building official is authorized to request the City Council to direct the City Attorney to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

*114.4 Violation penalties.* Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

### SECTION 115 STOP WORK ORDER

*115.1 Authority.* Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

*115.2 Issuance.* The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing 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.

*115.3 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 116

### UNSAFE STRUCTURES AND EQUIPMENT

*116.1 Conditions.* Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

*116.2 Record.* The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

*116.3 Notice.* If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

*116.4 Method of service.* Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

*116.5 Restoration.* Where the structure or equipment determined to be unsafe by the building official is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of Section 105.2.2 and the Florida Building Code, Existing Building.

## SECTION 117

### VARIANCES IN FLOOD HAZARD AREAS

*117.1 Flood hazard areas.* Pursuant to Section 553.73(5), Florida Statutes, the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the building official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.



SECTION 118  
ADDITIONAL REQUIREMENTS

*118.1 Additional Electrical Requirements*

*118.1.1 Ground rods:*

Solid copper weld type ground rods shall be used for permanent installations.

*118.1.2 System grounding:*

Electrical systems shall be grounded to the footer reinforcing steel.

*Exception:* If the construction type does not use footer reinforcing steel, then solid copper type ground rods shall be used.

*118.1.3 Access to main electrical service:*

All occupants of multi-occupancy buildings shall have access to their main electrical service disconnect.

*Exception:* Not required if building management staff is on the premises at all times. Ref: NEC sec. 240.24B and 230.72C.

*118.1.4 Low voltage lighting:*

All exterior and interior low voltage lighting shall be permitted and installed by a properly licensed contractor.

*118.1.5 Reach distance to switches:*

Switches shall be located so that they cannot be reached from any bath tub or shower.

*118.1.6 Cable sheathing:*

Non-metallic cable sheathing shall not be used for electrical power systems in buildings over three (3) stories in height above parking.

*NOTE:* Including but not limited to parking garages and commercial buildings.

*118.1.7 Aluminum wiring:*

All lighting and receptacle circuits located in rooms that are being repaired or altered shall be replaced with code-approved copper wire.

*118.1.8 Hard wired:*

When building permits are required, then water heaters and air handlers shall be hard wired to an approved electrical disconnect device.

*118.1.9 Protection during construction:*

*118.1.9.1* Interior electrical work shall not start prior to the structure being dried-in. Both components and fasteners shall be protected against the elements.

*118.1.9.2* Any components that are rusted or corroded shall be replaced.

*118.1.9.3* Holes around boxes or holes made to accommodate pipes or wires shall be sealed with an approved filler.

### *118.2 Additional site requirements.*

All areas that are disturbed by construction activity shall be re-graded and satisfactorily ground covered prior to the final inspection. No final inspections or work complete inspections will pass inspection until the site is completely cleaned up and all work has been completed.

*118.2.1* All new houses shall be built and graded to convey storm water to areas within their own property that will not negatively impact neighboring properties.

*118.2.2* There shall be a 3 foot setback from the back side of the seawall for concrete decks. Concrete decks shall not be constructed in this setback to accommodate the function and maintenance of the French Drain. Walkways to access docks and boat lifts shall be allowed at a rate of one four-foot-wide walkway for every 50' of seawall, or two per lot, whichever is greater. Other coverings shall be removable for maintenance and shall not impede the function of the French Drain.

### *118.3 Additional plumbing requirements.*

Waste pipes that are located below structures that are located on lots that require pilings shall be a minimum of schedule 40 PVC, and supported by hangers at 4'0" intervals and at each riser as it passes through the above floor.

### *118.4 Additional mechanical requirements.*

During the replacement of Mechanical Equipment, every effort should be made to accommodate the clearances needed to provide the required open air space around new equipment. These clearances are set forth by the manufacturer to maximize the energy efficiency and overall performance of the equipment.

1. If the equipment cannot be rearranged to provide the required clearances, the pads/platforms may have to be expanded to accommodate the new larger units, provided it is not technically infeasible to do so.
2. A letter from the manufacturer shall state the minimum allowable clearances for the equipment to be installed. If these clearances cannot be achieved, the Building Official shall determine if the pad/platform needs to be expanded to accommodate any new equipment or future installations.
3. If the pad/platform is located on common property and was originally constructed to accommodate small equipment with no room for expansion, and small units are not available, it shall be the responsibility of the owner of the common property, to arrange to have the pad/platform expanded at its expense, to reasonably accommodate new units. The cost of relocation of the line sets and disconnects shall be included in the installation of the new equipment.

### *118.5 Additional building requirements.*

#### *118.5.1 Minimum slab reinforcement.*

All concrete slabs supported by pilings shall be a minimum 5" thick and be reinforced by #3 rebar @ 12" o.c. or 2 layers of heavy gauge (2.4 to 2.9 minimum) Woven Wire Fabric (WWF). Ancillary slabs, such as driveways, walkways, and sidewalks may use rolled wire or fiber-mesh.

*118.5.2* Slabs for non-waterfront houses shall be reinforced with (2.4 to 2.9 minimum) (W.W.F.) A.K.A. roadmesh or rebar and meet ACI-318 standards.

*118.5.3* All new waterfront houses and pools shall be pile supported. This includes concrete stairs and elevated air-conditioner condenser pads. Cantilevering or other acceptable Engineering solutions will be acceptable. Other sound Engineered solutions will be considered if accompanied by a geo-technical soil boring report and a detailed

customized foundation signed and sealed by a Design Professional, the Design Professional will supervise the layering of replacement fill and certify the foundation has been constructed as intended and meets the requirements of his/her design.

*118.5.4* Additions and concrete slabs that depend on edge support, where the load path does not return to the foundation, dowels shall be spaced not greater than 18" on center and secured by epoxy into solid masonry or tied to the existing structure by concrete filling voids in the block or other methods that will support the new slab.

*118.5.5* Corner bars shall be required on top and bottom bars located on the outside of each corner and shall be a minimum of 40 bar diameters.

*118.5.6* No permanent structures shall be constructed within 15 (fifteen) feet of the seawall. However, in rare cases structures could be built within the 15 feet if a new seawall is constructed with a deadman system that does not require the deadmen to be located under the structure or undermine the foundation in any way.

*118.5.7* Structures located in a SFHZ-AE

Structures located in a SFHZ-AE where BFE is greater than one (1) foot above natural grade of the site or the lowest adjacent grade of an exterior wall, will require spread footings or grade beam with a maximum elevation of 6 Feet NAVD.

*118.5.8* Lowest floor.

The lowest floor and lowest living floor (in NAVD) must meet the elevation criteria listed below or engineered to a site-specific design that is certified by an architect or engineer, when conflicts exist between the FIRM elevation and others, the higher elevation shall be required:

- a) FIRM elevation - the elevation that has been established by the Flood Insurance Rate Maps (FIRM). These are the approved maps adopted by the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP), for both Marco Island and Collier County, Florida.
- b) Paved Road - a minimum of 18 inches above the crown of the nearest street or interior roadway system if finished with paving; or
- c) Graded or Unfinished Road - 24 inches above the crown if graded or otherwise unfinished; or
- d) 9 Feet NAVD; or
- e) One (1) foot above base flood elevation (BFE); or
- f) Water Management Design
  1. Buildings within projects which have water management routing and storage facilities designed and built for a 25-year, three (3) day storm event in accordance with South Florida Water Management District's criteria may use a finish floor elevation in accordance with the project's water management designed 100-year zero discharge elevation or the FIRM elevation, whichever is higher.
  2. Buildings which are not within projects having a water management storage facility designed and built for a 25-year, three (3) day storm event in accordance with South Florida Water Management District's criteria shall use a finish floor elevation of 18 inches above the adjacent roadway crown elevation or the FIRM elevation, whichever is higher.
- g) On parcels where unusual topographic conditions exist and the above standards conditions cannot be reasonably applied, the Building Official will consider requests to decrease the finished-floor elevation. All requests will require an analysis by a Florida registered professional engineer of the 25-year, three (3) day

storm event and the 100-year, three (3) day storm event, using zero discharge for the entire drainage basin in which the proposed structure is located. Reductions may be allowed on the basis of the analysis, but in no case shall the finished floor be less than the FIRM.]

*118.5.9 Lot pre-inspection for new Single Family and Seawall permits.*

Pre-inspection of the lot(s) is required, prior to the issuance of any permit, for any new Construction project, major addition project, seawall replacement, or seawall maintenance project. The inspection will verify the current condition of the adjoining properties. It will proactively identify and storm-water drainage issues. Findings will be submitted to the permit applicant as a review comment or as a condition of the permit, at the Building Official's discretion.

*118.5.8 Prohibited Materials.* Materials that have the potential to become wind driven missiles shall be prohibited. Example: Aggregate such as that found on tar and gravel roofs, or gravel used as ballast on roofs. This includes roofing, re-roofing and any material that is likely to be misplaced and propelled by strong winds.

*118.6 Additional requirements - General.*

*118.6.1 Weathered materials.*

*118.6.1.1* Materials shall be protected against the weather and insects prior to and during construction. Materials that could be damaged shall be protected from the time they are delivered until completion of the final inspection. Materials that have been adversely affected by the elements shall be replaced.

*118.6.1.2* Trusses must be elevated off the ground and be erected within twenty-five (25) days of delivery. Trusses of questionable integrity shall be replaced.

*NOTE:* Every effort should be made to protect the end product from the adverse effects of water. Plywood buckling, delaminating, and excessive microbiological growth (fungus) can be prevented without extraordinary effort. Coordinating truss deliveries, house wrap, window installation, and dry-in procedures will greatly reduce premature weathering.

*118.6.2 Restricted hours on certain activities.*

Pile driving and demolition activities are only allowed between the hours of 8:00 a.m. and 5:00 p.m. Monday through Saturday. No pile driving or demolition activities may take place on Sundays or City observed holidays.

(Ord. No. 18-05, § 2, 1-8-2018)

**Editor's note**— Ord. No. 18-05, § 2, adopted Jan. 8, 2018, amended § 6-111 in its entirety to read as herein set out. Former § 6-111 pertained to similar subject matter and derived from Ord. No. 09-03, §§ 4, 5, adopted Feb. 17, 2009; Ord. No. 12-03, §§ 3, 4, adopted Mar. 19, 2012; Ord. No. 12-16, § 2, adopted Nov. 12, 2012; and Ord. No. 15-16, § 2, adopted June 15, 2015.

Sec. 8-27. - Same—Amended.

The building code adopted in section 8-26 is hereby modified, altered, changed and amended by adopting a revised Chapter 1, Administration, which is attached hereto as Exhibit A and made a part hereof.

**EXHIBIT A**  
**SECTION 101 GENERAL**

*101.1 Scope.* The provisions of this chapter shall govern the administration and enforcement of the Florida Building Code.

*101.2 Title.* The provisions of the following chapters shall constitute and be known and be cited as the "Florida Building Code," hereinafter known as "this code."

*101.3 Code Remedial.* This code is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

*101.3.2 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.

*101.3.3 Permitting and inspection.* The inspection or permitting of any building, system or plan by the 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. Neither the jurisdiction nor any 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, unless the employee of jurisdiction is found to have acted in bad faith or with malicious purpose in a manner exhibiting wanton and willful disregard.

*101.4 Applicability.* 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.

*101.4.2.3.1* 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.

*101.4.2.3.2 Unsafe Buildings* shall be abated using the current edition of the International Property Maintenance Code promulgated by the International Code Council subject to all amendments, modifications or deletions hereinafter contained.

*101.4.8. Appendices.* To be enforced, the appendices included in the technical codes must be adopted by a local governmental jurisdiction for use in that jurisdiction.

**SECTION 102**  
**BUILDING INSPECTION DIVISION**

*102.1 Establishment.* There is hereby established a division to be called the Building Inspection division of the Planning and Community Development Department and the person in charge of inspections shall 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 Manager, or a designee.

*102.2.3 Employee Qualifications.* The Building Official, with the approval of the City Manager, or a designee, 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 inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner, in the appropriate trade as established by the State of Florida.

*102.3 Restrictions on employees.* An officer or employee connected with the division shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, within the jurisdiction of the division, unless he is the owner of such. This officer or employee shall not engage in any other work, which is inconsistent with his duties or conflict with the interest of the division.

*102.4 Records.* The Building Official shall keep, or cause to be kept, a record of the business of the division. The records of the division shall be open to public inspection.

*102.5 Liability.* Any officer or employee charged with the enforcement of this code, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provisions of this code shall be defended by the city attorney until the final termination of the proceedings, unless such person is found to have acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for the safety, health, and welfare of the public.

## SECTION 103

### POWERS AND DUTIES OF THE 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, he 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.

*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 his 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.* The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any provisions of this code.

*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 the 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 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 the provisions of the Standard Unsafe Building Abatement Code or other local ordinance.

*103.6 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.

*103.8 Alternate materials and methods.*

*103.8.1* The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the building official. The building official shall approve any such alternate, provided the building official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the technical codes 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 alternate.

*103.8.2 Accessibility.* Alternate 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 of the Florida Building Code.

**SECTION 104****PERMITS**

*104.4.5 Special foundation permit.* When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the building official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is now proceeding at their own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the technical codes.

*104.4.6 Public right of way.* A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application for right of way permits from the authority having jurisdiction over the street, alley or public lane.

*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. Failure to obtain an approved inspection within 180 days of the previous approved inspection shall constitute suspension or abandonment. One or more extensions of time, for periods not more than 180 days each, may be allowed by the building official for the permit, provided the extension is requested in writing and justifiable cause is demonstrated prior to the expiration date. The building official shall record the extension of time granted.

*104.5.1.1* 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.

*104.5.1.2* If a new permit is not obtained within 180 days 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.

*104.5.1.3* Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days. 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.

*104.5.1.4* The fee for renewal, re-issuance and extension of a permit shall be set forth by the administrative authority.

*104.5.1.5* Permits issued for the demolition of a structure shall expire sixty (60) days from the date of issuance. For a justifiable cause, one (1) extension of time for a period not exceeding thirty (30) days may be allowed. Such request shall be in writing to the building official.

*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 shall supervise such work. In addition, they 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 stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under F.S. Ch. 468, pt. XII and that any person conducting inspections is qualified as a building inspector under F.S. Ch. 468, pt. III.

*104.5.3 Plans.* When the building official issues a permit, the building official shall endorse, in writing or by stamp both sets of reviewed plans "Reviewed for Code Compliance." One set of reviewed drawings shall be retained by the building official and the other set shall be returned to the applicant. The permit drawings shall be kept at the site of work and shall be open to inspection by the building official or his authorized representative.

*104.5.4 Work starting before permit issuance.* Upon approval of the building official, the scope of work delineated in the building permit application and plans 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.

#### *104.6 Fees.*

*104.6.1 Prescribed fees.* A permit shall not be issued until fees authorized under F.S. § 553.80 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.

*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 building official's approval or the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be obtained within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

*104.6.3 Accounting.* The building official shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

*104.6.4 Schedule of Permit Fees.* On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the schedule as established by the applicable governing authority.

*104.6.5 Types of Fees Enumerated.* Fees may be charged for but not limited to the following:

- Permits;
- Plans examination;
- Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- Re-inspections;
- Administrative fees;
- Variance requests;

- Violations; and
- Other fees as established by local ordinance.

*104.6.6 Building permit valuations.* If, in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the International Code Council (ICC) or other applicable model code organization, at the option of the building official.

## SECTION 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 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 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 Inspection service.* The building official may make, or cause to be made, the inspections required by Section 105. He or she may accept reports of building inspection division inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, Qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to F.S. Ch. 468.

*105.4 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.

*105.5 Posting of permit.* Work requiring a permit shall not commence until the permit holder or his agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the building official or representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the Certificate of Occupancy or Completion is issued by the building official.

*105.7 Written release.* Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the building official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.

*105.8 Reinforcing steel and structural frames.* Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official.

*105.9 Plaster fire protection.* In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the building official after all lathing and backing is in place. Plaster shall not be covered or concealed from view without first obtaining a release from the building official.

*105.10 Fire resistant joints and penetrations.* The protection of joints and penetrations in required fire resistant construction assemblies shall not be covered or concealed from view without first obtaining a release from the building official.

*105.12 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.

*105.13 Threshold building.*

*105.13.1* 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 plan is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents.

*105.13.2* The special inspector shall inspect the shoring and reshoring for conformance to 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 F.S. § 553.81(8), may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code, Building.

*105.13.3* 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 F.S. Ch. 481 as an engineer or under F.S. Ch. 481 as an architect.

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

*105.13.4.1* 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."

*105.13.4.2* Any proposal to install an alternate structural product or system to which building codes apply 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.

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

*105.13.4.4* 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 F.S. Ch. 633.

*105.13.5* No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in F.S. § 489.105(3)(a), or to a licensed building contractor, as defined in F.S. § 489.105(3)(b), within the scope of his or her license.

*105.13.6* The building inspection division may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, F.S. § 553.83, without duplicative inspection by the building inspection division. The building official is responsible for ensuring that any person conducting inspections is qualified as a building inspector under F.S. Ch. 468, pt. XII, or certified as a special inspector under F.S. Ch. 481. Inspections of threshold buildings required by F.S. § 553.89(5), are in addition to the minimum inspections required by this code.

## **SECTION 106 CERTIFICATES**

### *106.1 Certificate of occupancy.*

*106.1.1 Building Occupancy.* A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the building official has issued a Certificate of Occupancy. 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.

*106.1.2 Issuing Certificate of Occupancy.* Upon completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications, and after the final inspection, and after verification that all septic system permits have received an approved final inspection where applicable, the building official shall issue a Certificate of Occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of this code.

*106.1.3 Temporary/Partial occupancy.* A temporary/partial Certificate of Occupancy may be issued for a portion or portions of a building, which may safely be occupied prior to final completion of the building.

*106.2 Certificate of completion.* A certificate of completion 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.

### *106.3 Service utilities.*

*106.3.1 Connection of service utilities.* No person shall make connections from a utility source of energy, fuel or power to any building or system which is regulated by the technical codes for which a permit is required, until released by the building official and a Certificate of Occupancy or Completion is issued.

*106.3.2 Temporary connection.* The building official may 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.

*106.3.3 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 or property. 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.

#### *106.4 Posting floor loads.*

*106.4.1 Occupancy.* An existing or new building shall not be occupied for any purpose, which will cause the floors thereof to be loaded beyond their safe capacity.

*106.4.2 Storage and Factory-Industrial Occupancies.* It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the building inspection division.

*106.4.3 Signs required.* In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the building official on the plan, shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

### **SECTION 107**

#### **TESTS**

*107.1* For products not covered under the statewide product evaluation and approval system, 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 his agent, by an approved testing laboratory or other approved agency.

### **SECTION 108**

#### **SEVERABILITY**

*108.1* 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 109**

#### **VIOLATIONS AND PENALTIES**

*109.1* 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, in violation of a detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor of the second degree. 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. Upon conviction of any such violation such person shall be punished within the limits as provided by law and local ordinance.

(Ord. No. 2003-12, § 1, 11-20-03; Ord. No. 2006-17, § 1, 9-25-06; Ord. No. 2017-18, § 1, 7-5-17)

Sec. 8-51. - International Property Maintenance Code—Adopted.

There is hereby adopted by the city for the purpose of establishing minimum standards for occupancy of buildings that certain codes entitled International Property Maintenance Code, latest edition thereof, as published by the International Code Council, Inc. A copy of the subject code has been filed with the building and zoning department, and the same is hereby adopted and incorporated as if set out at length herein, and from the effective date of this section the provisions contained therein shall be controlling within the limits of the city.

(Ord. No. 2003-12, § 2, 11-20-03; Ord. No. 2017-18, § 1, 7-5-17)

Sec. 8-52. - Amended.

- (a) The "Department of Property Maintenance Inspection" refers to the Planning and Community Development Department. The term "code official" as used in the Property Maintenance Code shall mean the Building Official, or his or her designee.
- (b) The provisions of the Florida Building Code shall take precedence over any other standard codes referenced in the International Property Maintenance Code.
- (c) Means of Appeal of the International Property Maintenance Code shall be hereby repealed and not adopted.
- (d) This ordinance shall take effect upon its adoption in accordance with the law. If the effective date of the Florida Building Code, latest edition, adopted by reference in section 8-26 and as amended by section 8-27, is changed by the action of Florida State Legislature, the effective date of said sections 8-26 and 8-27 shall be changed accordingly.

(Ord. No. 2003-12, § 2, 11-20-03; Ord. No. 2017-18, § 1, 7-5-17)

**Jupiter Inlet Colony, FL - Code of Ordinances** ([https://library.municode.com/fl/jupiter\\_inlet\\_colony/codes/code\\_of\\_ordinances](https://library.municode.com/fl/jupiter_inlet_colony/codes/code_of_ordinances))

## Sec. 4-6. - Adoption of International Property Maintenance Code.

The International Property Maintenance Code, 2015 Edition, be and the same is hereby adopted and incorporated herein by reference, which adoption shall include any and all additions and amendments to such Code, and when passed, shall be deemed to be incorporated in this Code.

(Ord. No. 07-2017, § 2, 9-11-17)

**Editor's note**— Ord. No. 07-2017, § 1, adopted September 11, 2017, repealed the former section 4-6, and § 2 enacted a new section 4-6 as set out herein. The former section 4-6 pertained to adoption of Standard Housing Code; amendments. See Code Comparative Table for complete derivation.

**Juno Beach, FL - Code of Ordinances** ([https://library.municode.com/fl/juno\\_beach/codes/code\\_of\\_ordinances](https://library.municode.com/fl/juno_beach/codes/code_of_ordinances))

## Sec. 6-104. - Property maintenance code.

- (a) The town hereby adopts the International Property Maintenance Code, 2006 edition, published by the International Code Council, as the property maintenance code for the town and incorporates such code by this reference as if fully set forth herein.
- (b) Notwithstanding the enforcement provisions of the International Property Maintenance Code, any violation of the provisions of the International Property Maintenance Code shall be a violation of this Code and shall be enforced as provided in chapter 2. In the event of a conflict between the provisions of the International Property Maintenance Code and the provisions of this Code, the provisions of this Code shall prevail to the extent of such conflict.

(Code 1980, § 4-2; Ord. No. 571, § 3, 6-23-2004; Ord. No. 588, § 2(4-3), 11-9-2005)



**Oviedo, FL - Code of Ordinances** ([https://library.municode.com/fl/oviedo/codes/code\\_of\\_ordinances](https://library.municode.com/fl/oviedo/codes/code_of_ordinances))

## Sec. 14-70. - Adopted by reference.

With the exceptions referenced in section 14.71, the city hereby adopts the 2003 International Property Maintenance Code published by the International Code Council, Inc., and incorporates the same by reference, as if fully set forth in this article. At least one copy of the 2003 International Property Maintenance Code is on file in the office of the city clerk.

(Code 1996, § 14-221; Ord. No. 1052, § 1, 6-1-1998; Ord. No. 1337, § 2(14-6), 1-3-2006; Ord. No. 1478, § 1, 11-16-09)

## Sec. 14-71. - Amendments.

The following sections of the property maintenance code are hereby amended, as follows:

- (1) Section 101.1 Insert: City of Oviedo
- (2) Section 103.1, entitled "General" shall read as follows: The building department is hereby charged with the primary responsibility of enforcing this code.
- (3) Section 103.2, entitled "Appointment" shall read as follows: The code official shall be appointed by the city manager.
- (4) Section 103.5, entitled "Fees" is hereby deleted in its entirety.
- (5) Section 104.6 entitled "Notices and orders" shall read as follows: The code official or designee shall issue all necessary notices or orders to ensure compliance with this code.
- (6) Section 104.7 shall read as follows: Section 104.7 Department Records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.
- (7) Section 106.2, entitled "Notice of violation" is hereby deleted in its entirety.
- (8) Section 106.3, entitled "Prosecution of violation" is hereby deleted in its entirety.
- (9) Section 107, entitled "Notices and orders," is hereby deleted in its entirety.
- (10) Section 108, entitled "Unsafe structures and equipment" is hereby deleted in its entirety.
- (11) Section 109, entitled "Emergency measures" is hereby deleted in its entirety.
- (12) Section 110, entitled "Demolition" is hereby deleted in its entirety.
- (13) Section 111, entitled "Means of appeal" is hereby deleted in its entirety.
- (14) Section 302.4, entitled "Weeds" is hereby deleted in its entirety.
- (15) Section 304.14 Insert: January 1 to December 31.
- (16) Section 307, entitled "Rubbish and garbage," is hereby deleted in its entirety.
- (17) Section 308.5, entitled "Occupant" is hereby deleted in its entirety.
- (18) Section 602.3 Insert: November 1 to April 1.
- (19) Section 602.4 Insert: November 1 to April 1.
- (20) References in the International Property Maintenance Code to the International Plumbing Code shall be replaced with the plumbing code as herein adopted by the city.
- (21) References throughout the International Property Maintenance Code to the ICC Electrical Code shall be replaced with the building code.

(Code 1996, § 14-222; Ord. No. 1052, §§ 3—7, 6-1-1998; Ord. No. 1337, § 2(14-7), 1-3-2006; Ord. No. 1478, § 1, 11-16-2009)



**Mascotte, FL - Code of Ordinances** ([https://library.municode.com/fl/mascotte/codes/code\\_of\\_ordinances](https://library.municode.com/fl/mascotte/codes/code_of_ordinances))

## Sec. 5-37. - International Property Maintenance Code adopted.

- (a) With the exceptions referenced below, the city hereby adopts the 2006 Edition of the International Property Maintenance Code published by the International Code Council, and incorporates the same by reference as if fully set forth herein. At least one (1) copy of the International Property Maintenance Code, 2006 Edition, together with this section, is on file in the office of the city clerk of the City of Mascotte.
- (b) The following sections of the 2006 Edition of the International Property Maintenance Code are hereby amended as follows:
  - (1) *Section 101.1*. These regulations shall be known as the Property Maintenance Code of the City of Mascotte, hereinafter referred to as "this code."
  - (2) *Section 102.3*, entitled "Application of other codes," is hereby amended to read as follows: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the current edition Florida Building Code, Florida Fuel Gas Code, Florida Plumbing Code, Florida Mechanical Code, Florida Residential Code, Florida Fire Prevention Code, Florida Existing Building Code and the National Electrical Code NFPA 70. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the City of Mascotte Land Development Code. All references to the International Model Codes shall be changed to the equivalent currently adopted edition of the Florida Codes:
    - a. International Building Code is Florida Building Code.
    - b. International Plumbing Code is Florida Plumbing Code.
    - c. International Mechanical code is Florida Mechanical Code.
    - d. International Fuel Gas Code is Florida Fuel Gas Code.
    - e. International Residential Code is Florida Residential Code.
    - f. International Existing Building Code is Florida Existing Building Code.
    - g. International Electrical Code is National Electrical Code NFPA 70.
    - h. International Fire Code is Florida Fire Prevention Code.
    - i. International Zoning Code is City of Mascotte Land Development Code.
  - (3) *Section 103.1*, entitled "General," shall read as follows: The code enforcement department is hereby charged with the primary responsibility of enforcing this Code.
  - (4) *Section 103.2*, entitled "Appointment," shall read as follows: The code inspector shall be appointed by the city manager.
  - (5) *Section 103.5*, entitled "Fees," is hereby deleted in its entirety.
  - (6) *Section 106.2*, entitled "Notice of violation," is hereby deleted in its entirety.
  - (7) *Section 106.3*, entitled "Prosecution of violation," is hereby deleted in its entirety.
  - (8) *Section 107*, entitled "Notices and order," is hereby deleted in its entirety.
  - (9) *Section 109*, entitled "Emergency measures," is hereby deleted in its entirety.
  - (10) *Section 110*, entitled "Demolition," shall read as follows:
    - a. *Section 110.01, General*. Demolition and condemnation of unfit or unsafe dwellings or structures shall be in compliance with the provisions of Ordinance No. 2007-08-445, as codified, and with any subsequent amendments thereto.

- b. *Section 110.2, Salvage materials.* When any structure has been ordered demolished and removed, the city or an authorized by the city, shall have the right to sell the salvage and valuable materials at the highest price obtainable. The proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted to the city. The net proceeds of such sale or transaction, including the items of expense and the amounts deducted, for the person who is the subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.
- c. Remaining subsections of section 110 of this Code are hereby deleted.
- (11) *Section 111*, entitled "Means of appeal," of this Code is hereby deleted in its entirety.
- (12) *Section 201.4*, entitled "Terms not defined," is hereby amended to read as follows: Words not defined herein or in the referenced Florida Codes shall have meanings defined in a standard dictionary or as understood by the code enforcement department charged with the primary responsibility of enforcing this Code.
- (13) *Section 302.4*, entitled "Weeds," shall read as follows: All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches.
- (14) *Section 304.14*, entitled "Insect screens," shall read as follows: Year-round, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved, tightly fitting screens of not less than sixteen (16) mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.
- (15) *Section 308.5*, entitled "Occupant," is hereby deleted in its entirety.
- (16) *Section 404.2*, entitled "Minimum room widths," shall be amended to read as follows: A habitable room, other than a kitchen, shall not be less than seven (7) feet (2134 mm) in any plan dimension. For purposes of this Code, "habitable room" does not include space occupied by built-in equipment, including, but not limited to, wardrobes, cabinets, closets, utility spaces, storage areas, appliances, and other similar areas. Kitchens shall have a clear passageway of not less than three (3) feet (914 mm) between counterfronts and appliances or counterfronts and walls.
- (17) *Section 404.4.1*, entitled "Room area," shall read as follows: Every living room shall contain at least one hundred twenty (120) square feet, and every bedroom shall contain at least seventy (70) square feet of habitable floor area. Every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of habitable floor area for each occupant. For purposes of this subsection, "occupant" is defined as a person eighteen (18) years or older. Also, for purposes of this Code, "habitable floor area" does not include space occupied by built-in equipment, including, but not limited to, wardrobes, cabinets, closets, storage, or appliances, and other similar areas.
- a. At the time of the enactment of this ordinance, dwelling units with bedrooms less than seventy (70) square feet may be occupied by no more than one (1) occupant per substandard sized bedroom.
- (18) *Section 404.4.5*, entitled "Other requirements," is hereby deleted in its entirety.
- (19) *Section 602.3*, entitled "Heat supply," shall read as follows: Every owner and operator of any building who rents, leases, or lets one (1) or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15 to March 15 to maintain a temperature of not less than sixty-eight (68) degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms. The source of heat must be permanent in nature and cannot be installed in any means of egress, including an emergency escape and rescue openings as defined in the Florida Building Code, Residential.
- (20) *Supplemental Code.* The provisions of this Code shall be supplemental to all other codes and other ordinances of the city.

(Ord. No. 296, § 1, 9-13-99; Ord. No. 2007-08-446, § 3, 10-1-07)

Sec. 10-152. - Definitions.

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

*Change in occupancy* means any change in occupancy of the majority of adult occupants of a rental dwelling unit.

*Local agent* means any person or entity that has charge, care or control of a building, or part thereof, in which one (1) or more rental dwelling units are maintained.

*Major violation* means a defect that is immediately dangerous to the health or safety of the occupants, passersby, occupants in other dwelling units on the property, or nearby properties. In addition, five (5) or more minor violations of the International Property Maintenance Code adopted under chapter 5 of this Code, or other applicable codes, of a dwelling unit or upon the property shall be considered, collectively, as a major violation.

*Minor violation* means a defect that is not an immediate hazard but, if allowed to remain unrepaired, will potentially cause a hazard or further property deterioration. A maximum of four (4) minor violations of applicable codes is allowed; however, if in the opinion of the code compliance officer, two (2) to four (4) minor violations collectively pose an immediate danger to the health or safety of the occupants, occupants in other dwelling units on the property, passersby, or nearby properties in the contiguous area, such collective violations may be considered a major violation.

*Non-transient tenants* means renters or lessees who occupy a residential rental establishment when it is the intention of the parties that their occupancy will not be temporary and will be the sole residences of the tenants.

*Owner* means any person, agent, operator, firm, corporation, partnership, association, property maintenance group, or fiduciary having equal, equitable, or other interest in real property; or recorded in the official records as holding title to the property; or otherwise having control of the a residential rental establishment, including the local agent or the guardian of the estate of any such person and the executor or administrator of such person's estate.

*Rental dwelling unit* means one (1) unit of a residential rental establishment as defined herein and means a home, residence or sleeping place that is occupied by one (1) or more tenant(s) for which the owner is receiving, or is entitled to receive, rent or compensation in any other form.

*Residential rental establishment* means any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented to non-transient tenants for periods of thirty (30) days or more, or one (1) calendar month, and that is not advertised or held out to the public as a place regularly rented for periods of less than one (1) calendar month, provided that no more than four (4) rental units within a single complex of buildings are available for rent. However, if an owner or local agent holds out to the public that the units are regularly rented out to transient guests, the place shall be deemed a public lodging establishment to be regulated by the state pursuant to F.S. Ch. 509, and the establishment is exempted from licensing by the city.

*Special magistrate* means a person or persons designated by city council pursuant to Ordinance No. 2016-11-551 hereby given authority to hear violations as specified in this article.

*Transient guests* means guests who rent or lease a public lodging establishment, and it is the intention of the parties that the occupancy will be temporary and is not the sole residence of the guest.

*Vacancy*, used interchangeably with "*change in occupancy*," means any change in the occupancy of the majority of adult occupants of a rental dwelling unit.

(Ord. No. 2017-02-559, § 2, 2-6-17)

Sec. 10-154. - Rental license application; exemptions from licensing and inspections.

- (a) The owner or local agent of rental dwelling unit existing as of the effective date of this article shall file an application on a form prescribed by the city for a license, listing each rental dwelling unit. The owner of each rental dwelling unit constructed or converted to rental use after the effective date of this article shall file an application for a rental dwelling unit license on a form prescribed by the city prior to any initial occupancy.
- (b) A local agent may apply for a rental license upon exhibiting a sworn statement from the property owner, provided that such authorization acknowledges receipt of a copy of this article and acknowledges that failure to abide by this article or other applicable codes and ordinances may result in a lien upon other property of the owner.
- (c) With respect to rental disputes, except as otherwise specifically provided by this article, it is not the intention of the city to intrude upon contractual relationships between tenant and landlord. The city council does not intend to intervene as an advocate of either the landlord or tenant, nor to act as arbiter, nor is the city receptive to complaints from tenants and landlords that are not related to the provisions of this article. It is intended that the landlord and tenant exercise such legal remedies as are available to them under the law without the intervention by the city.
- (d) Exemptions.
  - (1) Public lodging establishments defined under F.S. § 509.013 and classified under F.S. § 509.242 are exempt from regulation under this article. However, public lodging establishments under F.S. § 509.013, may be subject to inspection by the city to determine compliance with the state building code and the state fire prevention code as provided by F.S. § 509.032(7).
  - (2) Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.
  - (3) Any facility certified or licensed and regulated by the agency for health care administration or the department of children and families or other similar place regulated under F.S. § 381.0072.
  - (4) Any establishment inspected by the department of health and regulated by F.S. Ch. 513.
  - (5) Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public.
  - (6) Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least sixty-two (62) years of age.
  - (7) Any hotel, motel, timeshare project, vacation rental, non-transient apartment of more than four (4) rental dwelling units, bed and breakfast inn, or transient apartment, all as more particularly defined and described under F.S. § 509.242.
  - (8) Upon proof submitted by the property owner in the form of a notarized affidavit, the following are also exempt from the provisions of this article:
    - a. Residential rental establishments occupied by family members of the property owner where no rent or other compensation is charged or exchanged.
    - b. Residential rental establishments that are seasonally or periodically vacant due to seasonal or secondary use by the property owner or the property owner's family only; provided, however, that the property may be subject to registration as vacant property under Ordinance No. 2016-11-552.
    - c. Residential rental establishments that are vacant and either for sale or under repair/renovation; provided, however, that the property may be subject to registration as vacant property under Ordinance No. 2016-11-552.
- (e) Nothing in the exemptions herein excuses property owners from compliance with the International Property

Maintenance Code adopted under chapter 5 of this Code or any other applicable codes or ordinances.

(Ord. No. 2017-02-559, § 2, 2-6-17; Ord. No. 2020-08-606, § 2, 8-4-20)

Sec. 10-155. - Occupancy limitations.

Occupancy limitations of rental dwelling units shall be consistent with section 404 of the International Property Maintenance Code as amended by section 5-37 of this Code.

(Ord. No. 2017-02-559, § 2, 2-6-17)

Sec. 12-23. - Classes of violations and reduced civil penalties.

The following code provisions of this Code may be enforced pursuant to the supplemental code enforcement citation procedures contained herein. The corresponding fine amount shall be the civil penalty that a person may pay in the event the person elects not to appeal the citation. The civil penalty shall be in addition to any costs that may be imposed in accordance with this chapter. The schedule of code provisions provided in the table below shall include such codes and ordinances as they may be from time to time amended, renumbered, codified or re-codified, including codes and ordinances enacted subsequent to the adoption of this article.

	1 <sup>st</sup> offense	2 <sup>nd</sup> offense	3 <sup>rd</sup> or more
Class I	\$75.00	\$125.00	\$250.00
<u>Ch. 4.</u> Article I. Animals			
<u>Ch. 5.</u> Article II. <u>Section 5-37.</u> International Property Maintenance Code			
<u>Ch. 10.</u> Article III. Junk and Junkyards			
<u>Ch. 10.</u> Article IV. Garage Sales			
<u>Ch. 11.</u> Miscellaneous Offenses			
<u>Ch. 13.</u> Motor Vehicles and Traffic			
<u>Ch. 15.</u> Solid Waste			
<u>Ch. 22.</u> Off-Street Parking Requirements			
Appendix A. Article IX. Signs			
Class II	\$125.00	\$225.00	\$300.00
<u>Ch. 3.</u> Alcoholic Beverages			
<u>Ch. 10.</u> Article VIII. Residential Rental License			

<u>Ch. 16.</u> Article IV. Streets, Sidewalks, and Other Public Places			
<u>Ch. 18.5.</u> Vegetation			
Class III	\$200.00	\$250.00	\$300.00
<u>Ch. 5.</u> Article I. and Article II. Fla. Building Code			
<u>Ch. 7.</u> Fire/Prevention/Protection			
<u>Ch. 8.</u> Floodplain Management			
<u>Ch. 10.</u> Article IX. Mobile Food Dispensing Vehicles			
<u>Ch. 14.</u> Articles I. and II. Nuisances			
<u>Ch. 18.</u> Utilities			
<u>Ch. 20.</u> Environment			
Appendix A. Land Development Code (except Article IX)			
Any Life Safety Violations			

(Ord. No. 2016-11-551, § 4, 11-21-16; Ord. No. 2017-02-559, § 3, 2-6-17; Ord. No. 2017-05-565, § 3, 5-1-17; Ord. No. 2018-08-583, § 4, 8-7-18; Ord. No. 2020-12-610, § 4, 12-1-20)

**Note**— See the note to § 12-22.



**Bronson, FL - Code of Ordinances** ([https://library.municode.com/fl/bronson/codes/code\\_of\\_ordinances](https://library.municode.com/fl/bronson/codes/code_of_ordinances))

## Sec. 6-21. - Adoption of International Property Maintenance Code.

There is hereby adopted by reference the 2006 edition of the International Property Maintenance Code, published by the International Code Council. Such code shall be in full force and effect in the town as if fully set forth herein, except as otherwise provided in this Code.

*(Code 1977, § 6-81; Ord. No. 1980-1, § 6, 11-3-1980)*

## Sec. 6-22. - Violations.

Any person who shall violate any provision of the International Property Maintenance Code shall be subject to the penalty of section 1-8.

*(Code 1977, § 6-82)*

**Stuart, FL - Code of Ordinances** ([https://library.municode.com/fl/stuart/codes/code\\_of\\_ordinances](https://library.municode.com/fl/stuart/codes/code_of_ordinances))

## Sec. 10-56. - Application of article.

- (a) *Scope.* The provisions of this article shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.
- (b) *Intent.* This article shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.
- (c) *Transfer of ownership.* It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of or encumber such dwelling unit or structure without compliance with the provisions of section 26-29.
- (d) The most current version of the International Property Maintenance Code shall be the referenced standard.

(Code 1995, § 18-302; Ord. No. 2156-08, § 1(18-302), 4-14-2008; Ord. No. 2440-2020, § 1, 5-26-2020)

**Hardee County, FL - Land Development Code** ([https://library.municode.com/fl/hardee\\_county/codes/land\\_development\\_code](https://library.municode.com/fl/hardee_county/codes/land_development_code))**2.14.00. - Dilapidated Dwellings.**

In all districts, dilapidated buildings are prohibited. Such buildings may be demolished, at the owner's expense, by the County, after action through the process enumerated under Article 8, Section 8.10.00 of this Code, and through the definitions, procedures and notification requirements of the International Property Maintenance Code, as published by the International Code Council, 2006 Edition. Actions through the enforcement provisions of this Code shall proceed as set forth in Section 8.10.00; however, upon a finding of violation the violator shall be provided 180 days to comply, unless the County Judge rules a lesser time.

**3.16.00. - Development Standards for Uses Requiring a Site Development Plan.**

The purpose of this Section is to set the standards and requirements for those uses requiring Site Development Plan review as set forth in Table 2.29.02(B). The intent of this Section is to ensure that such uses minimize site-specific impacts with surrounding properties and are designed to safeguard the public health, safety and welfare. Where standards provided herein exceed and/or create greater restrictions than those of the underlying zoning district, this Section shall supersede any other provision of this Code.

Where no standard is established in this Section the standard established in the relevant zoning district shall apply.

*3.16.00.00. Indoor Gun Range.*

- (A) The facility shall be located in a completely enclosed building.
- (B) The facility shall be adequately soundproof so that no noise from the range shall emanate outside the building in which it is located.
- (C) Construction of the facility shall comply with all local, state and federal safety specifications required for indoor ranges prior to the issuance of a certificate of occupancy.
- (D) The National Rifle Association (NRA) publication titled "The NRA Range Sourcebook" should be consulted in planning and constructing indoor shooting ranges.
- (E) The National Association of Shooting Ranges (NASR) and the Occupational Safety and Health Administration (OSHA) publication titled "Lead Management and OSHA Compliance for Indoor Shooting Ranges" should be consulted in planning and constructing indoor shooting ranges.
- (F) The facility shall be constructed in such a way so that no bullet or projectile that is fired from within can penetrate the walls, ceiling or floor of the range.

*3.16.01. Farmworker Housing.*

Farmworker housing is provided specifically to house those persons engaged in agricultural labor on Hardee County groves/farms/ranches/dairies. It is recognized that farm labor currently is not limited to housing on groves/farms/ranches/dairies; however, new housing specifically directed at housing farmworkers is established to provide decent, safe and sanitary accommodations including, but not limited to workers on groves, farms, ranches and dairies.

Recognizing that differences in employment patterns exist between citrus operations, dairy/ranch operations and truck farming, different types of housing to accommodate the different operations and industries which are most suitable to their operations is necessary. And, since the intent of creating farmworker housing is for farm labor on Hardee County farms, farmworker housing may be located on non-contiguous lands owned by the

grove/farm/ranch/dairy which are an integral part of the afore cited operation, farmworkers housed in farmworker housing shall be substantially employed within Hardee County. Conversely, it is not the intent of this section to establish farmworker housing for lease unless leased to entity principally controlled or owned by landowner applicant. Substantially employed as referenced herein shall mean that not less than 51 percent of the work performed shall be within Hardee County, as measured by the industry standard measurement of production. Nothing herein shall prevent the Board of County Commissioners, under its emergency powers, to grant relief from this requirement.

3.16.01.01. *General Standards.*

3.16.01.01.01. *Farmworker Housing, Group Quarters.*

A Site Development Plan shall be processed prior to Site Construction Plan approval and building permitting. Farmworker, Group Quarters, housing may consist of single-family detached dwellings, two-family dwellings (duplex) or congregate living dwellings, such as dormitories. Housing density shall not exceed the density permitted within the Agricultural land use category and the A-1 zoning district. In addition, population density shall not exceed 3.75 persons per gross acre.

(A) *Locational Criteria:* In addition to being located in Agricultural/A-1 land use/zoning districts, Farmworker, Group Quarters, housing shall be further located as follows:

01. The minimum lot/parcel size shall be 40 acres; the maximum size shall not exceed 100 acres; with maximum population of between 150 and 375 persons, respectively.
02. Parcels shall front publicly-maintained paved roads. The minimum lot frontage width shall be 200 feet, except lots of record. The Board of County Commissioners may grant a variance from the paved road requirement pursuant to the review criteria set forth in Section 7.12 of this Code.
03. Housing areas, as measured linearly from property line to property line, shall not be located closer than five miles between each other. The Board of County Commissioners may grant a variance from this distance requirement pursuant to the review criteria set forth in Section 7.12 of this Code.

(B) *Development Criteria:*

01. Housing units shall be clustered on the site to minimize the space on the property used for the housing proposal. Structure separation shall be a minimum of 15 feet; structure setback from property lines shall be a minimum of 300 feet.
02. Structures shall be limited to one story; however, the Board of County Commissioners may grant a variance to permit two-story structures pursuant to the review criteria set forth in section 7.12 of this code.
03. Buffering of the clustered footprint shall be required. Buffering is meant to provide visual and audio screens between the housing area and surrounding properties. Where existing vegetation does not exist, or is impractical to provide, other opaque screens may be considered, including but not limited to masonry walls, PVC fencing, berming, combinations of the described, or other approved buffer.

(C) *Structure Criteria:*

01. All structures shall comply with the Florida Building Code and related codes (electrical, mechanical, plumbing).

Nothing herein shall prohibit the Planning and Zoning Board from requiring appropriate conditions when considering approval of a Site Development Plan beyond the requirements set forth herein due to unique site-specific conditions.

3.16.01.01.02. *Farmworker Housing, Resident.*

A Site Development Plan shall be processed prior to building permitting. Farmworker Housing, Resident housing, shall be limited to single-family detached and duplex (two-family) housing structures. Housing density shall not exceed the density permitted within the Agricultural land use category and the A-1 zoning district.

(A) *Criteria:* In addition to being located in Agricultural/A-1 land use/zoning districts, Farmworker Housing, Resident housing, shall be further located as follows:

- 01. For single-family dwelling units on parcels less than 20 acres, and/or two-family dwellings (duplex) on 20 or greater acres, compliance with Section 7.07.00, Subdivision Regulations.
- 02. Where minimum parcel sizes for each housing are 20 acres, said parcels will be denoted/identified on the Site Development Plan with a metes and bounds description of each proposed parcel. The Site Development Plan shall also identify access to each 20-acre tract.

3.16.01.01.03. *Farmworker Housing, Migrant./H-2A*

Housing for persons working on groves/farms/ranches and not otherwise meeting the above definitions and criteria, and reviewed and permitted by the Hardee County Department of Health (DOH) as migrant housing, said housing, shall be considered by the County as Farmworker Housing, Migrant/H-2A housing. Within the R-3, C-1 and C-2 zoned districts, the housing can be constructed as a dormitory or multi-family style residential development. And, in addition to being limited to the A-1, R-3, C-1 and C-2 zoning districts, housing designated as Farmworker Housing, Migrant/H-2A housing shall also be required to obtain an annual operating permit from the County to ensure compliance with the adopted International Property Maintenance Code as minimum living standards.

3.16.02. *Multiple-Family Residential.*

3.16.02.01. *Apartment Buildings.*

(A) *Area Requirements:*

Lot minimum:	10,000 square feet
Width minimum:	85 feet at the front building setback line
Depth minimum:	100 feet

The first four units of any multi-family structure shall require a minimum of 10,000 square feet of lot area.

For each dwelling unit in excess of four on the first two floors, there shall be an additional 1,200 square feet of lot area.

For each dwelling unit on the third floor there shall be an additional 900 square feet of lot area.

- (B) *Building Height Regulations:* Maximum of 35 feet in height from final ground level of building.
- (C) *Maximum Land Coverage:* The maximum area of land coverage by structures shall be regulated by the setbacks of this Section.
- (D) *Yard Regulations:*
- (01) *Front Yard.* Twenty-five feet in depth measured from any right-of-way line to the front of the structure.
- (02) *Rear and Side Yard.* Fifteen feet for the first two stories, and 20 feet for three stories. Any rear or side yard abutting a street shall be 25 feet.
- (E) *Off-Street Parking.* See Section 3.11.00, Off-Street Parking Requirements.

*3.16.02.02. Townhouses.*

All construction of townhouses is subject to the following conditions:

- (A) *Approval.* Townhouses shall be approved for a specific site only if:
- (01) The proposed site shall be adequately served by all private, public or tie into existing utilities and adequate streets; and
- (02) The proposed site is of such size and proportions so as to be adaptable to townhouse development in accordance with the site development standards and requirements of this Section.
- (B) *Site Development Standards.*
- (01) *Lot Area Requirements.* Where townhouses are proposed for development upon existing platted lots or within a proposed subdivision of conventional lot and block design, the minimum area for townhouse development shall be that area comprising all lots within a block fronting upon a single street, provided that the minimum frontage area may be reduced to a minimum of 100 lineal feet.
- Where townhouse development is proposed as a unit with common parking and open areas provided, the minimum gross site area shall be one acre.
- (02) *Curved Frontage.* Where a lot fronts on a cul-de-sac or other curved right-of-way, there shall be no less than 12 feet of frontage, as measured along the arc of the curve.
- (03) *Individual Lot Requirements.*

Minimum lot area:	1,800 square feet
Minimum width:	18 feet
Front yard minimum depth:	15 feet

Rear yard minimum depth:	30 feet
--------------------------	---------

Exception: Front yard having a minimum depth of 20 feet shall have a rear yard with a minimum depth of 25 feet.

- (04) *Density*. No less than three dwelling units and no more than nine dwelling units shall be contiguous. No more than two contiguous units shall be built in a row with the same or approximately the same front line. No contiguous unit or series of units shall be more than 162 feet in length without provision for space between units.
- (05) *Minimum Difference in Building Line Setback*. The minimum difference in building line setback to provide variation shall be two feet.
- (06) *Setback Between Buildings*. No portion of a townhouse or accessory structure in or related to one group of contiguous townhouses shall be closer than 20 feet to any portion of a townhouse or accessory structure related to another group, or to any building outside the townhouse area. A side yard having a minimum width of 10 feet shall be provided adjacent to any public right-of-way, except that no structure may be located within 40 feet of the centerline of any public road.
- (07) *Minimum Floor Area of a Unit*. Five hundred square feet.
- (08) *Maximum Building Height from Final Ground Level of Building*. Thirty-five feet.
- (09) *Off-Street Parking Requirements*. See [Section 3.11.00](#), Off-Street Parking Requirements.
- (10) *Common Areas*. Townhouse development of 20 or more dwellings shall have common open areas suitably developed for recreation purposes, not including parking lots, equal to 300 square feet per dwelling. Said requirement shall apply whether or not actual construction and/or development is carried out by units or sections having less than 20 dwellings.
- (11) *Accessory Structures*: Clubhouse, laundry, swimming pool, hurricane shelter, convenience store (no gasoline sales), and other shared facilities for the common use of the residents of a development.
- (C) *Private Garage or Carport*. A private garage or carport may be free-standing; constructed as part of the main building; or, be attached to the main building by a covered passage. It must conform to the architectural style of the project.
- (D) *Sign Advertising a Vacant Unit or Lot*. No sign exceeding nine square feet in area shall be permitted.
- (E) *Consistent Design Standards*. No change may be made to the originally approved architectural style.
- 3.16.03.04. Drinking Establishment.*

Reference Section 2.28 for regulations regarding Drinking Establishments.

*3.16.03.05. Mini-Warehouse.*

It is the purpose of these standards to provide minimum development guidelines for a mini-warehouse facility and to protect established or permitted uses under these regulations in the vicinity of such a facility.

No storage bay or unit in a mini-warehouse shall be used as a place of business by persons renting storage space, and no Certificate of Completion shall be approved for the property other than that of the mini-warehouse owner/operator.

No mini-warehouse shall be used as a place of residence or as a storage location for hazardous materials.

(A) *Development Site Requirements.*

(01) *Minimum Lot Size.* An area not less than 20,000 square feet with a minimum width of 100 feet and a minimum depth of 200 feet.

(02) *Setbacks.*

Front:	35 feet.
Side:	40 feet if contiguous to property designated for residential use on the Future Land Use Map.
	10 feet if contiguous to property designated for commercial or industrial use on the Future Land Use Map.
Rear	40 feet if contiguous to property designated for residential use on the Future Land Use Map.
	20 feet if contiguous to property designated for commercial or industrial use on the Future Land Use Map.

(03) *Maximum Lot Coverage.* No more than 40% of the development site shall be covered by structures.

(B) *Design Standards.*

(01) *Lighting:* All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but of sufficient intensity to discourage vandalism and theft. See Section 3.14.00, Performance Standards, for applicable glare and lighting standards.

(02) *Fencing:* A fence must be constructed along the property line adjacent to residential land use In addition to the buffer yard required by Section 3.15.00. This fence may be constructed of wood, chain link with inserts, masonry or metal. Specifications for the type of fences are as follows:

- a. Wood fence: privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;
- b. Chain link with inserts: must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
- c. Masonry: Shall be constructed and maintained to present a clean, uniform appearance; or
- d. Metal: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.

(03) *Signs:* See Article 4.

(04) *Landscaping:* Landscaping shall be provided in all required setback areas according to the standards of Section 3.15.00.

(05) *Parking:* See Section 3.11.00, Off-Street Parking Requirements.

(06) *Pavement:* Each access to an individual storage unit must be paved with a 10 feet by 20 feet apron.



*3.16.03.06. Recycling Center, Indoor.*

Facilities shall be subject to the following requirements:

- (A) All processing activities, as well as associated machinery or equipment, shall be located inside a permanent enclosed structure;
- (B) No recycled materials shall be stored outdoors, either before or after processing;
- (C) Facility structure shall be set back no less than 40 feet from all property lines.

*3.16.03.07. Restaurant.*

All parking must be off-street See Section 3.11.02.

*3.16.04. Automotive.*

*3.16.04.01. Service Station/Minor Automotive Repair.*

- (A) *Site—Service Station.* The minimum frontage on an Arterial or Collector road shall be 150 feet. The minimum area of service station development site shall be 15,000 square feet. Construction on-site of minimum area shall include no more than two service bays and two pump islands. One service bay and one pump island may be added for each additional 2,000 square feet.

*Site—Truck Stop.* Development site shall be at least two acres in size, and shall have no less than 150 feet of frontage on an Arterial roadway. Mechanical work shall be limited to minor automotive repairs as defined in Article 9.

- (B) *Service Area.* Service areas shall be provided as follows:
  - (01) *Paving.* The entire area of service station-sites not covered by structures and landscaping shall be paved; either concrete or asphaltic concrete shall be used for the paved area;
  - (02) *Curb.* At the property line, face each street side of the service area which is not included in a driveway with a concrete vertical curb 6" wide by 13" deep with a top six inches above the finished pavement grade except where a transition is made to driveway;
  - (03) *Equipment.* Pits, hoists, and all lubricating, washing, and repair equipment and workspace shall be enclosed within an approved sand and grease trap, drainfield and dry well, in accordance with all State standards;
  - (04) *Off-Street Parking.* The service area shall include no less than one employee parking space for each two employees, with a minimum of two employee parking spaces;
  - (05) *Truck Parking Areas—Truck Stop.* Truck parking areas shall be set back at least 50 feet from any property zoned or designated on the Future Land Use Map for residential use.
- (C) *Bulk Storage.* Liquid petroleum fuels shall be stored in accordance with applicable State standards. No loading or unloading of freight shall be permitted on the site.
- (D) *Structures.* Structures shall conform to the following standards:
  - (01) *Building.* The building shall be set back a minimum of 40 feet from street property lines. This distance shall be measured to vertical canopy supports if they are used, and the building vertical walls if vertical canopy supports are not used. The building shall be set back a minimum of 10 feet from interior property lines. A canopy overhead shall not project more than 10 feet from the canopy vertical supports;
  - (02) *Pump Islands.* Pump islands shall be set back a minimum of 25 feet from any property line;
  - (03) *Exterior Lighting.* Exterior lighting fixtures shall cast no glare beyond a property line.

- (E) *Outdoor Display.* Outdoor display shall be limited to the following:
- (01) Racks containing cans of lubricating oil may be displayed on each service island;
  - (02) One rack or pedestal for the display of no more than one tire may be placed on each service island and along any side of the main entrance;
  - (03) One stationary storage cabinet may be located no more than four feet from the wall of the main structure, excluding vending machines;
  - (04) The display of standards, banners, flags, and any sign not specifically authorized by this Code is prohibited, except that one permit for the display of standards, banners and flags for not more than 30 days may be issued to a newly constructed service station.
  - (05) The service area shall drain into a catch basin on the site and thence to a storm sewer if a storm sewer is available. If no storm sewer passes the site, the drainage shall be in accordance with Section 3.13.00, Stormwater Management.
- (F) *Shopping Centers.* One service station may be constructed at a shopping center provided all other requirements of this Section are met.
- (G) *Storage, Sale and Rental of Vehicles and Trailers.* The storage of vehicles and trailers shall be permitted only as incidental to the customary servicing of vehicles and trailers, except that one vehicle or trailer may be stored for each 200 square feet of land over 15,000 square feet of lot area. The sale of vehicles and trailers shall be prohibited. The rental of vehicles or trailers shall be permitted provided that an additional 200 square feet of lot area is provided for each rental vehicle and/or trailer.
- Storage of vehicles that are used for parts or that are stored in connection with a wrecker or towing service have a maximum accumulation time of two months.

*3.16.05. Retail Commercial: Outdoor Storage Allowed.*

*3.16.05.01. Building Supply Sales, Outdoor.*

- (A) Property shall be at least one acre in size.
- (B) Storage areas shall be screened from view with a wall or opaque fence. A fence must be constructed along the property line adjacent to residential land use in addition to the buffer yard required by Section 3.07.00. This fence may be constructed of wood, chain link with inserts, masonry or metal, no less than six feet in height. Specifications for the type of fences are as follows:
- (01) Wood fence: Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;
  - (02) Chain link with inserts: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
  - (03) Masonry: Shall be constructed and maintained to present a clean, uniform appearance; or
  - (04) Metal: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.

*3.16.05.02. Recreation, Outdoor, Commercial.*

- (A) Property shall be at least one acre in size.
- (B) No outdoor commercial recreation facility shall be located within 300 feet of any existing residences or property designated for residential use on the Future Land Use Map of Hardee County. This distance shall be measured from the boundary of the property on which the proposed outdoor recreation enterprise would be located.
- (C) Lighting to illuminate buildings, stages, open areas or advertising shall be designed so as to shine only on the

subject property, and shall be directed away from any public street or residential area.

- (D) Outdoor recreation activities shall be subject to applicable Performance Standards provided in Section 3.14.00.
- (E) No building, mobile home, trailer, vehicle, or mechanical equipment shall be located within 50 feet of any property line.

*3.16.05.03. Recycling Collection Center, Outdoor.*

Recycling "center" in this context refers to a collection point for glass, paper, newspaper, cardboard, aluminum cans, plastic containers and/or wood for woodchips. No processing shall be allowed and no collection of hazardous materials shall be allowed. Storage of materials must be in an approved storage container that is watertight, childproof and sanitary.

*3.16.06. Non-retail/Service Commercial.*

*3.16.06.01. Wholesale Distributor More Than 50,000 s.f.*

- (A) Minimum lot size shall be two acres.
- (B) The terminal must be located on an Arterial or a Major Rural Collector road.
- (C) Truck parking areas shall be set back at least 50 feet from any property zoned or designated on the Future Land Use Map for residential use.
- (D) Truck parking areas shall be set back at least 20 feet from any property zoned or designated on the Future Land Use Map for commercial or industrial use.
- (E) Canopy and buffer yards shall be provided in accordance with the standards of Section 3.15.02 and a buffer yard "C".

*3.16.07. Light Industry.*

General requirements for all Light Industrial Uses:

- (A) Minimum lot size shall be one acre unless in an approved industrial park;
- (B) Structures shall be set back 50 feet from all lot lines;
- (C) Canopy and buffer yards shall be provided in accordance with the standards of Section 3.15.02 and a buffer yard "D";
- (D) A six-foot fence must be constructed along the property line adjacent to residential land use in addition to the buffer yard required by Section 3.15.04. This fence may be constructed of wood, chain link with inserts, masonry or metal. Specifications for the type of fences are as follows:
  - (01) Wood fence: Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;
  - (02) Chain link with inserts: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
  - (03) Masonry: Shall be constructed and maintained to present a clean, uniform appearance; or
  - (04) Metal: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.

*3.16.07.01. Freight or Trucking Terminal.*

This use shall conform to the General Requirements for Light Industrial Uses listed in Section 3.08.09 in addition to the below standards:

- (A) The terminal must be located on an Arterial or a Major Rural Collector road;

- (B) Truck parking areas shall be set back at least 50 feet from any property zoned or designated on the Future Land residential use. Adjacent to a residential area a fence is required as described in General Requirements for Light Uses, Section 3.16.08(D);
- (C) Truck parking areas shall be set back at least 20 feet from any property zoned or designated on the Future Land Use Map for commercial or industrial use;
- (D) Mechanical work shall be performed in an enclosed building or screened from general or casual view by landscaping or by a fence as described in General Requirements for Light Industrial Uses, Section 3.16.08(D).

*3.16.07.02. Mining: 1 acre/year or Less.*

See definition in Article 9.

*3.16.07.03. Recycled Materials Processing Center.*

This use shall conform to the General Requirements for Light Industrial Uses listed in Section 3.08.09 in addition to the below standards:

- (A) All processing activities and associated machinery or equipment not located inside an enclosed structure shall be screened from general or casual view by a six-foot solid wall;
- (B) All recycled materials stored outdoors, either before or after processing shall be screened from general or casual view by a six-foot solid wall;
- (C) Structures shall be set back 40 feet from all lot lines;
- (D) Truck parking areas shall be set back at least 50 feet from any property zoned or designated on the Future Land Use Map for residential use;
- (E) Truck parking areas shall be set back at least 20 feet from any property zoned or designated on the Future Land Use Map for commercial or industrial use.

*3.16.07.04. Sales or Minor Storage of Propane Gas.*

This use shall conform to the General Requirements for Light Industrial Uses listed in Section 3.08.09 in addition to the below standards:

Storage area must be a minimum of 20 feet from any property line and 20 feet from any structure on-site and comply with National Fire Protection Association (NFPA) standards.

*3.16.08. Heavy Industry.*

General requirements for all Heavy Industrial Uses:

- (A) Minimum lot size shall be one-half acre;
- (B) The buffer yard abutting the right-of-way of a public road shall be a buffer yard "D", see Table 3.15F, Figure D;
- (C) All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.14.00, Performance Standards, for applicable glare and lighting standards;
- (D) Stored material shall be completely screened from view by an opaque fence no less than six feet in height in addition to the buffer yard required by Section 3.07.00. This fence may be constructed along the property line of wood, chain link with inserts, masonry or metal. Specifications for the type of fences are as follows:
  - (01) *Wood fence*: Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;
  - (02) *Chain link with inserts*: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;

(03) *Masonry*: Shall be constructed and maintained to present a clean, uniform appearance; or

(04) *Metal*: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.

*3.16.08.01. Building Supply Salvage Yard.*

This use shall conform to the General Requirements for Heavy Industrial Uses listed in Section 3.16.09 except fencing, as detailed below.

Fencing must conform to those standards in Section 3.16.09(D) except that fencing must be no less than 10 feet in height.

*3.16.09. Public Service Facilities.*

*3.16.09.01. Sewage Disposal Facility.*

A Site Development Plan is required in I-2-zoned district.

(A) All facilities or disposal activities, including spray equipment and over-land flow areas, shall be set back no less than 100 feet from all lot lines.

(B) Property shall be screened from outside view by vegetative buffer areas. See Section 3.15.04.

(C) Facility shall meet all applicable standards of the State of Florida.

*3.16.09.02. Utility Substation.*

(A) Facility shall be surrounded by a fence at least six feet in height to deter unauthorized entry. Barbed wire may be placed on top for safety.

(B) All structures and/or equipment shall be set back not less than 15 feet from all property lines. Canopy and buffer yards shall be provided in accordance with the standards of Section 3.15.00 and a buffer yard "D".

*3.16.09.03. Water Tower.*

Each tower shall be set back from all property lines a distance equal to its height. Alternatively, the tower shall be set back a distance equal to 50% of its height with certification by an engineer licensed in the State of Florida that the structure is designed to collapse within the boundaries of the property on which it is built. The tower shall meet all applicable standards of the FCC, the FAA and any other relevant Federal or State agency.

(Ord. No. 2008-20, §§ 2—4, 7-17-2008; Ord. No. 2012-05, 8-2-12; 2015-01, 11-18-2014; Ord. No. 2015-02, 11-18-2014)

8.01.00. - Development Officials.

The purpose of this Article is to establish the procedures to administer and enforce all matters arising under this Code to: 1) set forth the procedural rules associated with land development in the County; 2) minimize developer expense while facilitating compliance with the provisions of this Code and the Comprehensive Plan; 3) establish a procedure to amend provisions of this Code and the Comprehensive Plan; 4) establish a procedure for relief from specified regulations in this Code; and 5) establish the functions and responsibilities of those public entities charged with the administration of this Code as established by state statute, administrative regulation, and prevailing practice.

The Director of Planning and Development shall administer this land development code and the administrative elements of the Florida Building Code; the Building Official shall administer the technical elements of the Florida Building Code. The Director of Planning and Development and Building Official are authorized to act through aides and assistants, and in the performance of their duties, may request the assistance of any appropriate officer or agency of Hardee County.

#### *8.01.01. Building Official.*

The Building Official shall supervise and administer all staff activities regarding issuance of building and other permits regulated by the Florida Building Code (FBC), enforcement of the FBC, and County Code Enforcement. The Building Official shall be duly qualified for these responsibilities through appropriate certification, education and work experience.

#### *8.01.02. Administration of the Florida Building Code.*

The FBC is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems. Quality control of materials and workmanship is not within the purview of the FBC except as it relates to the purposes stated herein.

#### *8.01.03. Permitting and Inspection.*

The inspection or permitting of any building, system or plan by the county under the requirements of the FBC shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither the county nor any employee thereof shall be liable in tort 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, unless the county employee is found to have acted in bad faith or with malicious purpose in a manner exhibiting wanton and willful disregard of the safety, health and welfare of the public.

#### *8.01.04. Applicability.*

##### *8.01.04.01. General.*

Where, in any specific case, different sections of the FBC 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.

##### *8.01.04.02. Building.*

(A) The provisions of the FBC 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 any appurtenances connected or attached to such buildings, structures and 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 the FBC.

The following buildings, structures, and facilities are exempt from the FBC as provided by law, and any future exemptions shall be as determined by the legislature and provided by law:

- (01) Buildings and structures specifically regulated and preempted by the Federal government.
- (02) Railroads and ancillary facilities associated with the railroad.
- (03) Nonresidential farm buildings on farms.
- (04) Temporary buildings or sheds used exclusively for construction purposes.
- (05) Mobile homes as temporary offices, except that the provisions of Part V, Sections 553.501—553.513, F.S.,

relating to accessibility by persons with disabilities shall apply to such mobile homes.

- (06) Those structures or facilities of electric utilities, as defined in F.S. Section 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
- (07) 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.
- (08) Chikees constructed by the Miccosukee Tribe of Indians of Florida of the Seminole Tribe of Florida. As used in this paragraph, the term "chikee" means a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.
- (B) The FBC 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, or repair or demolition of public or private buildings, structures, or facilities or to programmatic requirements that do not pertain to enforcement of the FBC.
- (C) Residential buildings or structures moved into or within the county shall comply with the requirements of this Code.
- (D) Unsafe buildings shall be abated using the International Property Maintenance Code, 2003 edition, promulgated by the International Code Council, subject to all amendments, modifications or deletions hereinafter contained.
- (E) 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 Insurance to inspect state-owned buildings and boilers.

*8.01.04.03. Electrical.*

The provisions of Chapter 27, FBC, Building, shall apply to the installations of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

*8.01.04.04. Gas.*

The provisions of the FBC, Fuel Gas, shall apply to the installation of consumers' gas piping, gas appliances and related accessories as covered in the FBC. 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.

*8.01.04.05. Plumbing.*

The provisions of the FBC, plumbing, shall apply to every plumbing installation including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances and when connected to a water or sewerage system and all aspects of a medical gas system.

*8.01.04.06. Federal and State Authority.*

The provisions of the FBC shall not be held to deprive and federal or state agency, or applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of the FBC or any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

*8.01.04.07. Referenced Standards.*

Standards referenced in the technical codes shall be considered an integral part of the codes without separate adoption. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

*8.01.04.08. Units of Measure.*

The inch-pound system of measurement is applicable to the provisions of the FBC. Metric units indicated in parenthesis following inch-pound units are approximate equivalents and are provided for information purposes only.

*8.01.04.09. Accessibility.*

For provisions related to accessibility, refer to Chapter 11, FBC, Building.

*8.01.04.10. Energy.*

For provisions related to energy, refer to Chapter 13, FBC, Building.

*8.01.05. Definitions.*

The following words, terms and phrases, when used in this Section, shall have the meanings described to them in this Section, except where the context clearly indicates a different meaning. Additional definitions relative to this Section and Article 8 generally may be found in Article 9, Definitions, Land Development Code.

*Abandon or abandonment* means (01) termination of a construction project by a contractor without just cause or proper notification to the owner including the reason for termination; (02) failure of a contractor to perform work without just cause for 90 days; (03) failure to obtain an approved inspection within 180 days from the previous approved inspection.

*Appraised value* means, for purposes of this Section, either (01) 120 percent of the assessed value of a structure or improvement as indicated by the Hardee County Property Appraisers Office or (02) the value as indicated in a certified appraisal from a certified appraiser.

*Assessed value* means the value of real property and improvements thereon as established by the Hardee County Property Appraiser's Office.

*Authorized agent* means a person specifically authorized by the holder of a Certificate of Competency to obtain permits in his/her stead.

*Basic wind speed line* is established to be 110 mph.

*Building component* means an element or assembly of elements integral to or part of a building.

*Building shell* means the structural components that completely enclose a building, including but not limited to, the foundation, structural frame, floor slabs, exterior walls and roof system.

*Certificate of competency* means an official document evidencing that a person is qualified to engage in the business of contracting, subcontracting or the work of a specific trade.

*Certificate of experience* means an official document evidencing that an applicant has satisfied the work experience requirements for a certificate of competency.

*Certificate of occupancy (C.O.)* means an official document evidencing that a building satisfies the requirements of the county for the occupancy of the building.



*Certified contractor* means any contractor who possesses a certificate of competency issued by the Department of Professional Regulation of the State of Florida.

*Change of occupancy* means a change from one Building Code occupancy classification or subclassification to another.

*Commercial building* means any building, structure, improvement or accessory thereto, other than a one or two family dwelling.

*Cumulative construction cost* means the sum total of costs associated with any construction work done to a building or structure either at one time or at different times within a specified period of time.

*Demolition* means the act of razing, dismantling or removing a building or structure, or a portion thereof, to the ground level.

*Examination* means an exam prepared, proctored and graded by a recognized testing agency unless otherwise implied in a context or specifically stated otherwise.

*FCILB* means the Florida Construction Industry Licensing Board.

*Imminent danger* means structurally unsound conditions of a structure or portion thereof that is likely to cause physical injury to a person entering the structure; or due to structurally unsound conditions, any portion of the structure is likely to fall, be carried by the wind, or otherwise detach or move, and in so doing so cause physical injury or damage to a person on the property or to a person or property nearby; or the condition of the property is such that it harbors or is inhabited by pests, vermin, or organisms injurious to human health, the presence of which constitutes an immediate hazard to people living within the vicinity.

*Inspection warrant* means a court order authorizing the county manager/designee(s) to perform an inspection of a particular property named in the warrant.

*Intensification of use* means an increase in capacity or number of units of a residential or commercial building.

*Interior finish* means the preparation of interior spaces of a commercial building for the first occupancy thereof.

*Licensed contractor* means a contractor certified by the State of Florida.

*Owner's agent* means a person, firm or entity authorized in writing by the owner to act for or in place of the owner.

*Permit* means an official document authorizing the performance of a specific activity regulated by this Section of the FBC.

*Permit placard* means a document issued by the county evidencing the issuance of a permit and recording of inspections.

*Qualifying agent, primary* means a person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage, and control the contracting activities of the business organization with which he is associated; who has the responsibility to supervise, direct, manage and control construction activities on a job for which he has obtained a permit; and whose technical and personal qualifications have been determined by investigation and examination and is evidenced by his possession of a certificate of competency.

*Qualifying agent, secondary* means a person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage and control construction activities on a job for which he has obtained a permit, and whose technical and personal qualifications have been determined by investigation and examination and is evidenced by his possession of a certificate of competency.

*Registered contractor* means a contractor who has registered with the Department of Professional Regulation of the State of Florida pursuant to fulfilling the competency requirements of the county.

*Registration* means the act of or process of registering a locally obtained certificate of competency with the state, or in the act or process of registering a state issued certificate of competency with the county.

*Remodeling* means work which changes the original size, configuration or material of the components of a building.

*Residential building* means any one or two family building or accessory.

*Roofing* means the installation of roof coverings.

*Spa* means any constructed or prefabricated pool containing water jets.

*Specialty contractor* means a contractor whose services do not fall within the categories specified in F.S. Section 489.105(3), as amended.

*Start of construction* means, as to:

*Site:* The physical clearing of the site in preparation for foundation work including, but not limited to, site clearing, excavation, dewatering, pilings and soil testing activities;

*Building:* The removal, disassembly, repair, replacement, installation or assembly of the building, structure, building system or building components in whole or parts thereof.

*Stop work order* means an order by the Building Official/designee that requires the immediate cessation of all work activities described in the order.

*Structural component* means any part of a system, building or structure, load bearing or non-load bearing, which is integral to the structural integrity thereof, including but not limited to walls, partitions, columns, beams and girders.

*Structural work or alteration* means the installation or assembling of new structural components into a system, building or structure. Also, any change, repair or replacement of any existing structural component of a system, building or structure.

*Substantial completion* means where the construction work has been sufficiently completed in accordance with applicable local, state and federal codes, so that the owner can occupy or utilize the project for the use for which it was intended.

*Value* means job cost.

#### *8.01.06. Powers and Duties.*

##### *8.01.06.01. General.*

The Building Official is hereby authorized and directed to enforce the provisions of the FBC. The Building Official shall have the authority to render interpretations of the FBC and develop procedures in order to clarify the application of its provisions. Such interpretations and procedures shall be in compliance with the intent and purpose of the FBC, and shall not have the effect of waiving requirements specifically provided for in the FBC.

*8.01.06.02. Right of Entry.*

- (A) Whenever necessary to make an inspection to enforce any of the provisions of the FBC, 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 the FBC and land development 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 reasonably 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.
- (B) 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 to neglect, after proper request is made and herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to the FBC and land development code.

*8.01.06.03. 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 the FBC or Land Development 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 his 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 written notice prior to stopping the work.

*8.01.06.04. Revocation of Permits.*

The Building Official is authorized to suspend or revoke a permit issued under the provisions of the FBC whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any provision of the FBC.

- (A) *Misrepresentation of application.* The Building Official may revoke a permit or approval issued under the provisions of the FBC and land development code in case there has been any false statement or misrepresentation as to any material fact in the application or plans on which the permit or approval was based.
- (B) *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 the FBC and land development code.

*8.01.06.05. 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 or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code or other county ordinance.

*8.01.06.06. 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 health, welfare and safety, not specifically covered by this or other technical codes, shall be determined by the county.

*8.01.07. Permits.*

Except as otherwise provided in the FBC or Land Development Code any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move demolish, or change the occupancy or occupant content of a building or structure, or any outside area being used as the building's designated occupancy (single or mixed) 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 department and obtain the required permit for the work.

*8.01.07.01. Exceptions.*

- (A) *Work authorized.* A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same is shown on the plans and set forth in the specifications filed with the application for permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.
- (B) *Minor repairs.* Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs do not violate any of the provisions of the technical codes.

*8.01.07.02. Information Required.*

Each application for a permit, along with the required fee, shall be filed with the building department on forms furnished for that/those purpose(s) and shall contain a general description of the proposed work and its location. The owner or his/her authorized agent shall sign the application. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain other information as may be required by the building department.

*8.01.07.03. Time Limitations.*

Except as otherwise provided in this Section an application for permit for any proposed work shall be deemed to have been abandoned, and shall expire by limitation and become null and void six months after the date of filing for the permit. One or more extensions of time for periods of not more than 90 days may be allowed by the Building Official; provided the extension is requested in writing and justifiable cause is demonstrated.

*8.01.07.04. Notice of Commencement.*

As per F.S. Section 713.135, when any person applies for a building permit the permit placard shall have printed upon it 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."**

*8.01.07.05. Asbestos.*

The County 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, F.S., and to notify the Department of Environmental Protection of his/her

intentions to remove asbestos, when applicable, and in accordance with state and federal law.

*8.01.07.06. Drawings and Specifications.*

A minimum of two copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to comply with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

*8.01.07.07. Roof Assemblies.*

For roof assemblies required by the FBC, 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 requirement required in Hardee County.

*8.01.07.08. Additional Data.*

The Building Official shall be allowed to require details, computations, stress diagrams, and other necessary data to describe the construction or installation and the basis of calculations.

*8.01.07.09. Design Professional.*

If the design professional is an architect or engineer legally registered under the laws of the state regulating the practice of architecture or engineering, then he/she shall affix his seal to said drawings, specifications and accompanying data, as required by Florida Statute.

*8.01.07.09.01. Certification by Contractors.*

Certification by contractors authorized under the provisions of Section 489.115(4)(b), F.S., shall be considered to be equivalent to sealed plans and specifications by a person licensed under Chapter 471, F.S. or Chapter 481, F.S. for plans review for permitting purposes relating to compliance with the wind resistance provisions of the FBC or alternate methodologies approved by the Florida Building Commission for one and two family dwellings. The County may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the FBC for wind resistance. Upon good cause shown, the County may accept or reject plans sealed by persons licensed under Chapters 471, 482, or 489, F.S.

*8.01.07.10. Structural and Fire Resistance Integrity.*

Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistant wall, floor or partition will be made for electrical, mechanical, plumbing and communications conduits, pipes and systems. Such plans shall also indicate in sufficient detail how the fire integrity will be maintained where required fire resistant floors intersect with exterior walls and where joints occur in required fire resistant assemblies.

*8.01.07.11. Site Drawings.*

Drawings shall show, on a boundary survey of the lot or site, if less than one acre, or boundary sketch if one acre or greater, prepared by a land surveyor registered in the State of Florida within 12 months of the date of the permit application if less than one acre, the location of the proposed building or structure and of every other building or structure on the lot or site.

*8.01.07.11.01. Hazardous Occupancies.*

The Building Official may require the following:

- (01) *General site plan.* A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazardous classes and the maximum quantities per hazard class of hazardous materials stored.
- (02) *Building floor plan.* A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with hazard class and quantity range per hazard class of the hazardous material stored.

*8.01.07.12. Certificate of Protective Treatment for Termite Prevention.*

A weather resistant jobsite posting board shall be provided to receive duplicate treatment certificates as each protective treatment is completed, providing a 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 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.

*8.01.07.13. Notice of Termite Protection.*

A permanent sign which identifies the termite treatment provider and need for re-inspection and treatment contact renewal shall be provided. The sign shall be posted near the water heater or electric panel.

*8.01.08. Examination of Documents.*

*8.01.08.01. Plan Review.*

One and two-family, manufactured and mobile home permit applications shall require that all construction plans and required documents/specification be filed in duplicate. For commercial construction all plans and required documents/specifications shall be filed in triplicate. The building official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, and additional data, and shall ascertain by such examinations whether the construction indicated or described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.

*8.01.08.02. Minimum Plan Review Criteria - Buildings.*

The examination of 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 exterior elevation:

- (A) *Residential (one and two family) - building:*

- (01) *Site Requirements:* Original lot/site surveys prepared within the last 12 months of a permit application, signed and sealed by a land surveyor licensed/registered in the State of Florida; except that on lots or parcels of one acre or greater a boundary sketch may be considered; soil tests (if deemed necessary by the building official); plot plans of the surveyed/sketched lot/site depicting the structure(s) drawn to scale, dimensions of the front, side and rear setbacks and dimension of the driveway(s) and walkway(s); location of water and sewer lines (where applicable) or location of well and septic tank with Hardee County Health Department permit/approval, where applicable; location of laterals and connections to the structure(s), where applicable; location of the nearest fire hydrant to the lot/site, where applicable; proposed lot grading plan; base floor and lowest floor elevation.
  - (02) *Structural requirements:* Foundation plan; wall section from foundation through roof, including assembly and materials; connector tables; wind requirements; structural calculations; roof framing plan; truss drawings (prepared by the manufacturer).
  - (03) *Floor plan requirements:* Identification of spaces on each level; breakdown of the square footage (living area, porch(s), garage, lanai, patio, etc.); typical interior wall sections; stair location; exterior/interior door location/dimensions; kitchen/bath identification with fixture identification; hot water heater location.
  - (04) *Building elevation requirements:* North/south/east/west elevations; egress window size and location; stairs construction requirements; siding type; roofing type.
  - (05) *Electrical requirements:* Electric layout per floor plan; electric riser diagram including main panel size; electric load calculations.
  - (06) *Plumbing requirements:* Plumbing riser diagram.
  - (07) *Mechanical requirements:* Mechanical layout; compressor location; energy calculations signed by the preparer.
  - (08) *Fire safety requirements:* Fire resistant construction, if required; smoke detector locations.
  - (09) *Accessibility requirements:* Show/identify accessible bath.
- (B) *Manufactured and mobile homes:*
- (01) *Site Requirements:* Original lot/site surveys prepared within the last 12 months of a permit application, signed and sealed by a land surveyor licensed/registered in the State of Florida; except that on lots or parcels of one acre or greater in area a boundary sketch may be considered; soil tests (if deemed necessary by the building official); plot plans of the surveyed lot/site depicting the structure(s) drawn to scale, dimensions of the front, side and rear setbacks, location and dimension of the driveway(s) and walkway(s); location of water and sewer lines or location of well and septic tank, if applicable; location of laterals and connections to the structure(s); location of the nearest fire hydrant to the lot/site, where applicable; proposed lot grading plan; base floor and lowest floor elevation.
  - (02) *Structural requirements:* Wind zone; anchoring; blocking.
  - (03) *Mechanical:* Exhaust systems (clothes dryer exhaust; kitchen equipment exhaust).
  - (04) *Electrical:* Exterior disconnect location; electric riser diagram, including main panel size.
  - (05) *Plumbing:* Water/sewer connections.

*8.01.08.03. Minimum Construction, Design and Quality and Condition Standards - Used/Pre-Owned Manufactured and Mobile Homes:*

*8.01.08.03.01. Definitions.*

The following words, terms and phrases, when used in this Section, shall have the meanings described to them in this Section, except where the context clearly indicates a different meaning. Additional definitions relative to this Section and Article 8 generally may be found in Article 9, Definitions, Land Development Code.

*Agent.* A person or persons, with or without compensation, acting for or on behalf of another in the transaction of business.

*Board.* In cases involving the Appeals process, applicant, applicants or Department may request a hearing for finding of fact or formal ruling before the Hardee County Board of County Commissioners.

*Building Department.* The Hardee County Building Department.

*Good Proof.* A certificate of Title as provided for in Chapter 319, Florida Statutes.

*Mobile Home.* As defined in section 320.01(2)(a), Florida Statutes.

*Manufactured Home.* As defined in section 320.01(2)(b), Florida Statutes.

*Permits.* Permitting as related to either rebuilding, installing or occupying a mobile home or manufactured housing unit.

*Used or Preowned.* Any mobile home or manufactured housing unit that does not hold a new Certificate of Title or has been occupied for a period of 24 hours or more. A Certificate of Title assigned to a licensed mobile home or manufactured housing unit manufacturer, broker, dealer or dealership "show models" offering full new factory warranty shall not be considered as used.

*8.01.08.03.02. Prohibited Manufactured/Mobile Homes.*

Any manufactured/mobile home constructed prior to June 15, 1976, shall be prohibited from being permitted and installed within Hardee County.

(A) *Inspection requirements.*

A the time of a permit application, any pre-owned or occupied mobile home or any pre-owned or occupied manufactured housing unit shall require a pre-inspection by the Hardee County Building Department or its designee, prior to transport, installation or commencement of work on such unit within Hardee County. The purpose of the pre-inspection is to determine compliance with this Section.

(B) *Repair and remodeling standards.*

When repair or remodeling is necessary to bring a preowned/occupied mobile home or preowned/occupied manufactured housing unit into compliance with the housing standards contained herein, such repair or remodeling shall conform to the Mobile/Manufactured Home Repair and Remodeling Code adopted by Rule 15C-22.0081 of the Florida Department of Motor Vehicles, as set forth in Appendix 1 of this Code. Any and all repairs shall be completed prior to being moved into the County or relocated to a new lot/parcel within the County.

(C) *Requirements.*

To qualify for a permit to install or set up a used or preowned mobile home or used or preowned manufactured housing unit, such used or preowned mobile home or used or preowned manufactured housing unit shall comply with the following minimum standards:

(a) *Structural system:*

(01) The exterior bearing wall assembly including but not limited to framing, studs, upper and lower plates, wall sheathing and bracing system, shall be structurally sound and intact as a designed assembly;

(02) The floor joist system and floor sheathing shall be structurally sound, solidly secured and intact as



- a designed assembly;
- (03) The roof joists, rafters or trusses shall be structurally sound and intact as a designed assembly;
  - (04) The exterior siding and roof covering shall be free from rot, rust, decay, open seams, physical damage or any other openings permitting moisture, insect or rodent penetration. The general condition of the exposed exterior shall be of sufficient appearance and quality to ensure continued service life with minimal maintenance.
  - (05) All exterior doors and windows shall be of an approved exterior type, suitable for mobile home or manufactured housing use and in good condition and working order. Exterior doors shall be equipped with working key locksets. All exterior glass or windowpanes shall be intact and without cracks or breaks. Window openings where a window-type air conditioner has been removed for unit transport may be exempt;
  - (06) All exposed siding or exterior materials shall be protected by sealing, priming and painting, coating, or other product prescribed methods of protection;
  - (07) The following shall not exist to a degree that compromises the structural integrity of the used or preowned mobile home or used or preowned manufactured housing unit:
    - a. Rot;
    - b. Rust;
    - c. Neglected appearance;
    - d. Physical damage; or
    - e. Excessive yielding of structural systems in bearing walls, floor system, roof system or permanent chassis that poses a threat of premature failure.
  - (08) Visual evidence of existing repairs at time of pre-inspection that are considered covering internal structural damage or unpermitted repairs shall authorize the inspector to order such covering to be removed, opened or otherwise uncovered so as to allow proper inspection;
  - (09) Used or preowned mobile homes or used or preowned manufactured housing units failing structural inspection requirements under this Section may, at the Applicant's discretion, be put to an independent test. Such tests shall be certified by a Professional Engineer or State-approved inspection facility. Upon satisfactory test results, the written report shall be submitted with reapplication for permits. Testing report shall include, but not be limited to, structural load testing and roof load testing by acceptable engineering non-destructive test methods. Fees for such special services shall be the responsibility of the Applicant.
- (b) Electrical system:
- (01) Electrical equipment, wiring, fixtures and devices shall be properly attached and securely mounted to solid construction;
  - (02) Any electrical equipment, wiring, fixtures and devices showing signs of breakage, arcing, dry rot or high temperature damage shall be replaced;
  - (03) Any external wiring, boxes or devices shall be securely attached, protected and weather tight;
  - (04) Electrical equipment, wiring, fixtures and devices shall be protected by approved over current devices sized and installed according to the National Electrical Code as adopted by Hardee County.
- (c) Plumbing system:
- (01) Plumbing fixtures, commodes, sinks, hose bibs, tub and shower enclosures, valves, piping and

similar plumbing components shall be securely attached to adjoining floor or wall construction;

(02) The plumbing system shall include:

- a. A bathroom which provides privacy and which contains a bathtub and/or shower, a toilet and a sink;
- b. A kitchen sink;
- c. An approved hot water heater;

(03) Fixture drains shall be trapped;

(04) Fixtures shall be free of cracks or similar damage.

(d) H.V.A.C system:

(01) H.V.A.C. air duct systems, whether intended for use or not, shall be tight, secure and free of leaks, breaks or any exposure to outside entry or infiltration.

(e) Fire safety:

(01) Existing interior materials that do not meet original HUD flame-and-smoke spread rating minimum standards, shall be replaced with approved materials complying with original HUD Standards;

(02) Approved smoke detectors shall be installed near all sleeping areas.

*8.01.08.04. Commercial - Building:*

(01) Site requirements, pursuant to Section 7.06.00, Land Development Code.

(02) Occupancy group and special occupancy requirements shall be delineated.

(03) Minimum type of construction shall be determined (Table 500, FBC).

(04) 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 draft stopping; calculated fire resistance.

(05) Fire suppression systems shall include: early warning; smoke evacuation systems schematic; fire sprinklers (where required); standpipes - pre-engineered systems; riser diagram.

(06) Life safety systems shall be determined and shall include the following requirements: occupant load and egress capacities; smoke control; stair pressurization; systems schematic.

(07) Occupancy load/egress requirements shall include: occupancy load (gross and net); means of egress - exit access, exit, exit discharge; stairs construction/geometry of protection; doors; emergency lighting and exit signs; specific occupancy requirements; construction requirements; horizontal exists/exit passageways.

(08) 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 system.

(09) Materials shall be reviewed and shall at a minimum include the following: wood; steel; aluminum; concrete; plastic; glass; masonry; gypsum board and plaster; insulating 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 finished (flame spread/smoke development); light and ventilation; sanitation.

(12) Special systems: elevators, escalators; lifts.

(13) Swimming pools: barrier requirements; spas; wading pools.

*8.01.08.05. Commercial - Electrical.*

(01) Electrical wiring services; feeders and branch circuits; over-current protection; grounding; wiring methods and materials; GFCI's.

(02) Equipment.

(03) Special occupancies.

(04) Emergency systems.

(05) Communication systems.

(06) Low voltage.

(07) Load calculations.

*8.01.08.06. Commercial - Plumbing.*

(01) Minimum plumbing facilities.

(02) Fixture requirements.

(03) Water supply piping.

(04) Sanitary drainage.

(05) Water heaters.

(06) Vents.

(07) Roof drainage.

(08) Back flow prevention.

(09) Irrigation.

(10) Location of water supply line.

(11) Grease traps.

(12) Environmental requirements.

(13) Plumbing riser.

*8.01.08.07. Commercial - Mechanical.*

(01) Energy calculations.

(02) Exhaust systems: clothes dryer exhaust; kitchen equipment exhaust; specialty exhaust systems.

(03) Equipment.

(04) Equipment location.

(05) Make-up air.

(06) Roof mounted equipment.

(07) Duct systems.

(08) Ventilation.

(09) Combustion air.

(10) Chimneys, fireplaces, and vents.

(11) Appliances.

(12) Boilers.

(13) Refrigeration.

(14) Bathroom ventilation.

(15) Laboratory.

*8.01.08.08. Commercial - Gas.*

(01) Gas piping.

(02) Venting.

(03) Combustion air.

(04) Chimneys and vents.

(05) Appliances.

(06) Type of gas.

(07) Fireplaces.

(08) LP tank location.

(09) Riser diagrams/shut-offs.

*8.01.08.09. Commercial - Demolition.*

(A) *Asbestos removal.*

(01) *Affidavits.* 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 of 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 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, 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 and other pertinent laws or ordinances. The Building Official shall ensure that any person conducting plans review is qualified as a plans examiner under Chapter 468, F.S., Part XII, and that any person conducting inspections is qualified as a building inspector under Chapter 468, F.S., Part XII.

(02) *Issuing permits.* The building official shall act upon an application for a permit without unreasonable or unnecessary delay. If the building official is satisfied that the work described in the application for a permit and the contract document filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, he/she shall issue a permit.

No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to the building department 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, F.S.:

(a) Electrical documents for any new building or addition which requires an aggregate service capacity of 600 amperes (240 volts) or more on a residential electrical system or 800 amperes (240 volts) on a commercial or industrial electrical system and which costs more than \$50,000.00.

(b) Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixtures or which costs more than \$50,000.00.

(c) Fire sprinkler documents for any new building or addition that includes a fire sprinkler system which

contains 50 or more sprinkler heads. A Contractor I, Contractor II, or Contractor IV, certified under F.S. Section 633.521, may design a 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.

- (d) Heating, ventilation and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$50,000.00. 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-family, two-family, three-family, or four-family structure.

An air-conditioning system may be designed by an installing air-conditioning contractor certified under F.S. Chapter 489 to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with value of \$50,000.00 or less; and, when a 15-ton-per-system or less is designed for a singular space of a building and each 15-ton-per-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 ten-ton systems with each having an independent duct system, the contractor may design these two systems since each is less than 15 tons.

- (e) Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes medical gas, oxygen, steam, vacuum, toxic air infiltration, halon, or fire detection and alarm system which costs more than \$5,000.00.

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 stamped such document as provided in F.S. Section 471.025.

The county 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 Hardee County, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies."

A building permit for a single family residential dwelling must be issued within 30 working days of the application therefore, unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the FBC or the county's laws or ordinances.

- (03) *Refusal to issue permit.* If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the Building Official shall not issue a permit, but shall return the contract documents to the applicant with his/her refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.
- (04) *Identification of minimum premium policy.* Except as otherwise provided in Chapter 440, F.S., Workers Compensation, every employer shall, as a condition of receiving a building permit, show proof that it has secured compensation for its employees as provided in Sections 440.10 and 440.38, F.S.

- (05) *Asbestos removal.* Moving, removal or disposal of asbestos-containing materials on a residential building, occupies the building, the building is not for sale or lease, and the work is performed according to the limitations in this paragraph may be exempt from asbestos removal provisions under the FBC. To qualify this paragraph, an owner must personally appear and sign the building permit application. The building 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 one 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 in violation of the 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 and county ordinances.

- (06) *Special foundation permit.* When application for permit to erect or enlarge a building has been filed, and pending issuance of such permit, the Building Official may, at his/her discretion, issue a special permit for the foundation only. The holder of such permit is proceeding at their own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet the provisions of the technical codes.
- (07) *Public right-of-way.* A permit shall not be issued by the Building Official for the construction of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public land, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application for right-of-way permits from the county.

*8.01.08.10. Conditions of the Permit.*

- (A) *Permit intent.* A permit issued shall be construed as 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 the issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction, or violations of the FBC. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time of the work is commenced. Failure to obtain an approved inspection within 180 days of the previous approved inspection shall constitute suspension or abandonment. One or more extensions of time, for periods of not more than 180 days each, may be allowed by the building official, provided the extension requested is in writing and justifiable cause is demonstrated prior to the expiration date. The building official shall record the extension of time granted.

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

If a new permit is not obtained within 180 days 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. Alternatively, 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 the expiration and the date of issuance of the new permit.

Work shall be considered in active progress when the permit has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when building work is halted due directly to judicial injunction, order or similar process.

The fee for renewal, re-issuance, and extension of a permit shall be established by resolution of the Board of County Commissioners.

Permits issued for the demolition of a structure shall expire 60 days from the date of issuance. For a justifiable cause, one extension of time for a period not exceeding 30 days may be allowed. Such requests shall be in writing to the building official.

- (B) *Permit issued on the basis of affidavit.* Whenever a permit is issued in reliance upon an affidavit or whenever the work 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 shall supervise such work. In addition, they shall be responsible for conformity of the permit, provide copies on 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 stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall insure that any person conducting plans review is qualified as a plans examiner under Chapter 468, F.S., Part XII, and that any person conducting inspections is qualified as a building inspector under Chapter 468, F.S., Part III.
- (C) *Plans.* When the Building Official issues a permit, he/she shall endorse, in writing or by stamp, all sets of the reviewed plans "Reviewed for Code Compliance." The County shall retain one set of reviewed plans and the other sets shall be returned to the applicant. The permit drawings shall be kept at the job site and shall be open to inspection by the building official and/or county inspectors.
- (D) *Posting of permit.* Work requiring a permit shall not commence until the permit holder or his agent posts the permit placard in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit inspectors to conveniently make the required entries thereon. The permit placard shall be maintained in such a position by the permit holder until the Certificate of Occupancy is issued by the building official.

#### *8.01.08.11. Fees.*

- (A) *Proscribed fees.* A permit shall not be issued until fees proscribed by resolution of the Board of County Commissioners have been paid. Said fees shall be those authorized under F.S. Section 553.80, as well as any impact, assessment, capacity or capital fees the Board of County Commissioners may establish from time to time. 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, mechanical, plumbing or gas systems has been paid.
- (B) *Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, mechanical, plumbing or gas system prior to 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. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be obtained within three business days and any unreasonable delay in obtaining those permit(s) shall result in a charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

- (C) *Accounting.* The county shall keep a permanent and accurate accounting of all permit fees and monies collected, the names of all persons upon whose account was paid, along with the date and amount thereof.
- (D) *Schedule of permit fees.* On all buildings, structures, electrical, mechanical, plumbing and gas systems, as well as any other work established by the county requiring a permit, a fee for each permit shall be paid prior to issuance of any permit, in accordance with the fee established by the Board of County Commissioners.

*8.01.08.12. Inspections.*

*8.01.08.12.01. Existing Building Inspections.*

Before issuing a permit, the building official may examine any building, electrical, mechanical, plumbing, gas or life safety systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish install or change the occupancy thereof. There shall be a record made of such examination and inspection and of all violations of the technical codes.

*8.01.08.12.02. Inspections Prior to Issuance of Certificate of Occupancy.*

The Building Official shall inspect or cause to be inspected, at various intervals, all construction work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, mechanical, gas or plumbing system upon completion, prior to the issuance of the certificate of occupancy.

*8.01.08.12.03. Required Inspections.*

The Building Official, upon notification from the permit holder or his agent, shall make the following inspections 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) *Building.*

- (01) Foundation inspection: To be made after trenches are excavated and forms erected and shall include the following building components:

- \* Footers/grade beams
- \* Stem wall
- \* Piling/pile cap
- \* Monolithic slab-on-grade

- (01.1) Slab inspection: To be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed and the electrical, plumbing and mechanical work is complete. Slab shall not be poured until all required inspections have been made, required soil compaction to at least 95 percent modified proctor has been certified, and evidence of soil treatment for termites has been certified.



A foundation survey shall be required for all new construction prior to vertical construction. The survey shall certify the placement of the building on the site, illustrate all surrounding setback dimensions, illustrate the lowest floor elevation, and shall be available at the job site for review by the building inspector and for the building permit file.

- (02) Framing inspection. To be made after the roof, all framing, fireblocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and shall include the following components:
- \* Window/door framing and installation
  - \* Vertical cells/columns
  - \* Lintel/tie beams
  - \* Framing/trusses/bracing/connectors
  - \* Draft stopping/fireblocking
  - \* Curtain wall framing
  - \* Energy insulation
  - \* Accessibility
- Roof truss plans, signed and sealed by the manufacturer shall be available at the job site for review by the building inspector and for the permit file.
- (03) Sheathing inspection. To be made either as a 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 include the following components:
- \* Roof sheathing
  - \* Wall sheathing
  - \* Sheathing fasteners
  - \* Roof/wall/dry-in
  - \* Drywall fasteners
- (04) Roofing inspection. To be made as two inspections on tile, slate or similar roof coverings or as one inspection on all other coverings, and shall include the following building components:
- \* Dry-in
  - \* Insulation
  - \* Roof coverings
  - \* Flashing
- (05) Final inspection. To be made after the building is complete and ready for occupancy and shall include the following, when applicable:
- \* Driveway/sidewalk
  - \* Deck/fencing
  - \* Irrigation/landscaping
- (06) 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.
  - \* Second inspection to be made for electrical and plumbing system components.

- \* Final inspection to be made when the swimming pool is complete and all required enclosure require order to pass final inspection a residential swimming pool shall meet the requirements relating to p described in section 424.2.17, FBC.

(07) 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 exist during or after demolition operations.
- \* Final inspection to be made after all demolition work is completed.

(B) *Electrical.*

- (01) Underground inspection: to be made after trenches or ditches are excavated, conduit or cable is installed, and before any backfill is replaced.
- (02) Rough-in: To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.
- (03) Final inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

(C) *Mechanical.*

- (01) Underground inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is replaced.
- (02) Rough-in inspection: To be made after the roof, framing, fireblocking and bracing is in place and all ducting and other concealed components are complete, and prior to the installation of wall and ceiling membranes.
- (03) 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.

(D) *Plumbing.*

- (01) Underground inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is replaced.
- (02) Rough-in: 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 the installation of wall or ceiling members.
- (03) Final inspection: To be made after the building is complete, all required plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

(E) *Gas.*

- (01) 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.
- (02) Final piping inspection: To be made 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.
- (03) 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 the new work or any changes; to ensure compliance with all requirements of the FBC and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

(F) *Site debris.*

- (01) 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 14 days.

(02) All debris shall be kept in such manner as to prevent it from being spread by any means.

*8.01.08.13. Written Release.*

Work shall not be done on any building, structure, electrical, mechanical plumbing or gas system beyond the point indicated in each successive inspection without first receiving a written release (passing inspection) from the county's inspector(s).

*8.01.08.14. Reinforcing Steel and Structural Frames.*

Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first passing inspection.

*8.01.08.15. Plaster Fire Protection.*

In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall request an inspection from the county after all lathing and backing is in place.

*8.01.08.16. Fire Resistant Joints and Penetrations.*

The protection of joints and penetrations in required fire resistant construction assemblies shall not be covered or concealed from view without first passing inspection.

*8.01.08.17. Termites.*

Building components and building surroundings required to be protected from termite damage in accordance with sections 1503.4.4, 1804.6.2.7, 1916.7.5, 2303, or 2603.3, FBC, are specifically required to be inspected for termites in accordance with section 2116, FBC, or required to have chemical soil treatment in accordance with section 1816, FBC, shall not be covered or concealed without first passing inspection.

*8.01.08.18. Threshold Building.*

All requirements pursuant to Section 19.3.6, FBC, shall be complied with.

*8.01.09. Certificate of Occupancy.*

*8.01.09.01. Building Occupancy.*

A new building shall not be occupied, or a change made in the occupancy, nature or use of a building or part of a building until after the building official has issued a certificate of occupancy. Said certificate shall not be issued until all required electrical, mechanical, plumbing, gas 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 and, where applicable, the fire chief.

*8.01.09.02. Issuing Certificate of Occupancy.*

Upon completion of construction of a building or structure and installation of electrical, mechanical, plumbing, and gas systems in accordance with the technical codes, reviewed plans and specifications, and after final inspection, and after verification that all septic system permits have received final inspection where applicable,

the building official shall issue a Certificate of Occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the FBC.

*8.01.10. Service Utilities.*

*8.01.10.01. Connection of Service Utilities.*

No person shall make connections from a utility source of energy, fuel or power to a building or system which is regulated by the technical codes for which a permit is required, until released by the Building Official and a Certificate of Occupancy is issued.

*8.01.10.02. Temporary Connection.*

The Building Official, by written approval, may authorize the temporary connection of a nonresidential building or system to the utility source of energy, fuel or power, for the purpose of testing building service systems.

*8.01.10.03. Authority to Disconnect Service Utilities.*

The Building Official shall have the authority to authorize disconnection of utility service to a building, structure or system regulated by the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. 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.

**Clermont, FL - Code of Ordinances** ([https://library.municode.com/fl/clermont/codes/code\\_of\\_ordinances](https://library.municode.com/fl/clermont/codes/code_of_ordinances))

## Sec. 14-9. - International property maintenance code.

The International Property Maintenance Code, 2006 edition, and any amendments or successor code thereto, is hereby adopted by reference as if set out in its entirety in this section and shall be controlling with regard to all buildings and other structures in the city.

- (1) *Section 101.1. Title.* The jurisdiction shall be the City of Clermont.
- (2) *Section 103.5. Fees.* The fee schedule shall be such fees as adopted by resolution of the City Council and on file in the office of the City Clerk.
- (3) *Section 302.4. Weeds.* All premises and exterior property shall be maintained free from weeds and plant growth in excess of 18" for an improved lot and 18" for a vacant lot.
- (4) *Section 304.14. Insert Screens.* The applicable period shall be January 1 though and including December 31.
- (5) *Section 602.3. Heat Supply.* The applicable period shall be January 1 though and including December 31.
- (6) *Section 602.4. Occupiable Work Spaces.* The applicable period shall be January 1 though and including December 31.

(Ord. No. 365-C, § 1, 5-26-2009)

## Sec. 122-363. - Standards and requirements for vacation rentals.

- (a) *General.* The standards and requirements set forth in this section shall apply to the rental, use, and occupancy of vacation rentals in the city. All dwelling units shall meet the minimum requirements of the International Property Maintenance Code, City Code section 14-9.
- (b) *Local phone service required.* At least one landline telephone with the ability to call 911 shall be available in the main level common area in the vacation rental.
- (c) *Parking standards.* Occupants and visitors to the vacation rental shall comply with all relevant parking codes as found in the Clermont Code of Ordinances. All vehicles associated with the vacation rental must be parked within the subject property, and may not block or obstruct any public sidewalk or pedestrian walkway.
- (d) *Solid waste handling and containment.* Requirements for garbage storage and collection shall be as follows:
  - (1) Trash storage containers shall be provided and shall be screened with a six-foot fence or landscaping, with an opening for container removal.
  - (2) The vacation rental shall contract with the waste management provider for side-door pick-up service.
  - (3) Properties with alley garbage collection are exempt from divisions (1) and (2).
  - (4) Notice of the location of the trash storage containers and rules for collection shall be posted inside the vacation rental.
  - (5) No solid waste container shall be located at the curb for pickup before 6:00 p.m. of the day prior to pick up, and solid waste containers shall be removed before midnight of the day of pick up.
- (e) *Maximum occupancy.*
  - (1) The maximum number of occupants authorized to stay overnight at any Vacation Rental shall not exceed two (2) persons per sleeping room. The number of sleeping rooms shall be confirmed during on site life safety inspection by the City of Clermont. Up to four persons, under 13 years of age are exempt from and shall not count toward the occupancy limits set forth in this section.

- (2) The maximum number of persons allowed to gather at or occupy a vacation rental shall not exceed one and one-half maximum occupants authorized to stay overnight at the site, as shown on the Certificate of Compliance, and in no case a gathering exceed 20 persons.
- (f) *Posting of vacation rental information.*
- (1) In each vacation rental, located on the back or next to the main entrance door, there shall be posted as a single page the following information:
- a. Vacation Rental Certificate of Compliance Permit from the City of Clermont;
  - b. The name, address and phone number of the vacation rental representative;
  - c. The maximum occupancy of the vacation rental; maximum of four occupants per bedroom;
  - d. A statement advising the occupant that any sound that crosses a property line at an unreasonably loud volume is unlawful within the city; as per the city noise ordinance, chapter 34 of the Clermont Code of Ordinances;
  - e. The days and times of trash pickup;
  - f. The location of the nearest hospital;
  - g. The local non-emergency police phone number; and
  - h. A copy of the building evacuation map, with a minimum size of 8½" by 11", shall be provided to the renter upon the start of each vacation rental.
  - i. In each vacation rental, located in the backyard and/or pool area, there shall be posted notice that unreasonably loud noise is prohibited.
- (g) *Minimum life safety requirements.*
- (1) *Swimming pool, spa and hot tub safety.* A swimming pool, spa or hot tub shall comply with the then current standards of the Residential Swimming Pool Safety Act, F.S. Ch. 515.
- (2) *Smoke and carbon monoxide (CO) detection and notification system.* A smoke and carbon monoxide (CO) detection and notification system within the vacation rental unit shall be interconnected and hard-wired and shall receive primary power from the building wiring.
- (3) *Fire extinguisher.* A portable, multipurpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with the then current NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.
- (4) *Compliance with Florida Administrative Code Rule 69A-43.018, "One and Two Family Dwellings, Recreational Vehicles and Mobile Homes Licensed as Public Lodging Establishment."*
- (h) *Advertising.*
- (1) The vacation rental shall not be advertised for any commercial or non-residential use, including use of the property primarily as a party, event or entertainment venue or social hall. Any advertising of the vacation rental unit by the owner, representative or any service shall conform to information included in the vacation rental application and shall include at a minimum, identification of the maximum occupancy permitted on the property. The owner or representative shall ensure that the name and contact information for any listing services on or through which the vacation rental is to be offered for rent, which was provided in the application, is updated with the city to reflect any changes to ensure that the city has a current list of all sites on which the vacation rental is listed for rent. Advertisements for the vacation rental must display the Florida Department of Business and Professional Regulation Transient Lodging license number and the City of Clermont Vacation Rental Permit number.

- (i) *Commercial use of property prohibited.* The vacation rental shall not be used for any commercial or non-residential use including use of the property primarily as a party, event or entertainment venue or social hall.

( Ord. No. 2019-28, § 2, 1-28-2020)

## DIVISION 1. - INTERNATIONAL PROPERTY MAINTENANCE CODE

*Footnotes:*

--- (3) ---

**Editor's note**— Ord. No. 13-01, §§ 1, 2, adopted Jan. 22, 2013, amended div. 1 in its entirety to read as herein set out. Former div. 1, §§ 6-1—6-15, was entitled "Maintenance Code".

## Sec. 6-1. - Adoption of International Property Maintenance Code.

Except as amended or modified in the sections below, the 2009 edition of the International Property Maintenance Code, published by the International Code Council, is hereby adopted as the Town of Fort Myers Beach Property Maintenance Code and shall be the governing law with respect to all structures and premises in the Town of Fort Myers Beach. A complete copy of this code shall be maintained on file in the office of the town clerk.

(Ord. No. 13-01, § 2, 1-22-2013)

## Sec. 6-2. - Amendments.

The 2009 Edition of the International Property Maintenance Code is hereby amended as follows:

- (a) Wherever the term "*code official*" appears in the International Property Maintenance Code, that term shall be interpreted to mean the Director of the Department or Community Development or his or her designee. Wherever the term "*department*" appears in this code, it shall be interpreted to mean the Department of Community Development. Wherever the terms "*International Building Code*" or "*International Existing Building Code*" appear in this code, the term "Florida Building Code" shall be substituted for such terms.
- (b) *Section 101.1 Title*, is amended to read as follows:  
These regulations shall be known as the International Property Maintenance Code of the Town of Fort Myers Beach, Florida, hereinafter referred to as "this code."
- (c) *Section 102.3 Application of other codes*, is amended to read as follows:  
Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the Florida Building Code, as amended.
- (d) *Section 102.6 Historic Buildings*, is amended to read as follows:  
The provisions of this code shall not be mandatory for existing buildings or structures formally or officially designated as historic buildings by either the federal government, the state, or the Town, provided such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare.
- (e) *Section 102.7 Referenced codes and standards*, is amended to read as follows:  
The codes and standards referenced in this code shall be the Florida Building Code, the Florida Fire Prevention Code, the Life Safety Code and any other code or standard contained in Articles II, III and IV in Chapter 6 of the Land Development Code. Where there are differences between provisions of this code, the Florida Building Code and any other code or standard contained in Articles II, III and IV in Chapter 6 of the Land Development Code, the Florida Building Code, the Florida Fire Prevention Code, the Life Safety Code, and any other code or standard contained in Articles II, III, and IV in Chapter 6 of the Land Development Code shall prevail.



(f) *Section 103 Department of Property Maintenance Inspection* is hereby deleted in its entirety.

(g) *Section 104.4 Right of Entry* is hereby deleted in its entirety.

(h) *Section 106.3 Prosecution of Violation*, is hereby amended to read as follows:

Any person who fails to comply with a notice of violation or order served in accordance with Section 107 shall be adjudicated in accordance with the provisions of Chapter 162 of the Florida Statutes or any other method allowed by Florida law.

(i) *Section 107.2 Form*, is hereby amended to read as follows:

The notice prescribed in Section 107.1 shall comply with the requirements of F.S. ch. 162.

(j) *Section 107.3 Method of Service*, is hereby amended to read as follows:

All notices shall be deemed to have been properly served if the service requirements contained in F.S. ch. 162 have been met.

(k) *Section 107.5 Penalties*, is hereby amended to read as follows:

Penalties for noncompliance with orders and notices shall be as set forth in F.S. ch. 162, and the codes and ordinances of the Town of Fort Myers Beach.

(l) *Section 107.6 Transfer of Ownership*, is hereby amended to read as follows:

If the owner of property that is subject to an code enforcement proceeding before the special magistrate, or court transfers ownership of such property between the time the notice of violation was served and the time of the hearing, such owner shall:

- (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
- (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
- (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
- (4) File a notice with the code official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within 5 days after the date of the transfer.
- (5) A failure to make the disclosures described in paragraphs (1), (2), and (3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

(m) *Section 108.2 Closing of vacant structures*, is hereby amended to read as follows:

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or person creating the need for closing or securing the premises fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

(n) *Section 108.7 Record*, is hereby amended to read as follows:

The code official shall prepare a report on an unsafe condition. In addition, a written notice of the unsafe condition shall be recorded in the public records for Lee County. The notice shall state the occupancy of the structure and the nature of the unsafe condition.

(o) *Section 109.5 Costs of emergency repairs*, is hereby amended to read as follows:

Costs incurred in the performance of emergency work shall be paid by the Town. All costs incurred by the Town in the performance of emergency work shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or person creating the need for emergency repairs fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

(p) *Section 109.6 Hearing*, is hereby amended to read as follows:

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon appeal to the Town Council, be afforded a hearing as described in this code.

(q) *Section 110.1 General*, is hereby amended to read as follows:

The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction in accordance with the Florida Building Code, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.

(r) *Section 110.3 Failure to comply*, is hereby amended as follows:

If the owner of a premises fails to comply with a demolition order within the time prescribed, the Town shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate for said costs. In the event the owner or person creating the need for demolition and removal fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

(s) *Section 111.1 Application for appeal*, is hereby amended to read as follows:

Any person directly affected by a decision of the code official or a notice or order issued pursuant to this code shall have the right to appeal to the Town Council, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served on the affected person or from the date of posting on the property. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. This section shall not apply to orders issued by the Town special magistrate in connection with a code enforcement special magistrate hearing.

(t) *Sections 111.2 through Section 111.8* are hereby deleted in their entirety.

(u) *Section 112.4 Failure to comply*, is hereby amended to read as follows:

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 guilty of a code violation and shall be subject to a fine as determined by the Town special magistrate.

(v) *Section 302.3 Sidewalks and driveways*, is hereby amended to read as follows:

*Section 302.3. Sidewalks, driveways and rights-of-way.* All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Trees and shrubs shall be maintained to provide for horizontal clearance of at least three (3) feet from and vertical clearance of at least eight (8) feet above any sidewalk, bike path, or street right-of-way. Unpaved areas shall be regularly mowed or otherwise maintained in a neat and attractive condition.

(w) *Section 302.4 Weeds*, is hereby amended to read as follows:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided, however, this term shall not include cultivated flowers and gardens and native beach vegetation such as sea oats. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation and having been given a reasonable time to cut and destroy the weeds, any duly authorized employee of the Town or contractor hired by the Town shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. All costs incurred by the Town to cut and destroy the weeds shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or agent fails and refuses to pay or reimburse the Town for its costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

(x) *Section 302.8 Motor Vehicles*, is hereby amended to read as follows:

*Section 302.8 Motor Vehicles and Boats.* Except as provided for in other regulations, no inoperative or unlicensed motor vehicle or boat shall be parked, kept or stored on any premises, and no vehicle or boat shall at any time be in a state of major disassemble, disrepair, or in the process of being stripped or dismantled. Painting of vehicles or boats is prohibited unless conducted inside an approved spray booth.

*Exception:* A vehicle or boat of any type is permitted to undergo major overhaul, including body or hull work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(y) A new *Section 302.10* is hereby added as follows:

*Section 302.10 Exterior Storage.*

1. No temporary or permanent storage of materials or equipment is permitted on any vacant parcel, unless in conjunction with an active building permit or where such storage is specifically permitted by Chapter 34 of the Land Development Code.
2. Equipment, materials, and furnishings not designed for use outdoors, such as automotive parts and tires, building materials, and interior furniture, may not be stored outdoors.

(z) *Section 303.2 Enclosures*, is hereby amended to read as follows:

Public swimming pools, hot tubs and spas shall include all safety features specified by F.S. § 514.0315, including any subsequent amendments thereto. Residential swimming pools shall be maintained in compliance with the State Residential Swimming Pool Safety Act, as contained in F.S. ch. 515.

(aa) A new *Section 303.3* is hereby added as follows:

*Section 303.3 Disposal of swimming pool water.* Prior to disposing of any swimming pool water, chlorine and bromine levels must be reduced by not adding chlorine or bromine for a least five (5) days or until levels are below 0.1 mg per liter. One of the following methods of disposal shall be utilized:

1. Discharge of the water into roadside swales to allow for percolation of the water into the ground without any runoff to canals, beaches, wetlands, other tidal waters, or onto adjoining properties. This shall be the preferred method of disposal.
2. Discharge of the water into the sanitary sewer system operated by Lee County Utilities is also permitted, but is not the preferred method.

Under no circumstances shall any swimming pool water be discharged either directly or indirectly onto the beach, or into canals, wetlands, or any other tidal waters.

(bb) *Section 304.3 Premises Identification*, is hereby amended to read as follows:

All buildings shall have address numbers that have been assigned by Lee County placed in a position to be plainly legible and visible by emergency personnel from the street or road fronting the property. All address numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 3 inches high. Numbers on all commercial, institutional, or multifamily buildings that are set back more than 50 feet from the street shall be at least eight inches high.

(cc) *Section 304.14 Insect screens*, is hereby amended to read as follows:

Every window in a residential structure that is capable of being opened and every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. Screens shall not, however, be required where other approved means, such as air curtains or insect repellent fans, are employed.

(dd) A new *Section 308.4* is hereby added as follows:

*308.4 Additional Regulations for Rubbish and Garbage Containers.*

1. Rubbish and Garbage containers shall not be moved to the street more than 24 hours prior to scheduled curbside collection, nor remain there more than 24 hours after scheduled collection.
2. Each refuse container that is not movable shall be opaquely screened from view from streets and adjoining properties and such screening shall be of sufficient height to entirely screen the container. Screening may be achieved by landscaping, wall, or opaque fencing provided the wall or fence does not exceed the maximum height permitted for the property.
3. Any rubbish or garbage container not located within a roofed enclosure must have a cover or lid that renders the interior of the container inaccessible to animals.

(ee) *Section 402.2 Common halls and stairways*, is hereby amended to read as follows:

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads, provided, however, that during Sea turtle nesting season (May 1 through October 31), the provisions of Chapter 14, Article II of the Fort Myers Beach Land Development Code shall supersede the foregoing requirements.

(ff) *Section 507 Storm Drainage*, is hereby amended to read as follows:

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. Point sources of stormwater discharge from private property directly onto the beach are prohibited. This prohibition includes drainage collected from parking lots or other paved surfaces and stormwater from roofs of buildings.

(gg) A new *Section 602.7* is hereby added as follows:

*Section 602.7 Screening of Mechanical Equipment.* Any new mechanical equipment placed on a roof shall be screened from view from ground level of adjoining properties and public rights-of-way. When mechanical equipment is being replaced on a roof of a building that is not undergoing structural alterations, such equipment shall be screened to the same standard using non-structural materials such as ornamental latticework.

(hh) *Section 701.1 Scope*, is hereby amended to read as follows:

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided. All references to the "International Fire Code" in this Chapter 7 shall be replaced with the "Florida Fire Prevention Code."

(Ord. No. 13-01, § 2, 1-22-2013)

Secs. 6-3—6-13. - Reserved.

Sec. 6-14. - Neighborhood flooding.

(a) Chapter 10 of this code requires stormwater management systems for new development (see § 10-321).

Development that is not subject to those requirements, such as single-family and two-family dwellings, detached structures, pools, pool decks, additions, pavers, driveways, patios, etc. on existing lots, can also flood surrounding lots and streets, especially if the lot is raised higher than adjoining properties or if rainfall is concentrated by gutters and downspouts and discharged without an opportunity for infiltration. The placement of fill on vacant properties have the potential to also cause surrounding lots and streets to flood and therefore when no other development permit is being obtained at the time fill is being brought to the site, a site fill permit must be obtained. The fill permit application must show how normal rainfall one inch (interior lot) - 1.6 inch (waterfront lot) will have an opportunity to infiltrate into the ground within the lot.

To minimize neighborhood flooding from normal daily rainfall, no more than 67 percent of the total lot area within a residential zoning district shall be covered with impervious surfaces. The plans must indicate the method used to maintain a one-inch (interior lot) or 1.6 inch (waterfront lot) rainfall on-site when more than 500 square feet of impervious surface is proposed.

(1) Roof areas not served by gutters and downspouts must not drain to impervious surfaces, and must not drain to pervious surfaces that are sloped in excess of five percent. Surfaces not meeting these requirements must be

designed to detain or deflect rainfall, for instance through the use of earthen ridges, curbs, or retaining walls that prevent average rainfall from running onto adjoining lots or streets.

- (b) *Substantial compliance.* Upon completion of all grading and landscaping associated with a single-family dwelling, two-family dwelling, detached structure, pool, pool deck, addition, pavers, driveway or patio which increases the impervious surface by 500 square feet or more, an inspection shall be performed by the developer's engineer or designated representative. Upon finding the development has been completed and in substantial compliance with the approved stormwater engineering documents, the engineer shall submit a signed and sealed letter of substantial compliance to the director along with a final inspection request. No final inspection will be performed by the town until the letter of substantial compliance has been accepted. The letter of substantial compliance may include a submittal for a minor change with highlighted plans showing minor changes which do not substantially affect the technical requirements of this section. Letters of substantial compliance shall be in a form approved by the director or town attorney.
- (1) Substantial compliance means that the development, as determined by an on-site inspection by a professional engineer or designated representative, is completed to all the specifications of the approved stormwater engineering plans and that any deviation between the approved plans and actual as-built construction is so inconsequential that, on the basis of accepted engineering practices, it is not significant enough to be shown on the stormwater plans.

(Ord. No. 17-11, § 2, 8-21-2017; Ord. No. 18-09, § 2, 6-18-2018; Ord. No. 20-15, § 2, 10-5-2020)

Secs. 6-15—6-30. - Reserved.

Cloud Lake, FL - Code of Ordinances ([https://library.municode.com/fl/cloud\\_lake/codes/code\\_of\\_ordinances](https://library.municode.com/fl/cloud_lake/codes/code_of_ordinances))

## Sec. 4-2. - Property maintenance code.

- (1) There is hereby adopted by reference the International Property Maintenance Code, 2009 Edition, as published by the International Code Council, as if fully set out in this section.
- (2) *Amendments.* The town council hereby amends said International Property Maintenance Code, 2009 Edition, by adopting the following amendments thereto:
  - a. *Section 101.1 Title.* is amended to read as follows.

Section 101.1 Title. These regulations shall be known as the International Property Maintenance Code of the Town of Cloud Lake, hereinafter referred as "this Code".
  - b. *Section 102.3 Application of Other Codes.* is amended to read as follows.

Section 102.3 Application of Other Codes. Repairs, additions or alterations of a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Florida Building Code. Nothing in this Code shall be construed to cancel, modify or set aside any provisions of the Florida Building Code.
  - c. *Section 102 Applicability.* is hereby amended by creating a new subsection 102.11 which shall read as follows:

Section 102.11 Conflicts with Town Code of Ordinances. In the event of a conflict between this Code and the Town's Code of Ordinances, the more stringent or strict provision shall apply.
  - d. *Section 103.2 Appointment.* is hereby amended to read as follows:

Section 103.2 Appointment. The Town's Building Official is hereby appointed as the Code Official pursuant to this Code.
  - e. *Section 103.5 Fees.* is hereby amended to read as follows.

Section 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be established by resolution.
  - f. *Section 110.1 General.* is hereby amended to read as follows.

110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than six (6) months, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond six (6) months, unless approved by the building official.
  - g. *Section 111.2 Membership of board.* is hereby amended to read as follows.

The Town Council shall sit as the board of appeals.
  - h. *Sections 111.2.1, 111.2.2, 111.2.3, 111.2.4 and 111.2.5* are deleted and the Sections are reserved for future use.
  - i. *Section 112.4 Failure to comply.* is hereby amended to read as follows.

Section 112.4 Failure to comply. 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 liable to a fine of not more than One Hundred (\$100.00) Dollars for each day that the violation continues.

j. *Section 302.4 Weeds.* is hereby amended to read as follows.

Section 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12") inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

k. *Section 302.8 Motor vehicles.* is hereby amended to read as follows.

Section 302.8 Motor vehicles. No inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises unless parked in a garage or otherwise screened from view from all public streets and from all adjoining properties. No vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled unless such vehicle is contained in a garage or otherwise screened from view from all public streets and adjoining properties. Painting of vehicles is prohibited unless conducted inside an approved spray booth. For purposes of this Code, "screened from view" shall mean such motor vehicle shall be fully stored, parked or placed in a garage or behind the front building line and screened from view, as viewed from eye level from the public streets and from adjacent property.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

l. *Section 304.18.1 Doors.* is deleted and the Section is reserved for future use.

m. All references in the International Property Maintenance Code to the "International Building Code" shall be replaced by the "Florida Building Code".

(Ord. No. 135, §§ 1,2, 3-11-2010)



St. Lucie County, FL - Land Development Code ([https://library.municode.com/fl/st\\_lucie\\_county/codes/land\\_development\\_code](https://library.municode.com/fl/st_lucie_county/codes/land_development_code))

13.00.01. - Building Code.

A. *Adopted.* The Florida Building Code, as described in Chapter 553.70, Florida Statutes, and as published by the State of Florida, Department of Community Affairs and the Standard Unsafe Building Abatement Code, 1997 edition, promulgated by the Florida Building Code, are hereby adopted by reference as the Building Code of the County, to apply to the unincorporated areas of the County. A copy of such Code shall be filed in the Office of the Public Works Director and shall be available for public inspection during the regular business hours of such office.

B. *Local Amendments to the Administrative Procedures Chapter of the Florida Building Code.*

1. Section 101 of the Florida Building Code, as applied to and in St. Lucie County, is amended to add the following Sections:

101.3.3 Permitting and Inspection. The inspection or permitting of any building, system or plan by the 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. Neither St. Lucie County nor any 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, unless the employee of St. Lucie County is found to have acted in bad faith or with malicious purpose in a manner exhibiting wanton and willful disregard of the safety, health and welfare of the public.

\*\*\*\*\*

101.4.2.3.2 Unsafe Buildings shall be abated using the Standard Unsafe Building Abatement Code, 1997 edition, promulgated by the Florida Building Code, subject to all amendments, modifications or deletions hereinafter contained.

\*\*\*\*\*

101.4.13 Rules of Construction. The rules set out in this section shall be observed, unless such construction is inconsistent with the manifest intent of this chapter. The rules of construction and definitions set out here shall not be applied to any section of this chapter which contains any express provisions excluding such construction, or where the subject matter or content of such section would be inconsistent with this section.

101.4.13.1 Generally. All provisions, terms, phrases and expressions contained in this division shall be liberally construed in order that the true intent and meaning of the administration of the jurisdiction may be fully carried out. Terms used in this division, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.

101.4.13.2 Text. In case of any difference of meaning or implication between the text of this division and any figure, the text shall control.

101.4.13.3 Delegation of authority. Whenever a provision appears requiring the Building Official or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the Building Official or other officer to designate, delegate and authorize professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

101.4.13.4 Month. The word "month" shall mean a calendar month.

101.4.13.5 Shall, may. The word "shall" is mandatory; "may" is permissive. The word "shall" takes precedence over "may."

101.4.13.6 Written or in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures whether by printing or otherwise.

101.4.13.7 Year. The word "year" shall mean a calendar year, unless a fiscal year is indicated.

101.4.13.8 Interpretation. Interpretations of this chapter shall be made by the Building Official.

101.4.14 Words not defined.

101.4.14.1 Words not defined herein shall have the meaning stated in the Florida Statutes or other nationally recognized codes, or other documents, manuals or standards adopted elsewhere in this chapter. Words not defined in those documents shall have the meaning stated in the Webster's Ninth New Collegiate Dictionary, as revised.

101.4.14.2 In case of a conflict in definitions or codes, the appropriate definition (or code) to be applied shall be the one (1) applicable to the trade in question. In case of a conflict between different parts of this chapter; conflicts within the same code; or conflicts between code; the more stringent requirements shall be applicable.

101.4.15 Words Defined.

*Abandon or abandonment.* (1) Termination of a construction project by a contractor without just cause or proper notification to the owner including the reason for termination. (2) Failure of a contractor to perform work without just cause for ninety (90) days. (3) Failure to obtain an approved inspection within one hundred eighty (180) days from the previous approved inspection.

*Appraised value.* For the purpose of this section, appraised value is defined as either (1) one hundred twenty percent (120%) of the assessed value of the structure as indicated by the County Property Appraiser's Office or (2) the value as indicated in a certified appraisal from a certified appraiser.

*Assessed value.* The value of real property and improvements thereon as established by the County Property Appraiser.

*Authorized agent.* A person specifically authorized by the holder of a certificate of competency to obtain permits in his/her stead.

*Basic Wind Speed Line.* The basic wind speed line for the jurisdiction shall be as established by the wind speed contour map attached to, and made part of, this chapter if applicable.

*Board.* The appropriate City or County Board of Adjustment and Appeals, unless otherwise specifically stated.

*Building component.* An element or assembly of elements integral to or part of a building.

*Building shell.* The structural components that completely enclose a building, including, but not limited to, the foundation, structural frame, floor slabs, exterior walls and roof system.

*Building system.* A functionally related group of elements, components and/or equipment, such as the electrical, plumbing and mechanical systems of a building.

*Certification.* The act or process of obtaining a certificate of competency from the state or municipality through the review of the applicant's experience and financial responsibility as well as successful passage of an examination.

*Certificate of competency (certificate).* An official document evidencing that a person is qualified to engage in the business of contracting, subcontracting or the work of a specific trade.

*Certificate of experience.* An official document evidencing that an applicant has satisfied the work experience requirements for a certificate of competency.

*Certificate of occupancy (C.O.).* An official document evidencing that a building satisfies the requirements of the jurisdiction for the occupancy of a building.

*Certified contractor.* Any contractor who possesses a certificate of competency issued by the Department of Professional Regulation of the State of Florida.

*Change of occupancy.* A change from one (1) Building Code occupancy classification or subclassification to another.

*Commercial building.* Any building, structure, improvement or accessory thereto, other than a one- or two-family dwelling.

*Cumulative construction cost.* The sum total of costs associated with any construction work done to a building or structure either at one (1) time or at different times within a specified period of time.

*Demolition.* The act of razing, dismantling or removal of a building or structure, or portion thereof, to the ground level.

*Examination.* An exam prepared, proctored and graded by a recognized testing agency unless otherwise implied in context or specifically stated otherwise.

*FCILB.* The Florida Construction Industry Licensing Board.

*Imminent Danger.* Structurally unsound conditions of a structure or portion thereof that is likely to cause physical injury to a person entering the structure: Or Due to structurally unsound conditions, any portion of the structure is likely to fall, be carried by the wind, or otherwise detach or move, and in doing so cause physical injury or damage to a person on the property or to a person or property nearby: Or The condition of the property is such that it harbors or is inhabited by pests, vermin, or organisms injurious to human health, the presence of which constitutes an immediate hazard to people in the vicinity.

*Inspection warrant.* A court order authorizing the official or his/her designee to perform an inspection of a particular property named in the warrant.

*Intensification of use.* An increase in capacity or number of units of a residential or commercial building.

*Interior finish.* The preparation of interior spaces of a commercial building for the first occupancy thereof.

*Licensed contractor.* A contractor certified by the State of Florida or the local jurisdiction who has satisfied the all state or local requirements to be actively engaged in contracting.

*Market value.* As defined in floodplain regulations of this Code.

*Owner's agent.* A person, firm or entity authorized in writing by the owner to act for or in place of the owner.

*Permit.* An official document authorizing performance of a specific activity regulated by this chapter.

*Permit card or placard.* A document issued by the jurisdiction evidencing the issuance of a permit and recording of inspections.

*Qualifying agent, primary.* A person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage, and control the contracting activities of the business organization with which he is associated; who has the responsibility to supervise, direct, manage and control construction

activities on a job for which he has obtained a permit; and whose technical and personal qualifications have been determined by investigation and examination and is evidenced by his/her possession of a certificate of competency.

*Qualifying agent, secondary.* A person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage and control construction activities on a job for which he has obtained a permit, and whose technical and personal qualifications have been determined by investigation and examination and is evidenced by his/her possession of a certificate of competency.

*Reciprocity.* To accept a verified affidavit from any municipality or county of the State of Florida that the applicant has satisfactorily completed a written examination in its jurisdiction equal in content with the examination required by this chapter.

*Registered contractor.* A contractor who has registered with the department of professional regulation of the State of Florida pursuant to fulfilling the competency requirements of the local jurisdiction.

*Registration.* The act or process of registering a locally obtained certificate of competency with the state, or the act or process of registering a state issued certificate of competency with the municipality.

*Remodeling.* Work which changes the original size, configuration or material of the components of a building.

*Residential building* Any one- or two-family building or accessory.

*Roofing.* The installation of roof coverings.

*Spa.* Any constructed or prefabricated pool containing water jets.

*Specialty contractor.* A contractor whose services do not fall within the categories specified in F.S. § 489.105(3).

*Start of construction:*

- *Site:* The physical clearing of the site in preparation for foundation work including, but not limited to, site clearing, excavation, de-watering, pilings and soil testing activities.
- *Building:* The removal, disassembly, repair, replacement, installation or assembly of the building, structure, building system or building components in whole or parts thereof.

*Stop Work Order.* An order by the Building Official, or his/her designee, which requires the immediate cessation of all work and work activities described in the order.

*Structural Component.* Any part of a system, building or structure, load bearing or non-load bearing, which is integral to the structural integrity thereof, including but not limited to walls, partitions, columns, beams and girders.

*Structural work or alteration.* The installation or assembling of new structural components into a system, building or structure. Also, any change, repair or replacement of any existing structural component of a system, building or structure.

*Substantial completion.* Where the construction work has been sufficiently completed in accordance with the applicable city, state and federal codes, so that the owner can occupy or utilize the project for the use for which it is intended.

*Value.* Job cost.

\*\*\*\*\*

2. Section 102 of the Florida Building Code, as applied to and in St. Lucie County, is amended to add the following Sections:

SECTION 102. BUILDING DIVISION.

102.1 Establishment. There is hereby established a division of the Department of Public Works to be called the Code Compliance Division and the person in charge shall be known as the Code Compliance Manager.

102.2 Employee Qualifications:

102.2.1 Building Official Qualifications. The Public Works Director for St. Lucie County, or his/her designee, shall serve as the Building Official for the County, as further described in Section 103.1 of the Florida Building Code, and as further amended by this Code. The Building Official shall be licensed as a Building Code Administrator by the State of Florida, pursuant to F.S. § 468.609.

102.2.3 Employee Qualifications. The Building Official, with the approval of the Board of County Commissioners may appoint or hire such number of officers, inspectors, plans examiners, assistants and other employees as shall be authorized by the Board from time to time. A person shall not be appointed or hired as inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner, in the appropriate trade as established by the State of Florida.

102.3 Restrictions on employees. An officer or employee connected with the Division, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, within the unincorporated areas of the County or any other area of jurisdiction of the Building and Inspections Division, unless he is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with his/her duties or conflict with the interest of the Division.

102.4 Records. The Building Official shall keep, or cause to be kept, a record of the business of the division. The records of the division shall be open to public inspection, unless amended by Florida Law.

102.5 Liability. Any officer or employee, or member of the Construction Board of Adjustments and Appeals as established under Section 108 of this Code, charged with the enforcement of the Florida Building Code or acting for the governing authority in the discharge of his/her duties, shall not thereby render himself 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 his/her duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provisions of this Code shall be defended by the County Attorney until the final termination of the proceedings, unless such person is found to have acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for the safety, health, and welfare of the public.

\*\*\*\*\*

- 3. Section 103 of the Florida Building Code, as applied to and in St. Lucie County, is amended to add the following Sections:

SECTION 103. POWERS AND DUTIES OF THE BUILDING OFFICIAL

103.1 General. The Building Official is hereby authorized and directed to enforce the provisions of the Florida Building Code, as applied to and in St. Lucie County, and other applicable codes and regulations related to the development of property, set forth in the St. Lucie County Land Development Code and the St. Lucie County Code and Compiled Laws. The Building Official shall have the authority to render interpretations of Florida Building Code, as applied to and in St. Lucie County, and other applicable codes and regulations related to the development of property, set forth in the St. Lucie County Land Development Code and the St. Lucie County Code and Compiled Laws and to adopt policies and procedures in order to clarify the application of its provisions, to the extent permitted by those Codes. Such interpretations, policies and procedures shall be in

compliance with the intent and purpose of the Florida Building Code, as applied to and in St. Lucie County, and other applicable codes and regulations related to the development of property, set forth in the St. Lucie County Land Development Code and the St. Lucie County Code and Compiled Laws, and shall not have the effect of waiving requirements specifically provided for in the Florida Building Code, as applied to and in St. Lucie County, and other applicable codes and regulations related to the development of property, set forth in the St. Lucie County Land Development Code and the St. Lucie County Code and Compiled Laws.

### 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, he 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.

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 site, building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the Florida Building Code, the St. Lucie County Land Development Code, the St. Lucie County Code and Compiled Laws 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 his/her agent, or to the person doing the work, or by posting the building, structure or property upon which work is being performed and shall state the reason(s) for stopping work. The Building Official shall not be required to give a written notice prior to stopping the work. The Building Official may authorize the issuance of stop work orders through any duly appointed or authorized officer, inspector, plans examiners, assistants and other employee of the County.

103.4 Revocation of permits. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this Code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance, regulation or provision of the Florida Building Code, the St. Lucie County Land Development Code or the St. Lucie County Code and Compiled Laws.

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 the 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 the Florida Building Code, the St. Lucie County Land Development Code or the St. Lucie County Code and Complied Laws.

103.5 Unsafe Buildings or Systems.

103.5.1 Abatement. 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 unsafe 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 the provisions of the International Property Maintenance Code, published by the International Code Council, Inc. All repairs shall be in performed in accordance with the Florida Building Code.

103.6 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 Code, shall be determined by the Building Official.

\*\*\*\*\*

4. Section 104 of the Florida Building Code, as applied to and in St. Lucie County, is amended to add the following Sections:

104.1.6 Time Limitations. Except as otherwise provided in the St. Lucie County Land Development Code, an application for a permit for any proposed work shall be deemed to have been abandoned, and shall expire by limitation and become null and void six (6) months after the date of filing for the permit, or plan approval, whichever is later unless before then a permit has been issued.

\*\*\*\*\*

104.2 Drawings and Specifications

104.2.1 Requirements

104.2.1.2 Additional data. The Building Official shall be allowed to require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations.

\*\*\*\*\*

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.

No Building Permit shall be issued for development unless the application for building permit is accompanied by a copy of a survey of the property on which the requested activity is to be permitted. All surveys shall completely depict the location of the proposed building or structure and of every existing building or structure on the site or lot and shall meet the requirements of 11.05.01(A)(1)(d) of the St. Lucie County Land Development Code.

\*\*\*\*\*

104.2.6 Hazardous occupancies. The Building Official may require the following:

1. General site plan. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

2. Building floor plan. A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.

104.2.8 Basic wind speed zones. As described in Section 1606.1.6 of the Florida Building Code, the basic wind speed in miles per hour, for the development of wind loads, shall be as determined from Figure 1606, and as further depicted on the basic wind speed line map, attached as Exhibit A, and incorporated herein.

\*\*\*\*\*

104.3.1.1 Minimum plan review criteria for buildings.

#### Manufactured / Mobile Homes

1. Site requirements
  - setback/separation (assumed property lines)
  - location of septic tanks (if applicable)
2. Structural
  - wind zone
  - anchoring
  - blocking
3. Mechanical
  - Exhaust systems
  - clothes dryer exhaust
  - kitchen equipment exhaust
4. Electrical
  - exterior disconnect location

\*\*\*\*\*

104.4.6 Public right of way. A permit shall not be given by the Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application for right of way permits from the authority having jurisdiction over the street, alley or public lane.

\*\*\*\*\*

104.6.5 Types of Fees Enumerated. Fees may be charged for but not limited to the following:



- o Permits;
- o Plans examination;
- o Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- o Re-inspections;
- o Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the Board);
- o Variance requests;
- o Administrative appeals;
- o Violations; and
- o Other fees as established by local ordinance or resolution.

104.6.5 Building permit valuations. If, in the opinion of the Building Official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the International Code Council using the Marshall Valuation Service, as published by the Marshall and Swift Publication Company.

\*\*\*\*\*

5. Section 105 of the Florida Building Code, as applied to and in St. Lucie County, is amended to add the following Sections:

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 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 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 Inspection service. The Building Official may make, or cause to be made, the inspections required by Section 105 of the Florida Building Code. The specific required inspections and inspection sequence shall be determined upon application for a building permit. The Building Official may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this Code shall not be based on such reports unless the same are recorded by the building code inspector, architect or engineer performing building code inspections in a manner specified by the Building Official. All persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

105.6 Required inspections. The Building Official upon notification from the permit holder or his/her agent shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his/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.

Building:

1.1 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
- column pads
- waterproofing

1.2 Slab Inspection: Slab Inspections are to be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed, termite soil treatment, sub-grade electrical, plumbing, and mechanical work is complete. The slab shall not be poured until all previous required inspections have been approved.

A foundation survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the floor slab inspection. The survey shall certify placement of the building on the site, finish floor elevation and indicate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

2.1 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 and installation
- vertical cells/columns
- lintel/tie beams framing/trusses/bracing/connectors
- draft stopping/fire-blocking
- curtain wall framing/accessibility provisions

2.2 Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place.

3.0 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

*NOTE:* Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

4.0 Roofing inspection: To be made as two (2) inspections on tile, slate or similar roof coverings or as one (1) inspection on all other roof coverings, and shall at a minimum include the following building components:

- dry-in
- insulation
- roof coverings
- flashing

5.0 Final inspection: To be made after the building is completed and ready for occupancy.

6.0 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.
- 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 of the Florida Building Code.

7.0 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.

8.0 Site Debris

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

\*\*\*\*\*

6. Section 108 of the Florida Building Code, as applied to and in St. Lucie County, is amended to add the following Sections:

SECTION I08 CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

108. Construction Board of Adjustments and Appeals. There is hereby established a Board to be called the Construction Board of Adjustments and Appeals. The structure, computation and administrative procedures of the St. Lucie County Contracting Examining Board, as described in Article I, Chapter 2-5 of the St. Lucie County Code and Compiled Laws, shall be used to serve the role of the Construction Board of Adjustments and Appeals.

\*\*\*\*\*

108.3. Powers. The Construction Board of Adjustments and Appeals shall have the power to hear appeals of decisions and interpretations of the Building Official of this Code in accordance with Section 108.4 of this Code.

108.3.1 Decision of the Building Official. The owner of a building, structure or service system, or his/her duly authorized agent, may appeal a decision of the Building Official to the Construction Board of Adjustment and Appeals whenever any one (1) 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 there under have been misconstrued or incorrectly interpreted.

#### 108.4 Appeals

108.4.1 Decision of the Building Official. The owner of a building, structure or service system, or his/her duly authorized agent, may appeal a decision of the Building Official to the Construction Board of Adjustment and Appeals whenever any one (1) 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 there under have been misconstrued or incorrectly interpreted.

108.4.2 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.

108.4.2.1 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.

108.4.3 Notice of Appeal. A Notice of appeal shall be in writing and filed within thirty (30) calendar days after the decision is rendered by the Building Official. Appeals shall be in a form acceptable to the Building Official. Appeals relating to provisions of the Florida Building Code, other than local amendments, may be appealed to the Florida Building Commission, pursuant to F.S. § 120.569, regarding the local governments action.

108.4.4 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 his/her order, limit the time for

108.5 Procedures of the Board

108.5.1 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 thirty (30) calendar days after a notice of appeal has been received.

108.5.2 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 (2) 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.

\*\*\*\*\*

- 7. Section 109 of the Florida Building Code, as applied to and in St. Lucie County, is amended to add the following Sections:

SECTION 109. SEVERABILITY

109.1 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.

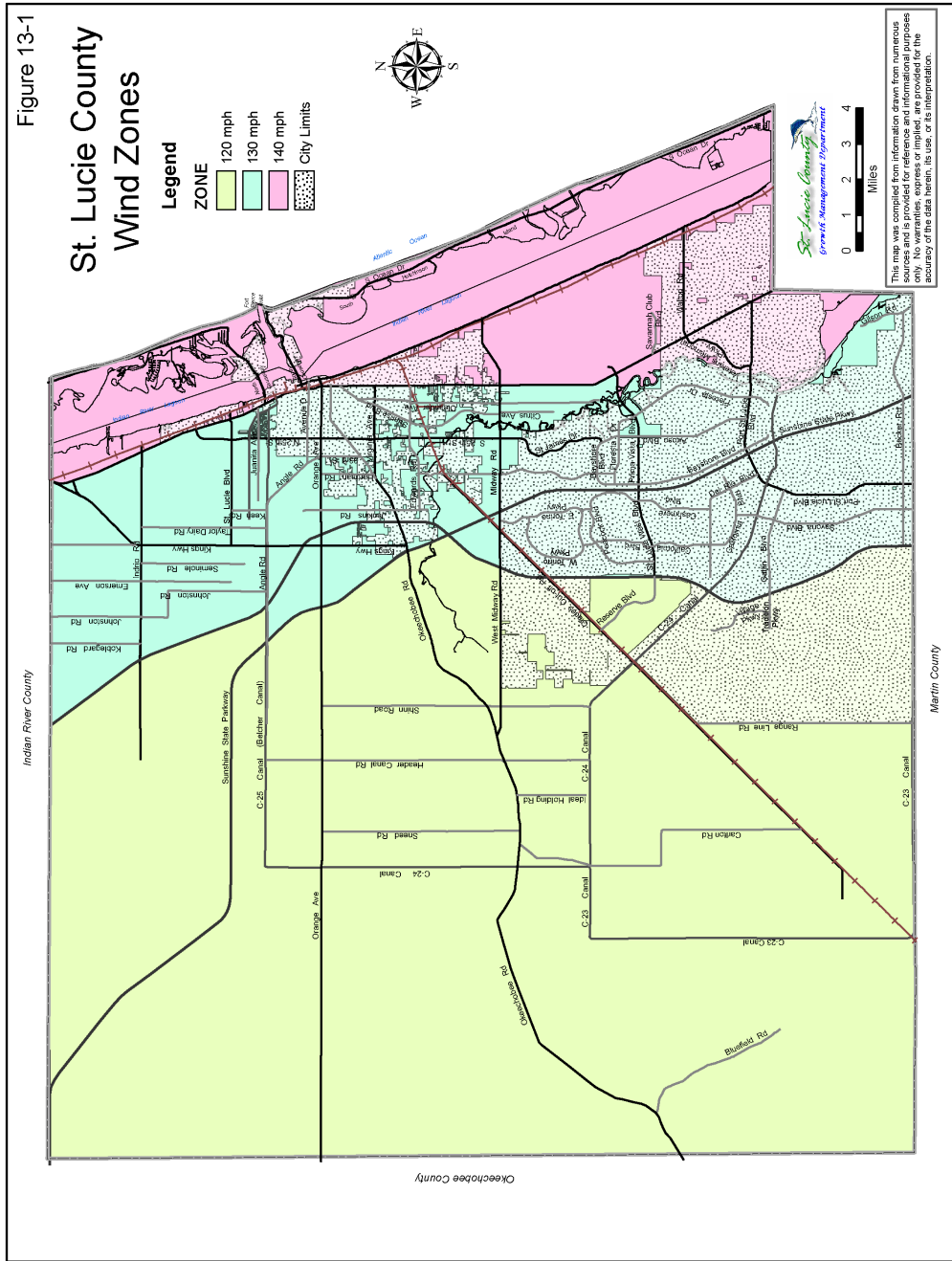
\*\*\*\*\*

- 8. Section 110 of the Florida Building Code, as applied to and in St. Lucie County, is amended to add the following Sections:

SECTION 110. VIOLATIONS and PENALTIES

110.1 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, in violation of a detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor of the second degree. 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. Upon conviction of any such violation such person shall be punished within the limits as provided by law and local ordinance.

- C. *Moving of Buildings, Bond Required.* The Building Official, as a condition precedent to the issuance of permit to move any building or structure over a public right-of-way, shall require a bond, to be executed by person desiring such removal permit. Such bond shall be made payable to the Board of County Commissioners of St. Lucie County, Florida, and shall be in a manner and form acceptable to the St. Lucie County Attorney as listed in Section 11.04.01(C)(2). Such bond, shall, at a minimum, indemnify the County from any damage caused by the moving of such building to any street, road, highway, curb, sidewalk, tress, bridge, light pole, traffic signal, or other item or fixture as may be described by the County. The County shall, at its discretion, include any reasonable performance criteria within the bonding agreement intended to address the issue of damage to any street, road, highway or appurtenance thereto.
- D. *Moving of Buildings, Improvements by Owner.* The Building Official, as a condition precedent to the issuance of permit to move any building or structure, shall require a bond, to be executed by person desiring such removal permit. Such bond shall be made payable to the Board of County Commissioners of St. Lucie County, Florida, and shall be in a manner and form acceptable to the St. Lucie County Attorney as listed in Section 11.04.01(C)(2). The value of such bond shall at a minimum be equal to the cost of demolition of the structure. The bond shall be conditioned on bringing the relocated building into compliance with the Florida Building Code within the ninety (90) days from the date of relocation; if the building does not comply with the Florida Building Code within the ninety-day period the County shall give ten (10) days' written notice of noncompliance and of the County's intent to have the bond forfeited to cover the cost of demolition, removal or repair of such building. Following such notice, the bond shall be forfeited and the necessary demolition, removal or repair shall be done. The Building Official, may grant reasonable extensions to the ninety-day compliance period if it is demonstrated to the satisfaction of the Building Official that the delay in completing the required improvement has been caused by matters beyond the control of the owner or house mover. There shall be an exception to this bond requirement for any structure that the County Building Official or his or her designee determines fulfills the requirements of Section 1102.0 and 1102.3 of the Florida Existing Building Code. No permit for the moving of any structure shall be issued by the County unless there is an accompanying building permit for the reconstruction of the structure being moved at its new location, within the jurisdiction of St. Lucie County. The building permit application must conform with all other applicable sections of the St. Lucie County Land Development Code for the proposed location. If the structure is being moved to a location outside of the jurisdiction of St. Lucie County, no such building permit from the County will be required.



13.08.01. - Adopted.

The International Property Maintenance Code, as promulgated by the International Code Council, Inc., is adopted by reference as the Standard Housing Code of the County, to apply to the unincorporated areas of the County. A copy of such code shall be filed in the office of the Public Works Director and shall be available for public inspection during the regular business hours of such office.

13.09.01. - Adopted.

Chapter 3, of the International Property Maintenance Code, 2000 edition, as promulgated by the International Code Council, Inc., is adopted by reference as the Exterior Property Maintenance Code of the County, to apply to the unincorporated areas of the County. A copy of such code shall be filed in the office of the Public Works Director and shall be available for public inspection during the regular business hours of such office.

## 13.09.02. - Amendments/Deletions.

A. The following sections of Chapter 3, of the International Property Maintenance Code, 2000 edition, are hereby amended in the following respects:

1. Section 301.3 (Vacant structures and land) shall be amended to read as follows:

301.3 Vacant structures and land. All vacant structures and premises thereof shall be maintained in a safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. In addition, the owner of a vacant structure shall take such steps and perform such acts as may be required from time to time to insure that the structure and surrounding property remain safe, secure, and sanitary, and do not present a hazard to adjoining property or to the public. All openings, including doors and windows, which are covered or closed for access shall be provided with painted exterior-grade plywood closures, matched in color to the structure, unless the same are provided with awnings, storm panels, or other similar commercially available products designed for this intended use and installed in a workmanlike manner.

2. Section 302.5 (Rodent harborage) shall be amended to read as follows:

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which shall not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. For the purposes of this section, the term "rodent" shall not include squirrels. This section shall not apply to exterior property zoned AG-1, AG-2.5, and AG-5.

3. Section 302.7 (Accessory Structure) shall be amended to read as follows:

302.7 Accessory Structures. All accessory structures, including detached garages, fences and walls shall be maintained structurally sound and in good repair, except that the provisions of this paragraph shall not apply to any bona fide agricultural operation in the AR-1 zoning district and any area zoned AG-1, AG-2.5 or AG-5.

4. Section 303.2 (Protective treatment) shall be amended to read as follows:

303.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in a structurally sound and operational condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint over a substantial portion of the exterior surface shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

B. The following sections of Chapter 3, of the International Property Maintenance Code, 2000 edition, are hereby deleted from applicability as described in Section 13.09.01:

1.	Section 302.2	Grading and drainage
2.	Section 302.4	Weeds
3.	Section 302.6	Exhaust Vents
4.	Section 302.7.1	Gates



5.	Section 302.8	Motor Vehicles
6.	Section 303.14	Insect Screens
7.	Section 304	Interior Structure
8.	Section 305	Rubbish and Garbage
9.	Section 306	Extermination

## TABLE OF AMENDMENTS - ORDINANCES

This table contains a description of all amendments/ordinances adopted after August 1, 1990 and included in this republication of the Land Development Code. For all amendments/ordinances adopted after May 19, 2009, see the Code Comparative Table following this Table of Amendments.

Ordinance Number	Date Approved	Description
91-03	3-14-1991	General Editorial Revisions—I
91-09	5-14-1991	Chapter 6 (Vegetation Removal Regulations
91-21	11- 7-1991	General Editorial Revisions—II
92-02	2-20-1992	Chapter 7 (RV Park Regulations - Permitting conventional construction)
92-17	6- 2-1992	General Editorial Revisions—III
93-01	2-20-1992	General Editorial Revisions—IV
93-03	2-16-1993	Chapter 7 (Planned Mixed Use Development)
93-05	5-25-1993	Chapter 13 (Standard Housing Code)
94-07	6-22-1994	General Editorial Revisions—V
94-18	8-16-1994	Chapter 3 (Commercial Office—added uses)
94-21	8-16-1994	Chapter 3 (Hutchinson Island Residential District—added rezoning options)

95-01	1-10-1995	Chapter 4 (Hutchinson Island Building Height)
95-02	3-28-1995	Chapter 3 (Zoning District—permitted/conditional use amendments)
96-10	7-16-1996	General Editorial Revisions—VI
97-01	3- 4-1997	Chapters 3 and 7 (Car Washes in the CN Zoning District/Supplemental Standards)
97-09	10- 7-1997	General Editorial Revisions-VII
97-23	9- 2-1997	Chapters 2 and 7 (Telecommunication Towers)
98-01	1- 2-1998	Chapter 7 (Table 7-10) Aquacultural Operations)
98-02	4- 7-1998	Chapter 8 (Temporary Uses—Special sales autos/boats)
98-19	10- 6-1998	Chapter 13 (Building Code Updates)
98-20	10- 6-1998	Chapter 6 (Amendment to <u>Section 6.06.01(11)</u> , Mining Regulations)
99-01	2- 2-1999	General Editorial Revisions—VIII
99-02	4- 6-1999	Chapters 2 and 7 (Access to Property/Telecommunication Towers)
99-03	8-17-1999	Adding <u>Section 7.10.12(c)</u> , Scrap and Trash Materials, to provide for standards & design requirements for land clearing and yard trash recycling operations
99-04	8-17-1999	Amending <u>Section 2.00.00</u> , Definitions, to provide for the addition of a definition of the term "Contiguous"
99-05	7-20-1999	Amending <u>Section 7.10.23(L)</u> , Telecommunication Towers, separation standards between towers and habitable residential structures and residential zoned land
99-15	7-20-1999	Amending CN (Commercial Neighborhood) and CG (Commercial General) Zoning District, by amending the list of Permitted Conditional and Accessory Uses in these Zoning Districts

99-16	7-20-1999	General Amendments changing certain responsibilities from the Community Development Director to Public Works Director
99-17	9- 7-1999	Amending <u>Section 7.10.16(Q)(1)(a)(1)(c)</u> , to provide for the clarification of common use areas to refer to public or private road rights-of-way (Recreational Vehicle Parks)
99-018	11- 2-1999	Amending <u>Section 7.09.04(E)</u> , by amending the requirements for continuous screening between residential and non-residential uses
00-10	6-13-2000	Amending <u>Section 6.00.00</u> , Vegetation, Protection and Preservation, to provide for clarification and general amendments
00-11	6-13-2000	Amended <u>Section 7.09.00</u> , Landscaping and Screening, to provide for clarification and general amendments
00-12	6-13-2000	Amending <u>Section 2.00.00</u> to add a definition of Scrub Habitat; by Amending Section 7.09.06, Standards for Native and Drought-tolerant Vegetation by Moving this Section into the Existing <u>Section 7.09.04</u> , General Landscaping Requirements
00-13	6-13-2000	Amending <u>Section 7.09.05(a)(1)</u> , Landscaping and Screening, Removal of Exotic Vegetation to clarify the Type of Exotic Vegetation that is required to be removed during all new development activities; by Amending <u>Section 7.09.05(a)</u> , by creating a new paragraph (2) prohibiting the planting of any species listed as a "Category I" Plant Species in the Latest Edition of the Florida Exotic Pest Plant Council's "Most Invasive Species List"; by Amending <u>Section 7.09.05(b)</u> to clarify the procedures and process associated with declaring certain Exotic Pest Plants as "Invasive Species" and authorizing their removal in the event of a filed complaint for Properties in Recorded Subdivisions located in the unincorporated areas of the County

01-003	12-18-2001	Amending Chapter 13, Building Regulations and Public Works Construction Manual to provide for the repeal of the references to the Standard Building Code, 1997 Edition, including Appendix A, and to adopt the Florida Building Code, as described in Chapter 553.70, Florida Statutes, and as published by the State of Florida Department of Community Affairs and the Standard Unsafe Building Abatement Code, 1997 Edition, promulgated by the Southern Building Code Congress International, Inc.
02-005	6-25-2002	Creating <u>section 13.09.00</u> , Property Maintenance Code, to provide for adoption of Chapter 3, general requirements of the 2000 International Property Maintenance Code
02-020	10-15-2002	Amending <u>Section 7.10.12</u> , Supplemental Standards, Scrap, Waste and Recycling Operations, to provide for clarification on Enforcement Proceedings for violations of this Section; and by amending <u>Section 11.13.00</u> , Enforcement of Code Provisions to provide for clarification on Enforcement Proceedings for Violations of <u>Section 7.10.12</u>
02-028	12-17-2002	Creating <u>Section 7.10.24</u> , Community Architectural Standards
02-029	10-15-2002	Amending Sign Standards in Planned Development and amending <u>Section 9.01.00</u> to define Okeechobee Road, Orange Avenue and Kings Highway from corridors where new Off-Premises Signs and <u>Section 9.03.00(h)</u> , Prohibited Signs to Provide for Certain Limited Uses for Variable Message Copy Signs
03-005	3-18-2003	Amending <u>Section 7.01.03</u> , Planned Unit Developments, Standards and Requirements, by amending paragraph I., Open Space Standards, to Provide for Clarification of Standards Applicable to Areas of the Unincorporated County with a Future Land Use Designation of Agricultural, Residential and Mixed Use; by creating new paragraph K, Clustering of Development
04-002	1-20-2004	Amending <u>Section 7.10.13</u> , Sewage and Septage Treatment Facilities in Agricultural Zoning Districts to Provide for Municipal Annexation of a Facility Site

04-007	4-20-2004	Amending Sections <u>11.13.00</u> —11.13.04, Board enforcement procedures
04-033	12- 7-2004	Amending Subsection 3.01.03k, Zoning Districts Residential Mobile Home-5
05-001	3-15-2005	Amending <u>Section 2.00.00</u> and <u>7.10.24</u> regarding Newsracks on public rights-of-way
05-004	8- 2-2005	Amending Sections <u>2.00.00</u> , <u>7.05.02</u> —7.05.08, <u>9.00.00</u> , 9.01.02E, <u>9.02.01</u> , <u>9.02.02</u> , <u>9.04.00</u> , <u>9.05.00</u> , and <u>11.05.01</u> , regarding Signs
05-007	1-18-2005	Amending Chapter VI, Vegetation Protection and Preservation
05-013	11- 8-2005	Amending Sections <u>4.03.00</u> —4.03.05, Research and Education Park Overlay Zone
05-023	9-20-2005	Amending Sections <u>2.00.00</u> and <u>7.05.09</u> regarding Sidewalks and Bikeways
06-005	4-18-2006	Amending <u>Section 7.01.02</u> and Re-recording of 05-039 to correct page 2
06-013	6- 6-2006	Amending <u>10.01.14</u> , Administrative Variances for the required minimum yard setback standards
06-017	5-30-2006	Amending Sections <u>3.00.01</u> and <u>3.01.03</u> , Zoning Districts Established—see also Ord. No. 07-041 (corrected effective date); Sections <u>4.04.00</u> —4.04.07, TVC-Overlay Zone; Sections <u>7.05.02</u> —7.05.09, Sidewalks and Bikeways; Sections <u>8.02.00</u> —8.02.02, Temporary Uses and Structures
06-018	5-30-2006	Amending <u>Section 4.04.05</u> , Transferable Development Rights
06-022	7-18-2006	Amending Sections <u>11.10.02</u> , Provides the BOCC with the option to impose a privilege fee for the abandonment or vacation of the interests of the county in and to any real property or right-of-way
06-030	9-12-2006	Amending Sections <u>4.05.00</u> —4.05.08, St. Lucie County Rural Land Stewardship Area Overlay Zone
06-047	12- 5-2006	Amending Chapter V, Adequate Public Facility

07-011	2- 6-2007	Amending <u>Section 4.12.00</u> , Jenkins Road Area Plan
07-015	4-17-2007	Amending Sections <u>7.06.00</u> —7.06.02, Parking
07-017	6- 5-2007	Amending <u>Section 13.00.01</u> , Building Code - Moving of buildings, bond requirement
07-032	11- 6-2007	Amending Sections <u>7.03.00</u> and <u>7.03.03</u> , Grande Beach—Planned Mix Use Development
07-041	9- 4-2007	Amending Ord. No. 06-017 to correct scrivener's error on effective date
07-054	12-11-2007	Amending <u>Section 7.09.04</u> to require automatic rain sensors in detached single-family, two-family, and three-family residences; and to limit irrigation hours
07-055	11-20-2007	Adopting interim Land Development Regulations to apply to property generally located in the Towns, Villages and Countryside (TVC) Overlay Zone (Sections <u>3.00.01</u> , 3.01.03.EE, FF, GG; <u>4.04.00</u> , <u>7.04.02</u> , <u>7.10.07</u> , <u>7.10.20</u> , <u>8.02.00</u> and <u>11.02.02</u> )
08-004	3-11-2008	Adding <u>Section 7.10.27</u> , Erecting, constructing, and maintaining to communications facility in the county's public rights-of-way for the provision of communications service
08-008	6-17-2008	Amending <u>Section 7.10.23</u> , Wireless Telecommunications Towers and Antennas
08-012	9- 9-2008	Adding <u>Section 7.10.25</u> , Building and housing regulations.
08-025	9-16-2008	Amending Subsection 7.04.01.E by amending Table 7-10, Lot size and dimensional requirements chart
09-003	1-20-2009	Amending <u>Section 7.10.23</u> to add the definition of Fall radius; and amending Subsection 7.10.23.M, Setbacks; and Subsection 7.10.23N, Separation requirements for telecommunications tower height.
09-012	5-19-2009	Accepting the reformatted Land Development Code
09-013	5-19-2009	Correcting minor inconsistencies, errors and omissions



Fort Meade, FL - Code of Ordinances ([https://library.municode.com/fl/fort\\_meade/codes/code\\_of\\_ordinances](https://library.municode.com/fl/fort_meade/codes/code_of_ordinances))

## Sec. 6-41. - 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 indicates a different meaning.

*City* shall mean the corporate limits of the City of Fort Meade, Polk County, Florida.

*Unsafe structure* has the meaning set forth in the International Property Maintenance Code, adopted by the city in article [V] of this chapter.

( Ord. No. 09-18, § 2, 1-13-2010. )

## Sec. 6-48. - Relation to the International Property Maintenance Code.

The requirements pertaining to unsafe structures in the International Property Maintenance Code, which has been adopted by the city in Article [V] of Chapter 6 of this Code, are cumulative to the requirements in this article.

( Ord. No. 09-18, § 2, 1-13-2010. )

## ARTICLE V. - INTERNATIONAL PROPERTY MAINTENANCE CODE

*Footnotes:*

--- (3) ---

**Editor's note**— *Ord. No. 08-08, § 2, adopted June 10, 2008, repealed the former Art. V, §§ 6-111, 6-112, and enacted a new Art. V as set out herein. The former Art. V pertained to the housing code and derived from Ord. No. 84-11, §§ 1, 2, 9-11-84; Ord. No. 96-10, § 1, 6-11-96.*

## Sec. 6-111. - International Property Maintenance Code adopted.

Subject to the amendments set forth below, the 2012 edition of the International Property Maintenance Code, as published by the International Code Council, and as amended and supplemented from time to time, is hereby adopted by reference, except the following sections thereof which are hereby amended and supplemented as follows.

(Ord. No. 08-08, § 2, 6-10-2008; Ord. No. 14-02, § 2, 2-11-2014)

## Sec. 6-112. - Amendments.

Chapter 1. Administration*Section 101.* General

*101.1* Title. These regulations shall be known as the Property Maintenance Code of the City of Fort Meade, hereinafter referred to as "this code."

*Section 102.* Applicability

*102.3* Application of other codes. Repairs, additions, or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the current Florida Building Code. Nothing in this code shall be construed to cancel, modify, or set aside any provision of the Fort Meade Land Development Code or zoning ordinances.



*Section 103. Department of Property Maintenance Inspection*

*103.5 Fees.* The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule:

Single-family residence	\$35.00 annual
Duplex <u>1-3</u>	\$20.00 annual per unit
Apartments with 1-30 units	\$100.00 annual
Apartments with 31-75 units	\$150.00 annual

*Section 106. Violations*

*106.3 Prosecution of violation.* Except as provided for in this code, any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction. If the notice of a violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal to termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

*106.4 Violation penalties.* Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted as set forth in Chapter 162 of the Florida Statutes and Chapter 6 of the City's Code of Ordinances.

*Section 111. Means of Appeal*

*111.1 Application for appeal.* The title of board of appeals as used herein shall mean the City's special magistrate, as described in Chapter 6 of the City's Code of Ordinances. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Special Magistrate, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

*111.2 Membership of board.* Delete section in its entirety.

Chapter 3. General Requirements*Section 302. Exterior Property Areas*

*302.4 Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this terms shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

*Section 304. Exterior Structure*

*304.14* Insect screens. Every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self closing device in good working condition.

Chapter 6. Mechanical and Electrical Requirements

*Section 602. Heating Facilities*

*602.3* Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period of November 1 to March 30 to maintain a temperature of 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.

*602.4* Occupiable workspaces. Indoor occupiable workspaces shall be supplied with heat during the period from November 1 to March 30 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

(Ord. No. 08-08, § 2, 6-10-2008; Ord. No. 14-02, § 2, 2-11-2014)

Secs. 6-113—6-125. - Reserved.

Sec. 15.5-3. - Rental inspection required.

Each dwelling unit intended for rental must pass a property maintenance inspection conducted by a city code enforcement officer or his or her designee prior to the unit being occupied by one (1) or more lessee(s). The purpose of the inspection shall be to determine compliance with the International Property Maintenance Code as modified by other applicable codes, and the supplemental provisions of this article. Such inspections are required for (1) the initial rental of a dwelling unit or residential property not previously rented, (2) for those dwelling units or residential properties previously rented in which there has been a change of tenants, a sublease from an existing tenant to a new or different tenant, or a change in the responsible party for utility billing for utility services to be delivered to a dwelling unit or residential property, (3) for those dwelling units or residential properties for which the city has received a complaint or an owner request.

(( Ord. No. 10-07, § 2, 12-14-2010; Ord. No. 15-06, § 2, 9-8-2015 )

Sec. 15.5-9. - Rental property inspection checklist.

The city shall adopt an official rental property inspection checklist, based upon the International Property Maintenance Code, and any other issues deemed important by the city's code enforcement division, with a checklist of items to be noted by the code enforcement officer. Any rental housing inspection shall focus upon, but not necessarily be limited to, the items set

out on such checklist.

( Ord. No. 10-07, § 2, 12-14-2010. )

**Alachua, FL - Code of Ordinances** ([https://library.municode.com/fl/alachua/codes/code\\_of\\_ordinances](https://library.municode.com/fl/alachua/codes/code_of_ordinances))

## Sec. 8-30. - International Property Maintenance Code.

The International Property Maintenance Code, 2009 edition, as published by the International Code Council (Code), as amended from time to time, is hereby adopted and incorporated in this chapter with the exception of all of section 111, pertaining to means of appeal, and section 109.6, pertaining to hearing, which specifically are not being adopted or incorporated into this chapter. The Code shall be interpreted and enforced by the City as follows:

- (1) The Department of Property Maintenance as referenced in the Code shall be the City Code Enforcement Division.
- (2) The code official as referenced in the Code shall be the Code Enforcement Officer for the City.
- (3) Where a term in the Code is not defined or the definition in the Code is in conflict with the definition in the Florida Building Code, the definition in the Florida Building Code shall govern.
- (4) If any provisions of the Code, as amended from time to time, conflicts with the Florida Building Code, the terms of the Florida Building Code shall govern.
- (5) Should there be a conflict between the Code, as amended from time to time, and any other provision of this chapter, the provision of this section shall govern.
- (6) The enforcement mechanism for violations, other than those predicated upon exigent circumstances involving issues of health, safety, and welfare, shall be through the process used for proceedings before the City Special Magistrate.
- (7) Any person directly affected by a decision of the Code Enforcement Officer predicted upon exigent circumstances relating to issues of health, safety and welfare, may immediately appeal the decision as set forth below:
  - a. By filing a written notice of appeal with the Office of the City Manager at City Hall within ten calendar days of the issuance of the decision. The notice of appeal shall:
    1. Describe with particularity the decision of the Code Enforcement officer;
    2. Describe with particularity all objections to this decision;
    3. Have attached to it all other documents the person appealing the decision wishes the City Manager to review;
    4. Contain citations to applicable laws, regulations, or ordinances;
    5. Contain the name, mailing address and phone number for the appealing party; and
    6. Be signed by the person appealing the decision.
  - b. The City Manager shall render a written decision within ten calendar days of the filing of the written notice of appeal; and
  - c. An appeal of the City Manager's decision may be taken to the City Commission by filing a written notice of appeal with the City Clerk within ten calendar days of the date of the City Manager's decision. The notice of appeal shall state with particularity the decision being appealed, be signed by the person appealing the decision and shall have attached to it all of the following:
    1. The decision of the City Manager being appealed;
    2. All documents filed with the City Manager;
    3. Any other document the person appealing the decision wishes the City Commission to review;
    4. Citations to any applicable laws regulations or ordinances; and
    5. The name, mailing address and phone number of the appealing party.

- d. The City Commission shall hear the appeal in a quasi judicial proceeding at the next regularly scheduled City Co meeting and affirm or deny the appeal by majority vote and render a written decision within ten days of the me
  - e. The failure to strictly comply with each and every requirement of subsection (a)(7) of this section, including each subsection, will result in the dismissal of the appeal.
- (8) In section 302.4 of the IPMC all premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches.
- (9) In section 602.3 of the IPMC, every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 20 to March 20 to maintain a temperature of not less than 68 degrees F (20 degrees C) in all habitable rooms, bathrooms and toilet rooms.

(Ord. No. 09-19, § 3(18-4), 6-1-2009)

**Eustis, FL - Land Development Regulations** ([https://library.municode.com/fl/eustis/codes/land\\_development\\_regulations\\_](https://library.municode.com/fl/eustis/codes/land_development_regulations_))

Sec. 118-8. - International Property Maintenance Code (latest edition).

The International Property Maintenance Code, excluding sections 103, 106.2 through 106.5, 107, 110, 111, 112.4, 302.4 and 304.14, is hereby adopted as the housing code of the city, and administered by the building official. The appendices thereto are expressly not adopted.

(Ord. No. 16-31, 12-15-2016)

Lake Hamilton, FL - Code of Ordinances ([https://library.municode.com/fl/lake\\_hamilton/codes/code\\_of\\_ordinances](https://library.municode.com/fl/lake_hamilton/codes/code_of_ordinances))

## Sec. 8-2. - International Property Maintenance Code.

- (a) The town council hereby adopts the 2009 International Property Maintenance Code, as published by the International Code Council, and as amended and supplemented from time to time, with some local modifications, which are reflected in this section as the town's property maintenance code and the governing law relative to structures and premises in the town.
- (b) Chapter 1 of the 2009 edition of the International Property Maintenance Code (IPMC), as amended and supplemented from time to time, is modified by the town as follows:

International Property Maintenance Code — any reference to *code official* anywhere in the code shall be read as *code enforcement officer*.

Subsection 101.1 "Title" is amended to read as follows: These regulations shall be known as the Property Maintenance Code of the Town of Lake Hamilton, hereinafter referred to as "this code."

Subsection 102.3 "Application of other codes" is amended to read as follows: Repairs, additions, or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the current Florida Building Code. Nothing in this code shall be construed to cancel, modify, or set aside any provision of the Town of Lake Hamilton Land Development Regulations.

Section 103 is entitled "Code Enforcement."

Subsection 103.1 shall read as follows:

General. The office of code enforcement is hereby created and the person in charge thereof shall be known as the code enforcement officer, who shall be the *code official* as that term may be used in this section.

Subsection 103.2 shall read as follows:

Appointment. The code enforcement officer shall be appointed by the town council.

Subsection 103.3 is deleted.

Subsection 103.5 "Fees" is amended to read as follows: The fee for activities and services performed by the town in carrying out its responsibilities under this code shall be as established from time to time by resolution of the town council. This fee shall be in addition to any fines imposed by the code enforcement board or a special master.

Subsection 104.3 "Right of entry" is amended to read as follows: Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code enforcement officer or his designee has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code enforcement officer or his designee is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code; provided that if such structure or premises is occupied the code enforcement officer or his designee shall present credentials to occupant and request entry. If such structure or premises is unoccupied, the code enforcement officer or his designee shall first make a reasonable effort to locate the owner or the person having charge or control of the structure or premises and request entry. If entry is refused, the code enforcement officer or his designee shall have recourse to the remedies provided by law to secure entry. In cases of emergency or exigent circumstances or when the code enforcement officer or his designee believes extreme hazards exist, the code enforcement officer or his designee may enter the structure or premises at any time.

Subsection 106.3 "Prosecution of violation" is amended to read as follows: Any person failing to comply with a notice of violation or order served in accordance with section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code enforcement officer or his designee shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be assessed against the property.

Subsection 106.4 "Violation penalties" is amended to read as follows: Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted as set forth in F.S. ch. 162 and section 1-8 of the Code of Ordinances of the Town of Lake Hamilton.

Subsection 107.2 "Form" is amended to read as follows:

Such notice prescribed in section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner that he may obtain a hearing before the code enforcement board on the limited issue of whether the determination of the code enforcement officer that there has been a violation of this code.
6. Inform the owner of the right to appeal.
7. Include a statement that all costs and expenses incurred by the town in connection with the demolition and not timely paid by the property owner will be assessed against the property, and inform the property owner of the town's right to file a lien against the property.

Subsection 107.5 "Penalties" is amended to read as follows: Penalties for noncompliance with orders and notices shall be as set forth in section 106.4, in F.S. ch. 162 and in accordance with any other applicable and available civil and criminal penalties.

All of the subsections in section 111 "Means of Appeal" (111.1—111.8) are deleted and replaced by the following:

111.1 Application for Appeal. Any person directly affected by a decision of the code enforcement officer or his designee or a notice or order issued under this code shall have the right to appeal to the code enforcement board or to a special master, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. Appeal of any decision of the code enforcement board or a special master will be to the Tenth Judicial Circuit Court of Florida.

Subsection 112.4 "Failure to comply" is amended to read as follows: 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 liable to a fine of not less than \$250.00 or more than \$500.00.



- (c) Chapter 3 of the 2009 edition of the IPMC, as amended and supplemented from time to time, is modified by the town as follows:

Subsection 302.4 "Weeds" is amended to read as follows: All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with section 106.3 or any other applicable code provision. Upon failure to comply with the notice of violation, any duly authorized employee of the town or contractor hired by the town shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and all the reasonable costs of such removal shall be paid by the owner or agent responsible for the property.

Subsection 304.14 "Insect screens" is amended to read as follows: Every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

- (d) Chapter 6 of the 2009 edition of the IPMC, as amended and supplemented from time to time, is modified by the town as follows:

Subsection 602.3 "Heat supply" is amended to read as follows: Every owner and operator of any building who rents, leases or lets one or more dwellings units, rooming units, dormitories or guestrooms on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period of December 1 to March 1 to maintain a temperature of 65;deg;F (18;deg;C) in all habitable rooms, bathrooms, and toilet rooms.

Subsection 602.4 "Occupiable workspaces" is amended to read as follows: Indoor occupiable workspaces shall be supplied with heat during the period from December 1 to March 1 to maintain a temperature of not less than 65;deg;F (18;deg;C) during the period the spaces are occupied.

(Ord. No. 2011-04, §§ 1—3, 6-7-2011)

**St. Augustine Beach, FL - Code of Ordinances** ([https://library.municode.com/fl/st.\\_augustine\\_beach/codes/code\\_of\\_ordinances](https://library.municode.com/fl/st._augustine_beach/codes/code_of_ordinances))

Sec. 6-1. - Adoption of the Florida Model Administrative Code.

There is hereby adopted by reference, as though it were copied herein fully, The Building Officials Association of Florida Model Administrative Code for the 7<sup>th</sup> Edition (2020) Florida Building Code dated October 1, 2020. Specific modifications as follows:

**Chapter 1 — SCOPE AND ADMINISTRATION**

**PART 1—SCOPE AND APPLICATION**

**SECTION 101 — GENERAL**

**[A] 101.1 Title.** These regulations shall be known as the Florida Building Code, hereinafter referred to as "this code."

**[A] 101.2 Scope.** The provisions of this code shall apply to the construction, alteration, relocation, 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.

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 not more than three stories above grade plane in height, shall comply with the Florida Building Code, Residential.
2. Code requirements that address snow loads and earthquake protection are pervasive; they are left in place but shall not be utilized or enforced because Florida has no snow load or earthquake threat.

**[A] 101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.

Florida Building Code - Building:

Appendix F - Rodent Proofing

Florida Building Code - Residential:

Appendix A - Sizing and Capacities of Gas Piping

Appendix B - Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed For Use With Type B Vents

Appendix C - Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

**101.2.2** Florida Building Code, Residential Construction standards or practices which are not covered by Florida Building Code, Residential volume shall be in accordance with the provisions of Florida Building Code, Building.

**[A] 101.3 Intent.** The purpose of this code is to establish the minimum requirements to provide a reasonable level of safety, public health 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 a reasonable level of safety to fire fighters 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 Warranty and Liability.** The permitting, plan review or inspection of any building, system or plan by this 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. This jurisdiction 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.

**[A] 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.

**[A] 101.4.1 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.

**[A] 101.4.2 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.

**[A] 101.4.3 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.

**[A] 101.4.4 Property maintenance.** The provisions of the 2018 International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

**[A] 101.4.5 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, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

**[A] 101.4.6 Energy.** The provisions of the Florida Building Code, Energy Conservation shall apply to all matters governing the design and construction of buildings for energy efficiency.

**[A] 101.4.7 Existing buildings.** The provisions of the Florida Building Code, Existing Building shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

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

**101.4.9 Manufactured buildings.** For additional administrative and special code requirements, see Section 458, Florida Building Code, Building, and Rule 61-41 F.A.C.

## SECTION 102 — APPLICABILITY

**[A] 102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

**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 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 II (Sections 553.501-553.513, Florida Statutes) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. Permits shall be required for structural support and tie-down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.
- (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) Family mausoleums not exceeding 250 square feet (23 m<sup>2</sup>) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (k) A building or structure having less than 1,000 square feet (93 m<sup>2</sup>) which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:
  1. Is not rented or leased or used as a principal residence;

2. Is not located within the 100-year flood plain according to the Federal Emergency Management Agency's current Insurance Rate Map; and
3. Is not connected to an off-site electric power or water supply.

**102.2.1** In addition to the requirements of Sections 553.79 and 553.80, Florida Statutes, facilities subject to the provisions of Chapter 395, Florida Statutes, and Part II of Chapter 400, Florida Statutes, 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** Residential buildings or structures 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 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 Florida Building Code, Building for all residential buildings or structures of the same occupancy class.

**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** Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities.

1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one or more exemptions from the Florida Building Code relating to:
  - a. Addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 square feet (93 m<sup>2</sup>) or the square footage of the primary structure, whichever is less.
  - b. Addition, alteration, or repairs by a nonowner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.
  - c. Building and inspection fees.
2. However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in

mapped flood hazard areas, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.

3. Each code exemption, as defined in sub-subparagraphs 1a, 1b, and 1c shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

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

Exception: Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

**[A] 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.

**[A] 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 and as further regulated in Sections 102.4.1 and 102.4.2.

**[A] 102.4.1 Conflicts.** Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

**[A] 102.4.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Florida Codes listed in Section 101.4, the provisions of this code or the Florida Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

**[A] 102.5 Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**[A] 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 otherwise specifically provided in this code, the Florida Building Code, Existing Building, 2018 International Property Maintenance Code or the Florida Fire Prevention Code.

**[A] 102.6.1 Buildings not previously occupied.** A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the Florida Building Code, Building or Florida Building Code, Residential, as applicable, for new construction or with any current permit for such occupancy.

**[A] 102.6.2 Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the Florida Fire Prevention Code, 2018 International Property Maintenance 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.

(3) A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

**102.8 Existing mechanical equipment.** An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

## **PART 2—ADMINISTRATION AND ENFORCEMENT**

### **SECTION 103 — DEPARTMENT OF BUILDING SAFETY**

**103.1 Creation of enforcement agency.** The Department of Building Safety is hereby created and the official in charge thereof shall be known as the building official.

**103.2 Appointment.** The building official shall be appointed by the chief appointing authority of the jurisdiction.

**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

For the maintenance of existing properties, see the 2018 International Property Maintenance Code.

### **SECTION 104 — DUTIES AND POWERS OF BUILDING OFFICIAL**

**[A] 104.1 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. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**[A] 104.2 Applications and permits.** The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612 or R322 of the Florida Building Code, Residential, as applicable.

**[A] 104.3 Notices and orders.** The building official shall issue all necessary notices or orders to ensure compliance with this code.

**[A] 104.4 Inspections.** The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The

building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**[A] 104.5 Identification.** The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**[A] 104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

**[A] 104.7 Department records.** The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per FS 119.

**104.8 Liability.** The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**[A] 104.8.1 Legal defense.** Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**[A] 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.

**[A] 104.9.1 Used materials and equipment.** The use of used materials that 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.

**[A] 104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.



**104.10.1 Flood hazard areas.** The building official shall coordinate with the floodplain administrator to review requests submitted to the building official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

**[A] 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, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

**[A] 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.

**[A] 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.

**104.12 Requirements not covered by code.** Any requirements necessary for 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 other technical codes, shall be determined by the building official.

## **SECTION 105 — PERMITS**

**[A] 105.1 Required.** Any owner or owner's authorized agent 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 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 performed, shall first make application to the building official and obtain the required permit.

**[A] 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 office system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations 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 facility site as deemed necessary. An annual facility permit shall be assessed with 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.

**[A] 105.1.2 Annual Facility 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 access to such records at all times or such records shall be filed with the building official as designated.

**105.1.3 Food permit.** In accordance with 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.

**105.1.4 Public swimming pool.** The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to Section 514.031, Florida Statutes. A certificate of completion or occupancy may not be issued until such operating permit is issued. The local enforcing agency shall conduct their review of the building permit application upon filing and in accordance with Chapter 553, Florida Statutes. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

**[A] 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 or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the local floodplain management ordinance. Permits shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m<sup>2</sup>) and not in a special flood hazard area.
2. Fences not over 7 feet (1829 mm) high, of all materials other than masonry over 6 feet in height and not located on the A1A Beach Boulevard right of way boundary.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support, of Groups R-3 and U occupancies.
13. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
14. Roofing repairs or reroofs not exceeding 2 squares.

15. Siding repairs less than 100 square feet in area, including the area of door and window that are withing the work ar
16. Gutters and downspouts
17. Pool remarcite for one and two family dwellings.
18. Flag poles less than 35 feet in height for one and two family dwellings.

#### **Electrical:**

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

#### **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 that 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 (0.75 kW) 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.

**[A] 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.

**[A] 105.2.2 Minor repairs.** Ordinary minor repairs may be made with the 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; nor shall ordinary repairs 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.

**[A] 105.2.3 Public service agencies.** A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

**[A] 105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefor 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 Sections 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.

Effective October 1, 2017, a local enforcement agency shall post each type of building permit application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the application may be submitted in person in a nonelectronic format, at the discretion of the building official.

**[A] 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 therefor. 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 therefor 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, Florida 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. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which

contains 50 or more sprinkler heads. Personnel as authorized by chapter 633 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. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000. 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 \$125,000 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 three-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.

Note: It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4. 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.
5. Electrical documents. See Florida Statutes 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. The system, Requires an electrical system with a value of over \$125,000; and Requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system;

NOTE: It was further clarified by the Commission that the limiting factor of 240 volt or over is required to be designed by an Engineer. 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 stamped such document as provided in Section 471.025, Florida Statutes.

6. All public swimming pools and public bathing places defined by and regulated under Chapter 514, Florida Statutes.

**[A] 105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned becoming null and void 180 days after the date of filing, 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 and justifiable cause demonstrated.

**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 therefor 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 Sections 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.

**105.3.7 Applicable Code for Manufactured Buildings.** Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for permit, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

**105.3.8 Public right of way.** A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way permit from the authority having jurisdiction over the street, alley or public lane.

**105.4 Conditions of the permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinance of this jurisdiction.

**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 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.

**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 180 days 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 180 days. 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.

**105.4.1.4** The fee for renewal reissuance and extension of a permit shall be set forth by the administrative authority.

**105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit holder and property owner shall be responsible to either complete all work in accordance with the permitted plans and inspection or remove any partially completed work in a safe and code compliant manner. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the building official.

**105.5.1 Additional options for closing a permit.** Pursuant to Section 553.79(15), Florida Statutes, a property owner, regardless of whether the property owner is the one listed on the application for the building permit, may close a building permit by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspection in order to close the permit. If a contractor other than the original

contractor listed on the permit is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.

2. The property owner may assume the role of an owner- builder, in accordance with Sections 489.103(7) and 489.503(6), Florida Statutes.
3. If a building permit is expired and its requirements have been substantially completed, as determined by the local enforcement agency, the permit may be closed without having to obtain a new building permit, and the work required to close the permit may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the permit, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.
4. A local enforcement agency may close a building permit 6 years after the issuance of the permit, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazard exists.

For purposes of this section, the term "close" means that the requirements of the permit have been satisfied.

**105.5.2** For the purposes of this subsection, a closed permit shall mean a permit for which all requirements for completion have been satisfied or a permit that has been administratively closed by the building official.

**105.5.3** For the purposes of this subsection, an open permit shall mean a permit that has not satisfied all requirements for completion as defined in 105.5.1.1.

**[A] 105.6 Denial or revocation.** Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

**105.6.1** Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building permit to; issue a notice of violation to; or fine, penalize, sanction or assess fees against an arm's-length purchaser of a property for value solely because a building permit applied for by a previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner and contractor listed on the permit.

**105.6.2** Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building permit to a contractor solely because the contractor is listed on other building permits that were not closed. A local enforcement agency has the authority to deny a new permit application from an applicant for other reasons.

**[A] 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.** In accordance with 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 14-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. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. 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.

**105.10 Certificate of protective treatment for prevention of termites.** A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, providing a 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.

**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 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.

**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.** 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 shall supervise such work. In addition, they 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 stead a competent person or agency whose qualifications are reviewed by the building official. 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 XII of Chapter 468, Florida Statutes.

Exception: Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the Florida Building Code.

**105.15 Opening protection.** When any activity requiring a building permit, not including roof covering replacement or repair work associated with the prevention of degradation of the residence, that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single-family detached residential structure that is located in the wind-borne debris region as defined in this code and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structure is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this code or Florida Building Code, Residential for new construction shall be provided.

Exception: Where defined wind-borne debris regions have not changed, single family residential structures permitted subject to the Florida Building Code are not required to comply with this section.

**105.16 Inspection of existing residential building not impacted by construction.**

- (a) A local enforcing agency, and any local building code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building permit the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought.
- (b) This subsection does not apply to a building permit sought for:
1. A substantial improvement as defined in s. 161.54, Florida Statutes or as defined in the Florida Building Code.
  2. A change of occupancy as defined in the Florida Building Code.
  3. A conversion from residential to nonresidential or mixed use pursuant to s. 553.507(2)(a), Florida Statutes or as defined in the Florida Building Code.
  4. A historic building as defined in the Florida Building Code.
- (c) This subsection does not prohibit a local enforcing agency, or any local building code administrator, inspector, or other official or entity, from:
1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
  2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought in accordance with the prohibition in paragraph (a).
  3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
  4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with ss. 933.20-933.30, Florida Statutes.

**105.17 Streamlined low-voltage alarm system installation permitting.**

- (1) As used in this section, the term:
- (a) "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under Part II of Chapter 489, Florida Statutes.
- (b) "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in s. 489.505, Florida Statutes, that is hardwired and operating at low voltage, as defined in the National Electrical Code Standard 70, Current

- Edition, or a new or existing low-voltage electric fence, and ancillary components or equipment attached to such a system, or fence, including, but not limited to, home-automation equipment, thermostats, closed-circuit television systems, access controls, battery recharging devices, and video cameras.
- (c) "Low-voltage electric fence" means an alarm system, as defined in s. 489.505, that consists of a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact with the fence structure.
- (d) "Wireless alarm system" means a burglar alarm system of smoke detector that is not hardwired.
- (2) Notwithstanding any provision of this code, this section applies to all low-voltage alarm system projects for which a permit is required by a local enforcement agency. However, a permit is not required to install, maintain, inspect, replace, or service a wireless alarm system, including any ancillary components or equipment attached to the system.
- (3) A low-voltage electric fence must meet all of the following requirements to be permitted as a low-voltage alarm system project and no further permit shall be required for the low-voltage alarm system project other than as provided in this section:
- (a) The electric charge produced by the fence upon contact must not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition.
- (b) A nonelectric fence or wall must completely enclose the low-voltage electric fence. The low-voltage electric fence may be up to 2 feet higher than the perimeter nonelectric fence or wall.
- (c) The low-voltage electric fence must be identified using warning signs attached to the fence at intervals of not more than 60 feet.
- (d) The low-voltage electric fence shall not be installed in an area zoned exclusively for single-family or multi-family residential use.
- (e) The low-voltage electric fence shall not enclose the portions of a property which are used for residential purposes.
- (4) This section does not apply to the installation or replacement of a fire alarm if a plan review is required.
- (5) A local enforcement agency shall make uniform basic permit labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost as indicated in s. 553.793, Florida Statutes. The local enforcement agency may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm.
- (a) A local enforcement agency may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or certification as a contractor.
- (b) A label is valid for 1 year after the date of purchase and may only be used within the jurisdiction of the local enforcement agency that issued the label. A contractor may purchase labels in bulk for one or more unspecified current or future projects.
- (6) A contractor shall post an unused uniform basic permit label in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project.
- (7) A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided under subsection (7) to the local enforcement agency within 14 days after completing the project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project.

- (8) The Uniform Notice of a Low-Voltage Alarm System Project may be submitted electronically or by facsimile if all signatures are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Voltage Alarm System Project shall be in the format prescribed by the local enforcement agency and must comply with requirements of s. 553.793(7), Florida Statutes.
- (9) A local enforcement agency may coordinate directly with the owner or customer to inspect a low-voltage alarm system to ensure compliance with applicable codes and standards. If a low-voltage alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.
- (10) A municipality, county, district, or other entity of local government may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.
- (11) A uniform basic permit label shall not be required for the subsequent maintenance, inspection, or service of an alarm system that was permitted in accordance with this section.

The provisions of this act are not intended to impose new or additional licensure requirements on persons licensed in accordance with the applicable provisions of Chapter 489, Florida Statutes.

#### **SECTION 106 — FLOOR AND ROOF DESIGN LOADS**

**[A] 106.1 Live loads posted.** In commercial or industrial buildings, for each floor or portion thereof designed for live loads exceeding 50 psf (2.40 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner or the owner's authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

**[A] 106.2 Issuance of certificate of occupancy.** A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

**[A] 106.3 Restrictions on loading.** It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

#### **SECTION 107 — SUBMITTAL DOCUMENTS**

**[A] 107.1 General.** Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by Chapter 471, Florida Statutes & 61G15 Florida Administrative Code or Chapter 481, Florida Statutes & 61G1 Florida Administrative Code. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

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.

**[A] 107.2 Construction documents.** Construction documents shall be in accordance with Sections 107.2.1 through 107.2.6.

**107.2.1 Information on construction documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted where approved 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. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the

technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

**[A] 107.2.2 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to 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.

**[A] 107.2.3 Means of egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**[A] 107.2.4 Exterior wall envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.

**107.2.5 Exterior balcony and elevated walking surfaces.** Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

**[A] 107.2.6 Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

**[A] 107.2.6.1 Design flood elevations.** Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1.

**107.2.6.2** For the purpose of inspection and record retention, site plans for a building may be maintained in the form of an electronic copy at the worksite. These plans must be open to inspection by the building official or a duly authorized representative, as required by the Florida Building Code.

**[A] 107.2.7 Structural information.** The construction documents shall provide the information specified in Section 1603.

**[A] 107.3 Examination of documents.** The building official shall examine or cause to be examined the accompanying submittal 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 and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to Rule 61-41.009, Florida Administrative Code, shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriately 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.

**[A] 107.3.1 Approval of construction documents.** When the building official issues a permit, the construction documents shall be approved, 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.

**[A] 107.3.2 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 law- fully 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.

**[A] 107.3.3 Phased approval.** 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, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. 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.

**[A] 107.3.4 Design professional in responsible charge.** Where it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner or owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

**107.3.4.1 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

**107.3.4.2** Certifications by contractors authorized under the provisions of Section 489.115(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.

**107.3.5 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; all fenestration and building envelope penetrations; flashing; and rough opening dimensions; 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

Flood hazard areas, flood zones, and design flood elevations

2. Occupancy group and special occupancy requirements shall be determined (with cross check with the energy code submittal).

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

Fireblocking and draftstopping and calculated fire resistance

5. Fire suppression systems shall include:

Early warning smoke evacuation systems

Schematic fire sprinklers standpipes

Pre-engineered 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

Impact resistant coverings or systems

Structural calculations (if required)

Foundation

Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials

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

Building envelope portions of the Energy Code

(including calculation and mandatory requirements)

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 (including corresponding portion of the energy code)

Sanitation

12. Special systems:

Elevators

Escalators

Lifts

13. Swimming pools:

Barrier requirements

Spas

Wading pools

14. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.

**Electrical:**

1. Electrical:

Wiring

Services

Feeders and branch circuits

Overcurrent protection

Grounding

Wiring methods and materials

GFCIs

Electrical portions of the Energy Code (including calculation and mandatory requirements)

2. Equipment

3. Special occupancies

4. Emergency systems

5. Communication systems

6. Low voltage

7. Load calculations
8. Design flood elevation

**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
14. Design flood elevation
15. Water/plumbing portions of the Energy Code (including calculation and mandatory requirements)

**Mechanical:**

1. Mechanical portions of the 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
16. Design flood elevation

**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
10. Design flood elevation
11. Gas portions of the Energy Code (including calculation and mandatory requirements)

**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. Fire

4. Smoke detector locations

5. Egress:

Egress window size and location stairs construction requirements

6. Structural requirements shall include:

Wall section from foundation through roof, including assembly and materials connector tables wind requirements structural calculations (if required)

Termite protection

Design loads

Wind requirements

Building envelope

Foundation

Wall systems

Floor systems

Roof systems

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials

7. Accessibility requirements:

Show/identify

Accessible bath

8. Impact resistant coverings or systems
9. Residential Energy Code submittal (including calculation and mandatory requirements)

**Manufactured buildings/housing:**

1. Site requirements

Setback/separation (assumed property lines)

Location of septic tanks (if applicable)

2. Structural

Wind zone

Anchoring

Blocking

3. Plumbing

List potable water source and meter size (if applicable)

4. Mechanical

Exhaust systems

Clothes dryer exhaust

Kitchen equipment exhaust

5. Electrical exterior disconnect location

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. Reroofs
3. Minor electrical, plumbing and mechanical repairs
4. Annual maintenance permits
5. Prototype plans:
  - Except for local site adaptations, siding, foundations and/or modifications.
  - Except for structures that require waiver.
6. Manufactured buildings plan except for foundations and modifications of buildings on site and as listed above in manufactured buildings/housing.

**[A] 107.4 Amended construction documents.** Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

**[A] 107.5 Retention of construction documents.** One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

**107.6 Affidavits.** 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 XII of Chapter 468, Florida Statutes.

**107.6.1 Building permits issued on the basis of an affidavit.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the building official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the Florida Building Code.

## **SECTION 108 — TEMPORARY STRUCTURES AND USES**

**[A] 108.1 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.

**[A] 108.2 Conformance.** Temporary structures and uses shall comply with the requirements in Section 3103.

**[A] 108.3 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 NFPA 70.

**[A] 108.4 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 109 — FEES**

**[A] 109.1 Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

**[A] 109.2 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.

**109.2.1 Types of Fees Enumerated.** Fees may be charged for but not limited to the following:

- Permits;
- Plans examination;

- Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- Re-inspections;
- Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- Variance requests;
- Administrative appeals;
- Violations; and
- Other fees as established by local resolution or ordinance.

**[A] 109.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

**[A] 109.4 Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or without prior approval from the building official as permitted in Section 105.2.2 or 105.12 shall be subject to a fee established by the building official that shall be in addition to the required permit fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

**[A] 109.5 Related fees.** The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

**[A] 109.6 Refunds.** The building official is authorized to establish a refund policy.

## **SECTION 110 — INSPECTIONS**

**[A] 110.1 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 exposed and provided with access 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 owner or the owner's authorized agent to cause the work to remain exposed and provided with access for inspection purposes. The building official shall be permitted to require a boundary line survey prepared by a Florida licensed professional surveyor and mapper whenever the boundary lines cannot be readily determined in the field. 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.

**110.1.1 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.

**110.1.2 Inspection service.** The building official may make, or cause to be made, the inspections required by Section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

**[A] 110.2 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.

**[A] 110.3 Required inspections.** The building official upon notification from the permit holder or his or her agent shall make the following inspections, or any other such inspection 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.

### **Building**

1. Foundation inspection. To be made after trenches are excavated, any required reinforcing steel is in place, forms erected and shall at a minimum include the following building components:
  - Stem-wall
  - Monolithic slab-on-grade
  - Piling/pile caps
  - Footers/grade beams
- 1.1. Slab Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
- 1.2. A foundation/form board survey prepared and certified by a Florida licensed professional surveyor and mapper may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.
- 1.3. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification shall be submitted to the authority having jurisdiction.
2. Framing inspection. To be made after the roof, all framing, fireblocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved and shall at a minimum include the following building components:
  - Window/door framing
  - Window U-factor/SHGC (as indicated on approved energy calculations)



- Vertical cells/columns
  - Lintel/tie beams
  - Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
  - Draftstopping/fireblocking
  - Curtain wall framing
  - Energy insulation (Insulation R-factor as indicated on approved energy calculations)
  - Accessibility
  - Verify rough opening dimensions are within tolerances.
  - Window/door buck attachment
- 2.1 Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal. Includes wall and ceiling insulation.
- 2.2 Lath and gypsum board inspection for fire-resistance rated or shear assemblies. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before ant plastering is applied or gypsum board joints and fasteners are taped and finished.
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
  - Continuous air barrier
  - Exterior siding/cladding
  - Sheathing fasteners
  - Roof/wall dry-in
- NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.
4. Exterior wall coverings. Shall at a minimum include the following building components in progress inspections:
- Exterior wall coverings and veneers
  - Soffit coverings
5. Roofing inspection. Shall at a minimum be made in at least two inspections and include the following building components:
- Dry-in
  - Insulation
  - Roof coverings (including In Progress as necessary)
  - Insulation on roof deck (according to submitted energy calculation)

- Flashing

- 5.1 Re-roof sheathing inspection. An affidavit with a notarized signature of a state or locally licensed roofing contractor for the installation of additional sheathing fasteners as required by the Existing Building Code may be accepted at the discretion of the building official.
6. Final inspection. To be made after the building is completed and ready for occupancy.
- 6.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the authority having jurisdiction.
7. 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.
- Steel reinforcement inspection
  - Underground electric inspection
  - Underground piping inspection including a pressure test.
  - Underground electric inspection under deck area (including the equipotential bonding)
  - Underground piping inspection under deck area
  - Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place
  - Safety Inspection; Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.
  - Final pool piping
  - Final Electrical inspection
  - 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 454.2.17 of this code.
8. 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.
9. 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 cross-overs; 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 453.27.20 of this code).
10. Where impact-resistant coverings or impact-resistant systems are installed, the building official shall schedule adequate inspections of impact-resistant coverings or impact-resistant systems 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.

#### Electrical

- Underground inspection. To be made after trenches or ditches are excavated, conduit or cable 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 ceiling membranes.
3. Final inspection. To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
4. Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.

### **Plumbing**

1. Underground inspection. To be made after trenches or ditches are excavated, piping 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.

Includes plumbing provisions of the energy code and approved energy calculation provisions.

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.

### **Mechanical**

1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, fireblocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.

Includes mechanical provisions of the energy code and approved energy calculation provisions.

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.

### **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.

Includes gas provisions of the energy code and approved energy calculation provisions.

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.

### **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 during the course of the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean and in a safe condition at all times.
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

**[A] 110.3.1 Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

**[A] 110.3.2 Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

**[A] 110.3.3 Lowest floor elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.4 and Section R322 of the Florida Building Code, Residential, shall be submitted to the building official.

**[A] 110.3.4 Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire-blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

**[A] 110.3.5 Lath, gypsum board and gypsum panel product inspection.** Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

**110.3.6 Weather-exposed balcony and walking surface waterproofing.** Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious-moisture-barrier system shall not be concealed until inspected and approved.

**[A] 110.3.7 Fire and smoke-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

**[A] 110.3.8 Energy efficiency inspections.** Inspections shall be made to determine compliance with FBC, Energy Conservation and confirm with the approved energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope insulation R- and U-values, fenestration U-value, and Solar Heat Gain Coefficient, duct system R-value, and HVAC, lighting, electrical and water-heating equipment efficiency.

**[A] 110.3.9 Other inspections.** In addition to the inspections specified in Sections 110.3 through 110.3.8, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

**[A] 110.3.10 Special inspections.** Reserved.

**110.3.11 Final inspection.** The final inspection shall be made after all work required by the building permit is completed.

**110.3.11.1 Flood hazard documentation.** If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.5 and Section R322 of the Florida Building Code, Residential, shall be submitted to the building official prior to the final inspection.

**110.3.11.2 Commercial Energy Code documentation.** If required by energy code path submittal, confirmation that commissioning result requirements have been received by building owner.

**110.3.11.3 Residential Energy Code documentation.** If required by energy code path submittal (R405), confirmation that the duct test requirements shall be received by building official.

**110.3.12 Termites.** Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7, Section 2304.12.9 or Section 2304.12.4, 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.

**110.3.13 Impact-resistant coverings or systems.** Where impact-resistant coverings or systems are installed to meet requirements of this code, the building official shall schedule adequate inspections of impact-resistant coverings or systems to determine the following:

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

**[A] 110.4 Inspection agencies.** The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

**[A] 110.5 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.

**[A] 110.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, 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 official.

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

#### **110.8 Threshold building.**

**110.8.1** During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, 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.

**110.8.2** 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), Florida Statutes may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

**110.8.3** 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.

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

**110.8.4.1** 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."

**110.8.4.2** Any proposal to install an alternate structural product or system to which building codes apply 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.

**110.8.4.3** All shoring and reshoring procedures, plans and details 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.

**110.8.4.4** 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.

**110.8.5** 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.

**110.8.6** 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.

## **SECTION 111 — CERTIFICATE OF OCCUPANCY**

**[A] 111.1 Use and occupancy.** A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor 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.

Exception: Certificates of occupancy are not required for work exempt from permits in accordance with Section 105.2.

**[A] 111.2 Certificate issued.** After the building official inspects the building or structure and does not find 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 or the owner's authorized agent.
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. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the authority having jurisdiction.
7. The name of the building official.
8. The edition of the code under which the permit was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3.
10. The type of construction as defined in Chapter 6.
11. The design occupant load.
12. If an automatic sprinkler system is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building permit.

**[A] 111.3 Temporary occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

**[A] 111.4 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.

**111.5 Certificate of completion.** A certificate of completion 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 a building, such as shell building, prior to the issuance of a certificate of occupancy.

## **SECTION 112 — SERVICE UTILITIES**

**[A] 112.1 Connection of service utilities.** A person shall not 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.

**[A] 112.2 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.

**[A] 112.3 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 this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The building official shall notify the serving utility, and wherever 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 113 — BOARD OF APPEALS**

**113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

**113.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

**113.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

## **SECTION 114 — VIOLATIONS**

**114.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**114.2 Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**114.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**114.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

## **SECTION 115 — STOP WORK ORDER**



**[A] 115.1 Authority.** Where the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

**[A] 115.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing 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.

**[A] 115.3 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 116 — UNSAFE STRUCTURES AND EQUIPMENT**

**116.1 Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

**116.2 Record.** The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**116.3 Notice.** If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

**116.4 Method of service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

**116.5 Restoration.** Where the structure or equipment determined to be unsafe by the building official is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of Section 105.2.2 and the Florida Building Code, Existing Building.

## **SECTION 117 — VARIANCES IN FLOOD HAZARD AREAS**

**117.1 Flood hazard areas.** Pursuant to Section 553.73(5), Florida Statutes, the variance procedures adopted in the local flood plain management ordinance shall apply to requests submitted to the building official for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of Section R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

(Ord. No. 20-16, § 2, 1-4-21)

## ARTICLE XVI. - INTERNATIONAL PROPERTY MAINTENANCE CODE

*Footnotes:*

--- (6) ---

**Editor's note**— Ord. No. 2006-M created article XVI. The reserved sections and the sections of this article were numbered at the editor's discretion.

## Sec. 10-246. - Adoption.

A certain document, a copy of which is on file in the office of the city clerk, being marked and designated as the International Property Maintenance Code as published by the International Code Council, Inc., is hereby adopted and will serve as the property maintenance code of the city for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code are hereby referred to, adopted and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes prescribed in section 10-247.

(Ord. No. 2006-M, § 1, 11-7-2006)

## Sec. 10-247. - Revisions to code.

(a) *Specific sections.* The following sections of the International Property Maintenance Code are hereby revised:

*Section 101.1.* Insert: City of Umatilla.

*Section 103.* Delete in its entirety and replace with section 103 of the Florida Building Code.

*Section 111.* Delete in its entirety and provide that all appeals filed under this code shall be made to the Lake County Board of Building Examiners or the Lake County Code Enforcement Board in accordance with the procedure contained in the Lake County Code of Ordinances (add specific references); provided, however, should the interlocal agreement between Lake County and the City of Umatilla pertaining to building services be terminated, all appeals filed under this Code shall be made to the City of Umatilla Code Enforcement Board or Special Master.

*Section 304.14.* Delete phrase "During the period from [date] to [date]" so that section 304.14 begins: "Every door, window and other outside opening..."

*Section 602.3.* Insert "December 1" and "March 31" respectively.

*Section 602.4.* Insert "December 1" and "March 31" respectively.

(b) *Generally.* All references to "International Code(s)" in the International Property Maintenance Code (with the exception of the title) shall mean the Florida Building Code.

(Ord. No. 2006-M, § 2, 11-7-2006)

**Groveland, FL - Code of Ordinances** ([https://library.municode.com/fl/groveland/codes/code\\_of\\_ordinances](https://library.municode.com/fl/groveland/codes/code_of_ordinances))

Sec. 105-589. - Rental license application; exemptions from licensing and inspections.

- (a) The owner of each rental dwelling unit existing as of the effective date of the ordinance from which this article is derived shall file an application for a rental dwelling unit license listing each rental dwelling unit on a form prescribed by the city. The rental dwelling unit license fee shall be determined by the number of rental dwelling units. The owner of each rental dwelling unit constructed or converted to rental use after the effective date of the ordinance from which this article is derived shall file an application for a rental dwelling unit license on a form prescribed by the city prior to any initial occupancy. The rental dwelling unit license fee shall be determined by the number of rental dwelling units constructed or converted to rental use.
- (b) An agent may apply for a rental license upon exhibiting a sworn statement from the property owner, provided that such authorization acknowledges receipt of a copy of this article and acknowledges that failure to abide by this article or other applicable codes and ordinances may result in a lien upon other property of the owner.
- (c) Exemptions.
  - (1) No rental license or inspection is required of any rental dwelling unit occupied by the property owner even though it is also occupied by a tenant.
  - (2) Nothing in these exemptions otherwise excuses property owners from compliance with the International Property Maintenance Code that is referred to as the Groveland Property Maintenance Code or any other applicable codes or ordinances.

(Code 2006, § 18-434; Ord. No. 2010-04-10, § 5, 4-19-2010; Ord. No. 2011-11-41, § 2, 11-21-2011)

**Bonita Springs, FL - Code of Ordinances** ([https://library.municode.com/fl/bonita\\_springs/codes/code\\_of\\_ordinances](https://library.municode.com/fl/bonita_springs/codes/code_of_ordinances))

## DIVISION 2. - INTERNATIONAL PROPERTY MAINTENANCE CODE

*Footnotes:*

--- (3) ---

**Editor's note**— Ord. No. 15-10, §§ 1—4, adopted May 6, 2015, repealed Div. 2 in its entirety and enacted a new Div. 2 to read as set out herein. Former Div. 2, §§ 10-75—10-77, pertained to similar subject matter and derived from Ord. No. 10-10, §§ 1—3, adopted Nov. 17, 2010.

## Sec. 10-75. - Title and citation.

This division shall be known and cited as the "International Property Maintenance Code, as adopted by the City of Bonita Springs" and/or the "IPMC".

(Ord. No. 15-10, § 1, 5-6-2015)

## Sec. 10-76. - Adoption of code.

The city council declares that the provisions and procedures set forth in the document on file with the city clerk's office and designated as the "International Property Maintenance Code", 2015 Edition, as published by the International Code Council, and any and all amendments, revisions and supplements thereto, are hereby adopted by the City of Bonita Springs, and incorporated by reference herein, and shall be applicable to all property, buildings and structures located within the territorial limits of the City of Bonita Springs. Any provision which makes reference to this division shall also be deemed, where applicable, to make a reference to the "International Property Maintenance Code".

(Ord. No. 15-10, § 2, 5-6-2015)

## Sec. 10-77. - Specific revisions.

The following sections of the International Property Maintenance Code are hereby revised as follows:

- (1) Section 101.1. Insert as the name of the applicable jurisdiction "the City of Bonita Springs."
- (2) Section 102.3. Insert at end of first sentence:

" , as well as with the procedures and provisions of any and all applicable current Florida Building Code or Florida Fire Prevention Code provisions. In the event that any conflicts or inconsistencies may be found to exist between any of the provisions of the International Property Maintenance Code, as adopted by this ordinance and the provisions of either the Florida Building Code, as set forth in Chapter 553, Part IV, Florida Statutes, or the Florida Fire Prevention Code, as set forth in Chapter 633, Florida Statutes, the provisions of the Florida Building Code and the Florida Fire Prevention Code, respectively, shall prevail."
- (3) The title of Section 103 is renamed "City of Bonita Springs Code Enforcement Department."
- (4) Section 103.1. Delete the words "department of property maintenance inspection is hereby created", and insert in its place and instead the words "City of Bonita Springs Code Enforcement Department has been heretofore created". Further, wherever the words "department of property maintenance inspection" or "code official" may appear, substitute the words "City of Bonita Springs Code Enforcement Department" and the words "Code Enforcement Director", respectively.
- (5) Section 103.5. is deleted.

(6) Section 106.3. Insert at the end of such section the words:

The City of Bonita Springs Code Enforcement Department may, in addition, or alternatively, to pursuing any such criminal or civil penalties or seeking injunctive relief, bring violations for prosecution before the Code Enforcement Hearing Examiner, in accordance with all of the provisions of, and pursuant to, the enforcement procedures established under City of Bonita Springs LDC § 2-496 et seq.

(7) Section 111 is deleted and is replaced with Bonita Springs Ordinance LDC § 2-527, pertaining to appeals.

(8) Section 112.4. Insert the amounts of "\$100.00" and "\$500.00", respectively.

(9) Section 302.4. Insert as the applicable height in inches "sixteen (16)" inches".

(10) Section 304.3 is deleted.

(11) Section 304.14. Delete the words "During the period from [date] to [date]".

(12) Section 506.3 is amended to read as follows:

506.3 Grease interceptors. Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an approved interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to and approved by Bonita Springs Utilities, Inc. Bonita Springs Code Enforcement does not handle grease interceptor complaints.

(13) Section 602.3. Insert as the applicable dates "November 1st to March 31st".

(14) Section 602.4. Insert as the applicable dates "November 1st to March 31st".

(15) Appendix A. Appendix A "Boarding Standard" is hereby adopted and specifically referenced as part of this division.

(Ord. No. 15-10, § 4, 5-6-2015)

Secs. 10-78—10-90. - Reserved.

Sec. 12-109. - Requirements of permittee.

- (a) Any owner who, on either a full-time or seasonal basis, resides outside the Twentieth Judicial District (Charlotte, Lee, Collier, Glades and Hendry Counties), either at the time of procuring a permit or after having procured a permit, shall appoint an agent who resides or maintains an office within Lee or Collier County for the purpose of receiving notices from the city concerning the permit. The owner shall notify the city in writing of the name, address, and telephone number of the agent. Failure to provide the city with a local agent shall subject the owner to citation for violation of this article and proceedings before the hearing examiner. If no local agent is provided in the application and the owner resides outside the Twentieth Judicial District, it is presumed that the owner has agreed to constructive notice of a violation of this article by publication as posted at city hall.
- (b) No permit shall be issued or renewed until the applicant or permit holder has provided the name and phone number of a natural person 18 years of age or older who can be contacted 24 hours a day, seven days a week, regarding the rental unit. This contact person may be the owner, the owner's agent, or any other person other than a resident of the rental unit who has agreed to be the contact person.
- (c) The permittee and appointed agent, if any, shall maintain a list of the names of tenants in each dwelling unit. Such lists shall be available to the city upon reasonable notice for inspection.
- (d) The city shall provide the permittee or agent with copies of pamphlets containing information on living in a residential neighborhood. The permittee or agent shall provide a pamphlet to at least one tenant of each dwelling unit covered by this article before executing a lease for the unit.

- (e) Rental units where there are repeated violations of ordinances that adversely affect the rights of nearby residents to the enjoyment of their property shall constitute a public nuisance. To this end, adjudication of guilt or plea of no contest (in but not limited to, payment of fine) to violation of applicable provisions of the city's noise ordinance, animal control ordinances, solid waste ordinances, property maintenance codes (either the city property maintenance code codified as sections 10-91 through 10-105 or the International Property Maintenance Code codified as, and adopted by, sections 10-106 through 10-112), minimum housing ordinances, parking ordinances or the provisions of the Land Development Code concerning habitation by more than one family, where the violation takes place at a unit regulated by this article, shall be grounds for the commencement of permit revocation proceedings under section 12-112.
- (f) By applying for a permit, the owner agrees to allow inspection of the interior and exterior of the rental unit for conditions amounting to public nuisance and/or for violations of the ordinances or codes provided in subsection 12-109(e) at any reasonable time (normal business hours, Monday through Friday); however, this provision shall not be interpreted as authorizing the city to conduct an inspection of an occupied rental unit without obtaining either the consent of an occupant or an administrative search warrant.
- (g) As to the exterior of each rental unit, the existence of any of the following conditions or conduct is hereby declared to constitute a public nuisance and must be corrected by the landlord and tenant immediately:
- (1) No parking area for residential use may be leased, rented or otherwise provided for consideration to someone not residing on the property.
  - (2) Access to all driveway parking areas must be from an approved or existing legal driveway connection.
  - (3) All unpaved parking areas must be graveled or covered with other erosion preventing material clearly defining the driveway parking area, and have side borders of plants, landscape ties, pressure treated wood, brick or concrete or similar border materials.
  - (4) Unless exempted pursuant to section 34-171, failure to comply or maintain the following criteria for size and dimension for residential parking area:
    - a. The maximum width of the driveway parking area shall be 18 feet where the driveway enters the street, or the driveway parking area shall be limited to no more than 30 percent of the total front yard area, whichever is greater. The intent is to limit the area and retain at least 70 percent of the total front yard area to remain unpaved open greenspace (unless the 18 foot entrance creates less open space), and such greenspace shall not be used for the parking of any vehicles.
    - b. Circular driveway parking areas may be no more than 40 percent of front yard open space provided the necessary driveway connections are allowed and that the circular drive extends to the right-of-way.

(Ord. No. 05-14, § 4, 7-20-2005; Ord. No. 07-22, § 4, 12-5-2007; Ord. No. 16-14, § 1, 8-17-2016)

#### Sec. 20-52. - 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:

*Acreage* means any tract or parcel of land more than one acre in size.

*Adjacent property* means the property immediately adjoining or contiguous to property that is subject to review under this article.

*Developed property* means any property that has been improved and is in use for residential, commercial, industrial, public or quasi-public purposes.

*Lot* means any tract or parcel of land one acre or less in size.

*Nuisance grasses and weeds* means grasses and weeds which are not regularly cared for and maintained, which exceed 16 inches in height.

*Owner* means any holder of a recorded fee or leasehold interest in land.

*Structure* means any structure as defined by the International Property Maintenance Code, as adopted in chapter 10. The term "structure" includes the term "building."

(Ord. No. 03-08, § 2, 5-7-2003; Ord. No. 07-19, § 2, 11-7-2007)



**Kissimmee, FL - Code of Ordinances** ([https://library.municode.com/fl/kissimmee/codes/code\\_of\\_ordinances](https://library.municode.com/fl/kissimmee/codes/code_of_ordinances))

## Sec. 9-440. - Scope.

The provisions of this article, which are based upon the 2009 International Property Maintenance Code, shall apply to all existing nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises; and for administration, enforcement and penalties. Any requirements necessary to fulfill this objective by requiring property minimum maintenance, but is not specifically covered by this article, shall be determined and enforced by the city manager or designee.

(Code 1995, § 13-1-15(A)(2); Ord. No. 2773, 8-17-2010)

**Bowling Green, FL - Code of Ordinances** ([https://library.municode.com/fl/bowling\\_green/codes/code\\_of\\_ordinances](https://library.municode.com/fl/bowling_green/codes/code_of_ordinances))

Sec. 3.08.00. - Development standards for uses requiring a site development plan.

The purpose of this Section is to set the standards and requirements for Site Development Plan review. The intent of this Section is to ensure that certain uses are compatible with surrounding properties and are designed to safeguard the public health, safety, and welfare. Where standards provided herein exceed and/or create greater restrictions than those of the underlying zoning district, this Section shall supersede any other provision of this Code. Where no standard is established in this Section, that of the relevant zoning district shall apply.

3.08.01. *Single-family detached dwelling units.* Single-Family Detached Dwelling Units include Mobile Home Parks, RV Parks, Single-Family Standard Construction Homes, and Single-Family Manufactured Home. The definitions of these terms can be found in [Article 9](#). The districts in which any one of these uses is allowed can be found in Table 2.04.01(A), Table of Land Uses, in [Article 2](#).

3.08.01.01. *Mobile home parks.*

The purpose of this Section is to establish locations suitable for mobile home development on undivided property, along with open space and other amenities for the common use of residents; to designate those uses and activities that are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development and public safety in a mobile home park setting.

Mobile home parks may be permitted in Residential Districts with a site development plan. However, the development standards set forth in this Section shall supersede normal development standards applicable in residential districts.

(A) *Tract requirements.* The tract requirements are listed in the Table of Development Standards, Table 3.08.01.01(A) above [below], with additional requirements as follows:

(1) *Minimum yard requirements.*

- a. No mobile home or structure shall be placed less than 50 feet from the front property line or 30 feet from other property lines. Where the development site adjoins property with a commercial or industrial zoning designation, the required side and rear setback shall be 15 feet.
- b. Mobile homes and structures shall be placed at least 20 feet from the pavement edge of private park roads.
- c. Each mobile home shall be set back 7.5 feet from the property line. There shall be a minimum of 15 feet between mobile homes and between all other structures. In making an addition to a mobile home, a carport or other appurtenant structure, the minimum standard of 15 feet between structures must be met.

Table 3.08.01.01(A) Table of Development Standards Mobile Home Park

	Max. Density (units/acre)	Minimum Tract/Lot Size	Minimum Tract/Lot Width	Floor Area Ratio of Living Area	Setbacks (feet)			Max. Bldg. Height (feet)
					Front	Rear	Sides	
Per Tract		5 acres	150 x 200		50	30	30	35

Per Unit	1—12*	4,000 s.f.	40	500 s.f. min.	20	15	7.5	35
	1—12*							
<p>* = Maximum density determined by Future Land Use category.</p> <p><i>Note:</i> 15 feet must be between mobile home units, i.e., 7.5-foot side setback on each side.</p>								

- (2) *Mobile home park abutting residential areas.* Where any property line of a mobile home park abuts land either zoned for residential use or occupied by a residential use permitted by this Code, there shall be provided and maintained along, or within 10 feet of, said property line, a solid face masonry wall, with a finish of stucco or other texture, no less than six (6) feet in height, which shall be in addition to the buffer yard required by Section 3.07.00.
- (3) *Mobile home park abutting an agricultural use area.* Where a mobile home park abuts an Agricultural use, the park setbacks shall be fifty feet (50') for the front, sides and rear.
- (B) *Allowable accessory uses.*
- (1) Clubhouse, laundry, convenience store (no gasoline sales), hurricane/storm shelter, swimming pool, and other shared facilities for the common use of the residents of a development.
  - (2) No more than one (1) single-family home, at least 600 s.f. in size, for the use of a resident manager.
  - (3) Carports, porches and awnings which are physically attached to mobile homes. Such structures shall not exceed a cumulative total of 300 s.f. Freestanding cabanas, storage sheds, and other detached structures for private use are prohibited.
  - (4) Storage area for boats, RVs, and other types of vehicles which exceed 30 feet in length. Storage area is for the use of park residents only, and shall be fenced and landscaped. Storage of these units shall be prohibited on individual mobile home sites or on park roads.
- (C) *Other requirements.*
- (1) *Ownership.* Mobile home parks may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, shall be privately owned or owned in common by residents of the park, and shall not occupy parcels of land which are deeded separately from the rest of the park. The City of Bowling Green shall not be responsible for maintenance and/or repair of common facilities within a mobile home park.
  - (2) *Parking.* For each mobile home site, two (2) paved off-street parking spaces shall be provided. Each space must be a minimum of 10 feet by 20 feet.
  - (3) *Common open space.* An area comprising 20 percent of the development site or 5 acres, whichever is less, shall be set aside as common open space as defined in Article 9.
  - (4) *Hurricane shelter.*

Each mobile home park must provide one or more buildings to house guests in a permanent building in the event of a hurricane, at a rate of twenty square feet (20') of habitable floor space per person. Alternative cooking fuel sources; electrical generation for emergency lighting; sanitary sewer facilities; and an alternate form of

fresh water (i.e., water stored in drums or a well serving the shelter separate from the well system in place for the park) shall be provided and maintained. Each building must be built to conform with the Standard Building Code for hurricane shelters.

To calculate the number of persons per park that would require shelter, each mobile home unit will be counted at a minimum of two persons per home. Shelter space would have to be provided for 100% of the total park population.

Service buildings may be used as hurricane shelters as long as the buildings are built to minimum Standard Building Code regulations for hurricane shelters.

(5) *Nonconformities.* No new mobile homes may be added to an existing mobile home park which does not comply with applicable requirements of this Code. However, previously installed units may be moved and additional property and common facilities may be incorporated into the site, if such activities will eliminate nonconforming conditions or reduce the degree of nonconformity. See Section 7.09.00.

(6) *Site development plan.*

No mobile homes, structures or facilities shall be installed or constructed until a site development plan meeting the requirements of Section 7.04.00 of this Code has been submitted to and approved by the City Manager, or his/her designee. All improvements, regardless of timing or project phasing, shall be substantially consistent with the approved site development plan.

Where an existing mobile home park has no site development plan, such a plan shall be prepared and submitted to the City Manager, or his/her designee, prior to the addition, improvement, rearrangement or replacement of park facilities or mobile homes.

3.08.01.02. *Recreation vehicle parks (RV) and campgrounds.* It is the purpose of these standards to provide minimum development guidelines for an RV Park and an RV Campground designed only to accommodate the RV. For the purposes of this ordinance, an RV Park is defined as a development in which RVs, and or "park model" mobile homes or mobile homes are permanently sited and occupied year round. An RV Campground, on the other hand, is a development for overnight or limited vacation-season type. These provisions are intended to protect established or permitted uses in the vicinity of such a Park or Campground, and to protect and promote the orderly growth and development of the City.

(A) *General requirements.*

RV Parks shall be permitted with Site Development Plan approval in Residential Districts. RV Campgrounds will be permitted with Site Development Plan approval in Residential Districts. The development standards of this section shall apply to both RV Parks and Campgrounds.

RV Campgrounds meeting the required design and compatibility standards shall accommodate the traveling public for a defined maximum time period associated with the specialized seasonal vacation and transient characteristics of such development, in contrast to the more permanent and extended-stay characteristics of an RV Park and a Mobile Home Park.

(B) *Environmental requirements.*

(1) *General.* Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or to the health and safety of the occupants.

(2) *Soil and ground cover requirements.* Exposed ground surfaces in all parts of every vehicle site area or other vehicle parking area shall be paved, or covered with stone screening, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating

objectionable dust.

- (3) *Drainage requirements.* Surface drainage plans for the entire tract shall be reviewed by appropriate City staff, who shall determine whether the proposed plan is compatible with the surrounding existing drainage pattern and any relevant drainage plan of the City or Hardee County, prior to issuance of Site Development Plan approval and building permits. No permit shall be issued in such instance where the Building Official finds the plan to be incompatible with surrounding areas.

Table 3.08.01.02(A) Table of Development Standards RV Park or Campground

	Max. Density (units/acre)	Minimum Tract/Lot Size	Minimum Tract/Lot Width (feet)	Setbacks (feet)		
				Front	Rear	Sides
Per Tract	6-LDR* 12-MDR*	5 acres	150 x 200	25	15	15
Per Unit		1200 s.f.	20 x 40	10	15	15
LDR* = Low Density Residential Land Use Classification						
MDR* = Medium Density Residential Land Use Classification						

- (C) *Tract requirements.* The tract requirements are listed in the Table of Development Standards, Table 3.08.01.02(A) above, with additional requirements as follows:
  - (1) The tract shall have at least 75 feet of frontage on a Principal Arterial roadway, as designated on the Future Traffic Circulation Map of the City of Bowling Green Comprehensive Plan.
  - (2) The minimum width of the tract shall be 150 feet at the front building setback line.
  - (3) Where a public right-of-way abuts a side or rear property line, the minimum setback shall be 25 feet.
  - (4) Where any property line of a RV Park or Campground abuts land either zoned for residential use or occupied by a residential use permitted by this Code, there shall be provided and maintained along, or within ten (10) feet of, said property line a solid face masonry wall, with a finish of stucco or other texture, no less than six (6) feet in height, which shall be in addition to the buffer yard required by Section 3.07.00.
  - (5) Where an RV Park or Campground abuts an agricultural use, the tract setbacks shall be fifty feet (50') on the front, sides and rear.
- (D) *Vehicle site requirements.* The individual site requirements are listed in the Table of Development Standards, Table 3.08.01.02(A) above, with additional requirements as follows:
  - (1) For the purpose of determining vehicle site width and depth, the width of a vehicle site shall be measured at right angles to and between the designated side boundary lines. The depth of a vehicle shall be measured at right angles to and between the designated front and rear boundary lines.
  - (2) The minimum distance between RVs shall be 10 feet. The minimum distance between an RV and any

structure shall be 20 feet. The minimum allowable distance between RVs shall, for the purpose of this section, be measured from and between the outermost structural parts or attached accessory features. The minimum distance between an RV and the edge of the park road shall be 15 feet.

- (3) Each vehicle site shall be clearly defined by a permanent marker, constructed of a durable material such as masonry or metal, placed at all corners.
- (4) The addition or attachment of any permanent structures, such as awnings, porches, carports, or individual storage facilities, not specifically designed and included as a standard part of the original RV, shall be expressly prohibited in an RV Campground. Such additions to park model RVs may be permitted in an RV Park, so long as they meet all required setbacks and all other requirements of this Code.
- (E) *Recreation and open space requirements.* There shall be provided within a RV Park or Campground at least one area designed for recreational and open space use that is easily accessible from all vehicle sites. The size of such recreation area shall not be less than 10 percent of the entire tract area, or 15,000 s.f., whichever is greater.
- (F) *Street system and off-street parking requirements.*
  - (1) *General.* All parking areas shall be provided with safe and convenient vehicular access from abutting public streets and roads to each vehicle site. Alignment and gradient shall be properly adapted to topography. Surfacing and maintenance shall provide a smooth, hard and dense surface which shall be well drained.
  - (2) *Access.* Access to a RV Park or Campground from a public street or road shall be designed to minimize congestion and hazards at the entrance and on adjacent streets. All traffic into or out of the parking areas shall be through such entrances and exits.
    - a. The entrance to each RV Park or Campground shall be a driveway at least 40 feet (40') wide with a turn radius of 100 feet or more from the public roadway, for maneuvering of vehicles.
    - b. Reserved.
    - c. Each RV Park or Campground site check-in location shall be set back 200 feet from any public right-of-way to accommodate the stacking of vehicles awaiting check-in.
  - (3) *Internal streets.* All internal streets are to be paved with an asphaltic or concrete surface. Road surfacing shall meet the following minimum width requirements:
    - a. One-way travel: 12 feet.
    - b. Two-way travel: 24 feet.
  - (4) *Off-street parking and maneuvering space.*
    - a. For each RV site, one paved, off-street parking space of 10' x 20' shall be provided.
    - b. Each RV Park or Campground shall be designed so that parking, loading or maneuvering of vehicles incidental to parking spaces shall not require the use of any public street, sidewalk, or right-of-way, or any private grounds, which is not part of the RV Park or Campground parking area.
    - c. Sufficient maneuvering space and off-street parking facilities shall be provided at each site to accommodate a towing vehicle.
- (G) *Service requirements.*
  - (1) *Utilities.*
    - a. *Water supply system.* Connection to a potable public supply of water is required. Provision of

water supply, water storage and water distribution shall be made in accordance with requirements and standards established by this Code and the State of Florida.

- b. *Watering stations.* Each RV Park or Campground shall be provided with one or more easily accessible water supply outlets for filling RV water storage tanks in accordance with design and construction requirements established by the State of Florida.
- c. *Sanitary connections.* Each RV Park or Campground shall be provided with individual connections to each vehicle site in the RV Park or Campground connected to an on-site sewage disposal system or available public system.
- d. *Electrical and gas systems.* Each RV Park or Campground shall be provided with an electrical or gas system, which shall be installed and maintained in accordance with applicable codes and regulations.

(H) *Refuse handling.*

- (1) *General.* The storage, collection and disposal of refuse (garbage, ashes, and rubbish) in a RV Park or Campground shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazard or air pollution in accordance with requirements established by the State of Florida.
- (2) *Location.* All refuse shall be stored in watertight, fly-proof, rodent-proof containers, which shall be located within 150 feet of any vehicle.
- (3) *Collection.* All refuse containing garbage shall be collected at least twice weekly.

(I) *Service buildings and facilities.*

- (1) *General.* The requirements of this section shall apply to service buildings, recreation buildings and other service facilities, such as:
  - a. Management offices, repair shops and storage areas.
  - b. Sanitary facilities.
  - c. Laundry facilities.
  - d. Indoor recreation areas.
- (2) *Service buildings for dependent vehicles.* A central service building containing the necessary toilet and other plumbing fixtures specified by the State of Florida shall be provided in a RV Park or Campground, which provides vehicle sites for dependent vehicles. Service buildings shall be conveniently located within a radius of approximately 300 feet of the sites to be served. This building may also be designated a hurricane shelter if it is built to the standards for hurricane shelters in the Standard Building Code.
- (3) *Hurricane shelter.*

Each RV Park or RV Park/Campground must provide one or more buildings to house guests in a permanent building in the event of a hurricane, at a rate of twenty square feet (20) of habitable floor space per person. Alternative cooking fuel sources; electrical generation for emergency lighting; sanitary sewer facilities; and an alternate source of water separate from the Park source (e.g., water in drums or a separate well) shall be provided and maintained. Each building must be built to conform with the Standard Building Code for hurricane shelters.

To calculate the number of persons per Park that would require shelter, each RV space will be counted at a minimum of two persons per space. Shelter space would have to be provided for eighty percent (80%) of total park spaces during peak season.

RV Campgrounds do not have to provide hurricane shelters. All campers are to evacuate in the event of a natural disaster such as a hurricane. RV Parks that are combined with Campgrounds must provide hurricane shelters for those persons who are living, either permanently or seasonally, in an RV unit which is not portable and cannot be driven out of the area on short notice.

Service buildings may be used as hurricane shelters as long as the buildings are built to minimum Standard Building Code regulations for hurricane shelters.

- (4) *Service facilities in connection with other businesses.* When a RV Park or Campground requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in addition to those required by the public health standards for vehicle sites and shall be based upon the total number of persons using or expected to use such facilities.
- (5) *Pedestrian access to service buildings and facilities.* Appropriately drained, clear walkways having a width of not less than five feet (5') shall be provided from the vehicle sites to all service buildings and facilities, refuse collection areas, and recreation areas.
- (6) *Outdoor cooking and incinerator facilities.* All outdoor cooking and incinerator facilities shall be so located, constructed, maintained and used as to minimize fire hazard and smoke nuisance both on the property on which they are used and on neighboring property. Plans, construction, and operation of incinerators shall be carried out in accordance with requirements of the State of Florida.
- (J) *Permit procedures and requirements.*
  - (1) *Site development plan.* Any applicant for the required permits to establish, construct, alter or extend a RV Park or Campground in Bowling Green shall first request and receive approval of a Site Development Plan in accordance with the provisions of Article 2 and Section 7.04.00 of this Code.
  - (2) *Health and sanitation permit.* After receipt of required land use approvals, applicant shall then apply for and receive a health and sanitation permit for the proposed RV Park or Campground from the Hardee County Health Department and the State of Florida in accordance with the requirements of appropriate agencies.
  - (3) *Building permit.* Upon completion of (1) and (2) above, application shall be made to the Building Official for the building permit to construct, alter, or extend a RV Park or Campground in accordance with the provisions of this Section. Before issuing a building permit for the construction, alteration or extension of a RV Park or Campground, the Building Director shall determine that all applicable review procedures and standards required under this Code have been satisfactorily met.
- (K) *Accessory uses.*
  - (1) An allowable accessory use is the storage of RV units. However, no RV may be stored in any tract setback area.
  - (2) Storage area for boats, RVs, and other types of vehicles which exceed 30 feet in length. Storage area is for the use of park residents only, and shall be fenced and landscaped. Storage of these units shall be prohibited on individual mobile home sites or on park roads.

### 3.08.02. *Automotive.*

#### 3.08.02.01. *Auto salvage yards.*

##### (A) *Storage of materials.*

- (1) Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two (2) months.



- (2) In no case shall material that is not salvageable be buried or used as fill.
- (3) Any items that can be recycled or salvaged shall be accumulated in bins or containers to be sold to a recycling firm.
- (4) Recyclable material that cannot be stored in bins or containers may be stored in the open.
- (B) *Screening.* All salvage yards shall comply with the following screening requirements:
  - (1) All outdoor storage facilities shall be surrounded by a substantial continuous masonry, wood or metal fence (not including chain link fences), or a wall, any of which shall be a minimum of eight (8) feet in height without openings of any type except for one entrance and/or one exit that shall not exceed 25 feet in width.
  - (2) Gates at entrance or exit shall be of a material without openings.
  - (3) The screen shall be constructed of the same type of material throughout.
  - (4) No screen shall be constructed of metal that will rust.
  - (5) Screens shall be maintained and in good repair at all times.
- (C) *Buffer in lieu of screening.* Where an outdoor storage facility does not abut a public street or highway, a vegetative buffer may be permitted in lieu of screening. Such buffer may be approved by the City Commission after a finding that the proposed buffer would provide screening equivalent to that required in (B) above.

### 3.08.03. *Public service facilities.*

#### 3.08.03.01. *Communications tower.*

- (A) Minimum lot size shall be one (1) acre.
- (B) Tower shall be set back from all property lines a distance equal to its height. Alternatively, the tower shall be set back a distance equal to 50 percent of its height with certification by an engineer licensed in the State of Florida that the structure is designed to collapse within the boundaries of the property on which it is built.
- (C) Tower shall meet all applicable standards of the Federal Communications Commission, the Federal Aviation Administration, and any other relevant Federal or state agency.

#### 3.08.03.02. *Power substation.*

- (A) Facility shall be surrounded by a fence at least six (6) feet in height to prevent unauthorized entry.
- (B) All structures and/or equipment shall be set back not less than 15 feet from all property lines. Landscaping shall be provided in all setback areas according to Landscape Standard "D" (see [Section 3.07.00](#)).

### 3.08.04. *Farmworker housing.*

Farmworker housing is provided specifically to house those persons engaged in agricultural labor on Bowling Green groves/farms/ranches/dairies. It is recognized that farm labor currently is not limited to housing on groves/farms/ranches/dairies; however, new housing specifically directed at housing farmworkers is established to provide decent, safe and sanitary accommodations, including, but not limited to, workers on groves, farms, ranches and dairies.

Recognizing that differences in employment patterns exist between citrus operations, dairy/ranch operations and truck farming, different types of housing to accommodate the different operations and industries which are most suitable to their operations is necessary. And, since the intent of creating farmworker housing is for farm labor on Bowling Green farms, farmworker housing may be located on non-contiguous lands owned by the grove/farm/ranch/dairy which are an integral part of the afore cited operation, farmworkers housed in farmworker

housing shall be substantially employed within Bowling Green. Conversely, it is not the intent of this section to establish farmworker housing for lease unless leased to entity principally controlled or owned by landowner applicant.

Substantially employed as referenced herein shall mean that not less than 51 percent of the work performed shall be within Bowling Green, as measured by the industry standard measurement of production. Nothing herein shall prevent the City Commissioners, under its emergency powers, to grant relief from this requirement.

### 3.08.04.01. *General standards.*

3.08.04.01.01. *Farmworker housing, group quarters.* A Site Development Plan shall be processed prior to Site Construction Plan approval and building permitting. Farmworker, Group Quarters, housing may consist of single-family detached dwellings, two-family dwellings (duplex) or congregate living dwellings, such as dormitories. Housing density shall not exceed the density permitted within the AG zoning district. In addition, population density shall not exceed 3.75 persons per gross acre.

(A) *Locational criteria.* In addition to being located in AG zoning district, Farmworker, Group Quarters, housing shall be further located as follows:

01. The minimum lot/parcel size shall be 40 acres; the maximum size shall not exceed 100 acres; with maximum population of between 150 and 375 persons, respectively.
02. Parcels shall front publicly-maintained paved roads. The minimum lot frontage width shall be 200 feet, except lots of record. The City Commissioner may grant a variance from the paved road requirement pursuant to the review criteria set forth in Section 7.08.00 of this Code.
03. Housing areas, as measured linearly from property line to property line, shall not be located closer than five miles between each other. The City Commissioner may grant a variance from this distance requirement pursuant to the review criteria set forth in Section 7.08.00 of this Code.

(B) *Development criteria.*

01. Housing units shall be clustered on the site to minimize the space on the property used for the housing proposal. Structure separation shall be a minimum of 15 feet; structure setback from property lines shall be a minimum of 300 feet.
02. Structures shall be limited to one story; however, the City Commissioner may grant a variance to permit two-story structures pursuant to the review criteria set forth in section 7.08.00 of this code.
03. Buffering of the clustered footprint shall be required. Buffering is meant to provide visual and audio screens between the housing area and surrounding properties. Where existing vegetation does not exist, or is impractical to provide, other opaque screens may be considered, including but not limited to masonry walls, PVC fencing, berming, combinations of the described, or other approved buffer.

(C) *Structure criteria.*

01. All structures shall comply with the Florida Building Code and related codes (electrical, mechanical, plumbing).

Nothing herein shall prohibit the Planning Commission from requiring appropriate conditions when considering approval of a Site Development Plan beyond the requirements set forth herein due to unique site-specific conditions.

3.08.04.01.02. *Farmworker housing, resident.* A Site Development Plan shall be processed prior to building permitting. Farmworker Housing, Resident housing, shall be limited to single-family detached and duplex (two-family) housing structures. Housing density shall not exceed the density permitted within the AG zoning district.

(A) *Criteria.* In addition to being located in AG zoning district, Farmworker Housing, Resident housing, shall follow:

01. For single-family dwelling units on parcels less than 20 acres, and/or two-family dwellings (duplex) on 20 or greater acres, compliance with Section 7.05.00, Subdivision Regulations.
02. Where minimum parcel sizes for each housing are 20 acres, said parcels will be denoted/identified on the Site Development Plan with a metes and bounds description of each proposed parcel. The Site Development Plan shall also identify access to each 20-acre tract.

3.08.04.01.03. *Farmworker housing, migrant/H-2A.* Housing for persons working on groves/farms/ranches and not otherwise meeting the above definitions and criteria, and reviewed and permitted by the Hardee County Department of Health (DOH) as migrant housing, said housing, shall be considered by the City as Farmworker Housing, Migrant/H-2A housing. Within the R-3 and C-2 zoning districts, the housing can be constructed as a dormitory or multi-family style residential development. And, in addition to being limited to the A-1, R-3, and C-2 zoning districts, housing designated as Farmworker Housing, Migrant/H-2A housing shall also be required to obtain an annual operating permit from the City to ensure compliance with the adopted International Property Maintenance Code as minimum living standards.

**Cape Coral, FL - Code of Ordinances** ([https://library.municode.com/fl/cape\\_coral/codes/code\\_of\\_ordinances](https://library.municode.com/fl/cape_coral/codes/code_of_ordinances))

## CHAPTER 1. - ADOPTION OF CODES: FLORIDA BUILDING CODE, THE NATIONAL ELECTRICAL CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, AND ENGINEERING DESIGN STANDARDS

## Section 12.1. - Purpose, applicability, and definitions.

The following building codes are hereby adopted, incorporated herein by reference as fully as if set out at length herein, and shall govern all construction, erection, alteration, repair, and demolition of all buildings or other structures within the corporate limits of the city; and any appurtenances attached thereto, except those portions of the adopted codes that are hereinafter deleted, modified, or amended:

- A. 2020 Florida Building Code. The family of codes adopted by the Florida Building Commission, except as deleted, modified, or amended as indicated in Sections 12.2. and 12.3., below.
- B. National Electrical Code, 2017 Edition.
- C. International Property Maintenance Code, 2021 Edition, except as deleted, modified, or amended as indicated in Section 12.4., below.
- D. City of Cape Coral Engineering Design Standards, 2002, as amended.

(Ord. 19-21, § 1, 4-7-2021)

## Section 12.2. - 2020 Florida Building Code, Building.

Amendments to adopted code. All sections of the 2020 Florida Building Code, Building are in effect except as amended as shown below:

## A. Section 107. Submittal Documents.

107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R, Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 107.6. shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

## B. Section 115. Stop Work Orders.

115.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order. In addition, the building official is authorized to issue a stop work order for the failure to contain or remove construction refuse as required in the Code of Ordinances, Chapter 9, Health and Sanitation.

115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, all work on the construction site 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.

115.3 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.

C. Section 117. Variances in Flood Hazard Areas.

117.1 Flood hazard areas. Pursuant to F.S. § 553.73, the variance procedures adopted in the City of Cape Coral Floodplain Management Ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.

D. Section 1612. Flood Loads.

1612.2 Definitions.

**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to August 17, 1981. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(Ord. 19-21, § 1, 4-7-2021)

Section 12.3. - 2020 Florida Building Code, Existing Building.

All sections of 2020 Florida Building Code, Existing Building are in effect except as amended as shown below:

A. Section 202. General Definitions

**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to August 17, 1981. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(Ord. 19-21, § 1, 4-7-2021)

Section 12.4. - International Property Maintenance Code, 2021 Edition.

The International Property Maintenance Code, 2021 Edition, a copy of which is on file in the City Clerk's office, as published by the International Code Council, Inc., is adopted by reference as if totally copied herein, with revisions to sections as follows:

- A. Section 101.1. Insert: City of Cape Coral, Florida.
- B. Section 103.1. Insert: City of Cape Coral Code Compliance Division. Further, wherever the words "code official" may appear in this code, substitute the words "Code Compliance Division Manager, or the Manager's designee", respectively.
- C. Section 107. Delete.
- D. Section 108. Delete.
- E. Section 109.3. Insert at end of such section: The City of Cape Coral Code Compliance Division may, in addition or alternatively, to pursuing any such criminal or civil penalties of seeking injunctive relief, bring violations for prosecution before the Code Compliance Special Magistrate, in accordance with §§ 2-81 through 2-96 of the City of Cape Coral Code of Ordinances.
- F. Section 302.4. Insert: twelve (12) inches in height.
- G. Section 304.14. Insert: January to December.
- H. Section 602.3. Insert: September to May.
- I. Section 602.4. Insert: September to May.
- J. All references to the "building official" in the International Property Maintenance Code, 2021 Edition, shall be construed as meaning the "Department of Community Development Director, or the Director's designee". All references in the International Property Maintenance Code, 2021 Edition to building, plumbing, mechanical, fuel gas, electric, fire safety or other codes or standards shall be construed to mean the 2020 Florida Building Code, National Electrical Code, 2017 Edition, and the Florida Fire Prevention Code, as applicable.

(Ord. 19-21, § 1, 4-7-2021)

Webster, FL - Code of Ordinances ([https://library.municode.com/fl/webster/codes/code\\_of\\_ordinances](https://library.municode.com/fl/webster/codes/code_of_ordinances))

## ARTICLE II. - INTERNATIONAL PROPERTY MAINTENANCE CODE

### Sec. 10-19. - Adoption.

The city council does hereby adopt the 2012 International Property Maintenance Code, as presently constituted or hereafter amended, for the control and maintenance of property located within the city. The 2012 International Property Maintenance Code (hereinafter "code") is incorporated into this article by reference.

(Ord. No. 2012-01, §§ 1, 2, 1-15-2013)

### Sec. 10-20. - Copies of the code.

The city clerk shall maintain three copies of the code at city hall for the use of citizens and residents of the city.

(Ord. No. 2012-01, § 3, 1-15-2013)

### Sec. 10-21. - Insertions and deletions to the code.

The following sections of the code are hereby revised:

- (1) The jurisdiction referenced in section 101.1 of the code shall be the City of Webster, Florida.
- (2) The fee schedule referenced in section 103.5 of the code shall be the fee scheduled adopted by the city.
- (3) Sections 106, 107, and 111 of the code are deleted and replaced with Ordinance No. 2011-07, the City of Webster Special Master Code Enforcement Ordinance.
- (4) The height of weeds and plant growth referenced in section 302.4 of the code shall be 12 inches.
- (5) The dates referenced in section 304.14 of the code shall be January 1 through December 31 of each year.
- (6) The dates referenced in section 602.3 of the code shall be January 1 through December 31 of each year.
- (7) The dates referenced in section 602.4 of the code shall be January 1 through December 31 of each year.

(Ord. No. 2012-01, § 4, 1-15-2013)

**Sanford, FL - Code of Ordinances** ([https://library.municode.com/fl/sanford/codes/code\\_of\\_ordinances](https://library.municode.com/fl/sanford/codes/code_of_ordinances))

Sec. 18-33. - Uninhabitable, dilapidated, unsafe or unsanitary buildings or structures.

- (a) A building or structure shall be uninhabitable, dilapidated, unsafe or unsanitary when:
- (1) An order has been issued by the city under its codes or ordinances finding that a public nuisance exists; and
  - (2) It is found to have one or more of the following characteristics:
    - a. It is vacant, unguarded and open at doors or windows;
    - b. There is an unwarranted accumulation of debris or other combustible material therein;
    - c. The structure's condition creates hazards with respect to means of egress and fire protection as provided for the particular occupancy;
    - d. There is a falling away, hanging loose or loosening of any siding, block, brick, or other building material;
    - e. There is deterioration of the structure or structural parts;
    - f. The structure is partially destroyed;
    - g. There is an unusual sagging or leaning out of plumb of the structure or any parts of the structure and such effect is caused by deterioration or over-stressing;
    - h. The electrical or mechanical installations or systems create a hazardous condition; or
    - i. An unsanitary condition exists by reason of inadequate or malfunctioning sanitary facilities or waste disposal systems;
    - j. It is in substantial non-compliance with the 2006 International Property Maintenance Code as enacted by the city; or
  - (3) It is found to have one or more of the characteristics in section 18-33(a)(2)a.—j. and an order has been issued by the city commission sitting as the city's public nuisance abatement board declaring the subject property to be a public nuisance.
- (b) A building or structure found to be uninhabitable, dilapidated, unsafe or unsanitary as provided in this section shall be subject to demolition.
- (c) The city shall implement the provisions of the 2006 International Property Maintenance Code, as enacted by the city, in conjunction with the provisions of this article.
- (d) The city may sell any material salvaged from any demolished building or structure and any other property contained therein or thereupon and credit the proceeds against the cost of demolition or removal, or where an independent contractor is employed to demolish or remove any such building or structure, to convey such material or property to the contractor as compensation or partial compensation for such demolition or removal. Should the proceeds from the disposition of such materials or property exceed the cost of such demolition or removal, such excess shall be used, applied, or paid over in accordance with the written directions of the parties entitled thereto.
- (e) The city commission is authorized to appropriate and expend such funds as may be necessary to carry out the provision of this article. Nothing contained herein shall require the city commission to appropriate or expend any funds to carry out the purpose of this article. The authority granted herein is permissive and shall not be construed to impose an obligation on the building official or the city to condemn any building or structure.
- (f) Nothing herein precludes exercise of emergency powers otherwise available in the face of imminent threat to public safety.
- (g) The provisions of this article shall not be deemed to repeal or modify any provision of a city code or ordinance relating to condemning of buildings and structures but the provisions herein shall be supplemental and in addition



to the powers that may be exercised by the city through its city commission or its officers and employees.

(Ord. No. 4137, §§ 17, 18, 11-24-2008; Ord. No. 4152, § 3, 3-23-2009)

## ARTICLE V. - INTERNATIONAL PROPERTY MAINTENANCE CODE

### Sec. 18-101. - Adoption of the International Property Maintenance Code.

The provisions of the 2015 International Property Maintenance Code are hereby adopted and enacted as set forth in the exhibit to this article which is incorporated herein by this reference thereto as if fully set forth in this section verbatim.

(Ord. No. 4152, § 1, 3-23-2009; Ord. No. 4338, § 2, 4-27-2015)

### Sec. 18-102. - Amendments, additions, etc.

#### CHAPTER 1

#### ADMINISTRATION

#### SECTION 101

#### GENERAL

*101.1 Title.* These regulations shall be known as the International Property Maintenance Code of City of Sanford, hereinafter referred to as "this code."

*101.2 Scope.* The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

*101.3 Intent.* This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. It is not the intent of the City to cause conflict with the controlling provisions of Federal and State law and, to the extent of conflict, if any; such provisions shall prevail over the provisions of this code.

#### SECTION 102

#### APPLICABILITY

*102.1 General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

*102.2 Maintenance.* Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended

to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

*102.3 Application of other codes.* Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Florida Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.

*102.4 Existing remedies.* The provisions in this code shall not be construed to abolish or impair existing remedies of the City or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

*102.5 Workmanship.* Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

*102.6 Historic buildings or structures/other existing buildings or structures.*

- (a) The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.
- (b) The provisions of this code shall not apply to building or structures existing on the effective date of this Ordinance when lawfully permitted and constructed in accordance with the applicable codes at the time of construction if the current condition of the building or structure is not deemed hazardous to the public health, safety or welfare.
- (c) A properly owner may apply to the City for a certificate of vested status relative to the requirements of this code which shall be issued upon a finding that the building or structure was constructed in accordance with the applicable codes at the time of construction and the current condition of the building or structure is not hazardous to the public health, safety or welfare.

*102.7 Referenced codes and standards.* The codes and standards referenced in this code shall be those that are listed in Chapter 8 and the Florida Building Code and considered part of the requirements of this code to the prescribed extent of each such reference.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

*102.7.1 Conflicts.* Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

*102.7.2 Provisions in referenced codes and standards.* Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

*102.8 Requirements not covered by code.* Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

*102.9 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.

*102.10 Other laws.* The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

SECTION 103  
DEPARTMENT OF COMMUNITY  
IMPROVEMENT

*103.1 General.* The department of Community Improvement is hereby created and the executive official in charge thereof shall be known as the code official said official to operate under the authority and direction of the City Manager.

*103.2 Appointment.* The code official shall be appointed by the City Manager.

*103.3 Deputies.* In accordance with the prescribed procedures of the City and with the concurrence of the City Manager, the code official shall have the authority to appoint a deputy(s) and other related technical officers, inspectors and other employees.

SECTION 104  
DUTIES AND POWERS OF THE CODE  
OFFICIAL

*104.1 General.* The code official is hereby authorized and directed to enforce the provisions of this code. The code 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. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

*104.2 Rule-making authority.* The City Manager shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures to implement this Code. The code official shall have the authority to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules and interpretations shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

*104.3 Inspections.* The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the City Manager.

*104.4 Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code subject to constitutional restriction on unreasonable searches and seizures. If entry is refused, the code official shall have or not obtained, the code official is authorized to seek the City Attorney to take actions to pursue recourse as provided by law.

*104.4 Identification.* The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

*104.5 Notices and orders.* The code official shall issue all necessary notices or orders to ensure compliance with this code.

*104.6 Department records.* The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

## SECTION 105

### APPROVAL

*105.1 Modifications.* Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the Office of the City Clerk as a development order.

*105.2 Alternative materials, methods and equipment.* The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code 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.

*105.3 Required testing.* 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 code official shall have the authority to require tests to be made as evidence of compliance at no expense to the City.

*105.3.1 Test methods.* 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 code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

*105.3.2 Test reports.* Reports of tests shall be retained by the code official for the period required for retention of public records.

*105.4 Used material and equipment.* The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.

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

*105.6 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.

SECTION 106

## VIOLATIONS

*106.1 Unlawful acts.* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

*106.2 Notice and prosecution of violation.* Notice of violation and prosecute violations in accordance with Chapter 26 of the City of Sanford Code of Ordinances.

## SECTION 107

## NOTICES AND ORDERS

*107.1 Notice and Orders.* All notices and orders shall be prepared and served in accordance with Chapter 26 of the City of Sanford Code of Ordinances.

*107.6 Transfer of ownership.* It shall be unlawful for the owner of any dwelling unit or structure who has received a non-compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the non-compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such non-compliance order or notice of violation.

SECTION 108 (*was section 106*)

## UNSAFE STRUCTURES AND EQUIPMENT

*108.1 General.* When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or in a dilapidated, unsanitary, or uninhabitable condition, or is found unlawful, such structure shall be condemned pursuant to the provisions of the City's codes and ordinances.

*108.1.1 Unsafe structures.* An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

*108.1.2 Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

*108.1.3 Structure unfit for human occupancy.* A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

*108.1.4 Unlawful structure.* An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

*108.1.5 Dangerous structure or premises.* For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

*108.2 Closing of vacant structures.* If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

*108.2.1 Authority to disconnect service utilities.* The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code 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 disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

*108.3 Notice.* Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

*108.4 Placarding.* Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

*108.4.1 Placard removal.* The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

*108.5 Prohibited occupancy.* Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

*108.6 Abatement methods.* The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

*108.7 Record.* The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

#### SECTION 109 (was section 107)

##### EMERGENCY MEASURES

*109.1 Imminent danger.* When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

*109.2 Temporary safeguards.* Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

*109.3 Closing streets.* When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

*109.4 Emergency repairs.* For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

*109.5 Costs of emergency repairs.* Costs incurred in the performance of emergency work shall be paid by the jurisdiction. Upon failure to pay the City, the City shall record a municipal special assessment lien upon the property.

*109.6 Hearing.* Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the City Manager, be afforded a hearing as described in this code.

#### SECTION 110

This section intentionally left blank

#### SECTION 111

This section intentionally left blank

#### SECTION 112 STOP WORK ORDER

*112.1 Authority.* Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

*112.2 Issuance.* A stop work order shall be in writing and shall be given to the owner of the property, 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 is authorized to resume.

*112.3 Emergencies.* Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

*112.4 Failure to comply.* 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 liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

#### CHAPTER 2 DEFINITIONS

#### SECTION 201 GENERAL



*201.1 Scope.* Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

*201.2 Interchangeability.* Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

*201.3 Terms defined in other codes.* Where terms are not defined in this code and are defined in the Florida Building Code or the City's codes and ordinances, such terms shall have the meanings ascribed to them as stated in those codes.

*201.4 Terms not defined.* Where terms are not defined in this code and are defined in the Florida Building Code, International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

*201.5 Parts.* Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

## SECTION 202 GENERAL DEFINITIONS

**ANCHORED.** Secured in a manner that provides positive connection.

**APPROVED.** Approved by the code official.

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

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

**BEDROOM.** Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

**CODE OFFICIAL.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**CONDEMN.** To adjudge unfit for occupancy.

**DETACHED.** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

**EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

**EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

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

**GRAFFITI.** Any unauthorized inscription, word, letter, figure, symbol or design visible from a public place, public right-of-way or another person's property that is marked, etched, scratched, drawn, painted or made in any manner on any surface of tangible property regardless of its content or nature and regardless of the nature of the material of the structural component or property.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

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

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

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

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

**LABELED.** Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

**LET FOR OCCUPANCY or LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**NEGLECT.** The lack of proper maintenance for a building or structure.

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

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

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

**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

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

**PEST ELIMINATION.** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

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

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

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

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

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

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

YARD. An open space on the same lot with a structure.

### CHAPTER 3 GENERAL REQUIREMENTS

#### SECTION 301 GENERAL

*301.1 Scope.* The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

*301.2 Responsibility.* The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

*301.3 Vacant structures and land.* All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

## SECTION 302

## EXTERIOR PROPERTY AREAS

*302.1 Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. Nothing in this code shall be deemed to preclude action being taken by the City under the provision of Sections 38-143 through 38-150 of the City Code relating to weeds, wild growth and debris remediation by the City.

*302.2 Grading and drainage.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

*302.3 Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions to include overgrowth of grass or vegetation.

*302.4 Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

*302.4.1 Vegetation in Right-of-Ways.* All City right-of-ways shall be maintained free from weeds or plant growth in excess of 12 inches and shrubs in excess of 24 inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs.

*302.4.2 Enforcement.* Upon failure of the owner or agent having charge of a property to cut excessive growth and destroy weeds after service of a notice of violation or notice to abate, they shall be subject to prosecution in accordance with City Code Sections 38-141 through 38-150. Upon failure to comply with the notice of abate, a duly authorized employee of the City or contractor hired by the City shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property as provide by City Codes and Ordinances.

*302.5 Rodent harborage.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

*302.6 Exhaust vents.* Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

*302.7 Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

*302.8 Motor vehicles.* Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises (including public property), and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Removal of junk vehicles on public property shall be subject to the provisions of Section 38-177 of the City Code. Removal of junk vehicles on private property shall be subject to the provisions of Section 38-178 of the City Code.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

*302.9 Defacement of property.* No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

### SECTION 303

#### SWIMMING POOLS, SPAS AND HOT TUBS

*303.1 Swimming pools.* Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

*303.2 Enclosures.* Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

### SECTION 304

#### EXTERIOR STRUCTURE

*304.1 General.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

*304.1.1 Unsafe conditions.* The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code or the Florida Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any pc roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapab supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

*304.2 Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

*304.3 Premises identification.* Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

*304.4 Structural members.* All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

*304.5 Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

*304.6 Exterior walls.* All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

*304.7 Roots and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

*304.8 Decorative features.* All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

*304.9 Overhang extensions.* All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

*304.10 Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

*304.11 Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

*304.12 Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

*304.13 Window, skylight and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

*304.13.1 Glazing.* All glazing materials shall be maintained free from cracks and holes.

*304.13.2 Openable windows.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

*304.14 Insect screens.* Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

*304.15 Doors.* All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

*304.16 Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

*304.17 Guards for basement windows.* Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved, protection against the entry of rodents.

*304.18 Building security.* Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

*304.18.1 Doors.* Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

*304.18.2 Windows.* Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

*304.18.3 Basement hatchways.* Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

*304.19 Gates.* All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

## SECTION 305 INTERIOR STRUCTURE

*305.1 General.* The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

*305.1.1 Unsafe conditions.* The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code or the Florida Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.



*305.2 Structural members.* All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

*305.3 Interior surfaces.* All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

*305.4 Stairs and walking surfaces.* Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

*305.5 Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

*305.6 Interior doors.* Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## SECTION 306 COMPONENT SERVICEABILITY

*306.1 General.* The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

*306.1.1 Unsafe conditions.* Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
  - 1.1. Collapse of footing or foundation system;
  - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
  - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
  - 1.4. Inadequate soil as determined by a geotechnical investigation;
  - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
  - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
  - 2.1. Deterioration;
  - 2.2. Ultimate deformation;
  - 2.3. Fractures;
  - 2.4. Fissures;
  - 2.5. Spalling;
  - 2.6. Exposed reinforcement; or
  - 2.7. Detached, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
  - 3.1. Deterioration;
  - 3.2. Corrosion;

- 3.3. Elastic deformation;
  - 3.4. Ultimate deformation;
  - 3.5. Stress or strain cracks;
  - 3.6. Joint fatigue; or
  - 3.7. Detached, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
    - 4.1. Deterioration;
    - 4.2. Ultimate deformation;
    - 4.3. Fractures in masonry or mortar joints;
    - 4.4. Fissures in masonry or mortar joints;
    - 4.5. Spalling;
    - 4.6. Exposed reinforcement; or
    - 4.7. Detached, dislodged or failing connections.
  5. Steel that has been subjected to any of the following conditions:
    - 5.1. Deterioration;
    - 5.2. Elastic deformation;
    - 5.3. Ultimate deformation;
    - 5.4. Metal fatigue; or
    - 5.5. Detached, dislodged or failing connections.
  6. Wood that has been subjected to any of the following conditions:
    - 6.1. Ultimate deformation;
    - 6.2. Deterioration;
    - 6.3. Damage from insects, rodents and other vermin;
    - 6.4. Fire damage beyond charring;
    - 6.5. Significant splits and checks;
    - 6.6. Horizontal shear cracks;
    - 6.7. Vertical shear cracks;
    - 6.8. Inadequate support;
    - 6.9. Detached, dislodged or failing connections; or
    - 6.10. Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

SECTION 307  
HANDRAILS AND GUARDRAILS

*307.1 General.* Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30

inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the Florida Building Code.

#### SECTION 308 RUBBISH AND GARBAGE

*308.1 Accumulation of rubbish or garbage.* All exterior properly and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

*308.2 Disposal of rubbish.* Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

*308.2.1 Rubbish storage facilities.* The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

*308.2.2 Refrigerators.* Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

*308.3 Disposal of garbage.* Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

*308.3.1 Garbage facilities.* The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

*308.3.2 Containers.* The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

*308.3.3 Storage of garbage containers.* All garbage containers, when not placed for garbage pickup, shall be stored inside or on the side or rear of the residence or structure. Garbage containers shall not be stored on the outside front area of a residence or structure.

#### SECTION 309 PEST ELIMINATION

*309.1 Infestation.* All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

*309.2 Owner.* The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

*309.3 Single occupant.* The occupant of a one-family dwelling or of a single tenant nonresidential structure shall be responsible for pest elimination on the premises.

*309.4 Multiple occupancy.* The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

*309.5 Occupant.* The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

CHAPTER 4  
LIGHT, VENTILATION AND OCCUPANCY  
LIMITATIONS

SECTION 401  
GENERAL

*401.1 Scope.* The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

*401.2 Responsibility.* The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

*401.3 Alternative devices.* In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Florida Building Code shall be permitted.

SECTION 402  
LIGHT

*402.1 Habitable spaces.* Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

*402.2 Common halls and stairways.* Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

*402.3 Other spaces.* All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403  
VENTILATION

*403.1 Habitable spaces.* Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

*403.2 Bathrooms and toilet rooms.* Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

*403.3 Cooking facilities.* Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

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

*403.5 Clothes dryer exhaust.* Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

## SECTION 404 OCCUPANCY LIMITATIONS

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

*404.2 Minimum room widths.* A habitable room, other than a kitchen, shall be a minimum of 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

*404.3 Minimum ceiling heights.* Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced a minimum of 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or

part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over a minimum of one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

*404.4 Bedroom and living room requirements.* Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

*404.4.1 Room area.* Every living room shall contain at least 120 square feet (11.2 m<sup>2</sup>) and every bedroom shall contain a minimum of 70 square feet (6.5 m<sup>2</sup>) and every bedroom occupied by more than one person shall contain a minimum of 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

*404.4.2 Access from bedrooms.* Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

*404.4.3 Water closet accessibility.* Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

*404.4.4 Prohibited occupancy.* Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

*404.4.5 Other requirements.* Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

*404.5 Overcrowding.* Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5  
MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET		
	1—2 occupants	3—5 occupants	6 or more occupants
Living room <sup>b</sup>	120	120	150
Dining room <sup>b</sup>	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.093 m<sup>2</sup>.

- a. See Section 404.5.2 for combined living room/dining room spaces.
- b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

*404.5.1 Sleeping area.* The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

*404.5.2 Combined spaces.* Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

*404.6 Efficiency unit.* Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m<sup>2</sup>). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

*404.7 Food preparation.* All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5  
PLUMBING FACILITIES AND FIXTURE  
REQUIREMENTS

SECTION 501  
GENERAL

*501.1 Scope.* The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

*501.2 Responsibility.* The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

SECTION 502  
REQUIRED FACILITIES

*502.1 Dwelling units.* Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

*502.2 Rooming houses.* At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

*502.3 Hotels.* Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

*502.4 Employees' facilities.* A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

*502.4.1 Drinking facilities.* Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

*502.5 Public toilet facilities.* Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the Florida Building Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

#### SECTION 503 TOILET ROOMS

*503.1 Privacy.* Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

*503.2 Location.* Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing a maximum of one flight of stairs and shall have access from a common hall or passageway.

*503.3 Location of employee toilet facilities.* Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located a maximum of one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

*503.4 Floor surface.* In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

#### SECTION 504 PLUMBING SYSTEMS AND FIXTURES

*504.1 General.* All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

*504.2 Fixture clearances.* Plumbing fixtures shall have adequate clearances for usage and cleaning.

*504.3 Plumbing system hazards.* Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

#### SECTION 505 WATER SYSTEM

*505.1 General.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

*505.2 Contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.



*505.3 Supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

*505.4 Water heating facilities.* Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

## SECTION 506 SANITARY DRAINAGE SYSTEM

*506.1 General.* All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

*506.2 Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

*506.3 Grease interceptors.* Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the code official.

## SECTION 507 STORM DRAINAGE

*507.1 General.* Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

## CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

### SECTION 601 GENERAL

*601.1 Scope.* The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

*601.2 Responsibility.* The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

### SECTION 602 HEATING FACILITIES

*602.1 Facilities required.* Heating facilities shall be provided in structures as required by this section.

*602.2 Residential occupancies.* Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the Florida Building Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

*602.3 Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the Florida Building Code.
2. In areas where the average monthly temperature is above 30°F (1°C) a minimum temperature of 65°F (18°C) shall be maintained.

*602.4 Occupiable work spaces.* Indoor occupiable work spaces shall be supplied with heat maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

*602.5 Room temperature measurement.* The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

## SECTION 603 MECHANICAL EQUIPMENT

*603.1 Mechanical appliances.* All mechanical appliances, fireplaces, solid fuelburning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

*603.2 Removal of combustion products.* All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

*603.3 Clearances.* All required clearances to combustible materials shall be maintained.

*603.4 Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.

*603.5 Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

*603.6 Energy conservation devices.* Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604  
ELECTRICAL FACILITIES

*604.1 Facilities required.* Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

*604.2 Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with Florida Building Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

*604.3 Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

*604.3.1 Abatement of electrical hazards associated with water exposure.* The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

*604.3.1.1 Electrical equipment.* Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the Florida Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;

16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

*604.3.2 Abatement of electrical hazards associated with fire exposure.* The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

*604.3.2.1 Electrical equipment.* Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the Florida Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

## SECTION 605 ELECTRICAL EQUIPMENT

*605.1 Installation.* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

*605.2 Receptacles.* Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

*605.3 Luminaires.* Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection.

*605.4 Wiring.* Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or in cabinets, or concealed within walls, floors, or ceilings.

## SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

*606.1 General.* Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A 17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A 17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

*606.2 Elevators.* In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607  
DUCT SYSTEMS

*607.1 General.* Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7  
FIRE SAFETY REQUIREMENTS

SECTION 701  
GENERAL

*701.1 Scope.* The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

*701.2 Responsibility.* The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702  
MEANS OF EGRESS

*702.1 General.* A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

*702.2 Aisles.* The required width of aisles in accordance with the International Fire Code shall be unobstructed.

*702.3 Locked doors.* All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

*702.4 Emergency escape openings.* Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703  
FIRE-RESISTANCE RATINGS

*703.1 Fire-resistance-rated assemblies.* The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

*703.2 Opening protectives.* Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704  
FIRE PROTECTION SYSTEMS

*704.1 General.* All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

*704.1.1 Automatic sprinkler systems.* Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

*704.1.2 Fire department connection.* Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

*704.2 Single- and multiple-station smoke alarms.* Single- and multiple-station smoke alarms shall be installed in existing Group 1-1 and R occupancies in accordance with Sections 704.2.1 through 704.2.3.

*704.2.1 Where required.* Existing Group 1-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.2.1.1 through 704.2.1.4. Interconnection and power sources shall be in accordance with Sections 704.2.2 and 704.2.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms

*704.2.1.1 Group R-1.* Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

*704.2.1.2 Groups R-2, R-3, R-4 and 1-1.* Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and 1-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

*704.2.1.3 Installation near cooking appliances.* Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704.2.1.1 or 704.2.1.2.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

*704.2.1.4 Installation near bathrooms.* Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.2.1.1 or 704.2.1.2.

*704.2.2 Interconnection.* Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

*704.2.3 Power source.* Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where no construction is taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

*704.2.4 Smoke detection system.* Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the International Fire Code.

- 2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the International Fire Code.
- 3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.5 of the International Fire Code.

**CHAPTER 8  
REFERENCED STANDARDS**

**This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.**

**ASME** American Society of Mechanical Engineers  
 Three Park Avenue  
 New York, NY 10016-5990

Standard Referenced  
 ASME A17.1/CSA B44-2013 Safety Code for Elevators and Escalators .....606.1

**ASTM** ASTM International  
 100 Barr Harbor Drive  
 West Conshohocken, PA 19428-2959

Standard Referenced  
 F 1346-91 (2010) Performance Specifications for Safety Covers and Labeling Requirements  
 for All Covers for Swimming Pools, Spas and Hot Tubs .....303.2

**ICC** International Code Council  
 500 New Jersey Avenue, NW  
 6th Floor  
 Washington, DC 20001

Standard Referenced  
 IBC-15 International Building Code® 102.3, 201.3, 401.3,  
 702.3  
 IEBC-15 International Existing Building Code® ..... 305.1.1,  
 306.1.1  
 irc-15 International Fire Codes 201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1,  
 704.2  
 IFGC-15 International Fuel Gas Codes .....102.3  
 IMC-15 International Mechanical Code® 102.3,  
 201.3  
 IPC-15 International Plumbing Codes 201.3, 505.1, 602.2,  
 602.3  
 IRC-15 International Residential Code® .....201.3  
 IZC-15 International Zoning Codes ..... 102.3,  
 201.3

**NFPA** National Fire Protection Association  
 1 Batterymarch Park  
 Quincy, MA 02269

Standard Referenced  
 25-14 Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems .... . 704.1.1  
 70-14 National Electrical Code .....102.4, 201.3, 604.2

APPENDIX A  
 BOARDING STANDARD

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

A101  
 GENERAL



*A101.1 General.* All windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

## A102

### MATERIALS

*A102.1 Boarding sheet material.* Boarding sheet material shall be minimum 3/8-inch (12.7 mm) thick wood structural panels complying with the International Building Code.

*A102.2 Boarding framing material.* Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the International Building Code.

*A102.3 Boarding fasteners.* Boarding fasteners shall be minimum 3/8-inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the International Building Code.

## A103

### INSTALLATION

*A103.1 Boarding installation.* The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

*A103.2 Boarding sheet material.* The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

*A103.3 Windows.* The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

*A103.4 Door walls.* The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

*A103.5 Doors.* Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved manner.

## A104

### REFERENCED STANDARDS

IBC-12 International Building Code A102.1, A102.2, A102.3.

(Ord. No. 4152, § 1(Exh.), 3-23-2009; Ord. No. 4338, § 2(Exh. B), 4-27-2015)

Secs. 18-103—18-110. - Reserved.

Sec. 38-92. - Nuisances generally.

No person shall keep or permit to remain upon his premises, or upon any premises owned, used or controlled by him in any dwelling house, warehouse or other building, or upon any vacant lot, or in any yard or other place within the corporate limits of the city, any nuisance to the annoyance of those residing or being in the vicinity thereof, or any unwholesome, decayed or decaying animal or vegetable matter, or any other matter or thing detrimental to the health or comfort of residents to include, but not be limited to, the following conditions:

- (1) Junk, consisting of unsightly, worn-out or discarded material of little or no residual value including scrap metal, scrap lumber, wastepaper products, discarded building materials, or other debris, the accumulation of which has an adverse effect upon neighborhood or city property values, health, safety or general welfare;
- (2) Abandoned property, meaning any personal property including, but not limited to, motor vehicles, left in plain view under circumstances reasonably indicating that the possessor or owner thereof has relinquished any rights of ownership therein;
- (3) Wrecked motor vehicle, meaning any motor vehicle the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power on any public street, or from which the wheels, engine, transmission or other substantial part thereof is or are removed;
- (4) A motor vehicle kept in the front yard of a residence at any location that is not permitted by the City Code or the Land Development Code;
- (5) Any garbage; rubbish; trash; refuse; cans; bottles; boxes; container; paper; tobacco products; tires; abandoned or inoperative appliance; mechanical equipment or parts; building or construction materials; tools; machinery; wood; vessels; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facilities; or a substance in any form resulting from domestic, industrial, commercial, mining or agricultural operations; or dead or decaying plants (except for compost piles) or exotic animals of any kind;
- (6) Any building or structure, or part thereof, which is in a dilapidated, unsanitary or unsafe condition, or which constitutes a fire hazard;
- (7) Any building, structure, lot, place or location where any activity in violation of law is conducted, performed maintained or allowed;
- (8) Stagnant or insufficiently treated water, in a pool, pond or container of any kind, including water in which algae is allowed to grow or in which mosquitoes or other insects are able to be breed.
- (9) Animal excrement;
- (10) Nonoperative or unlicensed motor vehicles;
- (11) Furniture kept or stored outdoors where such furniture is of the kind and sort normally and customarily kept inside such as, for example, upholstered sofas, and where such furniture is not in actual use;
- (12) Any operable appliance kept or maintained outside in the open air and not under roof such as a garage or carport;
- (13) Conditions occurring on the property which:
  - a. Injures or endangers the comfort, repose, health or safety of any person; or
  - b. Offends decency; or
  - c. Is offensive to the senses; or
  - d. Interferes with, obstructs or renders dangerous for passage on any public or private street, alley, highway, right-of-way, easement, sidewalk, stream, ditch, channel or drainage of any property; or
  - e. Renders other persons insecure in life or the use of property; or
  - f. Interferes with the comfortable and quiet enjoyment of life or property; or

- g. Tends to or could depreciate the value of property of any persons; or
- h. The accumulation of garbage and trash in violation of section 16-23 of this chapter; or
- i. Any trash, litter, debris, garbage, bottles, paper, plastic, metals, cans, rags, offal, bricks, concrete, lumber, building materials, or dead or decaying plants, (except for compost piles) or animals of any kind; or
- j. Any condition which provides, or could provide, harborage for rats, mice, snakes, insects or other vermin; or
- k. Any noises or vibrations, including animal noises, which disturb the peace of the surrounding area or are otherwise unlawful; or
- l. Any foul, offensive or unlawful emissions, odors or stenches and the causes thereof; or
- m. The pollution of any well, body of water or drainage system by sewage, dead animals, industrial wastes, debris or other substances; or
- n. Dense smoke, noxious or lethal fumes, lethal gas, soot or cinders; or
- o. Any condition constituting a fire hazard; or
- p. Blocking of drainage inlets, pipes, ditches, swales, channels, culverts or streams; or
- q. Is declared otherwise by ordinance or statute to be a nuisance, unlawful or prohibited such as, by way of example only, is violative of the 2006 International Property Maintenance Code as enacted by the City.

(Code 1954, § 12-5; Code 1973, § 13-5; Ord. No. 4152, § 2, 3-23-2009)